Agenda
Minnetonka City Council
Regular Meeting, Monday, Nov. 5, 2018
6:30 p.m.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Calvert-Bergstedt-Ellingson-Acomb-Happe-Schack-Wiersum
4. Approval of Agenda
5. Approval of Minutes: July 23 and Aug. 27, 2018 regular council meetings
6. Special Matters:
   A. Proclamation for Election Judge Appreciation Day
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases: None
10. Consent Agenda - Items Requiring a Majority Vote:
    A. Conditional use permit for a licensed daycare facility at 12301 Whitewater Drive
    B. 2019 fee schedules for consulting engineering services
    C. Authorization of agreement for professional auditing services with BerganKDV for the 2018-2022 financial audits
11. Consent Agenda - Items Requiring Five Votes: None
12. Introduction of Ordinances:
    A. Items concerning the City of Minnetonka Police and Fire Facility Project at 14500 and 14600 Minnetonka Blvd.:
       1) Major amendment to an existing master development plan;
       2) Conditional use permit;
       3) Site and building plan review; and
       4) Wetland/floodplain alteration permit

Recommendation: Introduce the ordinance and refer it to the planning commission (4 votes)
B. Items concerning Marsh Run Apartments at 11650 and 11706 Wayzata Blvd.:

1) Comprehensive Guide Plan service commercial to mixed use;
2) Rezoning of the property from PID, Planned I394 District, to PUD, Planned Unit Development;
3) Master development plan; and
4) Site and building plan with a parking variance

Recommendation: Introduce the ordinance and refer it to the planning commission (5 votes)

13. Public Hearings:

A. On-sale intoxicating liquor license for Olive Garden Holdings, LLC, at 11390 Wayzata Blvd.

Recommendation: Continue the public hearing from Oct. 8, 2018 and grant the licenses (5 votes)

14. Other Business:

A. Ordinance repealing and replacing City Code 325, Sign Regulations

Recommendation: Repeal City Code 325, Sign Regulations (Exhibit A) and replace it with the proposed ordinance (Exhibit B) (majority vote)

B. Resolution authorizing the certification of delinquent water and sanitary sewer charges to the Hennepin County Auditor

Recommendation: Adopt the resolution (4 votes)

C. Concept Plan for redevelopment of the property at 14410 Orchard Rd.

Recommendation: Provide comments and feedback. No formal action is required.

D. Lake Minnetogna pond and lake management petition

Recommendation: Adopt the resolution (majority vote)

15. Appointments and Reappointments: None

16. Adjournment
Minutes
Minnetonka City Council
Monday, July 23, 2018

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:30 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Councilmembers Mike Happe, Deb Calvert, Bob Ellingson, Patty Acomb and Mayor Wiersum were present. Tim Bergstedt was excused.

4. Approval of Agenda

Calvert moved, Acomb seconded a motion to accept the agenda with addenda to items 12A, 14A, and 15B. All voted “yes.” Motion carried.

5. Approval of Minutes: None

6. Special Matters: None

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming city events and council meetings.

Acomb noted the yellow balloons in the Minnetonka Mills area welcoming home Karen Webster from the hospital after an automobile accident in April.

Calvert reported that she attended the Metro Cities Metropolitan Agency Committee Meeting.

Wiersum congratulated candidates for the Ward 2 council position.

8. Citizens Wishing to Discuss Matters not on the Agenda

Ray Lewis, 10521 Cedar Lake Road, Apt. 202, requested an election judge appreciation proclamation for all of the hard work that the judges put in.
City Clerk David Maeda stated that the proclamation from two years ago was only for that specific year; however, a new one could be drafted for the current year.

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

   A. Resolution appointing election judges and absentee ballot board for the August 14, 2018 State Primary

      Ellingson moved, Calvert seconded a motion to adopt resolution 2018-078 appointing the election judges for the August 14, 2018 State Primary. All voted “yes.” Motion carried.

   B. Resolution approving an emergency polling place change

      Acomb requested that this item be pulled from the consent agenda so that people would be aware of the change.

      Maeda shared that the normal poll place for voters in Ward 2 Precinct D was Ridgedale Library; however, the new polling place would be Minnetonka’s Public Work’s facility at 11522 Minnetonka Boulevard.

      Ellingson moved, Happe seconded a motion to adopt resolution 2018-079 changing the polling place for Ward 2 Precinct D from the Hennepin County Ridgedale Library to the Minnetonka Public Works Facility at 11522 Minnetonka Blvd. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes:

   A. Resolution approving the final plat of ARUNDEL ADDITION, a three-lot residential subdivision at 15500 Minnetonka Blvd.

      Ellingson moved, Calvert seconded a motion to adopt resolution 2018-080 approving the final plat of ARUNDEL ADDITION. All voted “yes.” Motion carried.

12. Introduction of Ordinances:

   A. Ordinances related to tobacco-related products

      Community Development Director Julie Wischnack gave the staff report.
Acomb mentioned several cities that had passed T21 ordinances, but wondered how many cities had passed packaging and pricing ordinances.

Happe asked whether electronic cigarettes were included in the definition of tobacco related products and if so, whether it had to be included. City Attorney Corrine Heine answered that the definition of tobacco related products as used in the ordinance did include electronic cigarettes. She added that the city council did have the ability to exclude specific products if they chose to do so.

Acomb and Wiersum discussed whether or not the city council should take public comment. Barone communicated that typically an introduction to an ordinance would go to the Planning Commission, but because this one did not public input would be appropriate.

Wischnack noted that Brooklyn Center, Bloomington, Minneapolis, Richfield, Robbinsdale, and St. Paul had all passed packaging and pricing ordinances.

Caleb Schultz, 4401 Wilson Street, voiced concern about youth usage of electronic cigarettes and the dangers that nicotine addiction posed for youth. He concluded that decreasing accessibility was one of the most successful ways to address these issues.

Gene Nichols, 5910 David Court, Shoreview, on behalf of African American Leadership Forum, discussed tobacco related issues that plague African American youth and supported increasing the minimum age to purchase tobacco to 21 and restricting the sale of flavors to adult only tobacco shops.

Holly Magdanz, Community Education Coordinator for Hopkins One Voice Coalition, supported the proposed ordinances and expressed concern with the increasing use of electronic cigarettes after a previous decline in tobacco use by high school freshman.

Steve Rush, on behalf of Holiday Stationstores, stated that Holiday stores have a 97% compliance rate when checked for underage sales according to the U.S. Food and Drug Administration. He was opposed to increasing the minimum age because customers would go elsewhere causing loss of other sales such as food and gas. He was also concerned with the economic impact that a flavor ban would cause and requested an appropriate implementation period if passed.
Rachael Schwartz, 17416 Manor Road, shared that she was previously an oncology nurse and was in support of the ordinance because tobacco use was the most preventable cause of death.

Jerry Levine, 11720 Vista Drive, Hopkins, shared his story of lung cancer. He began smoking at age 15.

Tom Madden, owner E-Cig POD, discussed the number of chemicals in a cigarette versus electronic cigarettes and noted that science was proving that electronic cigarettes are much safer and do help with smoking cessation. Madden also asked if there would be any type of grandfathering policy for 18 to 20-year old’s who were already purchasers.

Scott Stevens, owner Lucky’s Station, talked about free trade and unfairly restricting small business owners in single cities.

Molly Moilanen, on behalf of Clearway Minnesota, asked the council to choose the health of its residents over the profits of the tobacco industry. She mentioned that Clearway was working at the state level, but partnering with local governments was important to success.

Cap O’Rourke, President of the Board of Directors for Smoke-Free Alternative Trade Association, shared that over 75% of the U.S. vapor market was owned by small business owners. O’Rourke shared concerns over restricting flavoring and raising the minimum age to 21. He encouraged the council to separate electronic cigarettes from traditional tobacco products.

Wiersum noted that there were three different ordinance changes including age, flavor, and housekeeping. He suggested that the council discuss whether electronic cigarettes should be included in the definition of tobacco related products.

Acomb wanted to include electronic cigarettes because of the increased use among a younger age group.

Happe shared that he would like to separate electronic cigarettes because he had not seen validated health impacts as compared to traditional tobacco products.

Calvert appreciated the public health issues, but did believe that cigarettes and electronic cigarettes were somewhat separate issues. She also noted a concern with the candy flavors.
Ellingson expressed an interest in introducing the ordinances in order to further consider the issues.

Happe suggested that if the minimum age was increased to 21 that the flavor ordinance was no longer necessary.

Wiersum discussed public health, state verses local control, and the potential impacts on local retailers.

Heine answered a question concerning number of votes required to introduce the ordinances stating that four votes were needed.

Acomb noted that she was in support of allowing a period of time for retailers to comply.

Wischnack suggested aligning compliance with the licensing on January 1, 2019.

Acomb moved, Ellingson seconded a motion to introduce an ordinance amending sections 625.040 and 625.045 of the Minnetonka City Code, relating to the minimum age for sales of tobacco-related products; an ordinance amending sections 625.005 and 625.040 of the Minnetonka City Code, relating to tobacco-related products; and an ordinance amending sections 625.010, 625.015, 625.025, and 625.040 of the Minnetonka City Code, relating to tobacco-related products. All voted “yes.” Motion carried.

B. Items concerning The Mariner, a multi-family development, at 10400, 10500 and 15500 Bren Road East.

Land Use Items
1) Ordinance rezoning the property from B-2, commercial, to PUD, planned unit development;
2) Master development plan;
3) Final site and building plan review; and
4) Preliminary and final plats.

Economic Development Items
1) Tax Increment Pooling
2) Contract for Private Development

Assistant City Planner Susan Thomas and Wischnack gave the staff report.
Becky Landon, President Newport Midwest, introduced herself as the developer and stood for questions.

Acomb asked a question concerning utility easements. Landon noted that the property was constrained on all four sides so there are not alternate areas for a dog run or parking.

Calvert asked questions concerning water storage, storm water management, and native landscaping species. Landon answered that roof rain water would be piped to underground storage tanks, that the site could not manage all of its rain water, and that they were focusing on native species.

Acomb encouraged the planning commission to look at bike and pedestrian connections.

Acomb moved, Calvert seconded a motion to introduce Ordinance No. 2019-xx rezoning the properties at 10400, 10500, and 10550 Bren Road East from I-1, industrial to PUD, planned unit development, to refer the rezoning ordinance to the planning commission, and to approve the notification area. All voted “yes.” Motion carried.

13. Public Hearings:

A. Items concerning a multi-family residential development by Dominium, at 11001 Bren Road East.

1) Ordinance rezoning the property from I-1, industrial, to PUD, planned unit development;
2) Resolution approving a master development plan and final site and building plans;
3) Resolution approving preliminary and final plats;
4) Resolution approving vacation of easements; and
5) Negative declaration on the need for an Environmental Impact Statement

Thomas gave the staff report.

Wischnack gave the staff report regarding financing.

Calvert asked for further explanation on smaller parking ratio. Thomas said that it was based on staff experience from other projects and also because senior housing required less parking.
Ryan Lunderby, Vice President Dominium Apartments, addressed parking issues.

Acomb asked who would receive the savings from the solar panels. Lunderby communicated that it would be a combination between tenants and owners.

Calvert applauded the solar panels, native landscaping, and water reuse.

Wiersum asked why the property was being divided into two lots and whether the project would happen without the Southwest Light Rail Transit. Lunderby explained why the property was being divided and that Dominium was committed to moving forward regardless of Southwest LRT. Wiersum asked if anything such as insolvency could lessen the commitment to 30 years of affordable housing. Lunderby explained that affordable housing is what Dominium does and that the program and financing structure lend itself to a long-term commitment.

Julie Eddington, Kennedy & Graven, explained the declaration of restrictive covenants.

Wiersum opened the public hearing at 8:55 p.m.

Norine Larson, 5923 Abbott Court, Hopkins, expressed concern over increased Shady Oak Drive traffic and issues with exit/entry from their single entrance neighborhood.

Wiersum closed the public hearing at 8:58 p.m.

Happe asked staff to address the traffic concern. Thomas discussed previous traffic studies, the environmental assessment worksheet, and residential versus commercial traffic. Wischnack confirmed that the area was operating at an acceptable level according to traffic studies, the environmental assessment worksheet, and the city engineer. Happe asked about potential cumulative problems specifically on Shady Oak Drive. City Engineer Will Manchester shared that the area had been studied extensively and it was an area that would continue to be watched, but that it still had more capacity due to an upgrade a few years back.

Calvert moved, Acomb seconded a motion to approve ordinance 2018-10 rezoning the property from I-1, industrial, to PUD, planned unit development, and adopting a master development plan; resolution 2018-081 approving final site and building plans; resolution 2018-082 approving preliminary and final plats; resolution 2018-083 approving vacation of easements; and resolution 2018-084 approving making a negative
declaration on the need for an Environmental Impact Statement. All voted "yes." Motion carried.

B. Items concerning a multi-family residential development by Dominium, at 11001 Bren Road East

Calvert moved, Acomb seconded a motion to adopt resolution 2018-085 Establishing the Dominium Tax Increment Financing District within the Opus Redevelopment Project by adopting a redevelopment plan, establishing a tax increment financing district and adopting a tax increment financing plan; resolution 2018-086 approving the contracts for private redevelopment between the Economic Development Authority in and for the City of Minnetonka, the City of Minnetonka, and Minnetonka Leased Housing Associates II and III, LLLP for Senior and Workforce Housing; and resolution 2018-087 authorizing a grant application through the Metropolitan Council Livable Communities Transit Oriented Design (TOD) Program. All voted "yes." Motion carried.

14. Other Business

A. Concept plan review for Hennepin County Medical Examiner’s Office at 14300 Co. Rd 62

The item was pulled from the agenda at the request of Hennepin County.

15. Appointments and Reappointments:

A. Appointment of Chris LaBounty as Minnetonka representative to the Suburban Rate Authority

Wiersum moved, Happe seconded a motion to approve the appointment of Chris LaBounty as Minnetonka representative to the Suburban Rate Authority. All voted “yes.” Motion carried.

B. Appointment of Matt Henry to the Planning Commission

Wiersum moved, Calvert seconded a motion to appoint Matt Henry to the Planning Commission to serve the remaining portion of a two-year term effective July 23, 2018, expiring January 31, 2020. All voted “yes.” Motion carried.
16. Adjournment

Acomb moved, Happe seconded a motion to adjourn the meeting at 9:18 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk
1. **Call to Order**

Mayor Brad Wiersum called the meeting to order at 6:30 p.m.

2. **Pledge of Allegiance**

All joined in the Pledge of Allegiance.

3. **Roll Call**

Council Members Bob Ellingson, Rebecca Schack, Patty Acomb, Mike Happe, Deb Calvert, Tim Bergstedt, and Wiersum were present.

4. **Approval of Agenda**

Happe moved, Bergstedt seconded a motion to accept the agenda with addenda to items 10A, 12A, 13A, 13B, 14A, 15A, and 10E. All voted “yes.” Motion carried.

5. **Approval of Minutes: July 9, 2018 regular council meeting**

Acomb moved, Bergstedt seconded a motion to approve the minutes of the July 9, 2018 regular council meeting, as presented. All voted “yes.” Motion carried.

6. **Special Matters:**

   A. **Recognition of Rodney Miller**

   Wiersum read the recognition.

   Rodney Miller thanked his parents, wife, and fellow fighters.

7. **Reports from City Manager & Council Members**

   City Manager Geralyn Barone reported on upcoming city events and council meetings.

   Calvert noted that she recently attended the Improving Service Delivery Committee Meeting for the League of Minnesota Cities.
Wiersum shared that he attended the funeral of Minnetonka resident Mr. Dave Aanenson. Dave cared passionately about his community and was a great example of “just show up”.

8. Citizens Wishing to Discuss Matters not on the Agenda

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolutions pertaining to levying the 2018 Special Assessments

Ellingson moved, Schack seconded a motion to adopt:

Resolution 2018-096 declaring costs for Project No. 4894 (1-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing;

Resolution 2018-097 declaring costs for Project No. 4894 (3-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing;

Resolution 2018-098 declaring costs for Project No. 4894 (5-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing;

Resolution 2018-099 declaring costs for Project No. 4894 (10-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing;

Resolution 2018-100 declaring costs for diseased tree removal - Project No. 4902 (1-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing;

Resolution 2018-101 declaring costs for diseased tree removal - Project No. 4902 (3-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing;

Resolution 2018-102 declaring costs for diseased tree removal - Project No. 4902 (5-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing;

Resolution 2018-103 declaring costs for diseased tree removal - Project No. 4902 (10-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing; and
Resolution 2018-104 declaring costs for city court fines, Project No. 1020 (1-year), ordering the preparation of special assessment rolls, and scheduling a public hearing.

All voted “yes.” Motion carried.

B. Resolution approving a conditional use permit for an adult day care facility within an existing tenant space at 11581 K-Tel Drive

Ellingson moved, Schack seconded a motion to adopt resolution 2018-105 approving the conditional use permit for a daycare facility at 11581 K-Tel Drive. All voted “yes.” Motion carried.

C. Ordinance and resolution amending the existing master development plan and approving final site and buildings for a two-phase parking ramp at 12501 Whitewater Drive

Ellingson moved, Schack seconded a motion to adopt ordinance 2018-11 amending the existing master development plan and approving final site and buildings for a two-phase parking ramp at 12501 Whitewater; and resolution 2018-106 amending the existing master development plan and approving final site and buildings for a two-phase parking ramp at 12501 Whitewater Drive. All voted “yes.” Motion carried.

D. Ordinance regarding senior citizens advisory board members terms

Ellingson moved, Schack seconded a motion to adopt ordinance 2018-12 regarding senior citizens advisory board members terms. All voted “yes.” Motion carried.

E. Resolution designating a new Acting Mayor and Alternate Acting Mayor

Ellingson moved, Schack seconded a motion to adopt resolution 2018-107 designating Councilmember Tim Bergstedt as Acting Mayor and Councilmember Patty Acomb as Alternate Acting Mayor for the remainder of year 2018. All voted “yes.” Motion carried.

F. Resolution approving providing park credits for RIDGEDALE CENTER TENTH ADDITION

Ellingson moved, Schack seconded a motion to adopt resolution 2018-108 documenting the credit, associated with the Ridgedale Center Tenth Addition plat. All voted “yes.” Motion carried.
11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances:

A. Ordinances related to franchise fees

Barone gave the staff report.

City Attorney Corrine Heine discussed the notification process under the franchise agreement and stated that notices had been provided.

Wiersum said if the city was supportive of trails then it had to decide how to pay for them. Franchise fees was a viable option. The trails were very expensive due to land costs.

Barone distinguished between a property tax levy and franchise fees.

Wiersum noted that franchise fees cover a wider base of payers because it would include all of the non-profits.

Calvert asked about the 4.8% property tax levy option and how much per year that would generate versus the franchise fee. Barone said they were calculated to be the same.

Luann Tolliver, 14801 Wychewood Road, said she was opposed to the ordinances. She said that she was not opposed to constructing trails, but was opposed to the proposed funding stating that she believed it was discriminatory to seniors and low-income people.

Steve Hacker, 12504 Briarwood Terrace, shared that he had started bike riding since retiring and that he was a big supporter of trails. However, he opposed funding being added to a gas bill.

Mary McKee, 3842 Baker Road, noted that half of her water bill was going towards the replacement of water and sewage lines. She supported this because the fees correlated with the bill. She questioned charging trail fees on a gas bill and suggested the city follow the lead of other cities and look for private funding. McKee also suggested funding trails by taxing things like alcohol and sugar like the city of Boulder, Colorado.

Al Ritchie, 18420 Springcrest Drive, said that he was a big fan of trails but was also opposed the funding them through a franchise fee. He suggested that funding was more appropriate on property taxes so that they were transparent and reviewable.
Richard Stewart, 13910 Knollway Drive South, shared his concern over the low participation in the survey and suggested that a mailing be sent to everyone. He was also concerned about senior’s being able to afford this and suggested a community investment fund.

Maureen Hackett, 4919 Arlington Drive, stated that she agreed with other commenters and opposed the funding through a franchise fee. She suggested an expiration date if the fee went through.

Luke Vansanten, 2148 Sheridan Hills Road, supported the increased fees. He discussed the pros and shared that he believed the city had underinvested in trails. He shared his concern for safe routes to school and current gaps in the trails and sidewalks.

Barone answered questions that had been raised. She shared that city does use the terms sidewalk and trail interchangeable. She said that while taxing alcohol and sugar seemed appealing state law prevented it. In answer to a question about the transparency of utility infrastructure and storm sewer fees, Barone shared that public hearings were held every December. She also talked about the Community Investment Fund. She shared that it was actually an endowment and the city was able to use the interest for projects; however, over the last five or six years the interest had been very low and was not a reliable source.

Happe said that the council had received a lot of feedback. There was overwhelming support for more trails and sidewalk. His three main concerns with the franchise fee were its regressive nature, lack of expiration date, and lack of transparency. He said that he would prefer it to become part of the tax levy.

Calvert asked whether the specific purpose or name of the fee could be listed on the utility bill. City Attorney Corrine Heine answered that utility companies have the right under state law to identify a fee as a separate line item, but it was highly unlikely that a company would agree to give a fee a specific name.

Barone mentioned that Minnesota had adopted a cold weather rule as a protection for customers if they have trouble paying a bill in regard to a question concerning whether or not seniors could afford the franchise fee.

Acomb shared that she had been on the council for almost seven years and had seen an increased desire for an expansion of trails. The council had been struggling coming up with a stable funding stream.
Calvert said that the council was very concerned with transparency, but were struggling with the best choice for funding. She felt that a franchise fee would be fairer because it would spread the expense over a larger pool of people.

Bergstedt said that how to pay for the trails that everyone wanted was the perfect debate question. There were strong, valid arguments on both sides. He supported introducing the ordinances in order to be able to further consider.

Schack noted that she was new to the conversation, but that all candidates for her seat had voiced the importance and value places on trails and sidewalks. She believed the franchise fee was a stable and feasible way to move forward to meet the demands of the residents.

Ellingson shared that he believed that trails and sidewalks were both a public safety and public health issue. He supported funding the trails, but preferred the property tax levy.

Wiersum said that trails and sidewalks were needed for public health, safety, and livability. The debate was how to pay for them and franchise fees seemed a viable option.

Bergstedt moved, Acomb seconded a motion to introduce increasing the electric franchise fee on Northern States Power Company for providing electric energy service within the City of Minnetonka and to introduce implementing a gas franchise fee on Centerpoint Energy Minnesota Gas for providing gas energy service within the City of Minnetonka. Ellingson, Schack, Acomb, Calvert, Bergstedt, and Wiersum voted “yes.” Happe voted “no.” Motion carried.

13. Public Hearings:

A. Resolutions concerning a multi-family residential development by Dominium, at 11001 Bren Road East

Community Development Director Julie Wischnack gave the staff report.

Julie Eddington, Kennedy & Graven, updated the council on the basic structure of financing.

Wiersum opened the public hearing at 8:21 p.m. No one spoke. He closed the public hearing at 8:21 p.m.
Acomb moved, Calvert seconded a motion to adopt resolution 2018-109 authorizing the issuance of multifamily housing revenue notes for the benefit of Minnetonka Leased Housing Associates III, LLLP, approving a housing program for a senior housing development; and authorizing the execution of documents in connection therewith; resolution 2018-110 authorizing the issuance of tax increment revenue and subordinate multifamily housing revenue bonds for the benefit of Minnetonka Leased Housing Associates III, LLLP; approving a housing program for a senior housing development; and authorizing the execution of documents in connection therewith; resolution 2018-111 approving the execution and delivery of documents in connection with a senior housing development; resolution 2018-112 authorizing the issuance of multifamily housing refunding revenue notes for the benefit of Minnetonka Leased Housing Associates II, LLLP, approving an amended and restated housing program for a workforce housing development; and authorizing the execution of documents in connection therewith; resolution 2018-113 authorizing the issuance of tax increment revenue and subordinate multifamily housing revenue bonds for the benefit of Minnetonka Leased Housing Associates II, LLLP; approving a housing program for a workforce housing development; and authorizing the execution of documents in connection therewith and resolution 2018-114 approving the execution and delivery of documents in connection with a workforce housing development. All voted “yes.” Motion carried.

B. Temporary liquor license for Unmapped Brewing, LLC, 14625 Excelsior Blvd.

Barone gave the staff report.

Megan Park, Co-Founder Unmapped Brewing shared details concerning the Flannel Roots Music and Beer Festival on Saturday, October 13th at 11 a.m.

Wiersum opened the public hearing at 8:26 p.m. No one spoke. He closed the public hearing at 8:26 p.m.

Bergstedt moved, Ellingson seconded a motion to hold the public hearing and grant the temporary liquor license in connection with the Flannel Roots Music & Beer Festival on Oct. 13, 2018. All voted “yes.” Motion carried.

C. Temporary on-sale liquor license for Underdog Rescue, MN, for use at 3739 Tonkawood Road

Barone gave the staff report.
Shannon McKenzie, Founder Underdog Rescue, shared details concerning the event on October 13th from 1-4 p.m.

Wiersum opened the public hearing at 8:29 p.m. No one spoke. He closed the public hearing at 8:29 p.m.

Calvert moved, Schack seconded a motion to hold the public hearing and grant the license. All voted “yes.” Motion carried.

D. Temporary on-sale liquor license for Bet Shalom Congregation, 13613 Orchard Rd.

Barone gave the staff report.

Steve Barberio, Executive Director Bet Shalom, shared details concerning the 3rd annual block party on September 16th from 10:30 a.m. – 12:30 p.m.

Wiersum opened the public hearing at 8:32 p.m. No one spoke. He closed the public hearing at 8:32 p.m.

Calvert moved, Happe seconded a motion to hold the public hearing and grant the license. All voted “yes.” Motion carried.

E. On-sale wine and on-sale 3.2% malt beverage liquor licenses for DelSur, LLC at 14725 Excelsior Blvd.

Barone gave the staff report.

Diego Montero, Co-owner DelSur, shared that after operating the food truck they were looking to expand.

Bergstedt asked if they had operated a restaurant before. Montero answered that they had worked in the restaurant industry but had never owned or operated a restaurant other than the food truck.

Wiersum opened the public hearing at 8:35 p.m.

Anne Hossfeld, 14616 Glendale Street, questioned the process for a conditional use permit

Wischnack shared that the conditional use permit was scheduled for the September 6th planning commission meeting and would come back to the council following that.
Bergstedt moved, Acomb seconded a motion to open the public hearing and continue it to Oct. 8, 2018. All voted “yes.” Motion carried.

14. Other Business:

A. Concept plan review for Marsh Run Two Redevelopment at 11650 and 11706 Wayzata Blvd.

City Planner Loren Gordon gave the staff report.

Bergstedt asked Gordon to explain the purpose of a concept plan review. Gordon explained that the process allowed the chance to get through some issues early to save time and resources for staff, council, and developer.

Acomb asked if the trails were public or private. Gordon answered that the trails were maintained by the association.

Schack asked if there were any wetlands on the parcel. Gordon answered that a survey had not been done so he could not confirm whether the wetlands adjacent to the site extend onto the site.

Tony Kuechle, President of Development for Doran Companies, answered that a wetland delineation had been completed and there were no wetlands on site. He gave a presentation on the planned redevelopment.

Ben Lindau, Senior Concept Architect for Doran Companies, presented the architectural plans and showed four options.

Acomb asked who owned the berm. Lindau answered that it was a 50/50 split with another property.

Schack asked if there would be financial assistance requests to the City for the 20% affordable housing component. Kuechle answered yes, but that they had tried to limit that by increasing density.

Doug Bryant, 979 Fairfield Court, Hopkins, discussed concerns about increased traffic and rezoning.

Laura Cohen, 798 Fairfield Circle, shared that she was on the board for the association and the other homeowners told her that speaking tonight would not make a difference. She was hopeful that the council would listen and mentioned a few concerns including noise and that there would be a
large impact on properties because the new residents would not be homeowners.

Pam Lewis, 980 Fairfield Court, Hopkins, talked about the neighborhood and shared concerns about density and the wetlands.

Greg Brink, 982 Fairfield Court, Hopkins, shared that he was on the board at West Ridge and was opposed to the project due to density, traffic, and noise.

Judd Carpenter, 4188 Heatherton Place, said that he was the owner, along with three siblings, of half the project. He discussed a previous project by CSM Development that was similar to this project. Carpenter believed that this project would bring value just like previous projects had.

Calla Beal, Fairfield Spur, stated that the project did not fit in the community. She said that her home was on the corner so she would be the most affected.

Kari Martin, 1004 Fairfield Spur, thanked the developer for the four options, but had questions options two and three. She wondered if the other options had different number of units.

Enid Uhlhorn, 907 Fairfield Way, said that Doran’s partner was CSM and that CSM was the owner of West Ridge Market. This would bring the market more business and people should be aware that there was an amalgamation.

Scott Carpenter, 3924 Randall Avenue, Minneapolis, said that he was a partner in Carpenter Land Co Limited and talked about his own experience with a new development moving into his neighborhood to address the fears of residents.

Kuechle clarified that CSM was not a partner on this project and that a maximum of two people per bedroom were allowed due to federal regulation.

Acomb asked about other six story apartment buildings in Minnetonka. Gordon answered that the Highland Bank redevelopment project, RidgePointe, and Dominium were all six stories or higher.

Calvert shared that the council did listen to residents and did care. She thought that Doran created wonderful, attractive projects and appreciated the four options. She felt that there was a definite disconnect between the style of proposal and the surrounding neighborhood.
Schack stated that as the Ward 2 council member she wanted residents to know that the council was listening. She shared concerns about size, but appreciated the options and the affordability component.

Happe agreed with the other commenters, but wondered what a reasonable scale would be.

Acomb thought housing was appropriate for the site, but had concerns with the size and transition to existing housing.

Bergstedt stated that he thought higher density residential was appropriate and that affordable housing, energy efficiency, and solar were all good. He agreed with other commenters though that it was too much density.

Ellingson agreed with Bergstedt and suggested that the building needs to be smaller.

Wiersum liked everything the developer was doing, but 95 units per acre was too big.

Wiersum called a recess at 10 p.m. He called the meeting back to order at 10:10 p.m.

B. Concept Plan for redevelopment of the property at 14317 Excelsior Blvd.

Gordon gave the staff report.

Mike Waldo, CFO for Ron Clark Construction & Design, talked about the 60-unit apartment. He shared that it was too small to integrate affordable housing and solar, but it would be energy efficient. There would not be any retail. Mr. Waldo communicated his belief that the proposed three-story apartment building was a good use for the small site.

Tim Whitten, Project Architect, felt that this was one of the few pieces left to develop in the area and wanted to propose something that would fit into the scale of the neighborhood. He shared that it would be 60 units with a higher percentage of one bedroom. Whitten discussed parking and sidewalks and showed images of other buildings in the area for comparison.

Wiersum asked if Ron Clark would own and operate the building or sell. Waldo answered that the company would be holding onto it.
Bergstedt asked if there would be any new stop lights. Gordon answered that staff anticipated that the main area of focus concerning traffic would be at the Woodhill Road and Excelsior Boulevard interchange.

Doris Pagelkopf, 14319 Stewart Lane Apt. 301, said that she was not against an apartment building there, but not this one. She was concerned with the proposed driveway within 150 feet of two other driveways and increased sewer and water.

Wischnack answered an earlier question from Acomb concerning the proposed number of one-bedroom units stating that 2,800 new apartments were expected over the next 20 years.

Carol Sieler, 14301 Stewart Lane Apt. 405, shared that she was President of the Zvago Association and shared the same concerns as Pagelkopf. She also voiced a concern with garbage trucks, snow plows, etc. accessing the site.

Ann Flanagan, 14301 Stewart Lane Apt. 308, shared that she believed the building footprint was too big and would prefer a flat roof.

Susan Smith, 14214 Glen Lake Drive, said that the Glen Lake neighborhood study published in 2016 mentioned density already present in Glen Lake area. She noted that she liked Ron Clark, but 60 units was too dense.

Julie Friedman, 14319 Stewart Lane Apt. 208, discussed the character and current traffic issues of Stewart Lane.

Keith Weigel, 14209 Glen Lake Drive, said that a newspaper announced big developments for Glen Lake 13 years ago. He believed that the other large buildings should not have been constructed and that 60 units on one acre was too much. He asked whether it would be zoned R-4 or R-5 and asked the council to not grant variances.

Anne Hossfeld, 14616 Glendale Street, discussed her two-fold concerns of density and traffic at length. She talked about the history of the Glen Lake area and feared the loss of the natural character of Glen Lake. She asked for less units in a smaller building. Hossfeld also talked about traffic concerns on Excelsior Boulevard.

Calvert appreciated the history of the area and asked the developer to preserve trees and pull the building back from the road.
Happe asked how many units were in Zvago and whether a traffic study would be completed for the project. Gordon answered that Zvago had 54-units and that a traffic study would be done with a formal development plan.

Schack noted that she was not as concerned with mass, but was very concerned with driveway placement.

Acomb believed that housing was a good use, but was concerned with tree loss. She encouraged the developer to preserve what they could and include affordable housing.

Bergstedt shared that he believed that Glen Lake had been a dying area and the redevelopment had been a good thing; however, he was concerned with the loss of green space.

Ellingson said that he shared the concern about preserving trees and landscaping. He believed that a three-story apartment building was appropriate, but needed less units and smaller footprints.

Wiersum discussed his takeaways that the building needed to be smaller, that Stewart Lane was a significant issue, and that the entrance needs to be moved.

Barone mentioned that if the meeting went past midnight a motion must be made to extend the meeting.

C. Concept plan review for City of Minnetonka Police and Fire Facility Project at 14500 and 14550 Minnetonka Blvd.

Gordon gave the staff report.

Wiersum asked Gordon to trace the return route from Minnetonka Boulevard on the map. Wiersum asked if there were concerns over the fire trucks being able to navigate the roadway. Gordon answered that there were a few intersections that would need trimming for sight lines.

Assistant City Manager Perry Vetter presented project background and proposal as the applicant.

Jake Wollensak, Wold Architects and Engineers, presented the building and site concept plan. He shared the overall plan progression, existing traffic volume, proposed emergency vehicle routes, viewshed study, and exterior massing.
Bergstedt moved, Schack seconded a motion to extend the meeting deadline until 12:30 a.m. All voted “yes.” Motion carried.

Calvert shared concerns over the steep grade when exiting onto Minnetonka Boulevard. Wollensak confirmed that it would be set at the standard 8 percent.

Acomb asked about alternative energy and storm water reuse. Wollensak answered both were being looked at for affordability. The plan included roof structure sizing that would allow solar panels in the future.

Calvert said that it was a beautiful building and thanked him for taking care of the city’s first responders.

Happe thanked the staff for planning and communication process and shared that he had heard nothing but positive feedback from the residents.

Bergstedt shared that he felt comfortable with the great working relationship between the police and fire chiefs.

Schack said that she was excited to offer future recruits above par facilities.

Wiersum asked about heating the exit slopes during the winter. Wollensak noted that heating coals get costly, but that it was a possibility if it was affordable. Wiersum thought it was a really great plan and noted that it was being held to the same high standards that residents and developers were held to. He acknowledged the great work that the fire and police departments do and wanted to give them what they needed to be successful.

15. Appointments and Reappointments:

A. Appointment to the economic development advisory commission

Recommendation: Approve the recommended appointment

Wiersum moved, Acomb seconded a motion to appoint Deb Calvert as the council liaison and Tim Bergstedt as the alternate to the economic development advisory commission. All voted “yes.” Motion carried.
16. Adjournment

Acomb moved, Bergstedt seconded a motion to adjourn the meeting at 12:08 a.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk
WHEREAS, Election judges, with their expertise, dedication and professionalism, play a vital role in ensuring high quality elections in Minnetonka; and

WHEREAS, Election judges uphold election laws with integrity and accuracy, thereby maintaining public trust and confidence in elections; and

WHEREAS, Election judges for generations have honorably performed the duties necessary in a citizen-based society and government; and

WHEREAS, Over 400 Minnetonka election judges will work on or before November 6 to ensure that the 2018 election is conducted according to the principles of freedom and liberty upon which our nation and state were founded.

NOW THEREFORE BE IT RESOLVED that the Minnetonka City Council hereby proclaims Nov. 6, 2018 as “Election Judge Appreciation Day” in the city of Minnetonka.

Brad Wiersum, Mayor

Nov. 5, 2018
brief description
conditional use permit for a licensed daycare facility at 12301 whitewater drive

recommendation
adopt the resolution approving the conditional use permit

proposa
the french académie (fac) is a french immersion childhood education center serving children between 16 months and five years of age. for the past several years, the center has been a tenant of the st. louis park school district. due to changes in the district’s programming, fac must relocate. fac is now proposing to occupy space in the existing office building at 12301 whitewater drive.

fac is licensed by the state of minnesota as a daycare facility and requires a conditional use permit under city code.

planning commission review and recommendation
the planning commission considered the proposal on oct. 18, 2018. the commission report, associated plans, and meeting minutes are attached. staff recommended approval of the proposal, finding:

1. the proposal would meet all conditional use permit standards as outlined in city code.
2. even with the removal of seven parking stalls to accommodate an outdoor play area, 353 parking stalls would be available on site. this far exceeds the 260 stalls required for the existing office and proposed daycare uses.

at the planning commission meeting, a public hearing was opened to take comment. no comments were received. following the public hearing, the commission asked questions about the outdoor play area. on a 6-0 vote, the commission recommended that the city council approve the conditional use permit.

staff recommendation
staff recommends that the city council adopt the resolution approving a conditional use permit for a licensed day care facility at 12301 whitewater drive.

submitted through:
- geralyn barone, city manager
- julie wischnack, aicp, community development director
- loren gordon, aicp, city planner

originated by:
- susan thomas, aicp, assistant city planner
MINNETONKA PLANNING COMMISSION  
October 18, 2018

Brief Description  
Conditional use permit for a licensed daycare facility at 12301 Whitewater Drive

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

Proposal

The French Académie (FAC) is a French immersion childhood education center serving children between 16 months and five years of age. For the past several years, the center has been a tenant of the St. Louis Park School District. Due to changes in the district’s programming, FAC must relocate.

FAC is now proposing to occupy space in the existing office building at 12301 Whitewater Drive. To accommodate the center, the interior of a 8,500 square foot tenant would be remodeled to contain four classrooms, an indoor playroom, bathrooms, and office areas. But for the addition of a roughly 1,100 square foot play area over existing parking, no exterior changes to the building are contemplated at this item. As proposed, FAC would operate Monday through Friday from 7:30 to 5:30 p.m. Child drop-off would occur in the building, generally between 8:40 and 9:00 a.m. Pick-up would similarly occur in the building, generally between 3:20 and 3:45 p.m.

Early childhood education centers do not neatly “fit” into a city code land use definition. Given their educational focus, one could argue that these facilities should be defined as schools by city code. However, one could also argue that they should be considered licensed daycare facilities under city code, as they are licensed as such by the State of Minnesota. While both schools and daycare facilities are conditionally-permitted uses, staff has determined that the proposal should be reviewed as the later to ensure consistency with state review and licensing.

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 and staff findings for the proposed daycare center.

• Is the proposed use appropriate for the site?
  
  Yes. The proposal would meet all conditional use permit standards as outlined in city code. These standards are detailed in the Supporting Information section of this report.

• Can parking demand be met?
  
  Yes. Seven parking stalls would be removed to accommodate the proposed FAC play area. With this removal, 353 parking stalls would be available on site. This far exceeds the 260 stalls required for the existing office and proposed daycare uses.
Staff Recommendation

Recommend the city council adopt the resolution approving a conditional use permit for a licensed day care facility at 12301 Whitewater Drive.

Originator: Susan Thomas, AICP, Assistant City Planner
## Supporting Information

### Surrounding Land Uses

- **Northerly:** city-owned property, Nine-Mile Creek  
- **Easterly:** city-owned property, Nine-Mile Creek  
- **Southerly:** city-owned property, Nine-Mile Creek  
- **Westerly:** GE Osmonics, zoned I-1

### Planning

- **Guide Plan designation:** mixed use  
- **Existing Zoning:** PUD

### Wetland and Floodplain

There is a large wetland and floodplain area located southwest of the office building. The proposed outdoor play area would be located over existing parking area and roughly 27 feet from the wetland edge. This would meet requirements pertaining to both wetland and floodplain.

### CUP Standards

The proposed daycare facility would be generally consistent with the general CUP 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 requires variances from the specific conditional use permit standards for licensed daycare centers as outlined in City Code §300.21 Subd.3(j):

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;  

   **FINDING:** As proposed, all loading and drop-off would occur within the building. As such, no interference with traffic or pedestrian movements is anticipated.  
2. Outdoor play areas shall be located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;
FINDING: The closest residential area is over 1000 feet from the proposed playground space.

3. One parking space for each six children based on the licensed capacity of the center; and

FINDING: Seven parking stalls would be removed to accommodate the proposed FAC play area. With this removal, 353 parking stalls would be available on site. This far exceeds the 260 stalls required for the existing office and proposed daycare uses.

4. Shall obtain all applicable state, county and city licenses.

FINDING: This is included as a condition of approval.

Pyramid of Discretion

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 request.

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

3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

Voting Requirement

The planning commission will make a recommendation to the city council. The city council’s final approval requires an affirmative vote of a simple majority.

Neighborhood Comments

The city sent notices to 15 area property owners and has received no written comments to date.
Deadline for Action  December 17, 2018
Location Map

Project: French Academie (The)
Address: 12301 Whitewater Dr
September 17, 2018

Planning and Zoning Division
City of Minnetonka
14600 Minnetonka Blvd
Minnetonka, MN 55345

Re: Written Statement for Conditional Use Permit to relocate Childcare Center at 12301 Whitewater Drive.

Dear City Staff and Planning Commission of Minnetonka:

The purpose of this letter is to apply for a Conditional Use Permit for The French Académie at 12301 Whitewater Drive in Minnetonka, MN.

The French Académie (FAC), formerly French American School of Minneapolis, is licensed by the Department of Human Services as a Daycare Center (DHS Rule 3) and serves children from 16 months old to age 5. The program was established in 1998, and settled in St. Louis Park in 2005. We are local leaders in French Immersion education in the Twin Cities, with a rich, 20 year history. In the fall 2018, we are expanding our focus to French Immersion in Early Childhood Education.

For the last 13 years, The FAC has been a tenant of the St. Louis Park School District. Unfortunately, the District of St. Louis Park needs to relocate their Spanish Immersion program, and a referendum last November designated that their program would be moving to the Cedar Manor School building. This means that they no longer have space for our program, and our lease will be ending on December 31, 2018. Therefore, The FAC requires relocation by January 1, 2019.

It has been a challenging experience to find a new location, as there are not many buildings that meet the licensing standards to provide a safe environment for a childcare center. These requirements include: a safe outdoor space, proper zoning, parking, and the necessary square footage for each child.
The building at 12301 Whitewater Drive in Minnetonka meets all of our needs; it will allow our program to continue to thrive in a city where language immersion programs are highly respected and in high demand. The building is easily accessible for our current families, and we are enthusiastic to bring our unique French Immersion Early Childhood experience to the city of Minnetonka.

The French Académie is licensed for a capacity of 54 children, and currently has 42 students enrolled. The new facility will allow us to expand to welcome up to 68 children. We currently have a team of 6 teachers and 2 administrative staff. The 8,500 square feet we will lease in our new facility will provide us with ample space to have four classrooms, an indoor playroom for inclement weather, adequate bathroom facilities etc., and will also comply with all city and licensing requirements.

Our hours of operation are 7:30 am to 5:30 pm. The peak traffic times for our center are between 8:40 am and 9:00 am for drop off, and between 3:20 pm and 3:45 pm for pick up. Parents and caregivers bring their child to the classroom, and pick up their child from their classroom. There is no direct drop off and/or pick up at the curb of the building.

Regarding the, "Conditional Use Permit Standards for business and industrial districts," we evaluated the following criteria:

Section 300.21.2.

a) The use is consistent with the intent of this ordinance.

b) The use is consistent with the goals, policies and objectives of the comprehensive plan.

c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

   • The proposed use does not have any impact on governmental facilities, utilities, services or existing or proposed improvements.

d) The use is consistent with the city's water resources management plan.

   • The proposed use will be meeting the goals of the City.
e) The use is in compliance with the performance standards specified in section 300.28 of this ordinance.

- The proposed use is in compliance with the performance standards.

f) And the use does not have an undue adverse impact on the public health, safety or welfare.

- The use is intended to provide a safe and enriching environment for all children. The designated entrance will be secure and only accessible with a magnetic access cards provided to staff and families. Visitors will be monitored with an intercom system including a video camera.

Section 300.21.4.a.j. – Licensed day care facilities

1) Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements.

- Parents have to bring their child into the classroom at drop off, and pick up their child in the classroom at pick up. Therefore, they have to park their car in a parking stall at drop off and pick up which will not interfere with traffic and pedestrian movements.

2) Outdoor plan areas shall be located and designed in a manner, which mitigates visual and noise impacts on adjoining residential areas.

- There are no residential areas close enough to the facility that could be impacted by children’s outdoor play.

3) One parking space for each six children based on the licensed capacity of the center.

- For the current licensed capacity of 54 children, 9 parking stalls are required. If the center license capacity reaches 70 students, 12 parking stalls will be required. The parking ratio at the Whitewater Business Center is 5.5 per 1,000rsf. Our space would allow a designation of approximately 49 parking stalls.

4) And shall obtain all applicable state, county and city licenses.

- The project will comply with all requirements.
Language immersion programs have a strong presence in the City of Minnetonka, and we hope that The French Académie Early Childhood Center will be a valuable addition to the diverse culture of the city.

Thank you for your review and consideration. As we are getting so close to the end of our current lease, time is of the essence towards the review of this application.

Feel free to contact me if you have any questions and/or need any additional information.

Sincerely,

Véronique Liebmann
Founder and Director

The French Académie
9400 Cedar Lake Road
St. Louis Park, MN 55426
Cell: (952) 393-8053
Email: vliebmann@thefrenchacademie.org
### Whitewater Business Center
12301 Whitewater Drive, Minnetonka, MN  55343

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**Vacant**  

34,228
CONDITIONAL USE PERMIT

Véronique Liebmann

ADDRESS

12301 Whitewater Drive, Minnetonka, MN 55343

LEGAL DESCRIPTION

Lot 1, Block 3, Minnetonka Technological Park, except that part replatted as Minnetonka Technological Park 2nd Addition, Hennepin County, Minnesota.
EXISTING BUILDING
NORTH WING

EXISTING BUILDING
SOUTH WING

APPROXIMATE EDGE OF EXISTING RETENTION POND

EXISTING RETAINING WALL

EXISTING CONCRETE CURB / EDGE OF PARKING LOT

24'-0'

4'-4'

33'-4'

10'-0'

DRIVE
AISLE

60'-0'

EXTEND EXISTING CONCRETE WALK TO NEW CURB LOCATION

EXISTING CONCRETE CURB BEING REMOVED SHOWN DASHED

NEW CURB RAMP

NEW CONCRETE CURB AND GUTTER - PATCH AND REPAIR EXISTING AS REQUIRED

EXISTING CURB & GUTTER TO REMAIN

RE-STRIPPING OF PARKING STALLS AS SHOWN AT THESE AREAS RESULTS IN A NET LOSS OF 1 STALL (6 LOST, 5 GAINED)

NEW 4'-0" HIGH VINYL COATED CHAINLINK FENCE AREA (2,000 SF) FOR DAYCARE PLAY EQUIPMENT (2 GATES AS SHOWN, LOCATION TO BE VERIFIED WITH TENANT)

7 PARKING STALLS AND DRIVE AISLE BEING REMOVED AT THIS AREA

4'-6" WIDE PEDESTRIAN ACCESS AISLE AT BOTTOM OF CURB RAMP

NEW CURB RAMP AND CONCRETE WALK TO PLAY AREA GATE

APPROXIMATE EDGE OF WETLAND

APPROXIMATE EDGE OF FLOOD PLAIN
FAC South Wing Occupancy with dedicated entrance
The planning commission meeting scheduled for Nov. 29, 2018 will hold a public hearing for the 2040 comprehensive guide plan.

The Dec. 13, 2018 planning commission meeting is being moved to Dec. 6, 2018 to allow items requiring action by the city council to be reviewed before the end of 2018.

6. Report from Planning Commission Members

Sewall thanked city staff for hosting Rock at Ridgedale. He and his family enjoyed the event.

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion or separate action.

*Powers moved, second by Hanson, to approve the item listed on the consent agenda as recommended in the staff report as follows:*

A. Resolution approving an aggregate side yard setback variance for construction of a new home at 13228 Orchard Road.

Adopt the resolution approving the aggregate side yard setback variance for a new home at 13228 Orchard Road.

*Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight was absent. Motion carried and the item on the consent agenda was approved as submitted.*

8. Public Hearings

A. Resolution approving a conditional use permit for a licensed daycare facility at 12301 Whitewater Drive.

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.

Anna Newell, representing the applicant, the French Academy, stated that she appreciated the commission’s consideration. The director of The French Academy stated that the program is wonderful and would benefit the city of Minnetonka.

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

Powers questioned why the outdoor recreation area would not be larger. Thomas explained that the city has no minimum or maximum size requirement for an outdoor play area. The state may have a size requirements. The proposal also includes an
indoor play area. The director explained that the applicant currently operates out of Cedar Manor Elementary. The center is licensed by the state as a daycare center. There is a requirement for the playground to be 1,500 square feet. The playground would be 1,500 square feet. Not all of the children would be outside at the same time. There would be a maximum of 20 children on the playground at the same time. The children would not be old enough to be further away from the employees.

Sewall moved, second by Powers, to recommend that the city council adopt the resolution approving a conditional use permit for a licensed daycare facility at 12301 Whitewater Drive.

Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight was absent. Motion carried.

Chair Kirk stated that this item is tentatively scheduled to be reviewed by the city council Nov. 5, 2018.

B. Resolution denying a front yard setback variance to construct a screened porch and covered porch at 2300 Ford Road.

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

Ingvalson reported. He recommended denial of the application based on the findings listed in the staff report.

Sewall confirmed with Ingvalson that staff would recommend approval of the porch if it would not be screened and meet setback requirements.

Henry asked if a screen would be considered enclosed. Ingvalson answered in the affirmative.

Duane Myers, representing the homeowner, stated that he lives in the neighborhood. He is replacing the windows and siding now. He did not calculate the front setback correctly. The stairs were extended to get around a large tree. The situation is unique. The front door is seven and a half feet from the ground. The lot is narrow from front to back. The grade extends above the house in the back. There is a deck in the back. The proposal would make the property look better and would not require maintenance. The proposal is the best option. He requested that the proposal be approved. It would look and work better than any other option.

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

Chair Kirk understood the need to encroach into the 30-foot front setback to have enough room to open the door, but saw no reason to allow the porch to be enclosed. He thought a setback variance shorter than four feet might be reasonable.
Resolution No. 2018-
Resolution approving a conditional use permit for a licensed daycare facility
at 12301 Whitewater Drive

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

Section 1. Background.

1.01 The subject property is located at 12301 Whitewater Drive and is zoned PUD, planned unit development.

1.02 The property is legally described as:

LOT 1, BLOCK 3, MINNETONKA TECHNOLOGY PARK.

1.03 Véronique Liebmann is proposing to operate a licensed daycare facility within the existing office building on the site.

1.04 By City Code §300.22 Subd.3, all uses allowed by conditional use permit within any other district are allowed by conditional use permit in a PUD.

1.05 By City Code §300.17 Subd.4(j) licensed daycare facilities are conditionally-permitted uses in the B-1, office zoning district.

1.06 On Oct. 18, 2018, the planning commission held a hearing on the request. 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 the city council approve the conditional use permit.

Section 2. Standards.

2.01 City Code §300.21 Subd.2 lists the following general conditional use permit standards:

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.

2.02 City Code §300.21 Subd.3(j) lists the following specific conditional use permit standards for licensed daycare facilities:

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;

2. Outdoor play areas shall be located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;

3. One parking space for each six children based on the licensed capacity of the center; and

4. Shall obtain all applicable state, county and city licenses.

Section 3. FINDINGS.

3.01 The proposed daycare facility would meet the general conditional use permit standards as outlined in City Code §300.21 Subd.2 and the staff report associated with the applicant's request.

3.02 The proposed daycare facility would meet the specific conditional use permit standards as outlined in City Codes §300.21 Subd.3(j).

1. As proposed, all loading and drop-off would occur within the building. As such, no interference with traffic or pedestrian movements is anticipated.

2. The closest residential area is located over 1,000 feet from the proposed outdoor play area.

3. 353 parking stalls would be available on site. This far exceeds the 260 stalls required for the existing office and proposed daycare uses.

4. As a condition of this resolution, all applicable state, county and city licenses must be secured.
Section 4. City Council Action.

4.01 The above-described conditional use permit is approved. Approval is based on the findings outlined in the associated staff report and Section 3 of this resolution. Approval is subject to the following conditions:

1. The facility is allowed to serve up to 70 children. An increase in licensed capacity would require an amended conditional use permit.

2. All applicable state, county and city licenses must be secured.

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 Nov. 5, 2018.

Brad Wiersum, 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 Nov. 5, 2018.

David E. Maeda, City Clerk

SEAL
City Council Agenda Item #10B
Meeting of Nov. 5, 2018

Brief Description: 2019 fee schedules for consulting engineering services

Recommended Action: Approve the fee schedules

Background

The engineering department solicits proposals from selected consulting engineering firms on a three-year cycle and 2019 is the third year of the current cycle. These firms are chosen to augment staff expertise related to street projects, traffic studies, water resources/environmental engineering and other areas of need. In addition, they are utilized to accommodate demands during peak periods. Fee schedules are established for the first year of the three-year agreements. Revised fee schedules are to be subsequently negotiated for the second and third years.

The fee schedules for 2019, which is the third year of the current three-year cycle, have been submitted. As council may recall, the consultants’ contracts include a stipulation requiring that the consultants’ average rates not increase by more than 4% per year after the initial contract year of 2017. Each consultant has met this requirement.

In reviewing proposed fee schedules, staff evaluates their appropriateness based on three factors: the percentage of increase for each individual rate, the estimated billing increase based on hours from the previous year and the comparative rates between consultants for similar positions.

The city presently retains 11 firms in its consulting pool after Sambatek, a member of the consultant pool for the previous two years, withdrew from consideration this fall to pursue private development work within the city. The firms are listed below with their respective percentage increases, based on personnel rates that are most typically used on city projects.

<table>
<thead>
<tr>
<th>Consulting Firm</th>
<th>2019 Adjustment</th>
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<tr>
<td>AE2S</td>
<td>3.0%</td>
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<td>American Engineering Testing, Inc.</td>
<td>2.3%</td>
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<tr>
<td>Barr Engineering Company</td>
<td>2.6%</td>
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<tr>
<td>Bolton &amp; Menk, Inc.</td>
<td>3.8%</td>
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<tr>
<td>Hansen Thorp Pellinen Olson, Inc.</td>
<td>3.4%</td>
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<tr>
<td>In-Control, Inc.</td>
<td>1.7%</td>
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<tr>
<td>ISG, Inc.</td>
<td>2.4%</td>
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<tr>
<td>Kjolhaug Environmental Services Co.</td>
<td>3.8%</td>
</tr>
<tr>
<td>Short Elliott Hendrickson, Inc.</td>
<td>3.0%</td>
</tr>
<tr>
<td>SRF Consulting Group, Inc.</td>
<td>2.6%</td>
</tr>
<tr>
<td>WSB &amp; Associates, Inc.</td>
<td>2.3%</td>
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</table>
The increases proposed by the consultants can generally be attributed to step salary increases or promotions for the consultant personnel that provide primary services to the city of Minnetonka. Although the increases vary from firm to firm, the comparative hourly charge out rates are generally consistent.

**Recommendation**

Approve the revised 2019 fee schedules proposed by the city’s general services consulting engineering firms and authorize the mayor and city manager to execute the Addenda to the Agreements for Professional Services with the following firms:

- AE2S
- American Engineering Testing, Inc.
- Barr Engineering Company
- Bolton & Menk, Inc.
- Hansen Thorp Pellinen Olson, Inc.
- In Control, Inc.
- ISG, Inc.
- Kjolhaug Environmental Services Co.
- Short Elliott Hendrickson, Inc.
- SRF Consulting Group, Inc.
- WSB & Associates, Inc.

Submitted through:
- Geralyn Barone, City Manager
- Will Manchester, P.E., Director of Engineering

Originated by:
- Phil Olson, P.E., Assistant City Engineer
City Council Agenda Item #10C
Meeting of Nov. 5, 2018

Brief Description: Authorization of agreement for professional auditing services with BerganKDV for the 2018-2022 financial audits

Recommended Action: Authorize execution of agreement

Background

Council policy requires that contracts for auditing services may not exceed five years of automatic renewals. Staff issued a request for proposals (RFP) for audit services for the fiscal years 2018 through 2022 and received proposals from five accounting firms. The firms solicited for proposals are active in the government auditing and the accounting profession in the state of Minnesota.

The five firms were evaluated on a number of criteria including: how many clients they have similar to the city of Minnetonka; the firm’s ability to communicate with the city staff on a timely and effective basis; audit staff experience; and cost. All five firms were interviewed by the Director of Finance Merrill King, Assistant City Manager Perry Vetter, and Assistant Finance Director Joel Merry.

The firms interviewed to provide the auditing services were Abdo, Eick, & Meyers LLP, BerganKDV, CliftonLarsonAllen LLP, Redpath and Company and Malloy Monatgue Karnowski Radosevich and Company (MMKR). The interviews were conducted on Oct. 15 and Oct. 16.

The interview panel determined that BerganKDV was amongst the top of each of the criteria listed above. Staff has contacted several cities that are currently audit clients of BerganKDV and have received very favorable comments on both BerganKDV as a firm, as well as the staff that will be assigned to our audit.

As one of the multiple evaluation criteria, a summary of the bids received from the five firms are as follows:

<table>
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<tr>
<th>FIRM</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>5 Year Total</th>
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<tr>
<td>BerganKDV</td>
<td>$30,200</td>
<td>$30,450</td>
<td>$30,450</td>
<td>$30,750</td>
<td>$30,950</td>
<td>$152,800</td>
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<tr>
<td>Redpath and Company</td>
<td>29,650</td>
<td>30,250</td>
<td>30,850</td>
<td>31,500</td>
<td>32,100</td>
<td>154,350</td>
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<td>CliftonLarsonAllen LLP</td>
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<td>34,750</td>
<td>35,850</td>
<td>36,950</td>
<td>173,670</td>
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<td>MMKR</td>
<td>35,000</td>
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<td>35,800</td>
<td>36,700</td>
<td>37,700</td>
<td>180,200</td>
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<tr>
<td>Abdo Eick Meyers LLP</td>
<td>35,200</td>
<td>36,200</td>
<td>37,200</td>
<td>38,200</td>
<td>39,200</td>
<td>186,000</td>
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</table>
Recommendation

Staff recommends that council authorize the city to execute an agreement for professional auditing services with BerganKDV for the 2018-2022 financial audits. This agreement will be executed annually through an engagement letter before the start of each annual audit.

Submitted through:
  Geralyn Barone, City Manager
  Perry Vetter, Assistant City Manager
  Merrill King, Finance Director

Originated by:
  Joel Merry, Assistant Finance Director
Brief Description

Items concerning the City of Minnetonka Police and Fire Facility Project at 14500 and 14600 Minnetonka Blvd.:

1) Major amendment to an existing master development plan;
2) Conditional use permit;
3) Site and building plan review; and
4) Wetland/Floodplain alteration permit.

Recommendation

Introduce the ordinance and refer it to the planning commission.

Background

In 1986, the city approved a master development plan for the civic center campus. The plan has been amended periodically as existing facilities have expanded and new facilities have been constructed.

In August 2018, the planning commission and council reviewed a concept plan for construction of a new fire station on the campus and repurposing of the existing police and fire facility into a remodeled police station. The minutes of those reviews are attached.

Proposal

Formal applications have now been submitted for the new fire station and remodeled police station. The submitted plans generally reflect the previously reviewed concept plan. As proposed, the new construction and remodeled space would be roughly 95,000 square feet in size. The combined facility would be sited generally north and east of the current police and fire facilities on the civic center campus. Public access would remain in the same general location from the north campus parking lot. The existing emergency vehicle access drive to Minnetonka Blvd. would continue as the main operational access. A second access to accommodate fire apparatus returning to the station would be constructed on the north side of the fire station.

The proposal requires approval of:

1) Master Development Plan Amendment. By City Code §300.22 Subd.9, the proposal requires a major amendment to the existing civic center master development, as the proposal: (1) substantially alters the location of buildings and road; and (2) increases the gross floor area of the building by more than 10 percent. Major amendments can only be approved by ordinance.

2) Conditional Use Permit. By City Code §300.22 Subd.3, all uses allowed by conditional use permit within any other district are allowed by conditional use permit in a PUD. Public buildings are conditionally-permitted uses in all zoning districts.

3) Site and Building Plan Review. By city code, site and building plan review is required for the construction of any non-single-family residential building.
4) **Wetland/Floodplain Alteration Permit.** Wetland alternation would be required to construct the project, specifically with 1) grading of the access road from Minnetonka Blvd. and 2) a storm water facility outlet pipe.

**Issue Identification**

The purpose of introducing an ordinance is to give the city council the opportunity to review a new application before sending it to the planning commission for a recommendation. Introducing an ordinance does not constitute an approval. The tentative planning commission date is Nov. 15, 2018.

Based on preliminary review of the proposal, staff has identified the following issues for further analysis and discussion:

- **Site Plan:** The proposed building location north of the existing facility would require construction of a number of driveway, parking, utility and building pad area improvements. These improvements will likely result in tree removals, large amounts of grading and large retaining walls.

- **Impact to Site Character:** The area north and east of the existing facility where the proposed facility would be located contains valued oak woodland-brushland upland natural resources.

- **Stormwater Management:** As with all development in the city, details about specific stormwater management plans will be reviewed.

- **Trail Connections:** The existing trail along the east side of the fire station would be removed. Future trail connections identified in the master plan between the civic center campus and Minnehaha Creek are planned.

**Staff Recommendation**

Introduce the ordinance and refer it to the planning commission.

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

Originated by:
- Loren Gordon, AICP, City Planner
**OAK WOODLAND PRESERVATION AREA**

- ABOUT 2.25 ACRES WPA WITHIN PROJECT SITE
- ESTIMATED 0.53 ACRES WITHIN WPA BOUNDARY TO BE DISTURBED
- ESTIMATED 23.6% OF WPA AREA WITHIN PROJECT AREA TO BE DISTURBED DURING CONSTRUCTION

**EXISTING PARKING LOT**

- PROPOSED BUILDING ADDITION

**LANDSCAPE ARCHITECTURE**

**SITE PLANNING**

**CIVIL ENGINEERING**

- 7575 GOLDEN VALLEY ROAD, SUITE 200, MINNEAPOLIS, MN 55427
- FAX (763) 544-0531, PHONE (763) 544-7129

**DAR**

**PLAN AND SITE PLAN - DRAWN**

**CHECK**

**DATE**

**COMM**

**I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of MINNESOTA.**

**WOLD ARCHITECTS AND ENGINEERS**

**CITY OF MINNETONKA**

**13800 MINNETONKA BLVD**

**MINNETONKA, MN 55345**

**14550 MINNETONKA BLVD**

**MINNETONKA, MN 55345**

**MINNETONKA POLICE AND FIRE FACILITY**

**LEGEND**

- TREE INVENTORY

- **TREE TO BE REMOVED**

- **WOODLAND PRESERVATION AREA BOUNDARY WITHIN PROJECT SITE**

- **WOODLAND PRESERVATION AREA TO BE DISTURBED**

- **ANTICIPATED WPA DISTURBED**

- **TREES REMOVED DURING PROJECT**

**SCALE:** 1" = 30'

**TREES REMOVED DURING PROJECT OF FEMA**

<table>
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<tr>
<th>Species</th>
<th>Diameter</th>
<th>Number of Trees</th>
<th>% Of Forest, 15' significant</th>
<th>N. Moderate significant</th>
<th>High Impact, Significant</th>
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<td>1</td>
<td>0%</td>
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**MINNESOTA POLITICAL AND FACILITY**

**C1.00**
NOTES:
1. REFER TO SHEET C1.41, GRADING AND DRAINAGE PLAN, FOR GENERAL NOTES.
2. CHECK ALL PLAN AND DETAIL DIMENSIONS AND VERIFY SAME BEFORE FIELD LAYOUT.
3. SURVEY MARKS GENERALLY WERE INSTALLED TO REVEAL THE BOUNDARIES OF THE PROPOSED IMPROVEMENTS.
4. ALL SURVEY MARKS DEPICT THE EXISTING IMPROVEMENTS AND NOT THE PROPOSED IMPROVEMENTS.
5. WHERE NEW SURVEY MARKS ARE PLACED, SURVEY MARKS SHALL BE SET TO BE MODIFIED FOR A CONCRETE FINISHING PLAN PREPARATION.
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GENERAL NOTES

1. THE CONTRACTOR WILL BE RESPONSIBLE FOR AND SHALL PAY FOR ALL CONSTRUCTION
   COSTS RELATED TO Redigging AND MATERIALS.
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73. THE CONTRACTOR WILL BE RESPONSIBLE FOR AND SHALL PAY FOR ALL CONSTRUCTION
    COSTS RELATED TO Redigging AND MATERIALS.
A. Concept plan review for Minnetonka Fire and Police facility project at 14500 and 14550 Minnetonka Blvd.

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

Gordon reported. He recommended commissioners provide comments and feedback on the identified key issues and others the planning commission deems appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Perry Vetter, Minnetonka Assistant City Manager and Administrative Services Director, representing the applicant, stated that:

- A new fire department would be constructed on the city hall campus and the existing areas would be repurposed.
- No existing square footage would be torn down and rebuilt in another location.
- He explained the history of the city’s buildings, personnel, and population.
- He reviewed the needs and efficiency of the fire and police departments.
- The proposal would include a decontamination center and exercise area for firefighters to reduce their risk of cancer.
- The basic project needs and goals include improving safety and response times to the community, accommodating the growth and change in the work force, and protecting the investment in the equipment.

John McNamara, project lead from Wold Architects and Engineers, stated that:

- The site was selected to allow the proposed building to blend in harmoniously with the existing campus.
- A surveyor determined the impacts to the wetland protection area.
- He explained the benefit of the use of small retaining walls.
- The footprint of the building was shrunk as much as possible.
- A traffic study concluded that six ladder trucks and six vehicles returning from each fire call would have a small impact on Williston Road.
- Police vehicles would exit and enter from Minnetonka Blvd.
- He provided views from surrounding neighborhoods.
- The natural resources would be preserved as much as possible.
- Wood and stone would be used on the exterior to highlight the entries.
- The police and fire department lobbies would be increased in size.

In response to Chair Kirk’s question, Minnetonka Fire Chief John Vance explained the fire vehicles’ traffic pattern. A system is in place to give emergency vehicles a green light on Williston Road when activated. The bays would not be occupied if an emergency vehicle would drive into the site and need to exit quickly.
Chair Kirk noted the glass entryways and asked what security precautions would be taken to deal with a large crowd or protest. Mr. McNamara answered that each entry would have lockdown capability. Landscape features could also be used.

Minnetonka Police Chief Scott Boerboom explained that housing the vehicles would protect them from tampering or vandalism as well as damage from the weather. There would be indoor parking space for 41 vehicles. Currently, the police department has 37 vehicles.

In response to Schack’s question, Vance explained that most of the surrounding comparable cities upgraded their police and fire departments within the last 10 to 15 years. He stated that the separate entrance would prevent the need for emergency fire vehicles to back up which would eliminate a large safety hazard.

Powers supports providing the fire and police departments with everything they need to keep the residents safe. Powers asked if there is anything else the chiefs would like to add to the proposal. Vance said that it would be ideal to have a training facility on site, but that would not be realistic. The proposal was developed to meet the departments’ needs for the next 50 years.

Boerboom added that the proposal would offer flexibility for the future. The locker rooms would be gender neutral to allow for future growth. The training room and wellness area would be shared by the police and fire staff to allow the departments to accomplish much more together than the departments would be able to individually.

Chair Kirk invited those present to comment.

Joanna Troy, 14852 Timberhill Road, stated that:

- She was thankful that Site One would not be used.
- She thought a long fire truck would have trouble navigating Williston Road. She asked if Williston Road would have to be straightened.

No one else chose to speak.

Hanson stated that there are limited opportunities to make large-scale investments in the community. This is one opportunity. He thought four additional parking stalls would not be enough. The community will be growing. Applications for four large apartment buildings have been approved by the city council in the last six months.

Chair Kirk asked staff for the projected growth of the city. Gordon explained that the 2040 comprehensive guide plan anticipates the population to increase to 62,500.

Wischnack explained that the proposal takes into account the location of the projected growth areas.
Vetter explained the ratio of population growth related to service calls and the number of parking stalls. Police and fire personnel are analyzing the impact of population growth in specific areas. Ridgedale and Opus are large growth areas.

Boerboom provided that four officers share one squad car, so two additional squad cars would be sufficient for eight new officers. He foresaw satellite stations staffed by officers and their own parking areas for the next expansion. It would be fantastic to increase the proposal's number of stalls, but 41 stalls would allow flexibility up to the projected population increase to 62,500.

Vance added that satellite fire stations are currently not staffed, but could accommodate 24-hour staffing with minor interior modifications.

Vance stated that all of the fire vehicles are able to navigate Williston Road now.

Vetter explained that the site lines near the community center access to Williston Road would be looked at along with options for traffic safety features on Minnetonka Boulevard.

Sewall felt that the land use would be appropriate. The entrance on the north would impact the neighbors, but would make the best use of the land possible. He was comfortable with that change.

Schack felt the proposal was thoughtfully done and makes the most of what already exists. It would be an appropriate land use. She liked how the surroundings were taken into account to minimize the impact to the well and woodland area. She supports the concept plan.

Chair Kirk felt the proposal would minimize the impact on the woodland preservation area. The site would be tight and not allow much expansion in the future. He supports the proposal. The city council will review this item at its meeting on August 27, 2018 at 6:30 p.m.
C. Concept plan review for City of Minnetonka Police and Fire Facility Project at 14500 and 14550 Minnetonka Blvd.

Gordon gave the staff report.

Wiersum asked Gordon to trace the return route from Minnetonka Boulevard on the map. Wiersum asked if there were concerns over the fire trucks being able to navigate the roadway. Gordon answered that there were a few intersections that would need trimming for sight lines.

Assistant City Manager Perry Vetter presented project background and proposal as the applicant.

Jake Wollensak, Wold Architects and Engineers, presented the building and site concept plan. He shared the overall plan progression, existing traffic volume, proposed emergency vehicle routes, viewshed study, and exterior massing.

Bergstedt moved, Schack seconded a motion to extend the meeting deadline until 12:30 a.m. All voted “yes.” Motion carried.

Calvert shared concerns over the steep grade when exiting onto Minnetonka Boulevard. Wollensak confirmed that it would be set at the standard 8 percent.

Acomb asked about alternative energy and storm water reuse. Wollensak answered both were being looked at for affordability. The plan included roof structure sizing that would allow solar panels in the future.

Calvert said that it was a beautiful building and thanked him for taking care of the city’s first responders.

Happe thanked the staff for planning and communication process and shared that he had heard nothing but positive feedback from the residents.

Bergstedt shared that he felt comfortable with the great working relationship between the police and fire chiefs.

Schack said that she was excited to offer future recruits above par facilities.

Wiersum asked about heating the exit slopes during the winter. Wollensak noted that heating coals get costly, but that it was a possibility if it was affordable. Wiersum thought it was a really great plan and noted that it was being held to the same high standards that residents and developers were held to. He acknowledged the great work that the fire and police departments do and wanted to give them what they needed to be successful.
Ordinance No. 2018-

An ordinance amending existing master development for the Minnetonka Civic Center at 14500 and 14600 Minnetonka Blvd

The City Of Minnetonka Ordains:

Section 1.

1.01 This ordinance hereby amends a master development plan for the Minnetonka Civic Center Campus.

Section 2.

2.01 This ordinance is based on the following findings:

1. The amendment is generally consistent with the existing master development plan.

2. The amendment would further the public health, safety, and welfare.

Section 3.

3.02 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:

   •
   •
   •
   •
   •

The above plans are hereby adopted as the master development plan for the Minnetonka Civic Center as it pertains to police and fire department facilities.
2. Construction of the police and fire facilities must further comply with all conditions outlined in City Council Resolution No. 2018-xx, adopted by the Minnetonka City Council on __________, 2018.

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 ______________, 2018.

Brad Wiersum, Mayor

Attest:

______________________________
David E. Maeda, City Clerk

Action on this ordinance:

Date of introduction:  Nov. 5, 2018
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 true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on ______________, 2018.

______________________________
David E. Maeda, City Clerk
City Council Agenda Item #12B
Meeting of Nov. 5, 2018

**Brief Description**  
Items concerning Marsh Run Apartments at 11650 and 11706 Wayzata Blvd.:  

1) Comprehensive Guide Plan service commercial to mixed use;  
2) Rezoning of the property from PID, Planned I394 District, to PUD, Planned Unit Development;  
3) Master development plan; and  
4) Site and building plan with a parking variance.

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

**Background**

In August 2018, the city council reviewed a concept plan presented by Doran to redevelop the combined 2.5-acre Marsh Run site. The plan contemplated the removal of the existing office buildings in order to construct a six-story, 235-unit, apartment building. At that meeting, the council expressed support of a residential use of the property and the plan's energy-efficiency and affordability components. The council also expressed concern related to the project's density, mass and integration into the surrounding neighborhood.

In October 2018, the council reviewed a revised concept plan, presented by Doran, which contemplated the construction of a 190-unit apartment building. At that meeting, the council echoed many of its comments from the August review. The council continued to support the residential use of the property and affordability components. However, the council also continued to be concerned with the project's density and mass.
Meeting of Nov. 5, 2018
Subject: Marsh Run Redevelopment

Proposal

Doran has submitted formal applications and plans for the redevelopment of the property. As currently proposed, the office buildings would be removed in order to construct a 168-unit apartment building. The building would have a varied height with a reduced height near the residential properties to the north. The building would consist of underground parking, structured first floor parking, with apartments above. The building would increase from three above-ground-stories on the north to five stories on the south. Access to the parking garage would be from Wayzata Boulevard in the southeast corner of the site.

The proposal requires approval of:

1) **Comprehensive guide plan amendment.** The subject properties are guided for service commercial in the 2030 Comprehensive Guide Plan. The applicant requests an amendment to the land use designation to mixed-use.

2) **Rezoning.** The subject properties are zoned PID, planned I394 District. The applicant requests properties be rezoned to PUD, planned unit development.

3) **Master development plan.** By city code, a master development plan is required in conjunction with a rezoning to PUD.

4) **Preliminary and final plat.**

5) **Site and building plan.** By city code, site and building plan review is required for the construction of a multi-family residential building.

6) **Vacation.** The property is encumbered by a number of easements. The proposal includes a request to vacate obsolete easements.

7) **City Assistance.** To assist with the production of affordable housing, Doran has requested city assistance. The Economic Development Advisory Commission (EDAC) will review the request at their November 8, 2018
Review Process

- **Neighborhood Meeting.** Doran held a neighborhood meeting to review the concept plan of a six-story building on Aug. 15, 2018. The meeting was attended by roughly 30 area residents. Attendees expressed concern related to: (1) traffic particularly at the intersections within the existing neighborhood under existing and proposed conditions; (2) impacts of the concept plan on the wetland to the north; (3) aesthetics, mass, density, and height of the concept.

- **Planning Commission Meeting.** The planning commission reviewed the six-story building concept on Aug. 16, 2018. Eleven area property owners addressed the commission, voicing concerns related to traffic, noise and density. Planning commissioners generally expressed support of the residential use of the property. However, the commissioners commented that the concept was too intense for the neighborhood, possibly too “urban” in appearance and cited concern related to the amount and length of time that shadows would be cast on adjacent properties.

- **City Council Meeting.** The city council reviewed the six-story building concept on Aug. 27, 2018. Seven neighboring property owners addressed the council, voicing additional concerns related to: (1) the environment; (2) density; (3) parking; and (4) traffic. Two partners representing the property owners of the proposed project location also addressed the council and expressed support of Doran’s residential redevelopment of the property.

  Ultimately, the council expressed support of the multifamily residential use of the property, as well as the incorporation of affordability and energy efficient features. However, the council echoed the commissioners’ comments and felt that the concept was too intense for the site and that the concept would not “fit” into the surrounding neighborhood.

- **Neighborhood Meeting – Moline Tour.** Doran hosted an open house at The Moline apartment building in Hopkins, MN on Sept. 29, 2018. Roughly 20 people attended the open house and took a tour of the apartments. The attendees expressed concern related to: (1) vehicular and pedestrian traffic on Fairfield Road; (2) parking; and the (3) mass and character of the concept.

- **Neighborhood Meeting.** Doran held a neighborhood meeting onsite at the Marsh Run office buildings on Oct. 3, 2018. The meeting was attended by roughly 20 area residents. The developer presented the revised concept plan. The revised plan indicated a 190-unit apartment building, with a reduced height near the residential properties to the north. At that meeting, the neighbors also responded to the plans. The neighbors asked for clarification and discussed: (1) the proximity to the townhomes; (2) number of decks and ground level townhomes on the north side of the building; (3) internal parking of the building; (4) parking in the neighborhood and; (5) size, mass and floor area ratio of the building.

- **City Council Concept Plan Review.** The city council reviewed the revised concept plan at the Oct. 8, 2018 council meeting. Eight area residents addressed the council,
expressing concern related to the plans: (1) density and mass; (2) traffic; (3) architecture and site design; and (4) impact on wildlife and surrounding natural features.

The council asked questions and discussed the plan. Ultimately, the council continued to be concerned with the overall density of the plan. However, the council indicated that it understood that some level of density would be needed in order to incorporate affordability into the project. The council stated that a formal application should include a shadow study and a traffic study.

Issue Identification

The purpose of introducing an ordinance is to give the city council the opportunity to review a new application before sending it to the planning commission for a recommendation. Introducing an ordinance does not constitute an approval. The tentative planning commission date is November 15, 2018.

Based on preliminary review of the proposal, staff has identified the following issues for further analysis and discussion:

1) **Rezoning:** By city code, PUD zoning may be considered when the city finds that a use would result in a public benefit. Staff will formulate a professional opinion regarding whether the proposal includes a public benefit.

2) **Building and site design:** Staff will evaluate site circulation, green space, parking and building setbacks.

3) **Traffic and access:** A traffic study will be conducted to determine the proposal’s anticipated traffic generation. The study will also evaluate the proposal’s impact on existing levels of service and suggest/identify any necessary improvements.

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.

3. Approve or modify the proposed notification area.

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

Originated by:
   Ashley Cauley, Senior Planner
Location Map

Project: Doran - Marsh Run Apartments
Address: 11650 & 11706 Wayzata Blvd
1. THE BEARING SYSTEM IS BASED ON THE HENNEPIN COUNTY COORDINATE SYSTEM, NAD83 (1986 ADJUST) WITH AN ASSUMED BEARING OF SOUTH 00 DEGREES 03 MINUTES 28 SECOND WEST FOR THE WEST LINE OF THE SW QUARTER, SECTION 02, TOWNSHIP 117, RANGE 22. THE ORIGINATING MONUMENTS UTILIZED TO ESTABLISH THE HORIZONTAL POSITION OF THIS SURVEY WERE THE N 1/4 CORNER AND THE NE CORNER OF SAID SECTION.

2. THE VERTICAL DATUM IS BASED ON NAVD88.

BENCHMARK #1
TNH @ INTERSECTION OF HWY 12 (WAYZATA BLVD) AND MERRIVAL AVE. IN NORTHEAST QUAD ELEV. = 925.93

BENCHMARK #2
MNDOT CONTROL DISK "2789" ELEV. = 927.32

PROPERTY SUMMARY
1. SUBJECT PROPERTIES ADDRESS IS 11650 WAYZATA BLVD & 11706 WAYZATA BLVD, ITS PROPERTY IDENTIFICATION NUMBER IS PID: 0211722130050 & 0211722130062.

2. THE GROSS AREA OF THE SUBJECT PROPERTY IS 2.6714 ACRES OR 116,365 SQUARE FEET.

BENCHMARKS
1. THE ARTIFICIAL POINTS ARE BASED ON NAVD88.

DESCRIPTION
LEFT 5TH LINE, BLOCK 1, MARSH RUN TWO, AND THE PART OF U.S. HIGHWAY NO. 12 DESCRIED ON THE PLAT OF MARSH RUN TWO.

LEFT 5TH LINE, BLOCK 1, MARSH RUN TWO ADDITION, AND THE PART OF U.S. HIGHWAY NO. 12 DESCRIED ON THE PLAT OF MARSH RUN TWO ADDITION.

LEFT 5TH LINE, BLOCK 2, MARSH RUN TWO; AND THAT PART OF U.S. HIGHWAY NO. 12 DEDICATED BY THE PLAT OF MARSH RUN TWO.

LEFT 5TH LINE, BLOCK 1, MARSH RUN TWO 2ND ADDITION; AND THAT PART OF U.S. HIGHWAY NO. 12 DEDICATED BY THE PLAT OF MARSH RUN TWO 2ND ADDITION.

LOT 16, BLOCK 2, BOULEVARD GARDENS, HENNEPIN COUNTY, MINNESOTA, EXCEPT THAT PART THEREOF EMBRACED WITHIN THE PLAT OF MARSH RUN TWO 2ND ADDITION.

SURVEY NOTES
LOT 1, BLOCK 1, MARSH RUN TWO, AND THAT PART OF U.S. HIGHWAY NO. 12 DEDICATED BY THE PLAT OF MARSH RUN TWO.

LOTS 1 TO 5 INCLUSIVE, BLOCK 1, MARSH RUN TWO 2ND ADDITION; AND THAT PART OF U.S. HIGHWAY NO. 12 DEDICATED BY THE PLAT OF MARSH RUN TWO 2ND ADDITION.

LOT 16, BLOCK 2, BOULEVARD GARDENS, HENNEPIN COUNTY, MINNESOTA, EXCEPT THAT PART THEREOF EMBRACED WITHIN THE PLAT OF MARSH RUN TWO 2ND ADDITION.

DESCRIPTION

LOTS 1 TO 5 INCLUSIVE, BLOCK 1, MARSH RUN TWO, AND THAT PART OF U.S. HIGHWAY NO. 12 DEDICATED BY THE PLAT OF MARSH RUN TWO.

LOTS 1 TO 5 INCLUSIVE, BLOCK 1, MARSH RUN TWO 2ND ADDITION; AND THAT PART OF U.S. HIGHWAY NO. 12 DEDICATED BY THE PLAT OF MARSH RUN TWO 2ND ADDITION.

PROPERTY SUMMARY

PROPOSED LOT 1, BLOCK 1 = 116,365 SQ. FT. OR 2.6714 ACRES.

DEVELOPMENT NOTES

1. ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
2. DRAINAGE AND UTILITY EASEMENTS SHALL BE PROVIDED AS REQUIRED. DRAINAGE AND UTILITY EASEMENTS WILL BE PROVIDED OVER ALL PUBLIC UTILITIES AND PONDS.
3. THE BEARING SYSTEM IS BASED ON THE HENNEPIN COUNTY COORDINATE SYSTEM, NAD83 (1986 ADJUST). WITH AN ASSUMED BEARING OF SOUTH 00 DEGREES 03 MINUTES 28 SECONDS WEST FOR THE WEST LINE OF THE SW QUARTER, SECTION 02, TOWNSHIP 117, RANGE 22. THE ORIGINATING MONUMENTS UTILIZED TO ESTABLISH THE HORIZONTAL POSITION OF THIS SURVEY WERE THE NW CORNER AND THE NE CORNER OF THE SECTION.

6. THE EAST LINE OF LOT 1, BLOCK 1, MARSH RUN TWO 2ND ADDITION, IS ASSUMED TO HAVE A BEARING OF NORTH 00 DEGREES 28 MINUTES 48 SECONDS WEST.
KNOW ALL PERSONS BY THESE PRESENTS: That Marsh Development, LLC a Minnesota limited liability company, fee owner of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Lots 1 to 6 inclusive, Block 1, MARSH RUN TWO; and that part of U.S. Highway No. 12 dedicated by the plat of MARSH RUN TWO.

Lots 1 to 5 inclusive, Block 1, MARSH RUN TWO 2ND ADDITION; and that part of U.S. Highway No. 12 dedicated by the plat of MARSH RUN TWO 2ND ADDITION.

Lot 16, Block 2, BOULEVARD GARDENS, Hennepin County, Minnesota, except that part thereof embraced within the plat of MARSH RUN TWO 2ND ADDITION.

Has caused the same to be surveyed and platted as MARSH RUN, and does hereby dedicate to the public for public use the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said Marsh Development, LLC a Minnesota limited liability company, has caused these presents to be signed by its proper officer this day of , 20.

SIGNED:
Marsh Development, LLC
By: Kelly J. Doran, as Chief Manager

STATE OF MINNESOTA
COUNTY OF

The foregoing instrument was acknowledged before me this day of , 20, by Kelly J. Doran, Chief Manager of Marsh Development, LLC a Minnesota limited liability company, on behalf of the company.

Signature
Notary Printed Name
Notary Public,
County, Minnesota
My Commission Expires

MINNETONKA, MINNESOTA
I hereby certify that this plat was approved by the City Council of Minnetonka at a regular meeting thereof held this day of , 20.

By: , Mayor

MARK R. SALO, LICENSED LAND SURVEYOR

STATE OF MINNESOTA
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this day of , 20, by Mark R. Salo.

Signature
Notary Printed Name
Notary Public,
County, Minnesota
My Commission Expires

Mark V. Chapin, County Auditor

By: , Deputy SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this day of , 20.

Chris F. Mavis, County Surveyor

By: , Deputy REGISTRAR OF TITLES, Hennepin County, Minnesota

I hereby certify that the within plat of MARSH RUN was filed in this office this day of , 20, at o'clock M.

Martin McCormick, Registrar of Titles

By: , Deputy
IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY SUBSURFACE UTILITY DATA. THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED.

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**MERRIVALE AVENUE**

| 927.47 |
| 923.23 |

| 922.04 |

| 921.81 |

| 922.82 |

| 922.82 |

| 922.77 |

| 922.77 |

| 922.81 |

**WAYZATA BOULEVARD**

| 927.62 |

| 927.47 |

| 920.85 |

| 923.00 |

| 922.91 |

**Pavement Gradients**

**1.** The Covenant Agreement and Declaration for 21280 C4 - GRAD, located within the City of Wayzata, Minnesota, may be found in Exhibit C.

**2.** The Covenant Agreement shall be in accordance with the terms and conditions set forth in Exhibit C.

**3.** The Covenant Agreement shall be an express provision of the deed, and shall be binding upon all parties who may be affected thereby.

**4.** The Covenant Agreement shall be recorded in the Public Records of the County in which the property is situated.

**5.** The Covenant Agreement shall be in effect for a term of years, as set forth in Exhibit C.

**6.** The Covenant Agreement shall be enforceable by any person who may be entitled to enforce the provisions thereof.

**7.** The Covenant Agreement shall be inoperative if the property is sold or conveyed in violation of the Covenant Agreement.

**8.** The Covenant Agreement shall be recorded in the Public Records of the County in which the property is situated.

**9.** The Covenant Agreement shall be inoperative if the property is sold or conveyed in violation of the Covenant Agreement.

**10.** The Covenant Agreement shall be inoperative if the property is sold or conveyed in violation of the Covenant Agreement.
INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD). CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY

ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING

THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL

SANITARY SEWER MANHOLE

GATE VALVE & EXTEND AS SHOWN

GATE VALVE & EXTEND AS SHOWN

REMOVE AND REPLACE EXISTING HYDRANT

FORCEMAIN (SAN.)

CURB & GUTTER

STORM SEWER

STORM SEWER STRUCTURE.

LETTER TO THE OWNER AND ENGINEER INDICATING THEY OBSERVED THE INSTALLATION AND THE

ENGINEER FOR THE STATE IN WHICH THE PROJECT IS CONSTRUCTED. THE SUBMITTAL SHALL INCLUDE ALL

INFORMATIONAL PURPOSES ONLY AND DEPICTS THE MINIMUM STORAGE REQUIREMENTS AND THE SYSTEM

DATED: _______________________________________________

PHONE: 952-995-2000

DEPARTMENT OF TRANSPORTATION STANDARDS.

CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING

SAFETY NOTICE TO CONTRACTORS: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES,

CONTRACTOR SHALL OBTAIN A COPY OF THIS SOILS REPORT.

A GEOTECHNICAL ENGINEERING REPORT HAS BEEN COMPLETED BY:

COMPANY: BRAUN INTERTEC

ADDRESS: 11001 HAMPSHIRE AVE S, MINNEAPOLIS, MN 55438

ALL SOILS TESTING SHALL BE COMPLETED BY AN INDEPENDENT SOILS  ENGINEER. EXCAVATION FOR THE

DESIGNED TO BE CONSTRUCTION DEVICES FOR CONSTRUCTION SITE. THE DESIGN DRAWINGS SHALL DEPICT

INFORMATION SHOWN ON THE UTILITY PLAN AND THE DETAIL SHEETS IS FOR

ADVERSE CONSEQUENCES OF ANY SCHEDULED OR UNSCHEDULED DISRUPTIONS OF SERVICE TO THE

TAP WATERMAIN BELONGING TO THE CITY UNLESS DULY AUTHORIZED TO DO SO BY THE CITY. ANY

CONTRACTOR SHALL NOT OPEN, TURN OFF, INTERFERE WITH, OR ATTACH ANY PIPE OR HOSE TO OR

STORM AND SANITARY) CROSSINGS.

ALL WATERMAIN TO BE DUCTILE IRON - CLASS 52, UNLESS NOTED OTHERWISE.

ALL SANITARY SEWER SERVICES TO BUILDING SHALL BE PVC SCH 40 CONFORMING TO ASTM D2665.

ALL STORM SEWER PIPE FOR ROOF DRAIN SERVICES TO BUILDING SHALL BE PVC SCH 40 CONFORMING TO ASTM

PER CITY STANDARDS.

ALL SANITARY SEWER TO BE PVC SDR-35, UNLESS NOTED OTHERWISE.

FORCEMAIN (SAN.)

CURB & GUTTER

STORM SEWER

STORM SEWER STRUCTURE.

LETTER TO THE OWNER AND ENGINEER INDICATING THEY OBSERVED THE INSTALLATION AND THE

ENGINEER FOR THE STATE IN WHICH THE PROJECT IS CONSTRUCTED. THE SUBMITTAL SHALL INCLUDE ALL

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DESIGNED TO BE CONSTRUCTION DEVICES FOR CONSTRUCTION SITE. THE DESIGN DRAWINGS SHALL DEPICT

INFORMATION SHOWN ON THE UTILITY PLAN AND THE DETAIL SHEETS IS FOR

ADVERSE CONSEQUENCES OF ANY SCHEDULED OR UNSCHEDULED DISRUPTIONS OF SERVICE TO THE

TAP WATERMAIN BELONGING TO THE CITY UNLESS DULY AUTHORIZED TO DO SO BY THE CITY. ANY

CONTRACTOR SHALL NOT OPEN, TURN OFF, INTERFERE WITH, OR ATTACH ANY PIPE OR HOSE TO OR

STORM AND SANITARY) CROSSINGS.

ALL WATERMAIN TO BE DUCTILE IRON - CLASS 52, UNLESS NOTED OTHERWISE.

ALL SANITARY SEWER SERVICES TO BUILDING SHALL BE PVC SCH 40 CONFORMING TO ASTM D2665.

ALL STORM SEWER PIPE FOR ROOF DRAIN SERVICES TO BUILDING SHALL BE PVC SCH 40 CONFORMING TO ASTM

PER CITY STANDARDS.

ALL SANITARY SEWER TO BE PVC SDR-35, UNLESS NOTED OTHERWISE.
SELECT 10 x 10 WIRE MESH - JOINTS 5.0' O.C.±

4" CONCRETE WITH 6 x 6 - N.T.S.

GENERAL NOTES FOR CONCRETE CONSTRUCTION:

PERPENDICULAR TO THE LINE OF TRAFFIC.

FEET ON CENTER, AND WHERE SIDEWALK ABUTS CURB, STRUCTURES, AND OTHER FIXED OBJECTS. SEAL ALL EXPANSION JOINTS. BROOM FINISH SHALL BE CONSTRUCTION".

SIDEWALK CONTROL JOINTS SHALL BE LOCATED AT 5 FEET ON CENTER.

THE REQUIREMENTS OF MN/DOT "STANDARD SPECIFICATIONS FOR THE CONCRETE SIDEWALKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH B612 FLAT CURB & GUTTER INTEGRAL SIDEWALK CURB 1/2" R CONCRETE SIDEWALK 5'-0" MIN WIDTH

* HEIGHT VARIES - SEE GRADING PLAN

45°' 1" R 8" 6" P.C. CONCRETE* VARIES 2" 16"

3" R 12" 4" CLASS 5 45°' 1" R 8" 6" P.C. CONCRETE* VARIES 2" 16"

SECTION A

A-A

SECTION A-A

SANITARY SEWER BEDDING

NOTE:

THE TRUNCATED DOME AREA MAY BE EITHER GRANITE PANEL OR STAMPED CONCRETE, INSTALLED IN THE FULL WIDTH (3' 0" OR 4' 0" TYP.) OF THE CURB RAMP.  THIS 2' 0" BY 3' 0" OR 4' 0" WIDTH (TYP.) OF THE CURB RAMP CAN BE USED FOR A RELATIVELY NON-MOUED MEDIAN.
C9.02
DETAILS
Registration No.
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional ENGINEER under the laws of the state of Minnesota.

Date: 10/15/2018

Eric A. Vogel

NOTES:
1. FOR ALL DEPTHS OF COVER LESS THAN TWO (2) FEET, PIPE MUST BE SCHEDULE 40 PVC. FOR DEPTHS OF COVER GREATER THAN TWO (2) FEET, FLEXIBLE PIPE MAY BE USED. REFER TO SPECIFICATIONS FOR ALLOWABLE PIPE TYPES.

2. A WATER-TIGHT CONNECTION SHALL BE MAINTAINED WITH ANY TRANSITION FROM SCHEDULE 40 PVC PIPE TO ANY OTHER PIPE TYPE.

3. THE DOWNSPOUT COLLECTOR DRAIN SHALL BE INSTALLED BEFORE THE DOWNSPOUTS ARE INSTALLED ON THE BUILDING. SITEWORK CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK TO, AND INCLUDING, THE RODENT SCREEN. BUILDING CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONNECTION AT THE POINT OF THE RODENT SCREEN.

4. IN AREAS WITH CONCRETE PAVEMENT, MOUNT CASTING WITH GRATE, FLUSH WITH PAVEMENT, INSTEAD OF WIRE SCREEN. DISCHARGE DOWNSPOUT DIRECTLY TO CASTING. SUBMIT CASTING TO ENGINEER FOR REVIEW & APPROVAL.

BASE: PRECAST CONCRETE
FLOW STEPS 16" O.C. ON DOWNSTREAM SIDE
SLOPE 2%/FOOT
GASKETED, FLEXIBLE, WATER-TIGHT CONNECTIONS, IN ACCORDANCE WITH MPC 4714.719.6, EXTENDING AT LEAST 12" AND NOT MORE THAN 36" FROM THE MANHOLE SHALL BE PROVIDED AT ALL PIPE CONNECTIONS.

"O" RING GASKETS BETWEEN EACH JOINT IN MANHOLE SECTIONS

MANHOLES 8' DEEP OR GREATER, THE PRECAST SECTION IMMEDIATELY BELOW THE CONE SECTION, SHALL BE 1'-4" (16") IN HEIGHT

PROVIDE STEPS IN ALL MANHOLES OVER 4.5 FEET IN DEPTH

FULL BED OF MORTAR BETWEEN RINGS, CASTING AND ON OUTSIDE OF RINGS

2" ADJUSTING RINGS AS REQUIRED (MIN 2, MAX 4)
ADJUST CASTING TO 1/2" BELOW FINISHED BITUMINOUS GRADE

MANHOLE FRAME AND COVER, NEENAH R-1642-B WITH MACHINED BEARING SURFACES WITH 2 CONCEALED PICK HOLES OR APPROVED EQUAL

27"

* AS NEEDED

AS NEEDED

1'-4"

4'

7"
CITY OF MINNETONKA TREE PROTECTION REQUIREMENTS

1. ONLY size tree must be removed if one-inch in diameter or greater. Tree shall be removed by the developer. No replacement shall be required for a tree under one-inch in diameter.

2. Replacement shall be required for significant trees per the City of Minnetonka Tree Protection Requirements (ORD. 19 E.2 B).

3. MARTA MATTES - 15 DIFFERENT SIGNIFICANT TREES

4. Significant tree must be replaced with one two-inch tree. See landscape plan on sheet L1.01 for placement locations of trees as required.

5. Significant trees to be removed:

   a. BLACK WALNUT - 15"

   b. RED PINE

   c. BLUE SPRUCE

   d. AMERICAN ELM

   e. BOX ELDER

   f. WHT. SPRUCE

   g. SIBERIAN ELM

   h. HONEYLOCUST

   i. GREEN ASH

   j. ARBORVITAE

   k. AMERICAN ELM

   l. GREEN ASH

   m. BOX ELDER

   n. RED PINE

   o. BLUE SPRUCE

   p. BOX ELDER

   q. GREEN ASH

   r. BOX ELDER

   s. GREEN ASH

   t. GREEN ASH

   u. BOX ELDER

   v. GREEN ASH

   w. BOX ELDER

   x. GREEN ASH

   y. GREEN ASH

   z. BOX ELDER

   AA. GREEN ASH

   BB. GREEN ASH

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   A.A. GREEN ASH

   B.B. BOX ELDER

   C.C. WHT. SPRUCE

   D.D. BOX ELDER

   E.E. BOX ELDER

   F.F. BOX ELDER

   G.G. BOX ELDER

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   J.J. BOX ELDER

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**Design Narrative**

Doran is proposing a new, high-quality, Class A luxury apartment project that will be the first of its kind in the 394 Corridor regional area. The project is precisely what the City of Minnetonka is seeking in both the 2030 Comprehensive Plan and its draft of the 2040 Comprehensive Plan for the 394 Corridor regional area. This project will bring life and activity to the east side of 394, enhancing the visual scale of the existing buildings in the neighborhood and eliminating the potential for commercial uses that exist in the neighborhood today. The project will contain an affordable housing component mixed with market-rate apartments and will appropriately bridge the gap between the three different uses that currently surround the proposed project site. This is a unique opportunity to redevelop a site that is underserved to create an exceptional project that will create in-housing type that does not currently exist in the 394 Corridor regional area today.

The redevelopment will include removing the three existing office buildings on the site and constructing a 16-story apartment project with five percent of the units affordable at 80% of the area median income levels. The project will consist of approximately 225 parking stalls on two levels— one level of underground and the upper level underground on the north side and at grade on the south side. The parking garage will contain all of the resident and guest parking for the project, with the exception of approximately ten surface parking spaces that will be provided to tenants along the circle drive near the main entrance for short-term guest and delivery parking. The building will be designed as a concrete podium parking garage with above level one of the building will be wood framed construction for the apartments and an open, elevated amenity deck and garden with several outdoor amenities. Amenities throughout the project will include: Business center; Flex work space; Clubroom and game rooms; Entertainment suite; Exercise facility; Group exercise room; Yoga room; Outdoor pool; Outdoor spa; Grilling stations; Outdoor fire pits; Dog run; Pet spa; Heated underground parking; Bocce ball, putting green, outdoor seating, and/or other outdoor activity areas.

The building will contain a mix of studio, 1 and 2 bedroom apartments and 2 bedroom townhomes with active gathering spaces for residents and guest located on the first and second levels of the building. As addressed in detail in our PUD narrative, the project site is transitional—it is bordered by three different uses on the west, north and east sides respectively and by Wayzata Blvd. and 394 to the south. This unique location presents the challenge of designing a project that is responsive to all differing neighboring uses while still furthering the overall development goals of the City. The proposed project "fits", both visually and in terms of use, massing and density, and properly addresses the goals and concerns identified by the City, residential neighbors, commercial neighbors and office neighbors.

To comply with the adjacent neighborhood, the building uses lap siding and stone for a majority of the exterior surface area. To relate to other successful City of Minnetonka projects, the project features a black metal top and polished black metal railings that lower the visual scale of the overall building. To differentiate the project and relate to the surrounding natural landscape, the exterior design features natural wood cedar soffits to create a chalet look and feel. The site design features a substantial "parking" in the visitor entrance along the west side of the project in front of the apartment building.

**Site Map**

**Project Team**

**Owner/Developer:**
Marsh Development, LLC
7803 Glenroy Road
Bloomington, MN 55349
Ph: 612-288-2000

**Contractor:**
Doran Construction, LLC
7803 Glenroy Road
Bloomington, MN 55349
Ph: 612-288-2000

**Architect:**
Doran Architects, LLC
7803 Glenroy Road
Bloomington, MN 55349
Ph: 952-288-2084

**Structural:**
BKBM Engineers
6120 Earle Brown Drive, Suite 700
Minneapolis, MN 55430
Ph: 763-843-0420

**Civil:**
Sambatek
12800 Whitewater Drive Suite 300
Minnetonka, MN 55343
Ph: 763-476-6010

**Landscape:**
Sambatek
12800 Whitewater Drive Suite 300
Minnetonka, MN 55343
Ph: 763-476-6010

**Sambatek
**

**Unit Count**

<table>
<thead>
<tr>
<th>Level</th>
<th>Studio</th>
<th>1 Bed</th>
<th>2 Bed</th>
<th>Townhome Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td>45</td>
<td>0</td>
<td>5</td>
<td>20</td>
</tr>
<tr>
<td>L2</td>
<td>15</td>
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<td>L3</td>
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<td>100</td>
</tr>
<tr>
<td>L4</td>
<td>15</td>
<td>25</td>
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<td>40</td>
</tr>
<tr>
<td>L5</td>
<td>10</td>
<td>15</td>
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<tr>
<td>GRAND TOTAL</td>
<td>115</td>
<td>100</td>
<td>20</td>
<td>235</td>
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**Total sf Per Floor:**

<table>
<thead>
<tr>
<th>Level</th>
<th>Total sf</th>
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<tbody>
<tr>
<td>L1</td>
<td>38994 sf</td>
</tr>
<tr>
<td>L2</td>
<td>42474 sf</td>
</tr>
<tr>
<td>L3</td>
<td>48713 sf</td>
</tr>
<tr>
<td>L4</td>
<td>42669 sf</td>
</tr>
<tr>
<td>L5</td>
<td>26875 sf</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>208247 sf</td>
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</tbody>
</table>

**Site Map**

**Number Sheet Name**
Fairfield Spur

**Contractor:**
Doran Construction, LLC
7803 Glenroy Road
Bloomington, MN 55349
Ph: 612-288-2000
### Area Schedule (GROSS SF - UNITS)

<table>
<thead>
<tr>
<th>Name</th>
<th>Area</th>
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<tbody>
<tr>
<td>1 BED</td>
<td>797 SF</td>
</tr>
<tr>
<td>2 BED</td>
<td>454 SF</td>
</tr>
<tr>
<td>ALCOVE</td>
<td>155 SF</td>
</tr>
<tr>
<td>COMMON</td>
<td>251 SF</td>
</tr>
<tr>
<td>PARKING</td>
<td>918 SF</td>
</tr>
<tr>
<td>STORAGE</td>
<td>274 SF</td>
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**Grand total**: 260 SF

### UNIT MIX

<table>
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<th>Name</th>
<th>Count</th>
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<tbody>
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<td>1 BED</td>
<td>106</td>
</tr>
<tr>
<td>2 BED</td>
<td>37</td>
</tr>
<tr>
<td>ALCOVE</td>
<td>24</td>
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</table>

**Grand total**: 167

### Area Schedule Per Floor (GROSS SF)

#### P1

- **COMMON**: 411 SF
- **PARKING**: 3612 SF
- **STAIR**: 25 SF

**Grand total**: 411 SF

#### L1

- **PARKING**: 36124 SF
- **STAIR**: 111 SF

**Grand total**: 36124 SF

### PARKING SCHEDULE

<table>
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<tr>
<td>8'-0&quot; x 18'-0&quot; Compact</td>
<td>13</td>
</tr>
<tr>
<td>9'-0&quot; x 18'-0&quot; Accessible</td>
<td>4</td>
</tr>
<tr>
<td>9'-0&quot; x 18'-0&quot; Standard</td>
<td>220</td>
</tr>
</tbody>
</table>

**Grand total**: 240
VIEW FROM FAIRFIELD AVE
LOOKING SOUTH ON FAIRFIELD AVE.
VIEW @ FAIRFIELD AVE & WAYZATA BLVD INTERSECTION
VIEW @ BUILDING ENTRANCE ON FAIRFIELD AVE.
VIEW LOOKING SOUTH OF FAIRFIELD, FROM TOWN HOME NEIGHBORHOOD
VIEW LOOKING WEST ALONG WAYZATA BLVD.
October 29, 2018

Minnetonka City Council
Julie Wischnack, Community Development Director, AICP
14600 Minnetonka Boulevard
Minnetonka, Minnesota 55345

Dear Council Members and Ms. Wischnack,

CSM Corporation is proud to support Doran Companies and its proposed redevelopment of the Marsh Run property immediately adjacent to West Ridge Market, which we developed in 1996 and continue to own and manage. Without a doubt, Doran’s proposal will fill a residential void in the area - and will help to complete our original vision for the site.

Some of you may not remember this fact, but CSM Corporation was involved in the original development of this entire neighborhood – including the West Ridge Townhomes, Bay Hill Condos, The Gables Condos, West Ridge Market and the trails that connect them all. We have always seen the dynamic interplay between retail and residential as key to the neighborhood’s success. When we developed the condos, we saw it as a first step toward greater density – and we are beyond pleased to see this plan for a luxury apartment community taking shape. It is fulfilling the vision we had more than 20 years ago to create a walkable, livable, accessible community within walking distance of groceries, restaurants and transit. Wayzata Blvd. is on a bus line and the site is also served by a Metro Transit Park and Ride facility just across 394 on Hopkins Crossroad.

We are aware that much of the City of Minnetonka’s focus has been on the residential development around Ridgedale Mall and the Opus areas. While we appreciate and agree with the City’s greater emphasis on increased density around commercial areas, your focus must expand to include other commercial nodes, such as West Ridge Market. In many ways, this area presents Minnetonka with the most walkable community - with an existing trail system connecting the residential and retail areas. We built this trail system over 20 years ago, continue to own and maintain it, and have already spoken with Doran Companies about the possibility that their residents, too, could make use of the trails. We have committed to work with Doran to work out the details regarding their use/maintenance of the trails.

Our portfolio currently includes more than 10.3 million square feet of commercial and retail space, 6,600 hotel rooms and 2,600 residential units across 14 states. We understand better than
most what it takes to ensure the long-term viability of commercial and retail spaces. This project proposed by Doran Companies is exactly what is missing at this site. We also want to add that CSM Corporation has tremendous confidence in Doran Companies and its team. In fact, we are partnering with this same team on two multi-family housing developments – The Expo in downtown Minneapolis and a new 77-unit apartment building at our Minnetonka Hills development. Doran Companies not only understands what works from a residential and commercial perspective, but there is no company more committed to or capable of delivering a high quality, luxury community for which people will literally move across the country. Thank you for your consideration and we are happy to answer any questions you have, should you wish to call us directly.

Sincerely,

John Ferrier
Vice President – Architecture
CSM Corporation
Dear City Council, Planning Commission, and Staff,

I’m writing as a partner in one of the two ownership groups involved in the selection of Doran Companies for the redevelopment of the current 2.5-acre Marsh Run II property.

Five years ago, it became apparent to Carpenter Land Company LLP that the small office market was no longer profitable for the office product represented by our Marsh Run east buildings. The market had changed with innovative new life/work space products attracting new millennial small business owners no longer interested in the 1980 amenities of multi levels, fixed walls, and non-ADA bathrooms. It took four years to re-work lease agreements and come to an understanding with adjacent property owners to prepare the entire 2.5 acres for redevelopment.

The projected growth of the Twin Cities regional area is no different than similar metropolitan areas, yet the Twin Cities has fallen decades behind other regional centers in providing for its housing needs. Twenty years ago, Carpenter Land Company LLP supported the CSM/Fairfield neighborhood redevelopment with its mid density, high density, and lower income housing by selling property into the development. This was a very controversial development at the time since long time single-family homeowners were required to give up their large lot, pre-suburban homes to provide higher density housing to meet the growing suburban needs of Minnetonka.

The current irony is that the latest Fairfield arrivals, who benefited most from the redevelopment sacrifices of others, are the ones most opposed to the new high-density apartment neighbors. It also begs the question; if high density luxury/affordable housing can’t meet city approval on a
site bounded on one side by 394, and commercial property on two other sides, where in Minnetonka will this type of housing meet approval?

The idea that the City might exact a better outcome by requiring the developer to further cut the number of units or amenities, or that land owners accept a below market price to emulate older properties not located in the 394 economic corridor, runs the risk of forcing this housing project to another city. It thereby delays redevelopment of the site or redirects development toward a non-housing product type. The consequences of this decision are two-fold; housing targets set by the Metropolitan Council for Minnetonka fall further behind, and business owners decide to demolish non-profitable buildings and the tax burden associated with them or postpone redevelopment by structuring short term leases with less desirable tenants.

The cities of Brooklyn Center, Brooklyn Park, Richfield, and the Interfaith Council filed a complaint with federal HUD agency in 2015 against the state of Minnesota under the Fair Housing Act. These cities objected to meeting the greater share of the metropolitan housing needs and the burdens it placed on their residents while wealthier cities failed to meet housing targets set by the Metropolitan Council. Today, wealthier cities continue to skirt housing responsibility since no penalties have been exacted. However, this practice is likely to end as penalties in the form of reallocation of state and county monies are considered.

Currently, the Minneapolis City Council is scheduled to vote on their 2040 Comprehensive Plan that calls for rezoning to allow fourplexes citywide and taller buildings along transit corridors. The rezoning will effectively remove the traditional neighborhood veto of denser housing types. The traditional wealthier neighborhoods, much like the wealthier cities, stand to lose, the long-held ability to drive new denser housing to less desirable neighborhoods.

By approving the Doran development, the Minnetonka Planning Commission and City Council recognize that the unity and vitality of the greater Metropolitan area comes first and signals that Minnetonka is willing to take responsibility for long overdue housing needs.

Sincerely,

Scott Carpenter
10/29/2018

Ashley Cauley
Senior Planner
City of Minnetonka

Dear City Council,

I am writing to express my support for the Doran Companies proposal for the Marsh Run II property in Minnetonka. I have a unique perspective as a member of one of the families with an ownership interest in the property that Doran seeks to purchase and develop—but it’s not for reasons you might imagine.

In 2009, I was president of the Minikahda Oaks Neighborhood Association when a national developer announced plans to build an apartment building on the corner of Excelsior Boulevard and France Avenue—just steps away from our home. Their 12 to 14 story architectural rendering with ‘views of downtown’ dwarfed our 78-home neighborhood of small bungalows.

Immediately, neighbors were expressing fears over the negative impact on our neighborhood and home values. I chaired countless meetings. We recognized that there had been declining commercial viability along the Excelsior Boulevard corridor and the need to redevelop, but we didn’t want more traffic, noise, and cars looking for parking in front of our houses and we certainly didn’t want the transience we assumed from apartment renters.

Thankfully the original developer and a subsequent developer went by the wayside. It took 3 years before a local developer came forward with the current Ellipse five story 190-unit luxury/affordable apartment building with street level retail. In a sense, our Fairfield neighbors have begun at a point with a development proposal that took the Minikahda Oaks neighborhood three years to achieve.

Even so, many of our concerns remained. France Avenue is the only entry point to our neighborhood and the street dead ends in the neighborhood. Northbound drivers, despite
signage, once raced into the neighborhood and around the blocks looking for a way out. The pedestrian safety situation was compounded by a lack of sidewalks.

The local developer, Bader Group, and St. Louis Park City Staff recognized and dealt with the problem by designing an entry monument in the center of the road effectively narrowing France Avenue. With additional signage, the long-standing traffic problem was solved. We worked with the developer to include additional landscaping and setbacks to buffer the 'impact' of the building. Now matured, the trees and shrubs have blended the building into the neighborhood.

It's been 10 years since completion of the Ellipse and many of our views about new apartment renters proved to be simply wrong. Our new neighbors are renters of all ages – from millennials to empty nesters and every age in between. The net effect of this development is that our neighborhood – and especially the commercial area adjacent to us – is more vibrant than ever. Home values have increased, not decreased as we had feared. Local businesses are thriving, and new ones have sprung up – including my daughter’s dog-walking business aimed at professional women with pets. We enjoy inviting friends over to our home and walking to Mill Valley Kitchen for dinner. We’ve become friends with new residents, who attend our quarterly neighborhood events and the annual National Night Out. I often meet friends in the lobby of the Ellipse for early morning runs. It’s safer on the trails around Bass Lake because there is more activity—more LIFE. The people at the Ellipse are friendly and engaged neighbors enjoying all that our community has to offer.

I was really impressed with the Doran tour of their newest Moline apartment in Hopkins. The attention given to art and architecture, family style amenities, and community gathering spaces make it a place I'd consider living. The plan that Doran Companies is putting forward for Minnetonka is of the highest caliber.

We are long-time business owners and future next-door neighbors, we care about this community and the future of Minnetonka. That is why we think Doran is the best developer for this site. Revitalizing a community is key to staying relevant and maintaining our property values. The redevelopment of this property will do just that.

Sincerely,

Louann Carpenter
Judd Carpenter  
4188 Heatherton Place  
Minnetonka, MN 55345  

10/29/2018  

Ashley Cauley  
Senior Planner  
City of Minnetonka  

Dear City of Minnetonka,  

I am writing to ask for your support of the Doran Companies’ proposed project at the Marsh Run II offices at the northeast corner of Wayzata Boulevard and Fairfield Road. Under this arrangement, I would sell my property at 11706 Wayzata Boulevard, Minnetonka, MN 55305 to Doran Companies, but I would retain ownership of the adjacent property – becoming Doran’s next-door neighbor.  

First, let me relay to you that I have been approached numerous times by developers wanting to purchase my land. From car dealerships to budget hotels and even large-scale office towers with structured parking ramps, there are plenty of people eyeing this property for future use – and use the site as it is currently zoned for. Doran’s project is the only one I have pursued and supported. Let me tell you why.  

As a Minnetonka resident and stakeholder in this specific area along the 394 Corridor since the early 1990s, I care about this neighborhood and its future. Anticipating a desire to eventually sell this property, I have met with elected officials and staff from the City numerous times over the past number of months. I wanted to know their goals for the future of the area and how this property and my adjacent office building could fit into that larger vision. I heard one overwhelming message: there is a strong desire for significantly more residential options and a serious need for this type of redevelopment.  

City officials I spoke with talked about increased density at the site as a way to make better use of the site’s connection points – both its proximity to transit and to a major interstate. They also expressed a desire for more walkability within this neighborhood. And, finally, they talked about attracting new residents to Minnetonka – including millennials and younger generations who may not otherwise be able to break into the market, lacking a sufficient down payment to secure financing on a traditional home.  

If you’ve followed development in the Twin Cities at all in the last 10 years, you know that Doran Companies has a strong reputation when it comes to developing luxury apartment communities. Before agreeing to sell my property to them, I personally toured their projects. They have deep
experience successfully developing in the western suburban communities like Edina, Hopkins and Maple Grove. I am confident that they will bring a great project to our City.

I have attended every city meeting since Doran began working on this project, and I have to say that I am surprised by the neighborhood opposition they have encountered. With each step in this process, I have seen them take a thoughtful approach to address concerns raised by the neighborhood and City officials. I have reviewed their revised project, and I think it is absolutely the right project for the site. They have made a number of significant compromises and I think they have been very creative in how they addressed the feedback they received along the way. I think the current configuration and design of the proposed project is very attractive and will be an outstanding addition to our neighborhood.

As you evaluate their proposal, please do not hesitate to reach out to me directly for input. I am happy to share my perspective or to answer any questions you may have.

Best regards,

Judd Carpenter
October 26, 2018

Dear Mayor and City Councilmembers,

I am writing today to express TwinWest Chamber’s support for the Doran Companies proposed multi-family development off Wayzata Boulevard in Minnetonka.

The City of Minnetonka is intensely focused on increasing density along the 394 Corridor. We see ourselves as your partner and champion in this effort. We often hear from our members that they want a strong retail environment that is integrated with a vibrant commercial and residential community. The project is a piece of that residential landscape that aligns with the overall goal of the community.

As we follow this development, we are excited at the opportunity this project creates for Minnetonka, this critical corridor and our entire West metro region. With access to the freeway, to transit, to nature and trails and to entertainment and food options, this really is an ideal location for additional residential units. This project that will attract new residents to our region which has multiple positive effects such as increased tax base, talent/workforce pipeline and increased discretionary spending.

With any development, the public input process is important, and through our conversations with Doran Companies, we know they understand the significant importance of listening so that they can create a project for which the community will be proud. They have demonstrated this commitment throughout the past several months and we are confident you will see this even further when they submit their final proposal later this year.

As you may know, our chamber has more than 700 members who employ more than 55,000 people in the Twin Cities. Our mission is simple: we want to be an active partner to promote growth and prosperity for our businesses, communities and the regional economy. And we know that key to the success of this mission is championing companies who are engaged in and connected to the communities where they do business. Doran Companies is one such company.

Not only are they a highly valued developer, they also contribute extensively to the community through their philanthropic contributions. They are heavily focused on supporting children across the Twin Cities. From sponsoring local community events to supporting Free Bikes 4 Kids, to the Ronald McDonald House, to efforts targeting the public-school systems of Hopkins, Edina and Minneapolis and charter schools like Hiawatha Academy, Doran Companies takes its commitment to the communities seriously.

Finally, the TwinWest Chamber strives for what is best for the residents and businesses within Minnetonka. We believe this project will be a boon to everyone and we are excited to see it move forward.

Respectfully,

Shannon Full
President/CEO
TwinWest Chamber of Commerce
Dear Minnetonka Planning Commissioners and City Council Members,

As one of the current owners of 11650 Wayzata Blvd., I am pleased to offer my support for the proposed multi-family luxury apartment complex by Doran Companies. I believe it is the right proposal for the site and I am eager to see it move forward.

I have owned the property with my two partners for 15 years. As office space in the Twin Cities has recorded high vacancy rates in recent years, so have the buildings in this area. In this challenging environment, it has been difficult to find qualified, responsible tenants.

The current building on the property has been challenged by both its age and unforeseen incidents. It is over 30 years old and is reaching the end of its life. This aging process was accelerated earlier this year when we experienced a significant flood at the building as a result of a broken pipe in the street. We made some preliminary repairs, but we are currently in a dispute regarding insurance coverage, which has forced us to put additional needed repairs on hold. Our existing tenants are unhappy, and some have abated their rent payments. With the additional upgrades needed to attract new tenants (new roof, parking lot repairs), plus the burden of dealing with the flood, I am very concerned that the long-term viability of the building will continue to decrease. The time for the property to be redeveloped is now.

While we are grateful for the tenants we currently have, with a lack of full occupancy, our property – like any other – can become prey to unwanted activity. Non-permitted cars have routinely parked in our parking lot at night. Additionally, people regularly use our waste bins to dump their excess trash. While I have resorted to putting up surveillance cameras on the property to better monitor activity – particularly after hours – these sorts of nuisance activities are difficult to prevent absent more residents and active spaces creating a healthier community overall.

To have a qualified buyer for our property who is an expert in redevelopment is a tremendous opportunity for this community to give this property a higher use. I have absolute faith and confidence in Doran Companies and know they will be exceptional stewards of this property. As they have done in many other parts of the Twin Cities, their project will also be the spark needed to revitalize a corridor not currently living up to its full potential.

Respectfully,

Pat Martyn,
Partner, KMP
B. Concept plan for Marsh Run redevelopment at 11650 and 11706 Wayzata Blvd.

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

Cauley reported. Staff recommends commissioners provide comments and feedback on the identified key issues and any other issues commissioners deem appropriate. The discussion is intended to assist the developer with future direction that may lead to the preparation of more detailed development plans.

Anne Behrendt, chief operating officer at Doran Companies, applicant, introduced Ben Lindau, chief concept architect for the project, and Cody Dietrich, senior development associate. Ms. Behrendt stated that:

- Doran Companies has its development team in house. There are 30 architects on staff. Doran Companies constructs and manages all of its projects. In order to do high-quality projects, Doran Companies controls the whole process.
- Amenities are used to create a sense of community.
- Tony Kuechle was not able to attend the meeting, but he will be the main point of contact person in the future.
- The project is a high-density, residential, six-story apartment building. It would be built on a concrete podium with five stories of wood-frame construction.
- The proposal would very likely have an affordable housing component. The details are being worked out with staff. There would need to be 230 units in order to make the project work economically and have the amenities to make this type of project work.
- The amenity deck would be located on the podium level. She provided an example of a similar building on Interstate 394.
- There would be a number of direct-entry townhomes that would walk out to the street. She provided an example of a project done in Minneapolis, Mill and Main, that has the amenity podium and town homes that walk out to the street.
- The buildings would have important touches that make the buildings stand apart such as having all solid-wood doors, insulation in every wall of the building, ceiling fans in every bedroom, dimmer switches in the kitchens, and acoustical design. There would be a dog run on the property and DNA testing to enforce disposal rules if needed.
- There would be a pool deck, business center, and spa room.
- She provided an example of a building Doran built in Hopkins, The Moline, with similar massing. The applicant would like to host an open house at The Moline.
- The building would contain entertainment suites.
- There would be two entrances. One off of Fairfield Road and one off of Wayzata Blvd.
Mr. Lindau stated that:

- The applicant will work with staff and commissioners to make a vibrant place to live.
- The proposal would be a 230-unit, high-density residential building right on the Interstate 394 corridor. There would be walk-out townhomes to provide a transition and keep the street safe and active.
- Restaurants and other amenities would be within a walkable distance.
- The proposal would be five stories of apartments on top of one story of parking garage. The garage would be adjacent to the residents.
- There would be numerous plantings and landscaping.
- He provided a townhome street scape. Most of the tree buffer would be preserved and deciduous and coniferous trees would be added.

Ms. Behrendt stated that a neighborhood meeting was held the prior evening. A lot of comments related to the mass of the building and how it would relate to the neighboring buildings were provided. There would be 109 feet from building face to building face. The townhomes would be about 63 feet away from each other. The building would be 73 feet in height. The height of The Bay Hill condominiums building is 65 feet. The distance from The Bay Hill condominium building to the nearest townhome is about 65 feet. The proposal wants to make sure to provide an adequate buffer for the townhomes. One hundred and nine feet and mature trees is a good start. Right now the view is a parking lot of a commercial building. Neighbors suggested a fence which the applicant would do if that is what the neighbors want. The area needs definition and direction. The proposal is in line with what exists. She is available for questions.

Sewall asked if there would be parking and a sidewalk on the north side. Ms. Behrendt answered in the affirmative. There would be 30 surface parking spaces. The vast majority of the parking would be underground.

Knight asked how far the shadow of the proposed building would extend. Ms. Behrendt provided the results of a shadow study. The building would provide a buffer to noise and visibility to Interstate 394.

Laura Cohen, 798 Fairfield Circle, stated that:

- She saw a posted comment that said that the development in Minneapolis, Mill and Main, had staff change three times, amenity areas were crowded in the summer, and it has a fraternity feel.
- Another posted comment for The Bridges said that it is the “worst place” and loud 24/7.
- She was concerned that residents would bring additional people into the low-key, residential area and create noise.
• She was concerned that the 230 residents of the proposed building would go onto the neighboring properties and cause damage from vehicles and dogs. Her association fees would have to pay for the upkeep.
• She left the traffic aspect to the experts.
• Drivers now travel on the private roads which are maintained with association dues. Parking is limited for guests.
• The current office building is lovely and blends in with nature. The landscaping is beautiful. The office building hours are different than the peak driving times for residents and no one is there on the weekends.
• She opposed the zoning change.
• She invited commissioners to visit the site. She would provide a tour.
• She was concerned this would not be the right project.

Don Knox, 921 Fairfield Way, stated that:

• Surrounding buildings have similar exteriors that incorporate stone accents. He found the proposed building a fit for the uptown area, but not a suburban area. It would be a stark contrast to the surrounding townhomes.
• The buildings would be too large for the space.
• He provided a letter that is in the agenda packet.
• Cohen did a good job of covering the issues including noise.
• He was concerned what would happen to the property values.
• He requested that the size and architecture be looked at.

Carrie Martin, 1004 Fairfield Spur, stated that:

• She provided pictures of the office building. It is a quiet area. She does not want to see more people than the three she usually sees when she goes for a walk.
• The proposed building would be a monstrosity viewed from her bedroom window.
• She was concerned vehicles would use her driveway to turn around. There are only two guest parking stalls on her street.
• The pine trees block the view of a one-story structure, but a forest would be needed to block a six-story structure.
• She was concerned with snow removal.
• She did not want a shadow on her house in the winter.
• The proposal would have balconies and cause a privacy issue.

Andrew Jackson, 1012 Fairfield Spur, stated that:

• There would be 230 units, not just 230 people. This is a quiet, residential neighborhood.
• The six-story building would be too close.
He was afraid for his property value.
The proposed building would fit in uptown, not the proposed location.
He likes the sunlight in the winter.
There would be three accesses. Two for the underground parking and one for the ground-level parking on the north side.
The residents of the proposed building would look into his townhouse.

Calla Beal, 1000 Fairfield Square, stated that:

- Her bedroom and deck would face the residents of the proposed building looking right at her. It would be devastating.
- She does not want to look at the apartment building.
- It is quiet on the weekends and in the evenings.
- She does not care about the amenities. She cares what it would do to the community. Everybody in the community loves it there.
- She has real concerns.

Daryl Ansel, resident of Bay Hill Condominiums, stated that:

- Fairfield Road is very narrow. He questioned how the overflow parking would be handled.
- The bridge completion caused an increase in traffic on Wayzata Blvd.
- The success of the Westridge parking center is terrific, but motorists block Hopkins Crossroad. The proposal would cause a traffic problem on the frontage road.

Bill Kottner, 11460 Fairfield Road, stated that:

- He was concerned with noise after 10 p.m., broken beer bottles, and people congregating at the pool.
- The traffic is already bad in the Hopkins Crossroad area.
- He questioned what would happen to the property values.

Pam Lewis, 980 Fairfield Court, stated that:

- She was concerned with the impact on the protected wetland.
- This feels like urban slam instead of urban creep.
- The neighborhood is lovely. The building would be monstrous. There are four-story condominium buildings. This would be six and look like a hotel.
- Traffic is already crowded.
- There are limited restaurants and amenities.
- There is a small park.
- There would be no restriction on the number of residents living in each unit.
- She is terrified. She values the quiet.
Enid Uhlhorn, 907 Fairfield Way, stated that:

- The concept does not fit the neighborhood. It would be too massive for
  the site. She described the wildlife in the suburban area.
- Traffic traveling on Fairfield Road goes too fast.
- There would be a lot more people using the walkway to the shopping
  area.

Karen Dahlman, Fairfield Way, stated that:

- She questioned if a study supports the traffic considerations.
- The six-story height would change the look of the neighborhood.
- She was concerned with the property values.
- She was concerned with construction noise and noise created by
  additional people and garbage haulers. She recommended adding a
  condition that would require the applicant to financially compensate the
  residents every time a delivery service or garbage hauler made noise
  prior to 7 a.m.
- She appreciated the opportunity to speak.

Wischnack explained that the noise ordinance allows garbage haulers and snow plowers to begin operating at 6 a.m. and noise is allowed starting at 7 a.m.

Lois Joseph, 11472 Fairfield Road, stated that:

- The proposal would dwarf everything in the area.
- The project would be “unnecessary” to be located on the corner of a quiet
  residential street.
- The project would be inappropriate. It would belong in the North Loop or
  Uptown.
- The area is now quiet and pristine. The building does not belong in the
  city.

Bob Uhlhorn, 907 Fairfield Way, stated that:

- He walks in the area. Residents of the proposal would walk through the
  surrounding property to reach Trader Joes and Dick’s Sporting Goods.
- He questioned how the applicant calculated the economic return.
- The site is too small for the proposed building.
- The surrounding property values would go down and there would be
  assessments to pay for the increase in traffic.

No one else chose to speak.
Chair Kirk asked staff about The Moline building in Hopkins. Gordon stated that it filled a housing need in Hopkins that was not previously filled.

Cauley clarified that Fairfield Road is a public street. Fairfield Circle and Fairfield Way are private streets. Staff will create a map illustrating the public amenities including trails in the area.

Wischnack will provide the results of the housing study to anyone who would like to see it. There are only so many locations for the city to utilize diversified housing types.

Sewall asked staff to address the correlation between new development and property values. Cauley explained that assessing staff conducted a study and found that there is no evidence of a decrease in value of surrounding properties of new apartment buildings. Property values have decreased when a commercial site redevelops into another commercial use due to an automatic devaluation assuming that the new commercial use would be more intense.

Knight noted that the residents of the Fairfield area love it as it is. He did not see a single swimming pool or exercise room. The area is packed. He suggested adding more townhomes. He has been in The Moline and it is a really nice place to live.

Henry noted that the location near Interstate 394 is an attractive site for high-density development. He saw a disconnect between the existing townhouses and proposed six-story building.

Chair Kirk felt that development is inevitable. The question is to what scale. It would be unrealistic to think that a new building would match 20-year old architecture. The existing architecture is pleasant and should be recognized. Even though the building would be located on Interstate 394, it would not have to have an urban vibe. The fact that a sun-angle study was completed tells him that the building would be too big for the neighboring uses. It would not be too big for the retail store to the east or Interstate 394, but it would be too big for the neighbors on the north. The complex would need to step from potentially high density on the south to low density on the north in order to keep the character of the neighborhood. It would be a mistake to locate parking on the north. The guest parking should be the easiest to find. There is an expectation that the view from the existing townhomes would change.

Powers concurred with Chair Kirk. The project would create confusion that does not exist now. The area will grow and change. No one would want to tolerate the shadowing. There is a limit to accepting change. The project would not create clarity. A zoning change needs to be done deliberately.

Sewall stated that Doran does a nice job constructing buildings. He has been in several and found the quality top notch. The building would have no transition or have any unity with the neighborhood. He agreed that locating a parking area on the north side would be a mistake. The parking area should be on the south side. Housing would be an appropriate land use. A pitched roof would be better. If he lived in the proposed building,
he would take Fairfield instead of Wayzata Blvd. because it would be faster. His biggest challenge is with the density and proximity. Six months of shadow would not be reasonable at all. A view is not guaranteed, but casting a shadow over a townhouse for six months would be unreasonable. Stepping the building back farther from the north to the south would be a way to improve the plan. He supports higher-density housing, but not this dense and not located so close to the neighbors on the north.

Chair Kirk noted that Doran is a great developer. The city council may have a different reaction to the concept plan. It is logical that the property be redeveloped. He supports housing, but it would be unreasonable to expect townhouses to extend all the way to Interstate 394. He appreciated everyone’s patience.

Cauley explained how the project may be followed on the project page on eminnetonka.com. This item is scheduled to be reviewed by the city council at its meeting on Aug. 27, 2018.

10. Adjournment

*Sewall moved, second by Powers, to adjourn the meeting at 10:45 p.m. Motion carried unanimously.*

By: ____________________________  
Lois T. Mason  
Planning Secretary
Notification Area
Ordinance No. 2018-

An ordinance rezoning the properties at 11650 and 11706 Wayzata Blvd from Planned I394 District to Planned Unit Development and adopting the master development plan

The City Of Minnetonka Ordains:

Section 1.

1.01 The subject properties located at 11650 and 11706 Wayzata Blvd are hereby rezoned from Planned I394 District (PID) to Planned Unit Development (PUD).

1.02 The properties are legally described on Exhibit A

Section 2.

2.01 This action is based on the following findings:

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on ____________, 2018.

Brad Wiersum, Mayor
Attest:

David E. Maeda, City Clerk
Action on this ordinance:

Date of introduction: Nov. 5, 2018
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 true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on ______________, 2018.

__________________________
David E. Maeda, City Clerk
Exhibit A

11650 Wayzata Boulevard

Parcel 1: Lot 5, Block 1, Marsh Run 2nd Addition, Hennepin County, Minnesota.

Parcel 2: Lot 16, Block 2, Boulevard Gardens, Hennepin County, Minnesota, except that part thereof embraced within the plat of Marsh Run Two 2nd Addition.

(Torrens property/ Certificate No. 1127072)

11706 Wayzata Boulevard:

The real property located in Hennepin County, Minnesota, and legally described as follows:

Part 1: Lots 1 to 6 inclusive, Block 1, Marsh Run Two; and that part of U.S. Highway No. 12 dedicated by the plat of Marsh Run Two.

Part 2: Lots 1 to 4 inclusive, Block 1, Marsh Run Two 2nd Addition; and that part of U.S. Highway No. 12 by the plat of Marsh Run Two 2nd Addition.

(Torrens Property – PART OF Certificate of Title No. 781405)
City Council Agenda Item #13A
Meeting of Nov. 5, 2018

**Brief Description**
On-sale intoxicating liquor license for Olive Garden Holdings, LLC, at 11390 Wayzata Blvd.

**Recommendation**
Continue the public hearing from Oct. 8, 2018 and grant the licenses

**Background**

The city has received a liquor license application from Olive Garden Holdings, LLC for an on-sale & Sunday on-sale intoxicating liquor license for a new restaurant. Olive Garden will redevelop the site of the current Avenida restaurant. The plans include removing the existing restaurant building in order to construct a new restaurant. The plans also include parking lot and landscaping improvements around the new building. The planning commission approved the requested site and building plans (no council review required) on Oct. 18, 2018.

**Business Ownership**

Olive Garden Holdings, LLC has a sole member GMRI, Inc. which operates as a subsidiary of the publically traded parent company Darden Restaurants, Inc. The applicant has provided the minutes certifying the officers of the company.

**Business Operations**

The restaurant will be approximately 7,800 square feet and will be built on the former Avenida site near 394 and Hopkins Crossroad. The proposal anticipates seating for 255 indoor guests. The restaurant will be open the following hours:

- Sunday – Thursday: 11 a.m. - 10 p.m.
- Friday - Saturday: 11 a.m. – 11 p.m.

Projected food to liquor ratio will be 90% food and 10% alcohol.

The general manager has not been hired at this time, but will be required to complete the police background check as required by city ordinance.

Staff will receive in-house alcohol training for alcohol service to ensure no issues occur (see business plan).

**Applicant Information**

The application information has been submitted. Staff will ensure all required licensing fees will be paid prior to the projected opening in October 2019. The police department’s investigative report on this application will be forwarded to the council prior to the continued public hearing.
Recommendation

Staff recommends that the city council continue the public hearing from Oct. 8, 2018 and grant the licenses.

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

Originated by:
   Karen Telega, Community Development Assistant
Location Map

Project: Olive Garden
Address: 11390 Wayzata Blvd
BUSINESS PLAN

APPLICANT: Olive Garden Holdings, LLC

SOLE MEMBER: GMRI, Inc.

PARENT COMPANY: Darden Restaurants, Inc., whose stock is publicly traded on the New York Stock Exchange

LICENSE FILED FOR: On-Sale & Sunday On-Sale Intoxicating

PROPERTY LEASED FROM: CSM West Ridge, Inc.

SEATING: 255 seats

SQUARE FOOTAGE: 7,794 square foot restaurant

PROPOSED OPENING DATE: approximately 10/7/19

EMPLOYEES: Approximately 100

HOURS OF OPERATION: Sunday – Thursday – 11 a.m. to 10 p.m.
                  Friday & Saturday – 11 a.m. to 11 p.m.

PROJECTED REVENUE: 90% Food, 10% Alcohol

IN-HOUSE ALCOHOL TRAINING PROGRAM: Olive Garden has an extensive alcohol awareness training program which addresses the following:

- Proper carding procedures (must card anyone who appears to be under the age of 30
- Acceptable ID’s
- Spotting the Fakes
- Signs of Intoxication
- Preventive Measures
- Guidelines for Dealing with an intoxicated guest
- Employee is tested and signs acknowledgment of training policy
City Council Agenda Item #14A  
Meeting of Nov. 5, 2018

**Brief Description**  
Ordinance repealing and replacing City Code 325, Sign Regulations

**Recommendation**  
Repeal City Code 325, Sign Regulations (Exhibit A) and replace it with the proposed ordinance (Exhibit B)

**Background**  
Staff is proposing the second update in a two-phase update to the sign ordinance. The first phase brought the ordinance into compliance with a 2015 United States Supreme Court ruling on content-neutrality. The second phase addresses broader regulatory issues in the ordinance by making it more consistent with current industry trends/standards and providing more flexibility within the ordinance.

**Feedback and Outreach**  
Staff presented an overview of a draft of Phase 2 updates to the city council during an October 2017 study session. The council was generally supportive of the proposed revisions. Following the study session, outreach to the sign industry was conducted. The draft was provided to six sign contractors that regularly do work in the city. Two contractors provided responses. Below are excerpts from those respondents:

- “I have looked this over and I like the changes. It will make signs in Minnetonka much more impactful and beneficial for the community and the business owner. Thanks for taking a progressive stance and being willing to change as the needs of the community change. It is refreshing to see.”

- “…thank you for the opportunity to review and comment on the proposed sign ordinance draft. We do welcome changes to sign ordinances that make them more user friendly and reflective of the needs of businesses and residents. That said, while we see some positive changes in the draft you sent we also believe that Minnetonka will remain one of the more challenging cities in which to obtain sign permit approval.”

Staff introduced the proposed ordinance at the Oct. 8, 2018 city council meeting. The council referred the proposed repeal and replacement of the ordinance to the planning commission.

**Planning Commission review**  
The planning commission reviewed the proposed sign ordinance at its Oct. 18, 2018 meeting. The planning commission asked clarifying questions regarding the proposed sign ordinance, but did not recommend any changes. The commission unanimously recommended the council adopt the ordinance on a 4-0 vote. (See attached for minutes).
Since the Planning Commission review

Staff is suggesting a minor clarifying amendment to the ordinance as recommended by the planning commission. In section 2, “updated” would be substituted for “replaced.”

Recommendation

Repeal the existing sign ordinance and adopt the attached ordinance.

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

 Originated by:
  Drew Ingvalson, Planner
Ordinance No. 2018-

An Ordinance amending the city's sign regulations; repealing and replacing section 325 of the Minnetonka City Code

The City of Minnetonka Ordains:

Section 1. Section 325 of the Minnetonka City Code, a copy of which is attached as Exhibit A, is repealed.

Section 2. The Minnetonka City Code is updated by adding a new section 325, in the form of the attached Exhibit B.

Section 3. This ordinance is effective on the date of its adoption.

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

Brad Wiersum, Mayor

Attest:

David E. Maeda, City Clerk

Action on this Ordinance:

Date of introduction: Oct. 8, 2018
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 true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on ________________.

David E. Maeda, City Clerk
Exhibit A
Existing Sign Ordinance
SECTION 325. SIGN REGULATIONS

SECTION 325.01 PURPOSE AND FINDINGS

1. Purpose. The sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the city's goals by authorizing:
   a) permanent signs that establish a high standard of aesthetics;
   b) signs that are compatible with their surroundings;
   c) signs that are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
   d) signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
   e) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
   f) permanent signs that give preference to the on-premise owner or occupant; and
   g) temporary commercial signs and advertising displays that provide an opportunity for grand openings and occasional sales events while restricting signs that create continuous visual clutter and hazards at public right-of-way intersections.

2. Findings. The city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:
   a) permanent and temporary signs have a direct impact on and relationship to the image of the community;
   b) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;
   c) an opportunity for viable identification of community businesses and institutions must be established;
   d) the safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
   e) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;
f) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
g) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
h) commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and
i) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.

3. Severability. Every section, subdivision, clause or phrase of this section 325 is declared separable from every other section, subdivision, clause or phrase. If any such part is held to be invalid by competent authority, no other part shall be invalidated by such action or decision.

SECTION 325.02. DEFINITIONS.
1. “Commercial sign” - any sign that advertises or identifies a product, business, service, entertainment, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.
2. “Copy and graphic” - the wording and other display messages such as logos or symbols on a sign.
3. “Copy and graphic area” - the area in square feet of the smallest four-sided figure which encloses the copy and graphic of a sign.
4. “Dynamic display” - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.
5. “Freestanding sign” - a sign which is self-supporting and affixed to a frame structure not attached to a building.
6. “Illumination, internal” - a light source within the sign.
7. “Illumination, external” - a light source which is not internal to the sign.
8. “Items of information” - individual copy and graphic items situated in a manner which presents separate messages. An item of information can only be a name, an address, a logo, or geographic directions.

9. “Limited tenant building” - a commercial retail establishment or a group of commercial retail establishments with the designed occupancy of three or less tenants. It must have shared parking and a visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity. This includes single tenant retail structures.

10. “Merchandise box” - a sign which is affixed on or located adjacent to a gas pump and used to advertise services and goods.

11. “Monument sign” - a sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is 50% or more of the greatest width of the sign.

12. “Multi-tenant center” - a group of commercial retail establishments with a designed occupancy of four or more tenants with shared parking and visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity.

13. “Non-commercial sign” - any sign that is not a commercial sign, including but not limited to signs that convey messages concerning political, religious, social, ideological, public service and informational topics.

14. “On-premise sign” - a sign relating in its subject matter to, or which directs attention to, a business, person, activity, commodity, service or entertainment located on the site where the sign is installed.

15. “Off-premise sign” - a sign relating in its subject matter to, or that directs attention to, a business, person, activity, commodity, service, entertainment or any other matter that is not available, or does not take place, on the same premises as the sign. A discontinued sign is an off-premise sign.


17. “Permanent sign” - any sign other than a temporary sign.

18. “Portable sign” - a sign with or without copy and graphic that is designed or intended to be moved or transported. Examples of portable signs are: A - or T - frame signs; sandwich signs; signs designed to be transported by trailer or on wheels; signs mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business. A sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign.

19. “Private road open to public travel” has the meaning given that term under the Manual of Uniform Traffic Control Devices.

20. “Pylon sign” - a sign supported by a post or posts so that the sign and supports are finished to grade by encasing the posts in a material consistent with the sign
and where the base width dimension is a minimum of 10% up to and including 50% of the greatest width of the sign.

21. **“Sign”** - any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include: the terms “building” or “landscaping”, or any architectural embellishment of a building not intended to communicate information; works of art that do not convey commercial messages and that are painted on a building wall; flags that do not convey commercial messages; or any sign structure or device that is not visible from an adjacent street, property line or building on adjacent property.

22. **“Temporary sign”** - a sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended to be displayed for a limited period of time. This includes items such as banners, pennants, beacons, sandwich or curb signs, balloons or other air or gas filled figures.

23. **“Wall sign”** - a single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall.

### SECTION 325.03. CITATION; ADMINISTRATION AND ENFORCEMENT.

1. **Citation.**
   This section 325 may be cited as the Minnetonka Sign Ordinance.

2. **Administration and enforcement.**
   Administration and enforcement of this section 325 is governed by section 300.03.

### SECTION 325.04. PERMITS, PROCEDURE AND VARIANCES.

3. **Permit not required.**

   The following signs do not require a permit but must meet the regulations in this section:

   a) Signs required or allowed by section 325.05, subd. 3.
   b) Temporary signs in residential districts as allowed by section 325.06, subd. 1(d)(1).

4. **Permit required.**

   a) No person may erect or install any of the following signs without first obtaining a permit from the community development director or designee:
b) All permanent signs permitted in section 325.06 require a sign permit. The permit must be received prior to installation of the sign. The permit and inspection fee for all permanent signs is specified in city code section 710.

   c) All temporary signs permitted in section 325.06, subdivision 8 require a temporary sign permit. The permit and inspection fee for permitted signs, banners, search lights, or inflatable advertising devices is specified in city code section 710.

5. Permit procedure.

   a) Application for a permit must be on a form provided by the city and must include the following information:

      1) name and address of the owner of the sign;
      2) street address or location of the property on which the sign is to be located, along with the name and address of the property owner;
      3) the type of sign as defined in this section;
      4) site plan showing the location of the proposed sign;
      5) specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign;
      6) plan showing the location and size of all existing signs located on the same premises upon city request;
      7) name of licensed electrician who will make the final connection of an illuminated sign; and
      8) sign permit fee as specified in city code section 710.

   b) The community development director or designee must approve or deny a sign permit application within 10 days after a complete application is submitted. A decision must be made in writing and must be mailed or electronically delivered to the applicant at the address or email address provided in the application. If a permit is denied, the reason must be stated in writing.

   c) An applicant may appeal a denial by submitting a request in writing within 10 days after the decision was mailed or electronically delivered. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.
6. **Variance.**

A variance from the regulations in this section requires a separate application, according to the procedures in section 300.07 of this code. The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.

7. **Permit expiration.**

A sign permit becomes null and void if the sign is not installed within 180 days after issuance of the permit, and a new application must be submitted.

**SECTION 325.05 GENERAL REGULATIONS.**

1. **Scope.** The regulations in this section 325.05 apply to signs in all zoning districts.

2. **Prohibited Signs.**
   a) Signs are prohibited in all districts unless authorized under this section 325.
   b) Portable signs are prohibited in all districts, except for temporary traffic control devices in temporary traffic control zones as required by the Manual on Uniform Traffic Control Devices.
   c) Signs designed to resemble official traffic control devices are prohibited in all districts, except signs that are used to control traffic on private property.
   d) abandoned signs;
   e) blank signs;
   f) merchandise boxes or signs not affixed to a principal structure excluding signs permitted in subdivision 8(d);
   g) permanent off-premises signs are not permitted in any zoning district.

3. **Permitted signs.**
   The following signs are required or permitted in every zoning district:
   a) The owner of any property with an assigned street address must mark its property with the street address numerals, so that emergency services providers can easily identify the address from the public street. The identification may be on the curb or on the principal building of the property. The size and location of the identifying numerals must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, or where the building is located more than 150 feet from the public street, the identifier must be located on the mailbox or other suitable device that is visible from the street.
b) Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state.

c) Permanent and temporary signs required by law or ordinance for regulatory/notification purposes.

d) Permanent freestanding signs are permitted on properties with more than 20 parking spaces, provided the signs comply with the requirements in Table 325.1:

<table>
<thead>
<tr>
<th>Maximum sign area</th>
<th>7 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum height</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Location requirement</td>
<td>Within 5 feet of drive aisles in parking lots and located in proximity to the change in direction.</td>
</tr>
<tr>
<td>Numerical limit</td>
<td>1 sign for each 60 degree change in direction of the drive isle.</td>
</tr>
</tbody>
</table>

e) Temporary off-premise commercial signs are permitted in all districts, provided the signs comply with the following:

1) must be at least 5 feet from the edge of a public street and must not obstruct driver visibility at intersections;
2) may not be on the right-of-way of county and state roads and municipal state-aid streets;
3) are limited to one per parcel of property as defined in subdivision 9 below for the same topic, location, event, or matter;
4) may only be displayed between 6:00 a.m. on a Thursday and 6:00 p.m. on the following Sunday; and
5) must be no larger than 3 square feet in area and no higher than 6 feet above the ground to which it is attached.

f) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.

4. Location requirements.

a) Signs may not be located on property without the permission of the property owner. For signs located in public right-of-way as allowed under subdivision 3(e)
of this section 325.05, the permission of the immediately adjacent property owner must be obtained.

b) Unless specifically noted otherwise, all signs must maintain a 10 foot setback from all lot lines. The city may require a greater or lesser setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.

c) Signs may not be mounted on a roof surface and may not project above the roof line of a structure if either attached to the structure or cantilevered over the structure.

d) Signs may not be attached to trees or utility poles.

e) Signs may not be located within public right-of-way except for official traffic control devices and those allowed by section 3(e) of this section 325.05;

f) Signs attached to fences;

g) Signs may not be located so as to obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets in a manner that presents a hazard to public safety;

h) Signs may not be located so as to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any structure;

5. **Approved sign plans.**
The city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.

6. **Changeable messages.**
A message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.

7. **Font size.**
Every line of copy and graphics in a sign must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more.

8. **Sign illumination.**
   a) All illuminated signs must meet the following standards:
      1) External illumination on signs must be directed so that the illumination does not interfere with safe traffic operations;
2) Externally illuminated signs must not be directly oriented to any residential district;
3) No sign may be brighter than is necessary for clear and adequate visibility.
4) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
5) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

b) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:
1) After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within 10 days after the city's non-compliance notice. The written appeal must include the name of a person unrelated to the person and business making the appeal, who will serve on the appeal panel.
2) Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the sign owner's representative, and the two of them must appoint a third member to the panel, who has no relationship to either party.
3) The appeal panel may develop its own rules of procedure, but it must hold a hearing within five business days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony, and the panel may hold the hearing, or a portion of it, at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards within five business days after the hearing commences. The decision will be binding on both parties.

c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

9. **Outdoor advertising displays.**
Outdoor advertising signs which exist as of March 13, 1991 are nonconforming signs. A permanent outdoor advertising sign is a principal use of property. No permitted or conditionally permitted use or any part of such use may be located on the same parcel of property as such a sign. The parcel on which such a sign is located may not be subdivided to segregate the sign from the remaining property. For the purposes of this paragraph, “parcel of property” means any property for which one property identification number has been issued by the county, or all contiguous property in common ownership as of October 15, 1997, whichever is greater.

10. Dynamic Displays.
   a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign’s ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.
A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:
1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;
2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;
3) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;
4) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;
5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;
6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped
with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance;

7) Dynamic displays must comply with the brightness standards contained in subdivision 15;

8) Dynamic displays existing on June 25, 2007 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming development subject to section 300.29. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.

c) Incentives. Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.

1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:

(a) The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.

(b) The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.

(c) Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:
1) The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;

2) All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;

3) The removed sign is located in a noncommercial zoning district;

4) The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or

5) The removed copy and graphic area is equal to or or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.

(d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.

(e) The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.

2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.

11. **Sign construction and maintenance.**
   All signs must conform to the following standards.
   a) Construction specifications. All permanent signs must be constructed in accordance with the following:
      1) the Minnesota state building code;
      2) all electric signs must be approved and labeled as conforming to the standards of the Underwriters' Laboratories, Inc., the United States bureau of standards or other similar institutions of recognized standing. All illuminating elements must be kept in satisfactory working condition or immediately repaired or replaced. Signs that are partly illuminated must meet all electrical requirements for the portion that is illuminated;
3) all permanent freestanding signs must have self-supporting structures erected on and permanently attached to concrete foundations;
4) for wall signs, the wall must be designed for and have sufficient strength to support the sign;
5) wall signs must be mounted parallel to the building and may not project more than 18 inches from the face of the building;
6) signs may not be painted on the wall of a building;
7) Unless otherwise specified in this section, the maximum angle permitted between faces of a double face freestanding sign is 45 degrees; and
8) signs must be constructed to withstand the following wind loads:
   (a) for solid signs, 30 pounds per square foot on one face of the sign; and
   (b) for other signs, 36 pounds per square foot of the total face area of the letters and other sign surface, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

b) Sign maintenance and repair. All signs must be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for distance of 10 feet must be neatly trimmed and free of weeds. Rubbish or debris under or near the sign that would constitute a fire or health hazard must be removed.

12. **Removal of Abandoned Signs, Signs in Disrepair and Signs Located in Public Right-of-Way.**
   a) Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days after notification. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance by following the procedure as specified in section 1120.045 of the municipal code of ordinances. If an abandoned sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of one year.

   b) Signs on public property or within public right-of-way: The city may at any time and without notice impound signs which have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:
      1) a fee must be paid to the city as established in city code section 710. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;
2) the sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and
3) the city may not be held liable for any damage to impounded signs.

13. **Nonconforming Signs.**
Any sign that complied with all applicable laws and ordinances at that time that it was erected but that has been or is made nonconforming due to a subsequently enacted amendment of this city code is governed by section 300.29.

**SECTION 325.06. DISTRICT REGULATIONS.**

1. **Residential Districts.**
Within residential zoning districts, signs are permitted as provided in this subsection. Except as expressly permitted in this subsection, commercial signs are not allowed:
   a) Permanent wall signs:
      1) for each single family or multi-family residential structure, one wall sign not to exceed 2 square feet in area;
      2) for each educational, religious, public or private institution, or nursing home property one wall mounted sign that complies with the requirements in Table 325.5:
   b) Permanent monument signs:
      1) Low density residential: or each single family subdivision containing at least 6 lots and each two family subdivision containing a potential for at least 12 dwellings, one or two monument style signs, provided the signs meet the requirements in Table 325.5. A neighborhood or homeowner’s association must be responsible for perpetual maintenance of the sign.
      2) Medium and high density residential: for each medium or high density residential development, one or two monument style signs, provided the signs meet the requirements in Table 325.5. The sign must be perpetually maintained by a homeowner’s association or responsible property owners.
      3) Educational, religious and public institution signs: for each educational, religious, public or private institution, and nursing home property, one monument sign, provided it complies with the requirements in Table 325.5.
      4) Public and private parks: for each public or private park property, one monument sign, provided it complies with the requirements in Table 325.5
   c) Permanent pylon signs:
      One pylon sign is allowed per athletic playing field with structured seating capacity for 2000 or fewer people, or one or more pylon signs per athletic playing field with structured seating capacity for greater than 2000 people; provided, that sign(s) must meet the requirements in Table 325.5.
   d) Temporary signs.
1) Within all residential zoning districts, temporary noncommercial signage is permitted provided it meets the requirements of Table 325.5.

2) Within all residential zoning districts, on-premises commercial signage is permitted on properties where new construction activity is taking place, provided the signs comply with the requirements in Table 325.2:

<table>
<thead>
<tr>
<th>Property type</th>
<th>Low density with at least four lots under development; medium or high density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign type</td>
<td>Pylon</td>
</tr>
<tr>
<td>Numerical limit</td>
<td>One per development project number, according to the records of the community development department</td>
</tr>
<tr>
<td>Maximum sign area</td>
<td>32 square feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>8 feet, but if sign width does not exceed 4 feet, then 12 feet</td>
</tr>
<tr>
<td>Maximum duration</td>
<td>Low density – when building permits have been issued for 90 percent of the lots</td>
</tr>
<tr>
<td></td>
<td>Medium and high density – 18 months after building permit issuance or 7 days after issuance of certificate of occupancy for last building, whichever is sooner</td>
</tr>
<tr>
<td>Other requirement</td>
<td>Signage under this provision is in lieu of all other permanent or temporary signage on the property</td>
</tr>
</tbody>
</table>

3) One temporary on-premises commercial sign is permitted on a low or medium density residential property that is for lease or sale, subject to the requirements in Table 325.3.

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Freestanding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum area</td>
<td>6 square feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>6 feet</td>
</tr>
<tr>
<td>Maximum duration</td>
<td>Seven days after property is no longer for lease or sale</td>
</tr>
</tbody>
</table>
4) One temporary on-premises commercial sign is permitted on a medium or high density residential property that is for lease or sale, subject to the requirements in Table 325.4; except, that no temporary sign is allowed if the graphic area of a permanent monument sign, as allowed under subdivision 1(b)(2) of this section, is increased as allowed by Table 325.5.

<table>
<thead>
<tr>
<th>Sign type: choice of one:</th>
<th>Freestanding</th>
<th>Banner attached to wall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum area</td>
<td>32 square feet</td>
<td>60 square feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>12 feet, unless width exceeds 4 feet, then 8 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Maximum duration</td>
<td>12 months after issuance of certificate of occupancy for last building</td>
<td>12 months after issuance of certificate of occupancy for last building</td>
</tr>
</tbody>
</table>

5) The city council may approve temporary on-premises signs on public or institutional property. The first approval for a site may allow only one use of the sign for a specified duration. Subsequent approvals for the same type of sign may allow recurring use of the sign for limited durations over a period of up to 5 years.

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent wall sign – residential use 325.06(1)(a)(1)</td>
<td>2 sq ft</td>
<td>2 sq ft</td>
<td>1 ft</td>
<td>External only</td>
<td></td>
</tr>
<tr>
<td>Permanent wall sign – educational, religious, institutional or nursing home use 325.06(1)(a)(2)</td>
<td>Lesser of 50 sq ft or 10% of wall on which sign is located</td>
<td>Lesser of 50 sq ft or 10% of wall on which sign is located</td>
<td>Individual letters not more than 24 in.</td>
<td>External only</td>
<td></td>
</tr>
<tr>
<td>Sign type</td>
<td>Max. Area Sign Structure</td>
<td>Max. Graphic Area</td>
<td>Max. Height</td>
<td>Illumination</td>
<td>Other</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>--------------------------</td>
<td>-------------------</td>
<td>-------------</td>
<td>--------------</td>
<td>-------</td>
</tr>
<tr>
<td>Permanent monument sign – low density residential use 325.06(1)(b)(1)</td>
<td>75 sq. ft per entrance</td>
<td>30 sq. ft per entrance</td>
<td>6 ft.</td>
<td>External only</td>
<td>Must be in dedicated permanent sign easement Must be at primary entrance(s) May be single or double-faced. If double, must be parallel.</td>
</tr>
<tr>
<td>Permanent monument sign – medium and high density residential use 325.06(1)(b)(2)</td>
<td>100 sq. ft per entrance</td>
<td>36 sq. ft per entrance</td>
<td>8 ft.</td>
<td>External only if adjacent to or across a public right-of-way from low-density residential</td>
<td>Must be at primary entrance(s) May be single or double-faced. If double, must be parallel. Maximum size may be increased to 45 square feet for one sign, but see 325.06(1)(d)(4)(temp. sign reg)(no temporary sign allowed)</td>
</tr>
<tr>
<td>Permanent monument sign – educational, religious, institutional or nursing home use 325.06(1)(b)(3)</td>
<td>75 sq. ft</td>
<td>30 sq. ft</td>
<td>8 ft.</td>
<td>Internal or external; light source may not be exposed</td>
<td></td>
</tr>
<tr>
<td>Permanent monument sign – public or park use 325.06(1)(b)(4)</td>
<td>32 sq. ft</td>
<td>32 sq. ft</td>
<td>8 ft.</td>
<td>Internal or external; light source may not be exposed</td>
<td>May be single or double-faced. If double, must be parallel</td>
</tr>
<tr>
<td>Permanent sign – athletic field use with structured</td>
<td>410 sq. ft per sign face</td>
<td>410 sq. ft per sign face</td>
<td>35</td>
<td>Internally illuminated</td>
<td></td>
</tr>
</tbody>
</table>
### Table 325.5: Residential District Requirements

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>seating for 2000 or fewer people 325.06(1)(c)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent sign – athletic field use with structured seating for more than 2000 people 325.06(1)(c)</td>
<td>500 sq. ft. per sign face; 1000 sq. ft. aggregate</td>
<td>500 sq. ft. per sign face; 1000 sq. ft. aggregate</td>
<td>35</td>
<td>Internally illuminated</td>
<td></td>
</tr>
<tr>
<td>Temporary freestanding noncommercial signs – any residential use 325.06(1)(d)(1)</td>
<td>6 square feet per sign; 18 square feet aggregate per property</td>
<td>6 square feet per sign; 18 square feet aggregate per property</td>
<td>3 ft.</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

2. **Office Business District Sign Regulations.**

Within the B-1, office business district, signs are permitted according to the following standards:

a) Permanent monument signs: one permanent monument sign is permitted per development, provided the sign complies with the requirements of Table 325.6.

b) Permanent wall signs: one permanent wall sign per building, either individually mounted letter type (option 1) or wall mounted type (option 2), except as provided in Table 325.6. Signs must meet the requirements in Table 325.6.

### Table 325.6: Office Business District Sign Requirements

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent monument sign – adjacent ROW is less than 100 ft in width</td>
<td>72</td>
<td>36 sq. ft.</td>
<td>15 ft.</td>
<td>Internal or external</td>
<td>Limit of three items of information per copy and graphic area</td>
</tr>
</tbody>
</table>
Table 325.6: Office Business District Sign Requirements

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent monument sign – adjacent ROW is</td>
<td>100</td>
<td>50 sq. ft.</td>
<td>15 ft.</td>
<td>Internal or external</td>
<td>Limit of three items of information per copy and graphic area External light fixtures and sources must be screened from view</td>
</tr>
<tr>
<td>100 ft. or more in width</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent wall sign</td>
<td></td>
<td></td>
<td></td>
<td>Internal only, if</td>
<td>Individually mounted letters only Properties with more than one street frontage may have one sign per building facing each frontage</td>
</tr>
<tr>
<td>Must select Option 1 or Option 2</td>
<td></td>
<td></td>
<td></td>
<td>mounted on first floor; no exposed light sources or fixtures on external lights</td>
<td></td>
</tr>
<tr>
<td>Op. 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The greater of 50 sq. ft. or 25 % of length</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>of building where sign is located</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Op. 2</td>
<td></td>
<td>30 sq. ft.</td>
<td></td>
<td>Internal or external; no exposed light sources or fixtures on external lights</td>
<td>Must be mounted within first floor elevation If more than one primary entrance, one sign allowed per entrance, subject to aggregate square foot limitation</td>
</tr>
<tr>
<td>24 in. copy height 36 in. logo height</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internal only, if mounted above first floor; if mounted on first floor; no exposed light sources or fixtures on external lights</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. **Limited and General Business Sign Regulations.**

Within the B-2 and B-3 business districts, the following signs are permitted:

a) Permanent freestanding signs. Except as provided in Table 325.9, one freestanding sign is permitted per development. Signs must meet the requirements in Table 325.7 and Table 325.9.
Table 325.7 Freestanding Sign Size Limitations

<table>
<thead>
<tr>
<th>Principal Structure (gross square feet)</th>
<th>pylon</th>
<th>monument</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. height</td>
<td>Max. sign size (sq. ft.)</td>
<td>Max. height</td>
</tr>
<tr>
<td>greater than 400,000</td>
<td>30'</td>
<td>200</td>
</tr>
<tr>
<td>100,000 - 400,000</td>
<td>24'</td>
<td>100</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>18'</td>
<td>80</td>
</tr>
<tr>
<td>less than 20,000</td>
<td>15'</td>
<td>60</td>
</tr>
<tr>
<td>building with multiple screen theater</td>
<td>30'</td>
<td>200</td>
</tr>
</tbody>
</table>

b) Permanent wall signs.

1) Multi-tenant wall signs. One permanent wall sign is permitted per tenant space, and must be located no closer than two feet from any lease line. Signs must meet the requirements in Table 325.8 and Table 325.9.

2) Limited tenant wall signs. One permanent wall sign is permitted per exterior wall face on limited tenant buildings, subject to the limitations in Table 325.8 and Table 325.9.

Table 325.8 Wall Sign Size Limitations

<table>
<thead>
<tr>
<th>Principal Structure Size (Gross Sq. Ft.)</th>
<th>Individual Wall Sign Calculation</th>
<th>Total Wall Signage for Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>100,000 - 400,000 sq. ft.</td>
<td>200 sq. ft. or 10 percent of wall face, whichever is less</td>
<td>300 sq. ft.</td>
</tr>
<tr>
<td>20,000 - 100,000 sq. ft.</td>
<td>150 sq. ft. or 10 percent of wall face, whichever is less</td>
<td>240 sq. ft.</td>
</tr>
<tr>
<td>less than 20,000 sq. ft.</td>
<td>100 sq. ft. or 15 percent of wall face, whichever is less</td>
<td>150 sq. ft.</td>
</tr>
</tbody>
</table>

Table 325.9 Limited and General Business District Sign Requirements

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent freestanding sign</td>
<td>Hotel</td>
<td>60 sq. ft.</td>
<td>15 ft.</td>
<td>One monument sign per development,</td>
<td></td>
</tr>
<tr>
<td>Sign type</td>
<td>Max. Area Structure</td>
<td>Max. Graphic Area</td>
<td>Max. Height</td>
<td>Illumination</td>
<td>Other</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------</td>
<td>-------------------</td>
<td>-------------</td>
<td>-------------</td>
<td>-------</td>
</tr>
<tr>
<td>Property with Drive-Thru</td>
<td>50 sq. ft.</td>
<td>N/A</td>
<td>8 ft.</td>
<td>Internal</td>
<td>Allowed in addition to sign under “Other” below Single-faced only</td>
</tr>
<tr>
<td>Other</td>
<td>Monument area cannot exceed 1.5 times allowed copy and graphic area</td>
<td>See Table 325.7</td>
<td>See Table 325.7</td>
<td>Either; no exposed light sources or fixtures on external lights</td>
<td>Signs may be single or double faced One sign per development except: For multi-tenant building or limited tenant building with more than 100,000 gross sq. ft. and with 2 or more access points, one monument sign allowed at primary access and second monument allowed at second access; height and graphic limits for second monument are 50% of those in Table 325.7</td>
</tr>
<tr>
<td>Permanent wall sign</td>
<td>Hotel</td>
<td>36 in. per letter</td>
<td>Internal</td>
<td>Individually mounted letter-type sign only One sign per development, except 2nd sign on 2nd wall allowed if neither sign is directly oriented</td>
<td></td>
</tr>
<tr>
<td>Sign type</td>
<td>Max. Area Sign Structure</td>
<td>Max. Graphic Area</td>
<td>Max. Height</td>
<td>Illumination</td>
<td>Other</td>
</tr>
<tr>
<td>--------------------</td>
<td>--------------------------</td>
<td>-------------------</td>
<td>-------------</td>
<td>-----------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Multi-tenant</td>
<td>See Table 325.8</td>
<td>See Table 325.8</td>
<td>36 in.</td>
<td>Internal for individual letters</td>
<td>Individually mounted letters required unless all wall signs are incorporated into architecture of structure and of similar design. Must be installed within 26-in. high horizontal band of uniform background</td>
</tr>
<tr>
<td>Limited tenant</td>
<td>See Table 325.8</td>
<td>See Table 325.8</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

c) Permanent on-premises sign: In addition to, or as a modification of, of the signs allowed by paragraphs (a) and (b) above, one of the following options is allowed, provided, that any property with signage allowed under this paragraph (c) is not allowed to have temporary signage under subdivision 5(3) of this section 305.06.

1) Option 1:
   a. the principal freestanding sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument or pylon sign;
   b. the leasing message cannot exceed that of the identification monument or pylon message;
   c. leasing message is in addition to potential monument or pylon copy and graphic area; and the maximum size of the permanent freestanding sign permitted under paragraph (a) above may be increased as provided in Table 325.10.
### Table 325.10

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Additional Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>15 square feet</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>20 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>25 square feet</td>
</tr>
</tbody>
</table>

2) Option 2: in addition to the permanent freestanding sign allowed under paragraph (a) above, one additional permanent freestanding sign is allowed, provided it complies with the following standards:
   a. setback 5 feet from all property lines;
   b. 8 foot maximum height and 6 foot maximum width; and
   c. maximum size of sign permitted is determined by the gross square footage of the principal structure as provided in Table 325.11:

### Table 325.11

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>12 square feet</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>16 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>18 square feet</td>
</tr>
</tbody>
</table>

3) Option 3: in addition to the permanent freestanding sign allowed under paragraph (a) above, a permanent wall mounted sign or banner is allowed, provided it complies with the following standards:
   a. buildings two stories or under:
      (1) one wall sign;
      (2) directly anchored to the building wall; and
      (3) maximum size of sign permitted is determined by the gross square footage of the principal structure as provided in Table 325.12:

### Table 325.12

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>12 square feet</td>
</tr>
</tbody>
</table>
b. buildings three stories or higher:
   (1) 30 square feet maximum area;
   (2) directly anchored to the building wall; and
   (3) displayed on the building's third story or any higher story.
   (4) signs up to 32 square feet in size will be permitted without time limit
       instead of option 2 or 3 if the standards in either a. or b. are met:
       a. business or industrial development directly abuts a street with
          posted speed limit of 55 m.p.h. or greater; or
       b. the principal structure is greater than four stories.
   c. If a property qualifies for a 32 square foot sign under a. or b. and
      also has a second frontage on a designated collector or arterial
      road, option 2 or 3 as found above is also permitted.

4. Industrial Sign Regulations.
   Within the I-1 industrial district permanent signs which comply with the following
   standards are permitted:
   a) Monument sign. One permanent monument sign is permitted per property. The
      property owner must elect from one of two options in Table 325.13, and the sign
      must meet the requirements for the selected option.
   b) Permanent signage per tenant space. For multi-tenant buildings that do not have
      a monument sign under option 2 of Table 325.13, additional permanent signage
      is permitted as provided in this subdivision 4(b). The signs must meet the
      requirements of Table 325.13. The building owner or a representative must
      designate a sign design for the tenant spaces. The designation will be recorded
      by the city and kept on record for the property. Each sign on the property must
      conform to the designated sign option, and all signs must be uniform in material,
      color, style, illumination and placement. Changes to the sign designation may be
      made upon request, and approved administratively if all signs located on the site
      are brought into conformance with the requested sign plan modification. The
      planning commission must review sign plan changes if nonconforming signs are
      created.
   c) Permanent signage for single-tenant buildings: for single tenant buildings, one or
      more permanent wall signs are allowed per building, subject to the requirements
      in Table 325.13.
   d) Permanent on-premises sign: In addition to, or as a modification of, of the signs
      allowed by paragraphs (a), (b) and (c) above, one of the sign options allowed in
      section 325.06(3)(c) is allowed in the industrial district, provided, that any

<table>
<thead>
<tr>
<th>20,000 - 100,000</th>
<th>16 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>greater than 100,000</td>
<td>18 square feet</td>
</tr>
</tbody>
</table>
property with signage allowed under this paragraph (d) is not allowed to have temporary signage under subdivision 5(3) of this section 305.06.

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent monument sign per property</td>
<td>Option 1</td>
<td>90 sq. ft.</td>
<td>60 sq. ft.</td>
<td>10 ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Option 2</td>
<td>120 sq. ft.</td>
<td>85 sq. ft.</td>
<td>10 ft.</td>
<td>Allowed for properties with multi-tenant buildings only. If this option is selected, permanent per-tenant-space signs are not allowed. Option is not available in areas designated for mixed use on the comprehensive guide plan</td>
</tr>
<tr>
<td>Multi-tenant buildings: signs per tenant space:</td>
<td>Option A: monument or pylon</td>
<td>9 sq. ft.</td>
<td>6 ft.</td>
<td></td>
<td>One at each tenant’s primary building entrance Maximum width of 5 feet Single faced Positioned parallel to parking lot sidewalk or perpendicular to tenant walkway</td>
</tr>
<tr>
<td></td>
<td>Option B: wall sign</td>
<td>12 ft.</td>
<td>4 ft.</td>
<td></td>
<td>One at each tenant’s primary building entrance Max. distance of 8 ft from ground to top edge of sign</td>
</tr>
<tr>
<td></td>
<td>Option C: Individually mounted letters</td>
<td>18 in.</td>
<td></td>
<td></td>
<td>One at each tenant’s primary entrance No more than 2 ft from tenant’s exterior lease lines</td>
</tr>
</tbody>
</table>
Table 325.13 Industrial District Sign Requirements

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-tenant buildings:</td>
<td>Wall-mounted individual letters</td>
<td>5% of building face on which sign is located or 150 sq. ft., whichever is less</td>
<td></td>
<td></td>
<td>Must be installed within 18-in. high horizontal band of uniform background</td>
</tr>
</tbody>
</table>

5. **Business and Industrial Temporary Sign Regulations.**
Within business and industrial districts, temporary on-premises commercial signs are permitted as follows:

a) Banners not to exceed 30 square feet according to the following:
   1) maximum 30 day display period to coincide with the grand opening of a business;
   2) a business may display a banner on two occasions per calendar year with a maximum 10 day display period for each occasion;

b) Search lights or inflatable advertising devices are permitted as follows: one for each development, a maximum of two occasions per calendar year with each occasion not to exceed three days; and

c) Stringers, and pennants are not permitted.

d) Temporary on-premises commercial signage is permitted on vacant properties where new construction activity is taking place, provided the signs comply with the requirements in Table 325.14.

Table 325.14 Temporary Signs During Construction

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Pylon</th>
</tr>
</thead>
<tbody>
<tr>
<td>Numerical limit</td>
<td>One per development project number, according to the records of the community development department; One additional sign if the property is over 3 acres in size with frontage on 2</td>
</tr>
</tbody>
</table>
Table 325.14 Temporary Signs During Construction

<table>
<thead>
<tr>
<th></th>
<th>or more designated collector or arterial streets</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum sign area</strong></td>
<td>32 square feet</td>
</tr>
<tr>
<td><strong>Maximum height</strong></td>
<td>12 feet</td>
</tr>
<tr>
<td><strong>Maximum duration</strong></td>
<td>7 days after issuance of certificate of occupancy for building</td>
</tr>
</tbody>
</table>

e) Temporary on-premises commercial signage is permitted on improved properties that are for lease or sale, provided the signs comply with the requirements in Table 325.15.

Table 325.15 Temporary Signs on Properties for Lease or Sale

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Freestanding or wall</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Numerical limit</strong></td>
<td>One per property</td>
</tr>
<tr>
<td></td>
<td>One additional sign if the property is over 3 acres in size with frontage on 2 or more designated collector or arterial streets</td>
</tr>
<tr>
<td><strong>Maximum sign area</strong></td>
<td>32 square feet</td>
</tr>
<tr>
<td><strong>Maximum height</strong></td>
<td>12 feet</td>
</tr>
<tr>
<td><strong>Maximum duration</strong></td>
<td></td>
</tr>
</tbody>
</table>

6. **Planned Unit Development Districts**

Permanent and temporary signs in planned unit development districts are regulated according to the standards for the corresponding land use and zoning category as stated in this chapter 3. A sign plan with differing requirements may be approved by the city. Factors that will be used in determining if an individual P.U.D./P.I.D. sign plan will be considered include the following:

a) The development includes a high rise (greater than 3 story) structure;
b) the development includes multiple structures and/or substantial site area;
c) the development includes mixed uses;
d) a sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and
e) the sign plan includes permanent sign covenants which can be enforced by the city.
Exhibit B
Proposed Sign Ordinance
SECTION 325. SIGN REGULATIONS

SECTION 325.01 PURPOSE AND FINDINGS

1. Purpose. The sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the city's goals by authorizing:

a) permanent signs that establish a high standard of aesthetics;

b) signs that are compatible with their surroundings;

c) signs that are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;

d) signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;

e) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;

f) permanent signs that give preference to the on-premise owner or occupant; and

g) temporary commercial signs and advertising displays that provide an opportunity for grand openings and occasional sales events while restricting signs that create continuous visual clutter and hazards at public right-of-way intersections.

2. Findings. The city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:

a) permanent and temporary signs have a direct impact on and relationship to the image of the community;

b) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;

c) an opportunity for viable identification of community businesses and institutions must be established;
d) the safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;

e) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;

f) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;

g) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;

h) commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and

i) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.

3. Severability. Every section, subdivision, clause or phrase of this section 325 is declared separable from every other section, subdivision, clause or phrase. If any such part is held to be invalid by competent authority, no other part shall be invalidated by such action or decision.

SECTION 325.02. DEFINITIONS.

1. “Blade sign” – see “projecting sign.”

2. “Commercial sign” - any sign that advertises or identifies a product, business, service, entertainment, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.

3. “Conditionally permitted uses” – within residential districts, educational institutions and facilities, religious institutions and facilities, public buildings or facilities, public or private nursing homes, and commercial nurseries.

4. “Copy and graphic” - the wording and other display messages such as logos or symbols on a sign.

5. “Copy and graphic area” - the area in square feet of the smallest four-sided figure which encloses the copy and graphic of a sign.

6. “Dynamic display” - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing
the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

7. **“Feather flag”** – a freestanding, temporary sign constructed of a vertical pole, tube or post supporting one edge of a sheet of cloth, vinyl or similar material.

8. **“Freestanding sign”** - a sign which is self-supporting and affixed to a frame structure not attached to a building.

9. **“Illumination, internal”** - a light source within the sign.

10. **“Illumination, external”** - a light source which is not internal to the sign.

11. **“Items of information”** - individual copy and graphic items situated in a manner which presents separate messages. An item of information can only be a name, an address, a logo, or geographic directions.

12. **“Limited tenant building”** - a commercial retail establishment or a group of commercial retail establishments with the designed occupancy of three or less tenants. It must have shared parking and a visual appearance of a contiguous structure, which may or may not be planned, constructed or managed as a total entity. This includes single tenant retail structures.

13. **“Merchandise box”** - a sign which is affixed on or located adjacent to a gas pump and used to advertise services and goods.

14. **“Monument sign”** - a sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is 50% or more of the greatest width of the sign.

15. **“Monument area”** - the area in square feet of an entire monument sign structure, including copy and graphic area.

16. **“Multi-tenant building”** - a building with a designed occupancy of four or more tenants with shared parking and visual appearance as a contiguous structure, which may or may not be planned, constructed or managed as a total entity.

17. **“Non-commercial sign”** - any sign that is not a commercial sign, including but not limited to signs that convey messages concerning political, religious, social, ideological, public service and informational topics.
18. “On-premise sign” - a sign relating in its subject matter to, or which directs attention to, a business, person, activity, commodity, service or entertainment located on the site where the sign is installed.

19. “Off-premise sign” - a sign relating in its subject matter to, or that directs attention to, a business, person, activity, commodity, service, entertainment or any other matter that is not available, or does not take place, on the same premises as the sign. A discontinued sign is an off-premise sign.


21. “Permanent sign” - any sign other than a temporary sign.

22. “Portable sign” - a sign with or without copy and graphic that is designed or intended to be moved or transported. Examples of portable signs are: A - or T - frame signs; sandwich signs; signs designed to be transported by trailer or on wheels; signs mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business. A sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign.

23. “Private road open to public travel” has the meaning given that term under the Manual of Uniform Traffic Control Devices.

24. “Projecting sign” – a sign which extends perpendicularly beyond a wall face more than 18-inches.

25. “Pylon sign” - a sign supported by a post or posts so that the sign and supports are finished to grade by encasing the posts in a material consistent with the sign and where the base width dimension is a minimum of 10% up to and including 50% of the greatest width of the sign.

26. “Sandwich sign” – a freestanding temporary sign, typically A-shaped, with two visible sides that is placed near the main entrance to a building.

27. “Sign” - any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include: the terms “building” or “landscaping”, or any architectural embellishment of a building not intended to communicate information; works of art that do not convey commercial messages and that are painted on a building wall; flags that do not convey commercial messages; or any sign structure or device that is not visible from an adjacent street, property line or building on adjacent property.

28. “Temporary sign” - a sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended to be displayed for a limited period of time. This includes items such as banners, pennants, beacons, sandwich or curb signs, balloons or other air or gas filled figures.
29. **“Wall sign”** - a single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall.

**SECTION 325.03. CITATION; ADMINISTRATION AND ENFORCEMENT.**

1. **Citation.** This section 325 may be cited as the Minnetonka Sign Ordinance.

2. **Administration and enforcement.** Administration and enforcement of this section 325 is governed by section 300.03.

**SECTION 325.04. PERMITS, PROCEDURE AND VARIANCES.**

1. **Permit not required.** The following signs do not require a permit but must meet the regulations in this section:
   a) Signs required or allowed by section 325.05, subd. 3.
   b) Temporary signs in residential districts as allowed by section 325.06, subd. 1(d)(1).

2. **Permit required.**
   a) No person may erect or install any of the following signs without first obtaining a permit from the community development director or designee:
      b) All permanent signs permitted in section 325.06 require a sign permit, unless specifically noted otherwise. The permit must be received prior to installation of the sign. The permit and inspection fee for all permanent signs is specified in city code section 710.
   c) All temporary signs permitted in section 325.06, require a temporary sign permit, unless specifically noted otherwise. The permit and inspection fee for permitted signs, banners, search lights, or inflatable advertising devices is specified in city code section 710.

3. **Permit procedure.**
   a) Application for a permit must be on a form provided by the city and must include the following information:
      1) name and address of the owner of the sign;
      2) street address or location of the property on which the sign is to be located, along with the name and address of the property owner;
      3) the type of sign as defined in this section;
      4) site plan showing the location of the proposed sign;
5) specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign;

6) plan showing the location and size of all existing signs located on the same premises upon city request;

7) sign permit fee as specified in city code section 710.

b) The community development director or designee must approve or deny a sign permit application within 15 business days after a complete application is submitted. A decision must be made in writing and must be mailed or electronically delivered to the applicant at the address or email address provided in the application. If a permit is denied, the reason must be stated in writing.

c) An applicant may appeal a denial by submitting a request in writing within 10 days after the decision was mailed or electronically delivered. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.

4. Variances. A variance from the regulations in this section requires a separate application, according to the procedures in section 300.07 of this code. The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.

5. Permit expiration. A sign permit becomes null and void if the sign is not installed within 180 days after issuance of the permit, and a new application must be submitted.

SECTION 325.05 GENERAL REGULATIONS.

1. Scope. The regulations in this section 325.05 apply to signs in all zoning districts.

2. Prohibited Signs. The following signs are prohibited in all districts.

   a) Signs not specifically authorized under this section 325.

   b) Portable signs, except for temporary traffic control devices in temporary traffic control zones as required by the Manual on Uniform Traffic Control Devices or portable signs specifically permitted in section 325.06.

   c) Feather flags and pennants;

   d) Signs designed to resemble official traffic control devices are prohibited in all districts, except signs that are used to control traffic on private property.
e) Abandoned signs;

f) Blank signs;

g) Merchandise boxes or signs not affixed to a principal structure excluding signs permitted in subdivision 8(d);

h) Permanent off-premises signs.

3. **Permitted signs.** The following signs are required or permitted in every zoning district:

a) An assigned street address marking its property with the street address numerals is required, so that emergency services providers can easily identify the address from the public street. The identification may be on the curb or on the principal building of the property. The size and location of the identifying numerals must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, or where the building is located more than 150 feet from the public street, the identifier must be located on the mailbox or other suitable device that is visible from the street.

b) Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state.

c) Permanent and temporary signs required by law or ordinance for regulatory/notification purposes.

d) Permanent freestanding signs on properties with more than 20 parking spaces, provided the signs comply with the requirements in Table 325.1:

<table>
<thead>
<tr>
<th>Table 325.1 Parking Lot Signs*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum sign area</strong></td>
</tr>
<tr>
<td><strong>Maximum height</strong></td>
</tr>
<tr>
<td><strong>Location requirement</strong></td>
</tr>
<tr>
<td><strong>Numerical limit</strong></td>
</tr>
</tbody>
</table>

*Advertisement (Logos or business names) are not permitted. Sign permit not required.

e) Temporary off-premise commercial signs are permitted in all districts, provided the signs comply with the following:

1) must be at least 5 feet from the edge of a public street and must not obstruct driver visibility at intersections;

2) may not be on the right-of-way of county and state roads and municipal state-aid streets;
3) are limited to one per parcel of property as defined in subdivision 9 below for the same topic, location, event, or matter;

4) may only be displayed between 6:00 a.m. on a Thursday and 6:00 p.m. on the following Sunday; and

5) must be no larger than 3 square feet in area and no higher than 6 feet above the ground to which it is attached.

f) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.

4. Location requirements.

a) Signs may not be located on property without the permission of the property owner. For signs located in public right-of-way as allowed under subdivision 3(e) of this section 325.05, the permission of the immediately adjacent property owner must be obtained.

b) Unless specifically noted otherwise, all signs must maintain a 10-foot setback from all lot lines. The city may require a greater or lesser setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.

c) Signs may not be mounted on a roof surface and may not project above the roof line of a structure if either attached to the structure or cantilevered over the structure.

d) Signs may not be attached to trees or utility poles.

e) Signs may not be located within public right-of-way except for official traffic control devices and those allowed by section 3(e) of this section 325.05;

f) Signs may not be attached to fences;

g) Signs may not be located so as to obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets in a manner that presents a hazard to public safety;

h) Signs may not be located so as to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any structure;

5. Approved sign plans. The city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.
6. **Changeable messages.** A message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 50 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.

7. **Font size.** Every line of copy and graphics in a sign must be at least four inches in height.

8. **Sign illumination.**

   a) All illuminated signs must meet the following standards:

   1) External illumination on signs must be directed so that the illumination does not interfere with safe traffic operations;

   2) Illuminated signs must not be directly oriented to any residential district;

   3) No sign may be brighter than is necessary for clear and adequate visibility.

   4) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

   5) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

   b) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:

   1) After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within 10 days after the city's non-compliance notice. The written appeal must include the name of a person unrelated to the person and business making the appeal, who will serve on the appeal panel.

   2) Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the sign owner's representative, and the two of them must appoint a third member to the panel, who has no relationship to either party.
3) The appeal panel may develop its own rules of procedure, but it must hold a hearing within five business days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony, and the panel may hold the hearing, or a portion of it, at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards within five business days after the hearing commences. The decision will be binding on both parties.

c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

9. Outdoor advertising displays.

Outdoor advertising signs which exist as of March 13, 1991 are nonconforming signs. A permanent outdoor advertising sign is a principal use of property. No permitted or conditionally permitted use or any part of such use may be located on the same parcel of property as such a sign. The parcel on which such a sign is located may not be subdivided to segregate the sign from the remaining property. For the purposes of this paragraph, “parcel of property” means any property for which one property identification number has been issued by the county, or all contiguous property in common ownership as of October 15, 1997, whichever is greater.

10. Dynamic Displays.

a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction
and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:

1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 50 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;

2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;

3) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;
4) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;

5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;

6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance;

7) Dynamic displays must comply with the brightness standards contained in subdivision 15;

8) Dynamic displays existing on June 25, 2007 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming development subject to section 300.29. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.

c) Incentives. Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.

1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:

   a. The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the
complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.

b. The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.

c. Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:

1. The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;

2. All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;

3. The removed sign is located in a noncommercial zoning district;

4. The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or

5. The removed copy and graphic area is equal to or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.

d. If the removed sign face is one for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.

e. The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not
replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.

2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.

11. **Sign construction and maintenance.** All signs must conform to the following standards.

a) Construction specifications. All permanent signs must be constructed in accordance with the following:

1) the Minnesota state building code;

2) all electric signs must be approved and labeled as conforming to the standards of the Underwriters’ Laboratories, Inc., the United States bureau of standards or other similar institutions of recognized standing. All illuminating elements must be kept in satisfactory working condition or immediately repaired or replaced. Signs that are partly illuminated must meet all electrical requirements for the portion that is illuminated;

3) all permanent freestanding signs must have self-supporting structures erected on and permanently attached to concrete foundations;

4) for wall signs, the wall must be designed for and have sufficient strength to support the sign;

5) signs may not be painted on the wall of a building; and

6) Unless otherwise specified in this section, the maximum angle permitted between faces of a double face freestanding sign is 45 degrees.

b) Sign maintenance and repair. All signs must be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for distance of 10 feet must be neatly trimmed and free of weeds. Rubbish or debris under or near the sign that would constitute a fire or health hazard must be removed.

12. **Removal of Abandoned Signs, Signs in Disrepair and Signs Located in Public Right-of-Way.**

a) Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days
after notification. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance by following the procedure as specified in section 1120.045 of the municipal code of ordinances. If an abandoned sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of one year.

b) Signs on public property or within public right-of-way: The city may at any time and without notice may impound signs that have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:

1) a fee must be paid to the city as established in city code section 710. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;

2) the sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and

3) the city may not be held liable for any damage to impounded signs.

13. **Nonconforming Signs.** Any sign that complied with all applicable laws and ordinances at that time that it was erected but that has been or is made nonconforming due to a subsequently enacted amendment of this city code is governed by section 300.29.

**SECTION 325.06. DISTRICT REGULATIONS.**

1. **Residential Districts.** Within residential zoning districts, signs are permitted as provided in this subsection. Except as expressly permitted in this subsection, commercial signs are not allowed:

   a) Permanent signs, must comply with Table 325.2. In addition, :

      1) One wall sign is permitted per building.

      2) One freestanding sign is permitted per development. Sign may be single or double-faced. The sign must be perpetually maintained by a homeowners association or responsible property owner.

      3) Internal illumination is not allowed if a sign faces low-density residential properties. External illumination may not include exposed light sources.
Table 325.2 Permanent Signs in Residential Districts

<table>
<thead>
<tr>
<th>Property Type</th>
<th>Max. Area</th>
<th>Max. Copy and Graphic Area</th>
<th>Max. Height</th>
<th>Illumination Type*</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permanent Wall Signs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any Residential use***</td>
<td>2 sq. ft.</td>
<td>2 sq. ft.</td>
<td>1 ft.</td>
<td>External only</td>
<td></td>
</tr>
<tr>
<td>Conditionally permitted principal use</td>
<td>50 sq. ft. or 10% of the wall in which the sign is located, whichever is less</td>
<td>50 sq. ft. or 10% of the wall in which the sign is located, whichever is less</td>
<td>2 ft.</td>
<td>Internal or External</td>
<td></td>
</tr>
<tr>
<td><strong>Permanent Freestanding Signs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low density Residential**</td>
<td>75 sq. ft. per entrance</td>
<td>30 sq. ft. per entrance</td>
<td>6 ft.</td>
<td>External</td>
<td>Must be located at primary entrance(s), two signs permitted per development</td>
</tr>
<tr>
<td>Medium/High density Residential</td>
<td>100 sq. ft. per entrance</td>
<td>36 sq. ft. per entrance</td>
<td>8 ft.</td>
<td>Internal or External</td>
<td>Must be located at primary entrance(s), two signs permitted per development</td>
</tr>
<tr>
<td>Conditionally Permitted Use, except for public buildings and parks</td>
<td>75 sq. ft.</td>
<td>30 sq. ft.</td>
<td>6 ft.</td>
<td>Internal or External</td>
<td></td>
</tr>
<tr>
<td>Public Building and Park</td>
<td>32 sq. ft.</td>
<td>32 sq. ft.</td>
<td>8 ft.</td>
<td>Internal or External</td>
<td>Hours of illumination: 6 am to 10 pm only</td>
</tr>
<tr>
<td>Athletic Field, with structured seating for 2000 or fewer people</td>
<td>410 sq. ft. per sign face</td>
<td>410 sq. ft. per sign face</td>
<td>35 ft.</td>
<td>Internal only</td>
<td></td>
</tr>
<tr>
<td>Athletic Field, with structured seating for more than 2000 people</td>
<td>500 sq. ft. per Sign face 1000 sq. ft. aggregate</td>
<td>500 sq. ft. per Sign face 1000 sq. ft. aggregate</td>
<td>35 ft.</td>
<td>Internal only</td>
<td></td>
</tr>
</tbody>
</table>

* Internal illumination is not allowed when a sign faces low-density residential properties. External illumination may not include exposed light sources.

** Allowed only for single-family developments of at least 6 lots and two-family development with at least 12 dwelling units.

*** Sign permit not required.

b) Temporary non-commercial signs, must comply with Table 325.3. Temporary signs may not be illuminated.
### Table 325.3 Temporary Non-Commercial Signs in Residential Districts

<table>
<thead>
<tr>
<th>Property Type</th>
<th>Sign type</th>
<th>Max. Number of Signs</th>
<th>Max Area</th>
<th>Max Height</th>
<th>Duration of Display</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any residential use**</td>
<td>Banner or freestanding</td>
<td>3</td>
<td>6 sq. ft. per sign 18 sq. ft. aggregate per property</td>
<td>3</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* Signs must be located at least five feet from the edge of a public street, must not obstruct driver visibility at intersections and must be placed with the consent of the property owner.

** Sign permit not required.

c) Temporary commercial signs must comply with Table 325.4. Temporary signs may not be illuminated.

### Table 325.4 Temporary Commercial Signs in Residential Districts

<table>
<thead>
<tr>
<th>Property Type</th>
<th>Sign Type</th>
<th>Max. Number of Signs</th>
<th>Max. Area</th>
<th>Max. Height</th>
<th>Display Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Properties</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low-Density**</td>
<td>Freestanding</td>
<td>1 per development</td>
<td>32 sq. ft.</td>
<td>8 ft.</td>
<td>Must be removed When building permits have been issued for 90% of lots</td>
</tr>
<tr>
<td>Medium/High Density**</td>
<td>Freestanding</td>
<td>1 per property</td>
<td>6 sq. ft.</td>
<td>6 ft.</td>
<td>Must be removed 18 months after a building permit has been issued</td>
</tr>
</tbody>
</table>

For Sale or Lease Properties

<table>
<thead>
<tr>
<th>Property Type</th>
<th>Sign Type</th>
<th>Max. Number of Signs</th>
<th>Max. Area</th>
<th>Max. Height</th>
<th>Display Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low/Medium Density**</td>
<td>Freestanding</td>
<td>1 per property</td>
<td>6 sq. ft.</td>
<td>6 ft.</td>
<td>Must be removed 7 days after a property is no longer for sale or lease</td>
</tr>
<tr>
<td>High Density**</td>
<td>Banner attached to wall</td>
<td>1 per property</td>
<td>32 sq. ft.</td>
<td>8 ft.</td>
<td>Must be removed 12 months after issuance of a certificate of occupancy for the last building</td>
</tr>
</tbody>
</table>

General Commercial Signage

<table>
<thead>
<tr>
<th>Property Type</th>
<th>Sign Type</th>
<th>Max. Number of Signs</th>
<th>Max. Area</th>
<th>Max. Height</th>
<th>Display Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditionally Permitted Principal Use</td>
<td>Banner</td>
<td>1 per property</td>
<td>30 sq. ft.</td>
<td>N/A</td>
<td>two occasions per calendar year for a maximum of 10 day display for each occasion</td>
</tr>
</tbody>
</table>

* Allowed for low-density developments with at least four lots under development.

** Sign permit not required.

2. **Office District Sign Regulations.** Within the B-1, office business district, signs are permitted according to the following standards:

a) Permanent Signs.
1) Permanent monument signs: One monument sign is permitted per development provided the sign complies with the requirements of Table 325.5. In addition,
   
a. Signs may be single or double-faced
   
b. Signs may be internally or externally illuminated, except internal illumination is not allowed if a sign faces low-density residential properties. External illumination may not include exposed light sources.

2) Permanent wall signs: One permanent wall sign is permitted per building, except that buildings with frontage on more than one public street are allowed one wall sign facing each frontage. Signs must comply with the requirements of Table 325.5. In addition:
   
a. Signs must be comprised of individually dimensioned letters, unless all wall signs are incorporated into architecture of structure and of similar design.
   
b. Signs may be internally illuminated or backlit, except illumination is not allowed if a sign faces low-density residential properties.

<table>
<thead>
<tr>
<th>Table 325.5 Permanent Signs in Office District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign type</td>
</tr>
<tr>
<td>Permanent monument sign – adjacent ROW is less than 100 ft in width</td>
</tr>
<tr>
<td>Permanent monument sign – adjacent ROW is 100 ft. or more in width</td>
</tr>
<tr>
<td>Permanent wall sign</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

b) Temporary Signs. On-premise signs must comply with the requirements of Table 325.6. Signs may not be illuminated.
### Table 325.6 Temporary On-Premise Signs, Office Districts

<table>
<thead>
<tr>
<th>Property Type</th>
<th>Sign Type</th>
<th>Max. Number of Signs</th>
<th>Max. Area</th>
<th>Max. Height</th>
<th>Display Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacant Properties, During Construction*</td>
<td>Freestanding</td>
<td>1 if property is 3 acres or less, 2 signs if property is over 3 acres in size</td>
<td>32 sq. ft.</td>
<td>12 ft.</td>
<td>Must be removed 7 days after issuance of a certificate of occupancy</td>
</tr>
<tr>
<td>Improved Properties, For Sale or Lease*</td>
<td>Freestanding or Wall</td>
<td></td>
<td></td>
<td></td>
<td>Only while property is for sale or lease space is available</td>
</tr>
<tr>
<td></td>
<td>Banners</td>
<td>1 sign per tenant</td>
<td>30 sq. ft.</td>
<td>N/A</td>
<td>Max. 30 day period to coincide with grand opening</td>
</tr>
<tr>
<td></td>
<td>Sandwich Signs***/<em>/</em>**</td>
<td>1 per tenant</td>
<td>12 sq. ft.</td>
<td>4</td>
<td>Max. 2 occasions per calendar year with each occasion not to exceed 10 days</td>
</tr>
<tr>
<td>General Temporary Signs</td>
<td>Search Light or Inflatable***</td>
<td>1 per development</td>
<td>N/A</td>
<td>NA</td>
<td>Allowed during business hours, but must be removed at closing</td>
</tr>
<tr>
<td></td>
<td>Non-commercial banner or freestanding sign*/****</td>
<td>3 per property</td>
<td>6 sq. ft. per sign, 18 sq. ft. aggregate per property</td>
<td>3 ft.</td>
<td>Max. 2 occasions per calendar year with each occasion not to exceed 3 days</td>
</tr>
</tbody>
</table>

* Sign permit not required.  
** Sign must be located directly in front the tenant space the sign is associated with and must not reduce sidewalk area to less than 4 ft. in width.  
*** Sign must be located on the ground.  
**** Signs must be located at least five feet from the edge of a public street, must not obstruct driver visibility at intersections and must be placed with the consent of the property owner.

3. **Commercial Business and Industrial Sign Regulations.** Within the B-2, B-3 and I-1 districts, the following signs are permitted:

   a) Permanent signs.
1) Freestanding signs. Signs must comply with requirements of Table 325.7. In addition,

a. One freestanding sign is allowed per development, except that a second sign is allowed for properties with drive-thru windows.

b. Signs may be single or double-faced.

c. Signs may be internally or externally illuminated, except internal illumination is not allowed if a sign faces low-density residential properties. External illumination may not include exposed light sources.

<table>
<thead>
<tr>
<th>Principal Structure (gross square feet)</th>
<th>Pylon Sign</th>
<th>Monument Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Structure (gross square feet)</td>
<td>Max. height</td>
<td>Max. sign size</td>
</tr>
<tr>
<td>greater than 400,000</td>
<td>30 ft.</td>
<td>200 sq. ft.</td>
</tr>
<tr>
<td>100,000 - 400,000*</td>
<td>24 ft.</td>
<td>100 sq. ft.</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>18 ft.</td>
<td>80 sq. ft.</td>
</tr>
<tr>
<td>less than 20,000</td>
<td>15 ft.</td>
<td>60 sq. ft.</td>
</tr>
<tr>
<td>building with multiple screen theater</td>
<td>30 ft.</td>
<td>200 sq. ft.</td>
</tr>
<tr>
<td>Second Sign for properties with drive-thru</td>
<td>8 ft.</td>
<td>50 sq. ft.</td>
</tr>
</tbody>
</table>

*For multi-tenant building or limited tenant building with more than 100,000 gross sq. ft. and with 2 or more access points, one monument sign allowed at primary access and second monument allowed at second access; height and graphic limits for second monument are 50% of those in outlined in this table.

2) Permanent Wall Signs:

a. Limited tenant wall signs. Signs must comply with the requirements in Table 325.8. In addition,

1. One permanent wall sign is permitted per exterior wall face.

2. Signs must be comprised of individually dimensioned letters, unless all wall signs are incorporated into the architecture of structure and of similar design.
3. Signs may be internally illuminated or backlit, except illumination is not allowed if a sign faces low-density residential properties.

<table>
<thead>
<tr>
<th>Principal Structure Size (Gross Sq. Ft.)</th>
<th>Individual Wall Sign Calculation</th>
<th>Total Wall Signage for Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>100,000 - 400,000 sq. ft.</td>
<td>200 sq. ft. or 10 percent of wall face, whichever is less</td>
<td>300 sq. ft.</td>
</tr>
<tr>
<td>20,000 - 100,000 sq. ft.</td>
<td>150 sq. ft. or 10 percent of wall face, whichever is less</td>
<td>240 sq. ft.</td>
</tr>
<tr>
<td>less than 20,000 sq. ft.</td>
<td>100 sq. ft. or 15 percent of wall face, whichever is less</td>
<td>150 sq. ft.</td>
</tr>
</tbody>
</table>

b. Multi-tenant wall signs. Each tenant is permitted one wall sign per tenant exterior wall face, but no more than two total signs. For example, a tenant that occupies a corner or endcap space is allowed two wall signs, whereas a tenant that occupies an interior space is allowed one wall sign. Signage size is regulated under Table 325.9. In addition,

1. Signs may be located no closer than 2 feet from any lease line.

2. Signs may be internally illuminated or backlit, except internal illumination is not allowed when a sign faces low-density residential properties.

<table>
<thead>
<tr>
<th>Wall Signs, Multi-tenant buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. Height</td>
</tr>
<tr>
<td>Horizontal-mounted signs</td>
</tr>
<tr>
<td>Projecting sign</td>
</tr>
</tbody>
</table>

* Signs may not project out from the face of the building by more than 48 inches.
b) Temporary Signs. On-premise signs must comply with Table 325.10. Signs may not be illuminated.

<table>
<thead>
<tr>
<th>Property Type</th>
<th>Sign Type</th>
<th>Max. Number of Signs</th>
<th>Max. Area</th>
<th>Max. Height</th>
<th>Display Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacant Properties, During Construction*</td>
<td>Freestanding</td>
<td>1 if property is 3 acres or less 2 signs if property is over 3 acres in size</td>
<td>32 sq. ft.</td>
<td>12 ft.</td>
<td>Must be removed 7 days after issuance of a certificate of occupancy</td>
</tr>
<tr>
<td>Improved Properties, For Sale or Lease*</td>
<td>Freestanding or Wall</td>
<td></td>
<td></td>
<td></td>
<td>Only while property is for sale or lease space is available</td>
</tr>
<tr>
<td><strong>General Temporary Signs</strong></td>
<td>Banners</td>
<td>1 sign per tenant</td>
<td>30 sq. ft.</td>
<td>N/A</td>
<td>Max. 30 day period to coincide with grand opening</td>
</tr>
<tr>
<td></td>
<td>Sandwich Signs/<strong>/</strong>*</td>
<td>1 per tenant</td>
<td>12 sq. ft.</td>
<td>4</td>
<td>Max. 2 occasions per calendar years with each occasion not to exceed 10 days</td>
</tr>
<tr>
<td></td>
<td>Search Light or Inflatable***</td>
<td>1 per development</td>
<td>N/A</td>
<td>NA</td>
<td>Allowed during business hours, but must be removed at closing</td>
</tr>
<tr>
<td></td>
<td>Non-commercial banner or freestanding sign****</td>
<td>3 per property</td>
<td>6 sq. ft. per sign, 18 sq. ft. aggregate per property</td>
<td>3 ft.</td>
<td>Max. 2 occasions per calendar year with each occasion not to exceed 3 days</td>
</tr>
</tbody>
</table>

* Sign permit not required.

**Sign must be located directly in front the tenant space the sign is associated with and must not reduce sidewalk area to less than 4 ft. in width.

*** Sign must be located on the ground.

**** Signs must be located at least five feet from the edge of a public street, must not obstruct driver visibility at intersections and must be placed with the consent of the property owner.
4. **Planned Unit Development Districts.** Permanent and temporary signs in planned unit development and planned I-394 districts are regulated according to the standards for the corresponding land use and zoning category as stated in this chapter 3. A sign plan with differing requirements may be approved by the city. Factors that will be used in determining if an individual P.U.D./P.I.D. sign plan will be considered include the following:

a) The development includes a high rise (greater than 3 story) structure;

b) the development includes multiple structures and/or substantial site area;

c) the development includes mixed uses;

d) a sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and

e) the sign plan includes permanent sign covenants which can be enforced by the city.
City Council Agenda Item #14B
Meeting of Nov. 5, 2018

Brief Description: Resolution authorizing the certification of delinquent water and sanitary sewer charges to the Hennepin County Auditor

Recommended Action: Adopt the resolution.

Background

The city council is requested to adopt the attached resolution, which will certify this year’s delinquent utility bills for collection with the 2019 property taxes. Consistent with previous city council actions, staff proposes that the certification of delinquent accounts include an interest rate – this year again, recommended to be 10 percent on the total unpaid balance. The interest is calculated from Dec. 1, 2018, to Dec. 31, 2019. A $50 administrative fee is added to delinquent accounts to cover the additional costs associated with the certification process. Hennepin County charges an additional interest rate and administrative fee prior to final certification.

For comparison, the following table presents the certifications over the last ten years at the time of council action.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Accounts</th>
<th>Amount Certified</th>
<th>Average Certification</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>487</td>
<td>$379,783.80</td>
<td>$779.84</td>
</tr>
<tr>
<td>2010</td>
<td>490</td>
<td>$299,409.62</td>
<td>$611.04</td>
</tr>
<tr>
<td>2011</td>
<td>513</td>
<td>$293,312.57</td>
<td>$571.76</td>
</tr>
<tr>
<td>2012</td>
<td>454</td>
<td>$264,001.65</td>
<td>$581.50</td>
</tr>
<tr>
<td>2013</td>
<td>460</td>
<td>$260,366.31</td>
<td>$566.01</td>
</tr>
<tr>
<td>2014</td>
<td>474</td>
<td>$267,103.63</td>
<td>$563.51</td>
</tr>
<tr>
<td>2015</td>
<td>496</td>
<td>$291,055.75</td>
<td>$586.81</td>
</tr>
<tr>
<td>2016</td>
<td>520</td>
<td>$330,915.17</td>
<td>$636.38</td>
</tr>
<tr>
<td>2017</td>
<td>475</td>
<td>$293,798.86</td>
<td>$618.53</td>
</tr>
<tr>
<td>2018</td>
<td>524</td>
<td>$363,909.77</td>
<td>$694.48</td>
</tr>
</tbody>
</table>
A detailed list of properties and delinquent amounts as of November 5, 2018, is available upon request. All accounts to be certified have been notified in writing of the pending certification and have had at least one month already in which to pay the arrears. Any account which pays the certified amount plus city administration costs before November 21, 2018, will be removed from the list prior to filing with Hennepin County. Therefore, the actual numbers of accounts certified to the county are always less than the amounts indicated here. Accounts to be certified must also have been delinquent for three months or longer.

The relatively greater amount certified in 2009 compared to other years is partially associated with some accounts certified for Inflow & Infiltration (I&I) surcharges. All residential inspections for the I&I Program were completed over the course of several years including 2009. Otherwise, the total amount certified from year to year incorporates adopted rate increases.

Although the number of delinquent accounts at this step as a percentage of the total number of accounts (around three percent annually) has remained relatively consistent over time, administration of the notification and certification process is lengthy and manually time-consuming. At the beginning of the annual procedure this year, 775 accounts were notified of the pending certification. There were 815 of these accounts last year and 887 the year before. Based on past years, only around 45 percent of those, e.g. 371 last year, will actually be certified after the city’s utility billing staff has worked with customers to collect arrears. Rough analysis of the final list of delinquent accounts indicate that as many as half are “repeat offenders.”

2018 Delinquencies

It appears that the decrease this year in the number of delinquent accounts initially notified is the result of at least two factors. First, the past twelve months has been the second full year that the residential late fee was ten percent of the current late balance per quarter, which the council adopted in 2016. Previously, the late fee was a flat $10 per quarter, and it appears the higher penalty may be successfully serving as an incentive for customers to stay current.

Second, city utility billing staff in Minnetonka as well as those in other peer cities have found that a portion of new ebilling customers forget that they enrolled and thereby fail to recognize their electronic invoices for the first one to three quarters they are on the electronic system. For the second year, staff delivered targeted paper notifications of first-time delinquencies to new ebilling accountholders to prevent the past due accounts from reaching the certification cost threshold before deadlines.

Not only is the certification process labor intensive and costly to the enterprise, generally accountholders would rather stay current on their accounts. Staff continues to examine and implement ways to better notify customers of their due dates and delinquencies and will continue to do so into the future.

Appeals

In the formal notification of delinquency, customers were apprised of their right to request a hearing before the city council to ask that the delinquent amount on their account not be assessed to their property taxes. At the time of drafting this letter, no property owners have
notified the city of their intention to present their case to the city council. Nonetheless, all such customers are still afforded the opportunity to do so this evening.

Recommendation

Adopt the resolution authorizing the certification of delinquent water and sanitary sewer charges to the Hennepin County Auditor.

Submitted through:
  Geralyn Barone, City Manager

Originated by:
  Merrill King, Finance Director
Resolution No. 2018-

Resolution authorizing the certification of Delinquent Water and Sanitary Sewer Charges to the Hennepin County Auditor

_____________________________________________________________________

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

Section 1. Background

1.01. The City Council of the City of Minnetonka duly adopted Ordinance No. 1200.030 providing for certification of delinquent water and sanitary sewer charges to the County Auditor for collection pursuant to the provision of Minnesota Statutes 444.075.

Section 2. Findings

2.01 The Finance Department has prepared a list of delinquent charges for water and sanitary sewer services together with the legal description of the premises served, the official copy of which is on file with the City Clerk.

2.02. All parties have been notified by mail of the certification.

2.03. The proposed list of delinquent charges for water and sanitary sewer services, the official copy of which is hereby accepted by the Council, is a true and correct list of delinquent water and sanitary sewer service charges as of the November 5, 2018.

Section 3. Authorization

3.01. The City Clerk shall transmit a certified duplicate copy of this resolution and the list of updated delinquent accounts to the County Auditor to be extended on the property tax list of the County, and such delinquent accounts shall be collected and paid over the same manner as other municipal taxes with interest from the date of this resolution at the rate of 10 percent (10%) per annum and including a $50.00 administrative penalty pursuant to the provisions of Minnesota Statutes 444.075.

Adopted by the City Council of the City of Minnetonka, Minnesota on November 5, 2018.

Brad Wiersum, 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 November 5, 2018.

__________________________________________
David E. Maeda, City Clerk
City Council Agenda Item #14C  
Meeting of Nov. 5, 2018

Brief Description  
Concept Plan for redevelopment of the property at 14410 Orchard Rd.

Action Requested  
Provide comments and feedback. No formal action is required.

Background  

The property at 14410 Orchard Rd is widely referred to as the Bensman Property. The southern portion of the roughly 6.2-acre site is generally “open,” while the northerly portion is wooded and contains a visually steep slope (staff have not conducted a detailed steep slope analysis). The site is zoned R-1, low-density residential, and designated low-density development in the 2030 Comprehensive Guide Plan. Low density residential density designation allows up to 4 housing units per acre.

Concept Plan  

Charles Cudd Co. has submitted a concept plan for the property that contemplates removal of the existing single-family home and accessory building and construction of 19 villa-style homes. A formal proposal based on the concept plan would likely require the following city actions: (1) rezoning; and (2) preliminary and final plats.

Review Process  

Staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted.

- **Neighborhood Meeting.** Charles Cudd Co. hosted a neighborhood meeting on Oct. 11. The meeting was attended by roughly 75 area property owners. Attendees generally expressed concerns related to: (1) the number of lots/homes; and (2) impact on existing neighborhood character. A more detailed list of comments is attached.

- **Planning Commission Concept Plan Review.** The planning commission reviewed the concept plan on Oct. 18. Eighteen area property owners addressed the commission and reiterated concerns raised at the neighborhood meeting: (1) density; and (2) impact on existing neighborhood character. While complimenting the Charles Cudd product, planning commissioners generally concurred with area residents regarding the number of lots. Commissioner opinions related to impact neighborhood character varied.

Since the planning commission review, Charles Cudd Co. has submitted a revised concept plan. The revised plan reduces the number of lots and increases separation between homes.

<table>
<thead>
<tr>
<th></th>
<th>Number of Lots</th>
<th>Separation (combined side yard setback)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Concept Plan</td>
<td>19</td>
<td>12 ft</td>
</tr>
<tr>
<td>Revised Concept Plan</td>
<td>17</td>
<td>20 ft</td>
</tr>
</tbody>
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- **City Council Concept Plan Review.** The city council Concept Plan Review is intended as a follow-up to the planning commission meeting and would follow the same format as
Meeting of Nov. 5, 2018

Subject: Bensman Property, 14410 Orchard Rd

the planning commission Concept Plan Review. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

Key Issues

Staff requests council comment/feedback on the following key issues and any other issues the council deems appropriate. The comments/feedback provided are intended to assist Charles Cudd Co. should the company choose to put together a formal application package. However, the council decisions on any formal redevelopment application are not suggested or restricted by concept plan review comments/feedbacks.

- **Number of Lots:** The revised concept plans suggest creation of 17 single-family lots. With preservation of the northerly sloped area, the conceptual density would be roughly 2.75 housing units per acre. Comments related to the number of lots is requested.

- **Housing Type:** The concept plan suggests construction of a villa-style, association-maintained neighborhood. Comments related to the general neighborhood concept are requested.

Staff Recommendation

Staff recommends the city council provide comment and feedback on the identified key issues and any others the council deems appropriate.

Submitted through:

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

Originated by:

  - Susan Thomas, AICP, Assistant City Planner
ADDITIONAL INFORMATION

Next Steps

- **Formal Application.** If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city’s website. Through recent website updates: (1) staff can provide residents with ongoing project updates; (2) residents can “follow” projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) and staff can review resident comments.

- **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial Concept Plan Review meeting, and to provide direction about any refinements or additional issues they wish to be researched, and for which staff recommendations should be prepared.

- **Planning Commission Review.** The planning commission would hold an official public hearing for the development review and would subsequently recommend action to the city council.

- **City Council Action.** Based on input from the planning commission, professional staff and general public, the city council would take final action.

City Roles and Responsibilities

- **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to effectively participate in the process.

- **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council’s consideration by carefully balancing the interests of applicants, neighbors, and the general public.

- **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.
Charles Cudd Co. has built a long-standing reputation for high-quality development projects featuring custom architecturally designed homes. The Bensman family has owned the 6.2 acre property for 50+ years. As you may assume, they’ve been approached by a wide variety of builders/developers. We are proud to say they’ve selected our company to develop their homestead.

Over the past weeks, we and the family’s consultant have met with city staff and appreciate their input on the concept plan before you. “Highcroft Meadows” is proposed as a 19-lot detached association maintained villa-style homes neighborhood.

**The Site Plan:** The Bensman family has used the property as a hobby farm homestead. As such, the majority of the site is open fields with a wooded portion at the north end. In keeping with the hobby horse theme, we propose to install a white rail equestrian type fence at the neighborhood entrance of Highcroft Meadows.

By way of the villa-style lots, we are able to preserve the natural character of the northern 1/3rd of the site (approx. 2 acres). This preserved area accounts for the majority of the property’s trees/natural topography and provides a buffer to the higher-use property to the north.

**Villa Home Land Use:** The property is guided for residential low-density housing. The site is surrounded by a mix of land uses including R-2, R-1, and city/institutional zoning (Williston Fitness Center). With this in mind, the 19-lot Villa-home site plan fits the city’s comprehensive plan guidance of low density and provides for an appropriate transition between the various abutting uses. No comprehensive plan amendment would be required.

Demographics shift over the decades and we understand the City of Minnetonka has a desire to maintain “life-cycle” housing. Having substantially developed in the 1950s-1990s, the vast majority of Minnetonka’s housing stock is traditional single-family homes on larger lots. These homes range in size & price to fit a broad spectrum of residents.

This said, as lives shift to the empty-nester phase of life, many residents prefer to “age in place”. Specifically, they desire to maintain an active life-style within the community they reside. These residents are looking for high-feature detached homes, yet want to eliminate the on-going duties of exterior upkeep (mowing, weeding, shoveling, exterior repairs, etc.). Our proposed Villa homes provide the benefits of detached home living combined with the carefree maintenance advantage which allows them more leisure and travel opportunities. This Villa product is substantially under represented in the existing housing stock.
The Architecturally-Designed Villa Homes: Our Villa homes are designed to attract the “empty nester” buyer which is typically in the 50 plus age group. The Villa homes will all be designed with the idea of main-level living by keeping the master bedroom and primary living spaces on the main floor. We intend to offer 7 of the 19 lots with a slab on grade foundation which features no steps from the garage and front entry into the home. As an alternative, a buyer may elect a full basement.

From a street-scape perspective, our custom-designed Villa homes provide an attractive balance between visual form/mass and livable function. By way of common architecture and maintenance, we create a unique, but cohesive feel to the neighborhood.

There will also be an option, if the buyers choose, to finish an upstairs bedroom/rec room area that would be built into the roof lines as a 1½ story which would keep the lower profile of a ranch look throughout the neighborhood (please see examples attached). Likewise, this lower roofline minimizes impact to the surrounding community (vs. high-peak 2-story homes). This bonus “attic” space is an important flexible design feature whether for hobby/rec. use or visiting friends and family.

All of the homes in Highcroft Meadows will be association maintained which would allow buyers to eliminate the need for storing equipment to do yard work, snow removal, and other exterior maintenance commonly needed for traditional single family home living. From a life-style perspective, the HOA maintained exteriors allow residents to “lock & leave” – a genuine benefit to active empty nesters looking to enjoy life.

Our Villa home buyers are looking for more than square footage. They’re looking for a lifestyle which we support by offering high-feature, detailed designs not offered by production-based homes. If you have interest in a more hands-on feel of our proposed villa homes, we have models located throughout the Twin Cities and would be happy to arrange a tour anytime that is convenient.

Thank you for your review. We’re excited about the project and look forward to working with our engineers and city staff to bring before you a plat in the coming months.

Rick Denman, Principle
ORIGINAL CONCEPT PLANS
**ZONING AND SETBACK SUMMARY**

- **CURRENT ZONING:** R1-SINGLE FAMILY
- **PROPOSED ZONING:** PUD (R2 BASE STANDARDS)
- **CURRENT LAND USE GUIDING:** LOW DENSITY RESIDENTIAL
- **LAND USE DENSITY RANGE:** 2-4 UNITS/AC
- **TOTAL SITE ACREAGE:** 6.69 ACRES
- **PROPOSED NUMBER OF LOTS:** 19
- **PROPOSED DENSITY:** 2.84 UNITS/ACRE

**SETBACK INFORMATION IS AS FOLLOWS:**
- **FRONT YARD:** 25 FT.
- **REAR:** 25' FT.
- **SIDE (GARAGE):** 5 FT.
- **SIDE (HOUSE):** 10 FT.
We design and build fine homes for discerning people. They seek a home of artful composition, yet warm and comfortable to really live in. We work closely with them from start to finish to achieve a truly outstanding result.

For decades, the principals of Charles Cudd Co LLC have been responsible for the creation of some of the Twin Cities’ most distinctive and sought after homes.

Our work is our passion and the vast number of enthusiastic client testimonials, show it. Every one of us is deeply committed to the highest standards of principled architecture, craftsmanship and customer service. We want to exceed our customers’ expectations and achieve an outstanding result that we can be proud of. Charles Cudd Co. LLC sets the standard of excellence.
THE ALDERWOOD III MODEL

SQUARE FOOTAGE:

MAIN LEVEL
-1893 SQUARE FEET (EXCLUDES SUNROOM)
-2085 SQUARE FEET (INCLUDING SUNROOM)

UPPER LEVEL
-1079 SQUARE FEET

TOTAL FOOTAGE
-3164 SQUARE FEET

CHARLES CUDD CO.
LIFESTYLE HOMES
THE VILLAS AT BASS CREEK
10345 56TH AVE N, PLYMOUTH, MN
ARCHITECTURALLY DESIGNED DETACHED VILLAS
MAIN LEVEL LIVING
ASSOCIATION MAINTAINED
$695,800
OTHERS FROM $600’S
CHARLES CUDD CO.
LIFESTYLE HOMES
MODEL COMING SOON

SHADYWOOD VILLAS
SHADYWOOD CIRCLE, ORONO, MN
ARCHITECTURALLY DESIGNED DETACHED VILLAS
MAIN LEVEL LIVING
ASSOCIATION MAINTAINED ($175 MONTHLY)
STARTING FROM $800’S

shadycudd.com
BUILDING LICENSE #BC635245
MODEL AS BUILT $925,800   ~    OTHERS FROM $800’S

MODEL HOME NOW SHOWING

VILLAS AT MEDINA COUNTRY CLUB
4172 FAIRWAY DRIVE, MEDINA, MN
ARCHITECTURALLY DESIGNED DETACHED VILLAS
MAIN LEVEL LIVING - ASSOCIATION MAINTAINED
MODEL AS BUILT $925,800   ~    OTHERS FROM $800’S

charlescudd.com
BUILDER LICENSE #BC635245
WATERFORD LANDING
ON SCHUTZ LAKE IN VICTORIA, MN

ARCHITECTURALLY DESIGNED DETACHED VILLAS
MAIN LEVEL LIVING
ASSOCIATION MAINTAINED ($195 MONTHLY)
COMMUNITY PONTOON & PRIVATE BEACH
MODEL AT $968,000
OTHERS FROM THE $800’S
DATE: October 11, 2018

SUBJECT: Highcroft Meadows Neighborhood Meeting Notes

Concerns Raised

- Number of proposed lots/density seems too high.
- Only one ingress/egress proposed, funneling all traffic onto Orchard Rd.
- Setbacks from Orchard Rd are too small
- Lack of buffering between existing homes and proposed homes
- Potential negative impact on existing neighborhood character.
- Potential impact on property taxes.
- Lack of affordable housing
- Existing drainage issue on west side of property.
- Negative impact of street lighting.
- Issues with existing utilities.

Questions Raised

- Amount of cut and fill on site? Answer: The cut and fill would likely be balanced on site.
- Square footage? Answer: 1700-2200 sq.ft main.
- Buildout time? Answer: 2 months site prep, 3 year total.
- Would an environmental study be required: Staff Answer: an EAW would not be triggered by a proposal of this size.
- Could number of homes be reduced by 25%? Answer: No. The project would not be viable.
- Association fee? Answer: $140-170, covering exterior maintenance, snow removal, lawn care, and trash.
- Where are examples of similar homes? Answer: Bass Creek Villas in Plymouth.

Comments/Ideas

- 1 ½ story homes – rather than 2 story homes – is a positive.
- Preservation of trees on northern area is a positive.
- A community space – trail, park, etc. – in the northerly treed area would be appreciated.
outdoor eating area. Construction would start in the spring and take four months to complete.

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

*Powers moved, second by Henry, to adopt the resolution approving site and building plans for the construction of a new restaurant at 11390 Wayzata Blvd.*

*Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight was absent. Motion carried.*

Chair Kirk stated that an appeal of the planning commission’s decision must be made in writing to the planning division within 10 days.

9. Other Business

A. Concept plan review for Highcroft Meadows at 14410 Orchard Road.

Chair Kirk introduced the proposal and called for the staff report. Staff recommends that commissioners provide comments and feedback on the identified key issues and any other issues commissioners deem appropriate.

Thomas provided the staff report.

Rick Dunum, representing the applicant, thanked staff and commissioners for the opportunity to present a concept plan. He stated that:

- The property has been a horse farm for 50 years. The family is ready to sell the land and it will be developed. He understood neighbors’ concerns with change.
- The applicant is a luxury home builder that cares about the architecture.
- Neighbors have expressed concern with density, traffic, drainage and stormwater runoff, screening, safety on Orchard Road, and loss of power issues occurring near the site now.
- A quarter of the site would be left naturally wooded. Seven or eight of the houses would be on grade. There would be no two-story houses. The proposed houses would be geared for the empty-nest market.
- The empty-nest buyer makes fewer trips.
- Lots west of the site have a current drainage problem. He has a good idea of how to manage the drainage on the property. Additional trees would be added to provide screening.
- The status of the current utilities would have to be addressed by the city.
- The property is unique.
- He would appreciate feedback.
Powers asked what he meant by an “architecturally principled” house. Mr. Dunum provided illustrations of houses with attractive exterior details.

In response to Sewall’s questions, Mr. Dunum stated that the price of the houses would be approximately $650,000 to $850,000. The dimensions of the property dictate where the road would be located. The proposal is the best use of the site. He estimated 50 percent of the buyers would travel south for the winter months. He provided illustrations of the interiors. He was amenable to adding a trail to the natural area, but did not know if the city would prefer one or not.

Chair Kirk invited those present to provide comments.

Trish Gardiner, 14409 Orchard Road, stated that:

- Her neighbors were welcoming when she moved in and they do activities together.
- The proposal would look like an urban city street of row houses that would not fit in Minnetonka.
- She wants the R-1 Single Family Residential Zoning District standards to be upheld.
- She is not against development.
- Of the 6.2 acres, only 4 acres of the parcel would be buildable. Building 19 houses on 4 acres of land would not fit the character of the neighborhood.
- The only good argument for density is the developer’s profit margin. Higher density does not make sense for her neighborhood.

Beth Desmond, 14306 Orchard Road, stated that:

- She is concerned with the proposal’s density.
- She provided an illustration showing the surrounding lots. Building 5 houses on one acre would not fit with the land use plan. Each of the surrounding properties average a house on .7 acres.
- A 3,100 square-foot house would be larger than most houses in the neighborhood.
- She wondered if the proposal would alter the character of the neighborhood irreparably.
- She provided a plan with 8 houses on 4.2 acres.
- She would like connecting to the other street explored.
- She would like construction traffic to access the site from the Williston Fitness Center. Orchard Road is not built for this type of activity.
- She appreciated the 1.5-story roof lines.
- City sewer would be best.
- She did not want fountains or a development name on a granite plaque.

Ravindra Chintapalli, 3711 West Mark Drive, stated that:
• He agreed with his neighbors.
• He opposed rezoning the property from R-1 to R-3 or R-4.
• He is for developing the property compliant with the 2030 comprehensive guide plan.

Alan Stone, 13508 Orchard Road, stated that:
• Minnetonka is known for large lots. These lots would not fit. He did not like them jammed together.

Marcine Purinton, 3706 Westmark Circle, stated that:
• It is unsafe to drive a vehicle or walk on Orchard Road. She is concerned with the safety of children.

Janet Larson, Westmark Drive, stated that:
• Her twin home provides a buffer.
• The proposal would be very dense.
• A 55 and older community should have more amenities.
• The property needs to be developed.
• She wants the development to flow with the existing neighborhood.
• The neighborhood is static and fixed.

Jamie Cyson, 3601 Sunrise Drive West, stated that:
• She was concerned with the construction.
• She preferred a development that would fit the neighborhood.
• She was concerned how the proposal would impact her taxes.
• She concurred with the other speakers.

Padma Chintapolli, 3711 Westmark Drive, stated that:
• She concurred with the other speakers.
• Orchard Road is steep where it meets Williston Road.

Jean Florek, 14208 Orchard Road, stated that:
• She agreed with the other speakers.
• Traffic on the road is dangerous.
• She was notified two weeks before the public hearing.
• Buyers would not pay $700,000 to live 5 feet from neighbors.
• The developer wants the money from association fees.
• She questioned who would run the association and what would happen if the properties looked bad.
• She did not know who would pay the taxes.
• She did not like the houses.
• Her biggest concern is the safety of the children. One child has to cross the street to catch the bus.

Shannon Paradis, 3610 Sunrise Drive, stated that:

• She represented another neighbor who was unable to attend. The parking at Williston Fitness Center is horrendous in the winter. There needs to be more parking added.
• She would like a sidewalk added the length of Orchard Road.
• If there is an endangered species living on the property, then she would like that species protected.

Brent Eggert, 3630 Sunrise Drive East, stated that:

• He asked if a tax increment financing district would be created.
• The proposal would create a different aesthetic. He would like research of what would happen to the neighborhood when something like this has happened in the past.
• He questioned what would happen to the property values and taxes.
• He questioned if construction would happen on Saturday mornings.
• He questioned what amenities like a sidewalk could be added.

Kara Celt, 14116 Orchard Road, stated that:

• She questioned if adding 19 houses would be an option the city would allow. The lots would not meet the minimum lot size requirement of 22,000 square feet.
• She was concerned with lack of parking. Orchard Road is treacherous to park and walk on.
• Drivers travel too fast to the junior high.
• There would be 36 more vehicle trips each day.
• She agreed with the issues with the density. Nineteen houses would be too many.

Greg Raetz, 14523 Orchard Road, stated that:

• One of his primary reasons to move here was the character of the neighborhood and lot sizes.
• He was concerned that the character of the neighborhood would change.
• It could set a precedence for future developments to change the density and get variances for setbacks.
Ron Peterson, 14615 Orchard Road, stated that:
- He built here because Minnetonka has a half-acre lot requirement.
- It does not make sense to create comprehensive guide plans and then change the zoning.

Karl Johnson, 3621 Sunrise Drive West, stated that:
- The character of the neighborhood is large lots and privacy.
- He thought a horse fence would be an insult rather than a concession.

Dale Thielen, 14309 Orchard Road, stated that:
- He agreed with the other comments. He was concerned that his quality of life, safety, and property value would not be protected.
- The proposal would not fit the character of the neighborhood.
- He was not against development, but for the right development.

Alan Lachinsky, 3705 Westmark Drive, stated that:
- Nineteen houses would be too many.
- He was concerned with water runoff. It runs through his backyard to a drainage pond.
- He suggested commissioners stand on Orchard Road and look at the property.

Meagan Gustafson, 14320 Orchard Road, stated that:
- It would be better to construct houses for families.

Chair Kirk concluded taking public comments. He asked staff to address the comments.

Thomas explained that:
- State statute does not allow tax increment financing for this type of development.
- The city assessor has found that a single-family residential neighborhood being constructed next to single-family residential neighborhoods does not decrease property values.
- The city has no authority over associations. An association is governed by a private, legal agreement between property owners.
- A property may stay vacant indefinitely. There is no specific construction start date requirement. Once a building permit is issued, then progress must be made within a certain time line for the building permit to remain valid.
• This proposal would not trigger a requirement for an environmental assessment worksheet to be completed. The city’s natural resources and engineering staff would review and be required to approve the proposal.
• Construction hours allowed by city ordinance are from 7 a.m. to 10 p.m.
• A stormwater management plan would be required to show that the rate, volume, and quality of runoff would not be made worse than predevelopment conditions.
• The comprehensive guide plan gives land use intensity and density designations for industrial, commercial, office, and residential uses. It defines “low density residential” as four or fewer residential units per acre. The proposal would meet the low density residential definition in the comprehensive guide plan and have four or fewer units per acre. High density is defined as 12 or more units per acre. The zoning designation provides more details. The city would be legally required to approve a proposal that would meet all of the R-1 low density residential zoning requirements. The proposal’s number of units would not fit low-density residential zoning requirements. A property owner has the right to request a rezoning and the city has the authority to rezone properties.
• When the city considers a rezoning, it has the ability to negotiate for public improvements such as a sidewalk. Sidewalks improve pedestrian safety, but the benefit is weighed against the amount of additional grading and potential increase in tree removal it would cause.

Henry asked how many houses that would meet R-1 requirements would fit on the site. Thomas answered that it would depend on the steep slope and lot size, depth, and width requirements.

Powers stated that the proposal would be too big and create a neighborhood inside a neighborhood. The proposal would change the character of the neighborhood significantly. The developer is a good developer. He did not like the configuration.

Henry thought the proposal would be too dense for the neighborhood. There is room for compromise to make it a little higher density than R-1 requirements. It would fundamentally alter the culture of the neighborhood and create a neighborhood inside a neighborhood. There is a better way to connect the site with the existing neighborhood. He was concerned with a lack of visitor parking.

Hanson concurred. The proposal would have too many houses. He has seen houses done by the developer and they are very nice. He was concerned with a lack of visitor parking.

Sewall liked the concept of this type of housing, but 19 would be too many houses for the site. There is a compromise to me made that would make this a good project. He liked the design of the houses. He would like more creativity with the landscaping and natural features.
Chair Kirk agreed that 19 houses would be too many for the site. He would like to understand the steep slope restrictions and tree preservation area proposed on the north side of the property. He was not concerned with a neighborhood within a neighborhood. Westmark Circle is a great example of a neighborhood within a neighborhood that now fits into the neighborhood. Westmark Circle has 12 units or 13 units if the unit on the corner is included. The length of the proposed drive and cul-de-sac would be similar. He struggled with the PUD zoning. It would be difficult to have more density than R-1a restrictions would allow. There should be a buffer on the side of the houses on Orchard Road. When the shadow of one house overcasts another house, then that is a sign to him that the houses would be too close. He liked pairing up the houses and consolidating the driveways to allow greater open frontage, specifically for parking. He would appreciate a rendering showing on-street parking. Parking on Orchard Road is dangerous.

Hanson was not concerned with the site being a neighborhood in a neighborhood.

Powers clarified that architectural design would make the proposed houses a neighborhood within a neighborhood.

Gordon noted that a cul-de-sac on its own would not qualify as being exclusive. A gated community with a monument sign would designate a separate neighborhood. The housing market, value of the property, and housing demand is driving the need for smaller lots and new houses.

Sewall pointed out that this is the concept plan review, not review of a formal application.

Thomas stated that the project is titled “Highcroft Meadows” and can be followed on the city’s website: eminnetonka.com. The site will be updated with new plans as staff receives them. Emails submitted to planning staff by Oct. 30, 2018 will be included in the city council packet for the next review of the concept plan scheduled for Nov. 5, 2018.

Powers left the meeting.

D. Ordinance repealing and replacing City Code 325, Sign Regulations.

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

Ingvalson reported. He recommended approval of the application based on the findings listed in the staff report.

Chair Kirk asked when the proposed sign ordinance changes would take effect. Thomas explained that if the city council approves the change, then it would become effective on the date of publication which would be Nov. 15, 2018.

Sewall asked why the feather signs would no longer be allowed. Ingvalson said that staff receives complaints regarding the appearance of those signs, they are hard to read, and
REVISED CONCEPT PLANS
Susan,

Thank you for attending the meeting last Thursday about the development in our neighborhood. I would like to provide feedback that while I believe their work is beautiful, 19 homes is too many and if the land is to be developed, improvements to Orchard Road must be considered.

Thank you,

Jenna Berneck
Mr. Thompson,

Thank you for your email. It will be included with information provided to the city council.

Susan

Susan Thomas | Assistant City Planner
City of Minnetonka | eminnetonka.com
Office: 952-939-8292

-----Original Message-----
From: Randy Thompson <3907 Haven Road>
Sent: Friday, October 19, 2018 9:26 AM
To: Susan Thomas <sthomas@eminnetonka.com>
Subject: 14410 Orchard road

Hello, I am Randy Thompson from 3907 Haven Road. I attended the planning meeting on October 18th at city hall and listened to 16 of my neighbors get up to address the commission. The neighbors described many reasons for why this proposal is a poor choice for the development of these 4+ acres. As I listened to the talk I started to envision how many homes should be allowed to be built on the property that accesses Orchard Road. Certainly not 19. As I thought about the neighborhood and the road I realized that not even 12 or 10 would be a wise choice.

In 1900, Orchard road was little more than a cart path along the northern edge of a huge apple orchard that stretched from Williston to Baker and nearly to present day Hwy 7 southward. Five Harrelson apple tress were still on my property when I bought in 1988. Orchard road was at some point paved and turned into a main through fare from Williston to Baker but it is not built to be that kind of road. When someone parks on this narrow road - half the road is then occupied. Bottom line is this road is not built for much traffic. As a former police officer (Eden Prairie) I see Orchard Road as one of those quirky unsafe roads that are sprinkled around the city. We should be careful not to add to the issue by adding more traffic. If any zoning changes are to be made to allow more than 8-9 homes on the Bensman property then a whole new road should be built as well. I’m pretty sure the folks in the area would fight that even more.

To me the choice is between leaving the zoning as is and allow 8-9 homes on the property or build a new wide road and only then allow for a change in zoning. Please do not compromise and allow 10 or 12 or 14 homes.

As an afterthought I wonder how my neighbors would react on Spring Lake if I took my 2.2 acres and built four villas on it…

Thanks,

Randy Thompson
3907 Haven Road
Minnetonka, MN
Mrs. Thomas,

My name is Matt Desmond and I live at 14306 Orchard Road in Minnetonka. I'm writing to you as a neighbor of the proposed development at 14410 Orchard Road. My wife Beth and I have lived here for 6 years. I'm a lifelong resident of Minnesota and grew up in St. Louis Park.

I'm not against development of the property. I do want to make sure that the city does not make a mistake in allowing this development as it is submitted. Allowing a very dense (4-5 single family homes per actual acre!) build inside a community with an average density of 2 homes per acre sets a dangerous precedent. The submitted development is much too dense and does not fit in with the established neighborhood.

On top of that, Orchard road is not safe enough to handle a development of this size. It may be classified as a collector road, but as you may know, it has many dangerous blind crests and steep grades with no sidewalks or street lights. We already risk our lives trying to back out of our driveway with folks speeding through. With 19 more homes on our street, you can bet that the traffic generated will cause serious problems like lack of parking space and winter low traction accidents.

Please take a look at the attached graphics that illustrate the proposed development density. We have developed an alternate plan for the neighborhood that fits in with the surrounding properties and their density. Ask yourself which of the options looks like it fits into the Minnetonka city plan for 2030 and beyond.

I think that the property at 14410 can be developed while respecting the neighborhood and current residents. I would welcome 8 new single family homes with comparable lot sizes to the existing neighborhood. I will miss the horse farm at the Bensman property, but things do and will change.

There are not many acres of residential property left to develop in Minnetonka. How the city handles the last of these properties shows the true character of our community. I hope we can do it with class and not jam as many homes as possible into every acre. If I wanted to live 12 feet from my neighbor, I would have stayed in South Minneapolis.

Regards,
Matt

--
Matt Desmond

--
- 19 homes built on 4.2 or less acres of the total 6.2 acre property
  - .18 acres (~8000 sq ft) per lot, which is not compatible with city planning guide
  - Surrounded by primarily .5 acre+ single family housing
  - Street setback must be 76 ft from center

- No more than 8 homes built on 4.2 or less acres of the total 6.2 acre property
  - .53 acres (22,000 sq ft) per lot
  - Continue city land use plan, Preserve existing neighborhood pattern & density
  - No ponds! Tie roof drains to sewer to alleviate water problems
  - Add lilacs/trees or similar to entrance for natural look
Brief Description: Lake Minnetoga pond and lake management petition

Recommended Action: Adopt the resolution

Introduction

On Aug. 14, 2017, the city council approved Council Policy 12.11, Lake and Pond Management. The policy established guidelines and criteria for lake and pond management for aquatic vegetation and water quality to which the city council will consider petitions for funding and improvements for organized lake associations wanting to pursue these projects by means of a fair and systematic approach.

Council identified a need to consider potential funding for organized groups promoting water quality and fund these efforts through the city’s Capital Improvements Program (CIP) or through special assessments after demonstrating all other public grant funding sources have been explored, are not feasible or do not cover full cost of the improvements.

Prior to a petition being presented to city council, the petitioner needs to meet the criteria as outlined in the policy, which provides a distinction between water quality improvements and those improvements specifically related to aesthetics. Those projects scientifically proven to provide water quality benefits are to be considered eligible for city grant funding and those projects with primary goals involving aesthetic only benefit are to be considered eligible for assessment funding.

Background

The city of Minnetonka received a petition from the Minnetoga Lake and Wetlands Association on Aug. 27, 2018. The association qualifies as eligible for a grant based on Council Policy 12.11’s criteria. The petition requests city grant funding to complete a feasibility review and preliminary design of approximately 15 neighborhood rain gardens within the Lake Minnetoga watershed focused on improving Lake Minnetoga’s water quality. In general, construction of rain gardens is a method used to improve water quality, and therefore this request would provide water quality benefit to this area.

Prior to submitting a petition, multiple meetings and discussions were held between the Minnetoga Lake and Wetlands Association, the association’s design consultant Metro Blooms, Nine Mile Creek Watershed District and city staff. These interactions worked through the petition criteria and explored alternative funding options. The association also held a block party, meeting with Metro Blooms on Oct. 13, 2018 where attendees learned more about the proposed project and met other interested neighbors.

Investigating the feasibility of rain garden implementation on private residential properties (up to 15 total) and completing the preliminary design will identify which locations are constructible as well as outline the property owner maintenance responsibilities associated with each. As part of this process, property owners would meet with a Metro Blooms Landscape Designer, complete
a soil infiltration test and design a storm water management plan, detailing the best opportunities for rain garden implementation at each site. Metro Blooms would then create designs based on property owner and city feedback.

Once constructed, the rain gardens would be owned and maintained by the property owners.

**Estimated Feasibility Design Costs and Funding**

The estimated feasibility review and preliminary design costs, including engineering, administration and contingency are $17,500. Beginning in 2018, the city’s Capital Improvements Program (CIP) budgeted $100,000 annually to fund these types of projects for storm water quality improvements through the city’s storm water fund. To date, none of these funds have been spent.

**Schedule**

If the recommended actions are approved by council, the feasibility review and preliminary designs would likely be completed in spring/summer of 2019. The costs would then be brought back to council with a secondary request for water quality construction funding to begin in 2019, which would be in conjunction with a cost share grant application to Nine Mile Creek Watershed District as well as an application for a labor crew through the Conservation Corps of Minnesota.

**Recommendation**

Adopt the resolution approving the petition.

Submitted through:
   Geralyn Barone, City Manager

Originated by:
   Will Manchester, PE, Director of Engineering
Resolution No. 2018-

Resolution receiving a petition for the Minnetoga Lake and Wetlands Association water quality improvements and authorizing the preparation of a feasibility review and preliminary design for the improvements

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

Section 1. Background.

1.01 The city has received a petition on Aug. 27, 2018 requesting city grant funding for a feasibility review and preliminary design for water quality improvements in the area of Lake Minnetoga.

1.02 The petition is consistent with the guidelines and criteria for city council policy 12.11, Lake and Pond Management.

Section 2. Council Action.

2.01. The petition is hereby accepted and referred to the City Engineer for oversight and approval of the feasibility review and preliminary design, including review of the estimated construction cost of the improvements prior to future funding requests to the city.

2.02. The City Engineer is authorized to utilize whatever professional engineering services may be required to assist with the feasibility review and preliminary design.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Nov. 5, 2018.

Brad Wiersum, 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 Nov. 5, 2018.

__________________________________________
David E. Maeda, City Clerk
August 27, 2018

Will Manchester
Director of Engineering
City of Minnetonka
Minnetonka, MN 55343

Dear Mr. Manchester:

As president of the Minneto Lake and Wetlands Association, I am respectfully submitting the enclosed application for City funding of 15 neighborhood rain gardens within our watershed. Our Association is keenly interested in maintaining and improving Minneto's water quality and the environment for the fish and surrounding wildlife. The mission of our Association, as stated in our management plan adopted late last year is as follows:

**Lake Association Mission**
- To improve and preserve the beauty and quality of Lake Minneto and its watershed for the present and future.
- To promote education in best management practices, and
- To work with other organizations and governmental agencies in ongoing efforts to reduce or eliminate pollutants and invasive species detrimental to Lake water quality.

While developing our management plan we were provided the City's latest Barr Engineering report on our lake and watershed. It recommended rain gardens be constructed within the watershed as an important BMP. Since the top BMP called for a prohibitively expensive (>1mm) filtration system to be added to the holding pond system on the lake's west side, we thought we'd focus on the more practical rain garden opportunity. Since late last year, we have been working towards making rain gardens a reality. And with the help of the City (Tom Dietrich), Metro Blooms and NMCWD, we believe we are finally getting close to actually moving forward.

Please consider our application for city funding to complete a feasibility report and design.

Thank you.

Sincerely,

Sig Birkeland, President
Minneto Lake and Wetlands Association

Enclosures
Lake Minnetoga: Neighbors for Clean Water

Location: Lake Minnetoga Watershed, Minnetonka, Minnesota
Project Time Period: 2018-2019

Project Description: The Minnetoga Lake Association, City of Minnetonka, Nine Mile Creek Watershed District and Metro Blooms are working in collaboration to target and implement stormwater Best Management Practices (BMPs) throughout the Minnetoga Subwatershed to improve water quality, create pollinator habitat, and empower property owners to take action to protect clean water. Lake Minnetoga is the headwater of Nine Mile Creek. In addition to being a recreational resource and great urban habitat for wildlife, it impacts water quality downstream.

Our current funding request is to investigate the feasibility of raingarden implementation on private residential property (up to 15 total). We request that up to 2 of these could be curb cut raingardens. Curb cut raingardens, though more expensive, treat street runoff and have a much higher water quality impact than raingardens treating roof and driveway runoff. The curb cut raingardens would be located where they have the highest potential for impact.

Minnetoga Lake Association has already engaged 14 interested property owners that are willing to explore a raingarden project on their property, maintain it, and contribute a 10% cost share for installation. This fall, we'll host a block party with Metro Blooms to further engage these participants and work to recruit one additional participant. At the block party, participants learn more about the project and meet other neighbors that are interested. This technique improves project participation through neighbor-to-neighbor engagement. Following the party, a Metro Blooms Landscape Designer will meet with all interested property owners, complete an infiltration test, and design a stormwater management plan detailing the best opportunities for raingarden implementation at each site. Metro Blooms will create final designs based on property owner and City feedback. If a curb cut raingarden is appropriate, Metro Blooms' Landscape Architect will work with the City of Minnetonka to complete design according to their specifications.

Following completion of the designs and approval by the City of Minnetonka, we'll make a secondary request in 2019 for the installation of the raingardens through this grant program. We also plan to apply for a cost share grant from the Nine Mile Creek Watershed District and for a Conservation Corps of Minnesota crew for installation.

Each participating property owner will be required to provide a 10% cost share for installation and sign a maintenance agreement with the City of Minnetonka (or Nine Mile Creek Watershed District). Metro Blooms will provide education on maintenance and facilitate hands-on maintenance trainings for participants.

Following installation, we'll work to promote projects through signage, neighborhood tours, online, through local newspapers, and through social media. Through similar projects Metro Blooms has undertaken in the past, engagement and adoption of clean water projects
Throughout a subwatershed is led by neighbor-to-neighbor engagement and increases dramatically following the implementation of demonstration projects, as neighbors see others participating and feel compelled to join the effort. We hope to use 2018-2019 as a pilot project in the Minnetogna watershed and, if successful, seek additional funding to expand the effort in subsequent years.

**Water Quality Impact:** Lake Minnetogna is at a high risk of water quality impairment due to its location adjacent to Interstate 494 and Highway 7. The watershed is dominated by private property, primarily residential. Engaging private property owners to improve water quality in their lake is an integral piece of maintaining clean water and wildlife diversity in this urban lake.

**Targeting:** For 2018-2019, the Minnetogna Lake Association plans to target homeowners immediately adjacent to the lake. Fourteen property owners have already expressed interest in the project. These homeowners have a strong connection to Lake Minnetogna and will create a base for future engagement of watershed stakeholders.

**Partners:**
Minnetogna Lake Association: Outreach and Engagement
Contacts: Sig Birkeland, sigbirkeland@msn.com; Scott Wardrope, cwardrope@netscape.net

Metro Blooms: Project Management, Siting, Design, Education
Contacts: Laura Scholl, Associate Director, laura@metroblooms.org; Becky Rice, Executive Director, becky@metroblooms.org

Nine Mile Creek Watershed District: Potential Installation Funding
Contact: Randy Anhorn, District Administrator, ranhorn@ninemilecreek.org

City of Minnetonka: Technical Assistance/Advisement
Contact: Will Manchester, City Engineer, wmanchester@eminnetonka.com

Sig Birkeland, President
Lake Minnetona RainGarden Project
Installation of 15 raingardens (including up to 2 curb cut raingardens pending City appr

<table>
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<tr>
<td><strong>Project Management</strong></td>
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<td>Project Management</td>
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<td><strong>Total 2018 Request:</strong></td>
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## Minnetoga Neighborhood of Raingardens

Lake Association Contacts: Sig Birkeland (sigbirkeland@msn.com); Scott Wardrope (cwardrope@netscape.net)

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Janet Labrecque</td>
<td>5247 Rogers Drive</td>
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<tr>
<td>Jay &amp; Elaine Hromatka</td>
<td>5221 Minnetoga Terrace</td>
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<td>Mark &amp; Carina Plotnick</td>
<td>5336 Minnetoga Terrace</td>
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<tr>
<td>Scott &amp; Karen Wardrope</td>
<td>5321 Rogers Drive</td>
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<tr>
<td>Sig &amp; Holly Birkeland</td>
<td>5301 Rogers Drive</td>
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<tr>
<td>Chuck &amp; Jane Hawkins</td>
<td>5113 Baker Road</td>
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<tr>
<td>John &amp; Maressia Twele</td>
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<td>Todd &amp; Beth Nelson</td>
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<td>Jim &amp; Cheriti Swigart</td>
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<td>Luke &amp; Angela Hansen</td>
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<td>Justin &amp; Jenny Hamm</td>
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<tr>
<td>Brent &amp; Julie Brokaw</td>
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<tr>
<td>Karla Mayhew</td>
<td>5243 Minnetoga Terrace</td>
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<tr>
<td>Pam Kerber</td>
<td>5312 Rogers Drive</td>
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Site Consultation Sign Up – Minnetoga Raingarden Project

Tentative Dates

*If no listed times work, please provide contact information at bottom and Metro Blooms will reach out to schedule

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<th>Date</th>
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<td>Justin Hann</td>
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Site Consultation Sign Up – Minnetoga Raingarden Project
Tentative Dates

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Jaynnaforke 5297 Minnetoga

Wednesday, Nov 17 10am - Holly & Sig Birkeland 5301 Rogers Dr. (Wed/Thurs am)

Janet Labrosse 5297 Rogers Dr., MTKa
Purpose of Policy: This policy establishes guidelines and criteria for lake and pond management for aquatic vegetation and water quality to which the city council will consider petitions for improvements.

Introduction
This policy is applicable to property owners, by formation of a lake association, seeking improvements to lakes or ponds where a future, attainable improvement can be systematically and technically shown obtainable through prior review.

Improvement Requests
Lake associations in the city of Minnetonka may request improvements to lakes and ponds, in writing, for city council consideration prior to February 1 for the 5-year Capital Improvements Program (CIP). Prioritization of projects will be weighed against other city projects and petitions received, and planned as budget and schedule allow. In the event multiple petitions are received in a year, projects will be prioritized based upon the quantifiable water quality benefit and as determined by the city engineer. Petitions received after February 1 may be brought before the city council for consideration if, in the opinion of the city engineer, it is feasible to include such projects in the construction schedule for the following year. Petitions must be signed by the lake association president or authorized representative. All petitioners must waive any rights to a public hearing and any appeal of the special assessments associated with the petition as adopted by the city council. Petitions will be reviewed annually as received for the next review cycle.

Lake Association
For purposes of this policy, a lake association is defined as an organization of residents owning property on or in the vicinity of a lake or pond shoreline which has:
- Established official non-profit status
- Adopted bylaws and a mission statement
- Membership of at least 60% of the residents owning shoreline property
- Appointed officers
- Elected a board of directors to act in an official capacity
- Published articles of incorporation

Lake associations are communal organizations of private property owners surrounding a priority waterbody which uphold a unified interest and remain active in improving the function and value of water resources, or aesthetics. Associations meeting the above criteria are eligible to petition the city for improvements.

Consideration of Petitions
Prior to a petition being brought before city council, the petitioner must:
- Meet with city staff to discuss available city technical resources and data to determine if additional feasibility report is necessary.
Set realistic expectations and determine if desired improvements are achievable based on technical resources and/or feasibility report.

Establish a lake association.

Develop a lake management plan in conjunction with city staff. Plan should include but not be limited to efforts for education, enforcement, communication, signage, improvement projects and planned funding related to grants, assessments and city funding.

A feasibility review may be necessary to determine if the proposed improvements will obtain the desired outcome of the petitioner, and provide realistic expectations for all parties involved. The feasibility report must be coordinated by engineering staff at the direction of the city engineer, or by a licensed professional obtained by the petitioners as approved by the city engineer. In order for a petitioner to request city council reimbursement of a feasibility report, a lake association must be established prior to the request. An escrow or cash deposit may be required based on the city engineer's estimate for this work.

The city of Minnetonka will consider improvements for lake associations adhering to the above criteria only in those circumstances in which the proposed project addresses one or more of the following scientifically proven goals:

- To promote water quality improvements and revitalization of natural conditions through the installation or implementation of best management practices with a demonstrated benefit.
- To address sources of pollution or contamination for the betterment of the natural environment.
- To maintain or restore ecological stability.
- To prevent harm to the intended use of the lake.
- To establish association wide initiatives aimed at reducing the impact land-use has on water quality.

Projects with primary goals involving aesthetic only benefit will not undergo consideration for city participation funding, however, may be considered for assessment funding.

**Funding, Grants, Assessments, and Assistance**

The city will assist all interested parties in identifying available federal, state, and watershed grant opportunities and programs available for their particular project during technical resource sharing and support. Additional technical assistance is also available as outlined further in the city's Water Resource Management Plan. Any and all assistance is subject to the adherence of city code and policy for all parcels around a particular waterbody. No funding or assistance will be provided should illegal dumping or other nuisance violations persist in a given area.

If a petitioner demonstrates all other public funding sources have been explored and are not feasible, or do not cover the entirety of the costs associated with a particular project, the city council may consider improvements to be 100% financed through special assessments to the lake association members, or all properties receiving a public benefit as determined by the city council. Further evaluation will occur as necessary to determine the applicability of the assessment to specific properties. The city will coordinate with the petitioner(s) to
City of Minnetonka

develop a workable assessment applied to participants within a given project. The maximum financing term will be for 20 years and at an interest rate determined by the city's finance director, unless an alternate term or rate is otherwise approved by the council. The petitioner(s) must enter into an agreement with the city, including a specific statement of need and reasonableness, and additional documentation outlining the expectations and responsibilities that must be adopted, signed, and recorded by each party.

City Participation
Upon demonstration that non-city grant opportunities have been explored, the city council may consider city participation grant funding awards in amounts not to exceed 50% of the project cost or as designated by the 5-year CIP funding per association, for those projects that fulfill a proven, scientific water quality management benefit of a particular priority waterbody. This city funding shall only be considered by city council for those lake associations that have independently pursued and implemented two lake management plan action items deemed to be beneficial by the city engineer. Examples of such action items may include, but are not limited to, education-based initiatives, outreach programs, structural best management practices, and organized clean-up efforts. The improvements completed by the lake association must be in line with the goals identified in the city's Water Resource Management Plan and other applicable state standards. An education and outreach program designed to engage neighbors and citizens must be incorporated as part of an application for funding through the city. Details of an effective outreach program are further defined in the city's Water Resource Management Plan. All projects funded by the city council must be coordinated through the city engineer.

Adopted by Resolution No. 2017-086
Council Meeting of August 14, 2017