Planning Commission Agenda

March 19, 2015—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: March 5, 2015

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   A. Resolution reaffirming 2013 final site and building plan approval, with parking setback variances, for changes at St. David’s Center

      Recommendation: Adopt the resolution reaffirming previous approval (4 votes)

      • Final Decision Subject to Appeal
      • Project Planner: Susan Thomas

8. Public Hearings: Non-Consent Agenda Items

   A. Expansion permit and variances for a new two-story home at 3520 Meadow Lane

      Recommendation: Adopt the resolution approving the request (5 votes)

      • Final Decision Subject to Appeal
      • Project Planner: Ashley Cauley
B. A conditional use permit for a 100-foot wireless telecommunication tower at 15001 Minnetonka Industrial Road.

   Recommendation: Recommend the city council approve the request. (4 votes)

   • Recommendation to City Council (Tentative Date: April 6, 2015)
   • Project Planner: Ashley Cauley

9. Adjournment
Notices

1. Please call the planning division at (952) 939-8274 to confirm meeting dates as they are tentative and subject to change.

2. Applications scheduled for the April 9, 2015 Planning Commission meeting:

   Project Description: Stephen Solum is requesting an expansion permit for additions to existing home at 3315 Frear Drive.
   Project No.: 15003.15a
   Ward/Council Member:  2—Tony Wagner
   Staff: Ashley Cauley
   Section: 15

   Project Description: The applicant is proposing a 3-lot, R-1 subdivision at 2051 Meeting Street. The request requires a preliminary and final plat application.
   Project No.: 15004.15a
   Ward/Council Member:  3—Brad Wiersum
   Staff: Jeff Thomson
   Section: 09

   Project Description: The applicant is proposing a demolition and reconstruction of gas station and convenience store at 3864 Hopkins Crossroad. The request requires a conditional use permit, site and building plan review, variance and sign review.
   Project No.: 86088.15a
   Ward/Council Member:  1—Bob Ellingson
   Staff: Susan Thomas
   Section: 23

   Project Description: City of Minnetonka is proposing a removal of area from wetland overlay district and replacement of culvert. The request requires a rezoning and floodplain alteration permit review.
   Project No.: na
   Ward/Council Member:  na
   Staff: Susan Thomas
   Section: na
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.

2. Staff presents their report on the item.

3. The Commission will then ask City staff questions about the proposal.

4. The chairperson will then ask if the applicant wishes to comment.

5. The chairperson will open the public hearing to give an opportunity to anyone present to comment on the proposal.

6. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium, speak clearly, first giving your name (spelling your last name) and address and then your comments.

7. At larger public hearings, the chair will encourage speakers, including the applicant, to limit their time at the podium to about 8 minutes so everyone has time to speak at least once. Neighborhood representatives will be given more time. Once everyone has spoken, the chair may allow speakers to return for additional comments.

8. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public hearing portion of the meeting.

9. The Commission will then discuss the proposal. No further public comments are allowed.

10. The Commission will then make its recommendation or decision.

11. Final decisions by the Planning Commission may be appealed to the City Council. Appeals must be written and filed with the Planning Department within 10 days of the Planning Commission meeting.

It is possible that a quorum of members of the City Council may be present. However, no meeting of the City Council will be convened and no action will be taken by the City Council.
1. **Call to Order**

Chair Odland called the meeting to order at 6:30 p.m.

2. **Roll Call**

Commissioners Kirk, Knight, Magney, Rettew, Calvert, and Odland were present. O’Connell was absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, and Planner Jeff Thomson.

3. **Approval of Agenda:** The agenda was approved as submitted.

4. **Approval of Minutes:** February 19, 2015

   *Kirk moved, second by Calvert, to approve the February 19, 2015 meeting minutes as submitted.*

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

5. **Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of March 2, 2015:

   - Adopted a resolution approving changes to the zoning ordinances relating to the environment.
   - Adopted a resolution approving the Applewood development on Plymouth Road.
   - Adopted a resolution approving an ordinance change to rezone parcels on Excelsior Road from R-1 to R-1A.

There will be a vision meeting for the Ridgedale southwest sector on March 10, 2015 from 6 p.m. to 7 p.m.

Gordon invited commissioners to participate in a survey on how bicyclists would get to a light rail station and how the bike would be stored.
The next planning commission meeting will be March 19, 2015.

6. **Report from Planning Commission Members**

Kirk stated that the SWLRT Advisory Commission is forming an arts committee to select art work that will be infused in the stations. Anyone interesting in serving on the arts committee should contact Wischnack.

7. **Public Hearings: Consent Agenda:** None

8. **Public Hearings**

   **A. Sign plan review for Ridgedale Center at 12401 Wayzata Boulevard.**

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

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

Rettew asked if the “R” would be lighted or change color. Thomson answered that it would be backlit. The existing pylon sign is 85 feet tall. The proposed pylon sign on the north would be 70 feet tall and the signs at the east and west entrances would be 50 feet tall. The towers already exist. The sign faces would be redone.

In response to Kirk’s question, Thomson answered that the resolution would restrict the amount of the square footage that would be allowed on each sign. It would be regulated on a per-sign-type basis. All of the proposed signs are located on property owned by General Growth Properties. The yield and stop signs would be within the interior road system that is governed by a management agreement.

Calvert was concerned snow would cover the directional signs. Thomson answered that the signs would be eight feet tall and should remain visible in the winter.

Benjamin Freeman, representing General Growth Properties, applicant, stated that:

- The proposed sign plan amendment represents the continued modernization and long-term vision of Ridgedale Center. The
master plan identifies goals for now and in the future in terms of signage and focusing on the customer being able to identify the center and navigate within the site. He is excited to improve the property.

- He thanked Wischnack, Gordon, and Thomson for their continued professionalism. It has been a pleasure working with them.
- The signs would not change color. There would be a soft, back-lit glow.
- The towers would be rewrapped, but not made taller.

Kirk asked of what materials the monument sign on Interstate 394 would be made. Mr. Freeman answered a vinyl pattern that would create a sense of texture, but the difference between the two colors is a function of the rendering. It is meant to be internally illuminated and not change color.

Kirk asked if it would be as heavily textured as the graphic appears. Mr. Freeman stated that it would probably be more subtle.

Kirk stated that the signs at the mall entrances would have the same texture. He asked if those signs would be painted aluminum. Mr. Freeman said that the intent would be to make it subtle. There would be some texture without getting too busy.

Chair Odland asked how the finish would weather. Mr. Freeman answered that the materials have not fully been determined. The sign plans would next be put out for sign vendors to bid on. He has asset managers who will advise him on what would hold up to Minnesota winters. The materials would be subject to change during the bid process. The light would cascade behind the letters to create depth.

Chair Odland asked if the material around the “R” would weather well. Mr. Freeman answered in the affirmative. It would weather as well as anything else can in this environment. There would be upkeep that would need to occur.

Chair Odland asked if green features such as solar power would be used. Mr. Freeman responded that the parking lot lighting would be replaced with LEDs. The net use of power would be decreased and it would be clean light.

The public hearing was opened. No testimony was submitted and the hearing was closed.
Kirk had a vision of a homogenous look to the entire Ridgedale area from Target to the YMCA. He asked if consistencies in the use of materials and color of signs could be enforced. Gordon stated that the roadway improvements would work to bind the areas together with landscaping and way-finding signs to navigate around the center.

Kirk noted that the way-finding signs have the opportunity to create uniformity. He would want General Properties to take the lead to establish that.

Gordon noted that Highland Bank used corner features at Cartway Lane and Plymouth Road for landscaping and sidewalk treatment. The city may be able to use the landscaping and sidewalk treatments as a template for Plymouth Road.

Kirk felt that Minnetonka has standards for street signs. He did not know if those need to be blended with those at the mall. It would be nice to have consistency throughout the mall property. He knows that the city does not control content of a sign. Wischnack identified two opportunities to provide design elements for the area would be with landscaping and sidewalk treatments. Changing the look of street signs would impact the rest of the city.

Kirk confirmed with Thomson that the approval would regulate signs for the restaurants which would be restricted to wall signs. That restriction also exists in the current sign plan. Freestanding buildings would only be allowed to have wall signs.

*Magney moved, second by Rettew, to adopt the resolution on pages A57-A60 of the staff report which rescinds the existing sign plan and approves a revised sign plan for Ridgedale Center at 12401 Wayzata Boulevard.*

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

Chair Odland 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 Kraemer's Hardware redevelopment at 14730 Excelsior Boulevard and 5431 and 5439 Williston Road.**

   Chair Odland introduced the proposal and called for the staff report.
Thomson reported. He recommended commissioners provide comments and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans. It would be useful if commissioners would provide their reaction and general comments on the contemplated land use, building size, architecture, and general site design.

Kirk confirmed with Thomson that the next steps in the process would be for the concept plan to be reviewed by the city council and then the applicant may submit an application for rezoning, site plan, and comprehensive guide plan modification.

Curt Fretham, of Lake West Development, applicant, stated that:

- He described the history of the site since Kraemer’s Hardware moved.
- The plan provides a broader look at the area. There would be a green knoll. He would work to preserve trees.
- The plan would limit the visual mass and mimic what is down the street.
- The courtyard would have a green space center.
- He worked hard to build the building into the topography.
- He provided a slide that shows the access points off of Excelsior Boulevard continuing into an underground garage. There would be 23 underground stalls coming in off of Williston Road. There would be a fire lane on the north side that would access 2 units.
- There would be green space in the corner.
- The fourth story would be pushed back. The building would cut into the grade.
- The units would have doors facing the street to provide a townhouse feel.
- It would be a good-looking building. It would be primarily stone and brick. There would be an option to have a flat roof or pitched roof, He was looking for feedback on that. There would be water storage on top of the roof for rate control. The pitched roof would tie the building in more with the 2 homes on the north. The front elevations mimic the neighboring units as well.
- There would be a mix of 1-bedroom and 2-bedroom apartments.
- There would be a roof-top deck on the corner and a patio area for some units that would look down on the courtyard.
- There would be 78 units total with 60 1-bedroom apartments and 18 2-bedroom apartments.
• There would be 118 exterior parking stalls.
• The overall site is 2.2 acres.
• The units on the north would be twin homes.
• He was looking for suggestions and available for questions.

Kirk asked if the four units would be developed at the same time as the rest. Mr. Fretham would like to, but the area may be used for staging purposes during construction. He was inclined to think the units would be built once the building would be substantially complete or complete. Kirk confirmed with Mr. Fretham that the architecture of the twin houses would be similar to the apartment building.

Knight asked if a visitor would go into the lobby and through the garage to get to the elevator to get to the upper floors. Mr. Fretham said he would take a closer look at that with the architect. Knight and Mr. Fretham agreed that an elevator from the lobby to the upper floors would be better for visitors.

Magney said that the packet mentions four to eight townhomes on the north side. Mr. Fretham clarified that two twin homes, a total of four units, are in the proposal.

Knight noted that the sketches do not include the four-foot rise at Excelsior Boulevard and Williston Road. Mr. Fretham responded that that is hard to show.

Knight liked the way the north end of the apartment building would have the roofline match the twin homes.

Chair Odland asked if there would be a way to access the green space from the third floor. Mr. Fretham said that it would be visible, but not accessible.

Chair Odland questioned if the sidewalk would be intended for the public to use as well. Mr. Fretham answered affirmatively.

Rettew asked if the sidewalk would extend to the twin homes. Mr. Fretham said that diagrams have been made showing it both ways. He was open to doing the sidewalks either way.

Kirk asked what the red-dotted line represents. Mr. Fretham answered the location of a potential stormwater retention system.
Chair Odland asked if the underground garage would connect the 23 stalls accessed by Williston Road and the stalls accessed by Excelsior Boulevard. Mr. Fretham answered that it would not go through. The spots would be assigned.

The public hearing was opened.

Charles Swanson, 5436 Williston Road, stated that:

- He and his wife have lived there 15 years.
- Multiple-story dwellings have created problems in the past because they were so large and he sees that happening now.
- There have been a lot of new homes going in along the road. The area has improved a lot. He would like to see it continue with single-family houses.
- The house across from his driveway is really an eyesore. It has been vacant for 10 years. He would like to see a decision made on it, but he wondered why single-family dwellings would not be constructed.
- New houses are being built on Williston Road.
- It is not zoned for commercial.
- Twin homes would be different from the residences on Williston Road. He would rather not see twin homes or a multiple-story building.
- A new building changed an area going down to the lake in Wayzata drastically. The area is no longer appealing.
- He was concerned there would not be pride in homeownership.
- The lots are nice and could be made into nice, single-family residences.

Bill Jones, 5120 Lee Way, stated that:

- He loved the idea of the twin homes to provide a transition from the commercial area to the single-family area. He guessed that Williston Road would be too busy a street and the lots would not be large enough for single-family residences.
- He suggested that one driveway to service both twin homes would make more sense. The two driveways on Williston Road would be 20 to 30 feet apart and located on a hill which could cause a problem. He suggested a minor design change to allow a vehicle to either enter the garage from the north and turn right into the garage
or make a turn so a vehicle could enter the driveway would also be an improvement.

- The idea of a larger building on the corner is wonderful. The area is a commercial site.
- The proposal would allow a lot of residents to stay in the neighborhood in 10 or so years when he and others will be ready to move out of their houses. It would be wonderful to live in an apartment next to a wonderful, commercial area.
- He loved the idea of the apartment building and townhomes. It would be a great mix.
- The proposal could be a very positive change for the neighborhood.

Ellen Swanson, 5436 Williston Road, stated that:

- She is opposed to the apartment building being a big box. She saw no “aesthetics” to it at all. She did not want to live across the street from a big box.
- She is concerned with the density and number of units. She was concerned with increasing the number of people and traffic.
- She questioned if there would be parking spaces on the Williston Road side. Mr. Fretham answered in the negative.
- She did not like the flat roof. It would help to add some “aesthetics.”
- The previous proposals for the site were more attractive.
- She did not know why the boarded-up house is still standing. The prior property owner allowed the structures and a falling down tree to stay there for years. The site as it is diminishes her property value and changes the feel of the whole area.

Phyllis Adams, 14401 Atrium Way, stated that:

- She appreciated having discussions with previous applicants to help her develop an understanding of what density would be appropriate for the site and what uses would survive.
- She is all for bringing more people into the neighborhood because she wants all of the businesses to survive so she may use them too.

No additional testimony was submitted and the hearing was closed.

Rettew had the same concern regarding the two driveways being located so close together. He suggesting combining them. He saw pros and cons to the flat
and gable roofs. The flat roof has less mass, but the gable roof ties it in better with a typical home look and breaks up the monotony of a box. He was curious to hear other people’s thoughts. He likes the courtyard. That helps break up visually the big-box look.

Kirk asked how the city deals with abandoned residences. Wischnack explained that when the city receives a complaint, staff will contact the property owner and request steps be taken to resolve the problem. City staff have visited this property and boarded up the vacant house. The property owner is responsible for paying for the cost. The site has not been found unsafe, but is a nuisance. If a resident sees something, then please contact city staff.

Kirk would rather see surface parking on Excelsior Boulevard. It would make sense to extend parking all the way down to where the grocery store and liquor store are located. Blending of the contemporary style and gable roof style works for him because of the horseshoe shape of the building. The massing is alright. He liked the stepping of the number of stories down as the hillside rises so that it would not continue to creep up the hill. It may be a little awkward of a transition from gable roofs to a flat roof from the courtyard view, but the flat roof would pretty much be hidden from the public view, so he did not have a lot of concern for that. He appreciates how the green space would flow in and out of the building. It would articulate the massive back of the building which has been included in previous proposals. Continuing to break up the large block on the southwest corner with different colors and textures as shown is important. He would support more of that throughout the design. Using different textures vertically can help break up mass. The building’s mass would be appropriate because it would be stepped back from Excelsior Boulevard and Williston Road. Overall, it is heading in the right direction and it looks a lot better than the previous proposals. He would support the proposal.

Rettew loves the trees on Williston Road. He would like the developer to complete the tree audit and preserve as many mature trees as possible.

Kirk stated that twin homes would be appropriate in the proposed location because the area has higher density and commercial uses, but he would prefer the rest of the lots adjacent to Williston Road contain single-family residences.

Knight asked if the twin homes would be owner occupied. Mr. Fretham answered affirmatively.

Chair Odland asked if including more owner-occupied twin homes had been considered. Mr. Fretham answered that it had been considered, but they could
not come up with a viable plan. The corner is busy, numerous twin homes would create multiple driveways, and the property with the existing boarded-up building would not make it economically feasible.

Chair Odland liked Lake West Development’s proposal in another location that was laid out into a nice neighborhood. Mr. Fretham explained that that property had more room for a street, but this property does not have enough room for a street. The depth makes a big difference.

Chair Odland asked if he had considered individual houses with a row-house feel to provide more ownership to the neighborhood. Mr. Fretham responded that the study did not take them in that direction.

Magney likes the green space, gabled roof on the apartment to provide a nice transition to the houses to the north, and one driveway. He likes the building colors and different materials of stone and brick. It looks nice.

Chair Odland asked if there would be green aspects for power, water retention, or garden areas that would be a community area. Mr. Fretham said that there would be water retention on the rooftop, an above-ground stormwater collection area that would collect the water from the roof, and preservation of green space in the front and the border. That would work with either a gable or flat roof.

Knight asked if the stormwater pond would have a controlled outflow or if it could potentially overflow. Mr. Fretham answered that it could potentially overflow. Knight was concerned that the twin homes would have water problems. Mr. Fretham explained that would not happen because there would be enough change in elevation to prevent that.

10. Elections

A. Election of chair and vice chair of the 2015 Minnetonka Planning Commission.

Chair Odland and Kirk volunteered themselves to serve as chair.

Knight moved to nominate Kirk to serve as chair of the 2015 Minnetonka Planning Commission. Kirk, Knight, Magney, Rettew, and Calvert voted yes. Odland voted no. O’Connell was absent. Motion carried.
Rettew nominated himself to serve as vice chair of the 2015 Minnetonka Planning Commission. Kirk, Knight, Magney, Rettew, Calvert, and Odland voted no. O'Connell was absent. Motion failed.

Knight nominated Odland to serve as vice chair of the 2015 Minnetonka Planning Commission. Kirk, Knight, Magney, Rettew, Calvert, and Odland voted yes. O'Connell was absent. Motion carried.

11. Planning Commission Bylaws and Policies

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

Gordon reported. He recommended approval of the bylaws and policies without changes.

Kirk asked if it would be appropriate to review ordinances regarding tear downs at this time. Gordon and Wischnack noted that the mcmansion policy would apply if the new construction would require a variance. Kirk wanted something to get at addressing a medium-sized lot that would allow a house much bigger than those in the existing neighborhood. He would like to address that issue at another time. He expects more of those will be happening in the future. Gordon said that data could be collected to identify Minnetonka’s tear-down trends. It is a lot-size issue more than home style. Calvert noted a newspaper article that reported how young people are looking for small, split-level houses, but the ones from the 1970s are dated. Some cities are investing in updating the split level-houses built in the 1970s. Some were featured in the paper. Kirk noted that those are some of the most economic houses in Minnetonka.

Wischnack said that the city now offers rehabilitation loans and down payment assistance for residents with incomes up to 110 percent of the median income.

Gordon clarified that the issue of tear downs and rebuilds would be reviewed as a broader policy.

Kirk moved, second by Knight, to readopt the attached bylaws and policies.

Kirk, Knight, Magney, Rettew, Calvert, and Odland voted yes. O'Connell was absent. Motion carried.
12. Adjournment

Knight moved, second by Kirk, to adjourn the meeting at 8:30 p.m. Motion carried unanimously.

By: ____________________________

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
March 19, 2015

Agenda Item 7

Public Hearing: Consent Agenda
(No Items)
MINNETONKA PLANNING COMMISSION
March 19, 2015

Brief Description
Resolution reaffirming 2013 final site and building plan approval, with parking setback variances, for changes at St. David’s Center

Recommendation
Adopt the resolution reaffirming previous approval

Introduction
St. David’s Center is a non-profit organization that provides a wide variety of services including early childhood education, various pediatric therapies, and children’s mental health evaluation and treatments. In 1990, St. David’s Center purchased the Burwell Elementary School building at 3395 Plymouth Road. In 2011/2012, the over 100-year old building underwent a major interior remodel/renovation project. City staff reviewed and approved this project through the administrative building permit process. In 2013, the planning commission approved several changes to the building and site including: (1) an addition to the north side of the building; (2) reconfiguration of parking lots; and (3) relocation of playground areas. (See the attached staff report and minutes.)

St. David’s Center staff indicated to city staff that the changes would not occur until certain levels of funding had been achieved. However, city staff failed to accommodate this within the resolution provided to the planning commission. As do most site and building plan approvals, the resolution included a condition that “construction must begin by December 31, 2014, unless the planning commission grants a time extension.”

St. David’s representatives recently met with city staff to discuss upcoming building permit application submittals and noted that ground breaking would likely happen in April 2015. It was following this meeting that staff recalled the site and building approval had technically expired.

Current Request
Staff requests that the planning commission reaffirm its 2013 site and building plan approval, as:

(1) There have not been any changes to city code or policy that affect the site.

(2) Reaffirming the site and building plan approval would not adversely impact the interests of neighboring properties.

Staff Recommendation
Adopt the resolution on pages A52-A55, which reaffirms the previous site and building plan approval.

Originator: Susan Thomas, AICP, Principal Planner
Introduction

St. David’s Center is a non-profit organization that provides a wide variety of services including early childhood education, various pediatric therapies, and children’s mental health evaluation and treatments. In 1990, St. David’s Center purchased the Burwell Elementary School building at 3395 Plymouth Road. In 2011/2012, the over 100-year old building underwent a major interior remodel/renovation project. City staff reviewed and approved this project through the administrative building permit process.

St. David’s Center is now proposing several additional changes to the building and site. The changes include: (1) an addition to the north side of the building; (2) reconfiguration of parking lots; and (3) relocation of playground areas. (See pages A1–A9.) These changes may be accomplished only through the site and building plan review and approval process.

Proposal Summary

The following is intended to summarize the applicant’s proposal. Additional information associated with the proposal can be found in the “Supporting Information” section of this report.

• **Location and Site Features.** The subject property is located near the northeast corner of the Minnetonka Boulevard/Plymouth Road intersection. The property is improved with a roughly 57,000 square-foot building, two parking lots, and two playground areas. In addition to these constructed features, the property contains several natural features, including: Minnehaha Creek, a large Manage 1 wetland, and 2.5-acre “school forest.” Access to the property occurs in three locations: (1) at Plymouth Road on the north side of the site; (2) at Plymouth Road – near the Plymouth Road/McGinty Road intersection – on the west side of the site; and (3) at Bridge Street on the south side of the site. (See pages A1.)

• **Building.** Under the applicant’s proposal, a 6,350 square-foot addition would be constructed on the northeast side of the existing building. This new space would accommodate the St. David’s pediatric therapy programs. The exterior of the
addition has been designed to complement the existing building in style and materials. (See pages A8–A9.)

- **Playgrounds and Parking Lots.** As proposed, the large playground area north of the existing building would be removed and a new playground area constructed east of the building. The relocation of this playground would allow for parking lot changes. The site’s two existing parking lots would be reconfigured into one larger parking lot. Parking lots are required to maintain a 20-foot setback from public rights-of-way; the applicant proposes a 15-foot setback. The number of available parking spaces within the reconfigured lot would remain essentially the same as under current conditions. (See page A5.)

- **Access.** The applicant’s proposal calls for changes to two of the three existing access points to the site. The west side access near the Plymouth Road/McGinty Road intersection would be converted to a “right-in only”; the area currently operates as a “full access and egress” point allowing entry and exit from – and to – any direction. The south side access at Bridge Street would be closed entirely. (See page A5.)

**Staff Analysis**

Staff finds that applicant’s proposed building and site changes are reasonable and appropriate.

- **Building.** The proposed building addition would meet all minimum standards as outlined in the city code.

- **Playground.** The relocation of playground space is appropriate for a variety of reasons. The new playground would be:

  1. located in closer proximity to the building than the existing playground;
  2. located between the school building and a natural area, rather than between two parking lots as is the existing playground; and
  3. located near Bridge Street, which is a no-outlet neighborhood street, rather than near Plymouth Road, which is an arterial roadway.

- **Parking Lots.** A traffic and parking study was conducted several months ago in anticipation of the applicant’s proposal. The study was based on a concept plan provided by the applicant at that time. (See pages A10–27.)

The services provided at St. David’s are diverse and are not covered by the parking standards outlined in city code. Therefore, the parking component of the study examined the site’s unique parking demand. The study specifically looked at parking space utilization rates under current and proposed site conditions. The
study concluded that parking demand could be accommodated with just under 160 parking spaces. The applicant's proposal includes 176 parking spaces.

In the past, the city has received complaints about parking occurring on Bridge Street and Burwell Drive during a.m. hours. Staff believes that this on-street parking was not necessarily due to insufficient on-site parking. Rather, the on-street parking may be desirable due to the short distance between the street and the current main entry to the building. To address these complaints, city staff has requested St. David's direct clients to the parking lots. Further, staff has drafted a proof-of-parking plan to provide additional on-site parking if a greater parking demand were realized in the future. (See page A38.)

- **Access.** The traffic study analyzed the levels of service on Plymouth Road at St. David's existing access/egress points and at the McGinty Road intersection under both existing and proposed conditions. The study generally suggested that:

  1. The west access/egress point near the Plymouth Road/McGinty Road intersection be converted to a “right-in only” so as to improve existing conditions on Plymouth Road.

  2. All egress from the site should be located at the north access/egress point on Plymouth Road.

With these recommendations, the study concluded that the St. David’s proposal would not negatively impact levels of service on Plymouth Road. Instead, level of service would be improved at the Plymouth Road/McGinty Road intersection. Both city and Hennepin County engineers reviewed the study and concurred with its findings. The applicant’s proposal specifically incorporates the study’s recommendations.

- **Stormwater Management.** Given the age of development on the subject property, there is no existing stormwater management system in place. The applicant's proposal represents a vast improvement. Infiltration basins would be constructed southeast of new parking lot and southwest of the building. These areas would help to control runoff rate, runoff volume, and promote water quality treatment. (See page A6.)

**Summary Comments**

The building and site changes proposed by St. David’s Center are reasonable and appropriate. They would not negatively impact the surrounding area. Rather, the changes would improve the function of a historic building and site and support an organization that is a fixture in the Minnetonka community.
**Staff Recommendation**

Adopt the resolution on pages A29–38 which approves final site and building plans, with parking setback from 20 feet to 15 feet, for changes at St. David’s Center. Approval is based on the following findings:

1. The proposal would meet all ordinances and standards outlined in City Code §300.27 Subd. 5.

2. The proposal would meet the required standards for a variance outlined in City Code §300.07:
   a) **INTENT OF THE ORDINANCE**: The intent of the ordinance as it pertains to parking setbacks is to promote both safety and aesthetics by providing adequate distance between the traveling public and parking lots. The requested variance meets this intent. While just 15 feet from the property line, the new parking areas would be 20 feet from the traveled portion of Plymouth Road. New landscaping would further separate the parking lot from the roadway.
   
   b) **CONSISTENT WITH COMPREHENSIVE PLAN**: One of the goals outlined in the 2030 Comprehensive plan is building community by embracing Minnetonka’s “proud past, while valuing diversity and inclusiveness.” (2030 Comprehensive Plan page I-3) The requested variance is consistent with the goal. The variance would allow for the reconfiguration and, therefore, the continued use of a building and site that has been a fixture in the Minnetonka community.

   c) **PRACTICAL DIFFICULTIES**:

   1) **REASONABLENESS and CHARACTER OF LOCALITY**: The proposed 15-foot setback would be a continuation of similar parking lot setbacks already existing on the St. David’s site. As such, the proposed 15-foot setback is reasonable and would not impact the character of the surrounding area.

   2) **UNIQUE CIRCUMSTANCES**: The subject property and existing building have existed in their current configuration for over 100-years. Given the location of the existing building, and code-required parking stall and drive aisle dimensions, the required 20-foot parking could not be met on the site without a significant reduction in the number of parking stalls. This is a unique circumstance not common to all similarly zoned properties.

3. The proposal is consistent with the Comprehensive Guide Plan.
4. The proposal would not negatively impact the public health, safety or general welfare.

Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
   - Site plan dated January 21, 2013
   - Grading, Drainage and Utility plan dated January 21, 2013
   - Landscaping plan dated January 21, 2013
   - Building elevations dated January 21, 2013

2. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
   a) The following must be submitted for the grading permit to be considered complete.
      1) An electronic PDF copy of all required plans and specifications.
      2) Two full size and three 11x17 sets of construction drawings and three sets of project specifications.
      3) Final site, grading, drainage, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
         a. Final site plan for the playground must include location of playground equipment. Equipment that will require a footing must be located at least 10 feet from the existing water main.
         b. Final grading plan must:
            1. Show the location of existing watermain.
            2. Show insulation of the watermain where any new storm sewer crosses over the main.
            3. Maintain appropriate ground cover over the main.
         c. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in ordinance. However, at the sole discretion of
natural resources staff, mitigation may be adjusted based on site conditions.

4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to utility improvements, comply with grading permit, tree mitigation requirements, landscaping requirements, and to restore the site. One itemized letter of credit may be submitted if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) submission of as-built drawings and a letter certifying that the streets and utilities have been completed according to the plans approved by the city; (2) vegetated ground cover has been established; and (3) required landscaping or vegetation has survived one full growing season.

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

b) Prior to issuance of a grading permit:

1) Sign an encroachment agreement with the city. The agreement will outline rights, risks, and responsibilities associated with locating the new playground within the existing watermain easement.

2) A copy of this resolution must be recorded with the County and a copy of the recorded document returned to the city.

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

4) Submit cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
5) Schedule and hold a preconstruction meeting with engineering, planning, and natural resources staff as determined by city staff.

3. Prior to issuance of a building permit:
   a) Submit the following items for staff review and approval:
      1) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.
      2) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
         - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
         - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

      If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.

      3) An illumination plan for the parking lot.
   b) Submit all required hook-up fees.

4. City staff may require striping of additional parking stalls as generally depicted on Exhibit B of this resolution if city staff documents ongoing or regular on-street parking associated with St. David’s Center.

5. The site and buildings must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.
6. During construction, the streets must be kept free of debris and sediment.

7. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.

8. The property owner is responsible for replacing any required landscaping that dies.

9. Construction must begin by December 31, 2014, unless the planning commission grants a time extension.

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

<table>
<thead>
<tr>
<th>Surrounding Land Uses</th>
<th>Northerly: Plymouth Road and Single-family homes; zoned R-1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Easterly: Single-family homes; zoned R-1</td>
</tr>
<tr>
<td></td>
<td>Southerly: Minnehaha Creek</td>
</tr>
<tr>
<td></td>
<td>Westerly: Plymouth Road</td>
</tr>
</tbody>
</table>

| Planning              | Guide Plan designation: Institutional                     |
|                       | Zoning: R-1                                              |

| School Forest          | In addition to the “developed” areas of the St. David’s property, the site also includes a large amount of undeveloped space located between Burwell Drive and Plymouth Road. This area is heavily wooded and includes a Manage 1 wetland. This area is officially the “St. David’s School Forest”; the school's forest program is certified by the Minnesota Department of Natural Resources. |
|                       | At a future date, St. David’s intends to develop more “formalized” walking paths and boardwalk through the forest and wetland. City staff generally supports this idea. Depending on the location and construction of these paths and boardwalk, they may be approved administratively by staff or require more specific planning commission or council approvals. St. David’s is aware of this. |

| Tree Removal           | As proposed, approximately 18 significant trees and 14 high-priority trees on the property would be removed or potentially impacted. Many of the trees are located within the “basic tree removal area” and would not require mitigation. However, mitigation would be required for those trees removed within the proposed rain gardens. |

| Impervious Area        | School properties are limited to 60 percent impervious surface. The St. David’s property is currently 30 percent impervious. The proposed site changes would actually reduce impervious surface to 29%. |

| SBP Standards          | The proposed building would comply with site and building standards as outlined in city code. |
|                       | 1) consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan; |

**Finding:** The proposal has been reviewed by city planning, engineering, natural resources, public works, fire, and
building staff. The plan is generally consistent with the city's development guides.

2) consistency with this ordinance;

**Finding:** Apart from the requested parking setback variance, the proposal would be consistent with the ordinance. As outlined in the “Staff Recommendation” section of this report, the requested variance would meet the variance standard.

3) preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

**Finding:** The proposal would require some grading and tree removal. However, much of this grading and removal would occur in and around existing developed areas of the site. Large areas of the property would be preserved in its existing natural state.

4) creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

**Finding:** The location of the proposed building addition, parking lot, and playground would improve the visual and physical relationship of buildings and open spaces on the site.

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

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

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

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

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

**Finding:** The location and design of the proposed building addition, parking lot, access points, and playground would improve the site’s internal sense of order and pedestrian and vehicular circulation in and around the site.

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

**Finding:** The proposed building addition will include efficiencies not available at the time of the building’s original construction.

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

**Finding:** The applicant’s proposal is not anticipated to negatively impact neighboring land uses. Rather, the proposed changes should improve upon existing conditions.

**Variance Standard**  
A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted would not alter the essential character of the locality. (City Code §300.07)

**Natural Resources**  
Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and wetland and tree protection
fencing. As a condition of approval the applicant must submit a construction management plan detailing these management practices.

**Appeals**

Any person aggrieved by the planning commission’s decision regarding the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

**Neighborhood Comments**

The city sent notices to 103 area property owners and received one comment (see pages A40–A42). Staff response to this comment is also attached.

**Deadline for Decision**

May 13, 2013
LOCATION MAP

APPLICANT: ST. DAVID'S CENTER
ADDRESS: 3395 PLYMOUTH RD
PROJECT: #90030.13a

This map is for illustrative purposes only.
Campaign Goal
To create an early education, early intervention, treatment, and training center that will meet a growing need for high-quality services for children with a broad range of developmental needs.

St. David’s Center’s services are in high demand. One in six children has a developmental disability; one in 88 has autism. Four in 10 children arrive in kindergarten without the skills to learn.

The renovation and expansion project will increase St. David’s Center’s capacity to improve outcomes for children and families by 94 percent. The project will also allow St. David’s Center to serve as a “launching pad” for dozens of therapists who work in the community.

St. David’s Center is located in a 90-year-old schoolhouse in Minnetonka purchased in 1989. This campaign will align the building with the educational and early intervention needs of the children in our community for years to come.

Major Campaign Components and Associated Costs

<table>
<thead>
<tr>
<th>I. Building Renovation and Expansion to Build Capacity and Meet Community Needs</th>
<th>$9,550,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Autism Day Treatment Wing Expansion and Renovation</td>
<td>$1,650,000</td>
</tr>
<tr>
<td>Build a multidisciplinary treatment wing with a unique therapeutic design that addresses the complex developmental needs of young children with autism</td>
<td></td>
</tr>
<tr>
<td>B) Pediatric Therapy Center Expansion and Renovation</td>
<td>$2,600,000</td>
</tr>
<tr>
<td>Expand and renovate Pediatric Therapy Center to meet increased community need, to reflect new research and best practices in the field and to allow for the development of specialties</td>
<td></td>
</tr>
<tr>
<td>C) Children’s Mental Health Clinic Establishment</td>
<td>$1,450,000</td>
</tr>
<tr>
<td>Build a Children’s Mental Health Clinic with assessment, individual child and family therapy and day treatment spaces, all designed to address the complex needs of an increasing number of children with mental health problems</td>
<td></td>
</tr>
<tr>
<td>D) Early Childhood Education Renovation</td>
<td>$2,100,000</td>
</tr>
<tr>
<td>Enlarge and renovate classrooms, kitchens and motor spaces to reflect our research-based philosophy and values</td>
<td></td>
</tr>
<tr>
<td>E) Campus Development</td>
<td>$750,000</td>
</tr>
<tr>
<td>Improve safety and traffic flow on our grounds while utilizing the natural features of the site for the Center’s educational and therapeutic services</td>
<td></td>
</tr>
<tr>
<td>F) Arrival, Waiting and Way-Finding</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Improve functionality of our entry and lobby, build central office for intake and health records, and protect client confidentiality in public spaces within the building</td>
<td></td>
</tr>
</tbody>
</table>

| II. Endowment Fund Dedicated to Advancing the Field | $1,000,000 |
| III. Related Costs: Short-term Debt Service, Fundraising and Business Interruption | $1,700,000 |

Total Financial Needs of St. David’s Center’s Capital Campaign $12,250,000
Impact on Services and Unmet Community Need
With increased capacity made possible with a successful $12,250,000 capacity-building campaign, St. David’s Center will increase access to early assessment by 127 percent.

More children struggling in some area of their development will have access to a team of professionals prepared to name the root cause for their struggle.

Moreover, within the first four years of the investment, 74 percent more children will be served through intervention and treatment services including autism treatment, occupational therapy, speech and language therapy, feeding therapy, children’s mental health services, inclusive early childhood education and access to care coordination.

As a result of leveraging $8.5 million in private charitable revenue and $3.75 million in state bond funds, the following impact will be achieved:

<table>
<thead>
<tr>
<th>Capacity-Building Strategy</th>
<th>Today’s Impact</th>
<th>With Capacity-Building State Bond Funds (growth noted through May 2016)</th>
<th>Percent Increase in Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expanding Access to Early Identification</td>
<td>745 children assessed in 2011 - 12</td>
<td>943 more children assessed between June 2012 and May 2016</td>
<td>127%</td>
</tr>
<tr>
<td>Expanding Access to Intervention</td>
<td>979 children treated in 2011 - 12</td>
<td>720 more children treated between June 2012 and May 2016</td>
<td>74%</td>
</tr>
</tbody>
</table>

ST. DAVID’S CENTER
3395 PLYMOUTH ROAD
#90030.13A
1. LOCATION AND ELEVATION OF EXISTING INFRASTRUCTURE AND UTILITIES TO BE CONSIDERED IN PROJECT PLANNING.

2. CONTRACTORS SHALL ENSURE ALL EXISTING UTILITIES ARE PROTECTED AND NON-EXISTING UTILITIES ARE ACCOUNTED FOR AND MARKED.

3. CONTRACTORS SHALL PROVIDE SIGNAGE AND BARRICADES AS PER REQUIREMENTS OF LOCAL, STATE, AND FEDERAL LAWS.

4. CONTRACTORS SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS.

5. CONTRACTORS SHALL ENSURE ALL WORK IS IN ACCORDANCE WITH THE SPECIFICATIONS AND REQUIREMENTS OF THE CITY, STATE, AND FEDERAL GOVERNMENT.

6. CONTRACTORS SHALL INSTALL TEMPORARY INLET PROTECTION (WIMCO OR EQUIVALENT) TO PROTECT NEW INLETS FROM EROSION.

7. WATER MAIN LENGTHS AS SHOWN ARE APPROXIMATE HORIZONTAL LENGTHS.

8. INSULATION SHALL BE DOW STYROFOAM HI BRAND 35 OR EQUIVALENT, WITH 4 INCHES OF THICKNESS.

9. SANITARY SEWER PIPE OUTSIDE THE BUILDING ENVELOPE SHALL BE POLYVINYL CHLORIDE (PVC) SDR 35 OR 26. SDR 26 IS REQUIRED FOR DEPTHS GREATER THAN 10 FEET.

10. SANITARY SEWER PIPE SHALL BE PVC SCHEDULE 40.

11. ALL MATERIALS SHALL COMPLY WITH THE REQUIREMENTS OF THE CITY.

12. CONTRACTORS SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS.

13. INSULATION SHALL BE DOW STYROFOAM HI BRAND 35 OR EQUIVALENT, WITH 4 INCHES OF THICKNESS.

14. SANITARY SEWER & STORM SEWER. INSULATE WATER MAIN IF LESS THAN 7.5' FULLY-LOADED TANDEM-AXLE DUMP TRUCK. OR APPROVED EQUAL, IN EACH OF THE WATER MAIN DEPTH. THE ELECTRICAL ALARM SWITCH SHALL BE PART NO. 1100 SERIES.

15. ENVIRONMENTAL MATERIALS USED FOR THE BUILDING PAD AND STREETS OR ROADS SHALL MEET THE REQUIREMENTS OF THE CITY.

16. POST INDICATOR VALVES SHALL BE CLOW F-5750 (OR EQUIVALENT) MEETING AWWA STANDARD C509 AND CITY STANDARDS, VALVE TO BE MECHANICAL WITH POST-CONSTRUCTION RESTORATION" AS SHOWN ON THIS PLAN ARE APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY FOUND. DEBRIS. STREET SWEEPING SHALL BE COMPLETED DAILY.

17. ALL SANITARY SEWER AND STORM SEWER MAIN CROSSINGS WITH SANITARY SEWER OR STORM SEWER.

18. WATER MAIN DEPTH. THE ELECTRICAL ALARM SWITCH SHALL BE PART NO. 1100 SERIES.

19. ENVIRONMENTAL MATERIALS USED FOR THE BUILDING PAD AND STREETS OR ROADS SHALL MEET THE REQUIREMENTS OF THE CITY.

20. POST INDICATOR VALVES SHALL BE CLOW F-5750 (OR EQUIVALENT) MEETING AWWA STANDARD C509 AND CITY STANDARDS, VALVE TO BE MECHANICAL WITH POST-CONSTRUCTION RESTORATION" AS SHOWN ON THIS PLAN ARE APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY FOUND. DEBRIS. STREET SWEEPING SHALL BE COMPLETED DAILY.

21. WATER MAIN DEPTH. THE ELECTRICAL ALARM SWITCH SHALL BE PART NO. 1100 SERIES.
MEMORANDUM

TO: Susan Thomas, AICP, Principal Planner  
    CITY OF MINNETONKA

FROM: Craig Vaughn, PE, PTOE, Senior Associate  
      Jeff Bednar, TOPS, Senior Traffic Engineering Specialist

DATE: July 24, 2012

SUBJECT: ST. DAVID’S CENTER TRAFFIC, PARKING AND CIRCULATION STUDY

INTRODUCTION

As requested, SRF Consulting Group has completed a traffic study including a parking analysis and site circulation review for the proposed expansion of the St. David’s Center on Plymouth Road, in the City of Minnetonka (See Figure 1 – Project Location). The purpose of this study is to evaluate the traffic impacts to the adjacent roadway network, review the existing and proposed parking demand and supply for center activities, review the existing and future site circulation, and recommend improvements as necessary to provide safe and efficient traffic operations within the study area.

EXISTING TRAFFIC OPERATIONS ANALYSIS

An existing traffic operations analysis was completed for the St. David’s Center project area. The main objective of the existing traffic operations analysis is to determine how traffic currently operates in the study area and establish a baseline condition from which to evaluate future conditions.

Key Intersections and Data Collection

Existing traffic operations were analyzed at the following key intersections:

- Plymouth Road and McGinty Road/West Site Access
- Plymouth Road and Bridge Street/North Site Access
- Bridge Street and South Site Access
Project Location
St. David's Center Traffic, Parking and Circulation Study
City of Minnetonka

Figure 1
Project Location
St. David's Center Traffic, Parking and Circulation Study
City of Minnetonka

A11
Intersection observations and vehicular a.m. and p.m. peak hour turning movement counts were collected by SRF Consulting Group in June 2012. All key intersections are currently side-street stop sign control. Existing geometrics, traffic control, and peak hour traffic volumes for the key intersections are shown in Figure 2.

**Intersection Operations Analysis**

The key intersections were analyzed using a combination of the Highway Capacity Manual (HCM) and Synchro/SimTraffic software. Capacity analysis results identify a Level of Service (LOS), which indicates how well an intersection is operating. The LOS results are based on average delay per vehicle. Intersections are given a ranking from LOS A through LOS F. LOS A indicates the best traffic operation and LOS F indicates an intersection where demand exceeds capacity. In urban metropolitan areas such as the study area, LOS A through D is generally considered acceptable by drivers.

For side-street controlled intersections, special emphasis is given to providing an estimate for the level of service of the minor approach. Traffic operations at unsignalized intersections with side-street stop control can be described in two ways. First, consideration is given to the overall intersection level of service. This takes into account the total number of vehicles entering the intersection and the capability of the intersection to support those volumes. Second, it is important to consider the delay on the minor approach. Since the mainline does not stop, the majority of delay is attributed to the side-street approaches in most cases.

Results of the existing operations analysis shown in Table 1 indicate that all key intersections currently operate at an acceptable overall LOS A or better during the a.m. and p.m. peak hours with existing traffic controls and geometric layout.

**Table 1**

**Existing Peak Hour Capacity Analysis – Level of Service Results**

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Level of Service</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Plymouth Road and McGinty Road/West Site Access *</td>
<td>A/C</td>
<td>A/F</td>
<td></td>
</tr>
<tr>
<td>Plymouth Road and Bridge Street/North Site Access *</td>
<td>A/A</td>
<td>A/B</td>
<td></td>
</tr>
<tr>
<td>Burwell Drive and South Site Access *</td>
<td>A/A</td>
<td>A/A</td>
<td></td>
</tr>
</tbody>
</table>

* Indicates an unsignalized intersection with side-street stop control. The overall LOS is shown followed by the worst approach LOS.

Although all study intersections currently operate at an acceptable overall LOS A or better during the peak hour conditions, minor queuing and side-street delay occurs at the Plymouth Road and McGinty Road/West Site Access intersection. Along Plymouth Road in the northbound direction, queues extend back approximately 190 feet during the p.m. peak hour. This is caused by northbound left-turning vehicles waiting for gaps. Furthermore, westbound approach delays can range from approximately 30 - 60 seconds during the p.m. peak hour, indicating that it is difficult for vehicles to make left-turns out of the west parking lot. These issues were confirmed during field observations at the site during data collection.
Existing Conditions
St. David's Center Traffic, Parking and Circulation Study
City of Minnetonka

LEGEND
XX - A.M. Peak Hour Volume
(XX) - Afternoon Peak Hour Volume
- Side-Street Stop Control

Figure 2
PROPOSED DEVELOPMENT AND SITE ACCESS REVIEW

The proposed development consists of a 4,870 square foot expansion to the existing 55,527 square foot building housing St. David’s Center for Child and Family Development. This project also includes site work consisting of new and relocated parking, a new playground, surface water retention, public space and storage improvements. Figure 3 presents the proposed site plan graphic.

Site Access

Access to the existing site is provided at three locations: along Plymouth Road across from McGinty Road (west site access) and across from Bridge Street (north site access) and a third along Minnetonka Boulevard via Burwell Drive (south site access). Based on the proposed site plan, the reconfigured site will be served by the two existing access driveways along Plymouth Road (removing the access to Burwell Drive). The west site access driveway is slightly offset to the north of the intersection of Plymouth Road and McGinty Road. The north site access driveway aligns with Bridge Street to the north. The existing south site access driveway to Burwell Drive will be closed as part of the site improvement project and the new playground area. Cross access will be possible from the west site access to the north site access under the proposed site plan (one contiguous parking lot).

As presented in the existing conditions section, traffic operations at the west site access driveway is somewhat challenged by the higher traffic volumes and turning conflicts associated with the Plymouth Road and McGinty Road/West Site Access intersection and infrequent peak hour blockage from southbound traffic spillback at the traffic signal at Minnetonka Boulevard and Plymouth Road. Due to the roadway curvature along Plymouth Road the sight distance to the north from the west site access is limited and restricted. The north site access driveway is located more favorably on Plymouth Road and is not challenged in terms of traffic operations and sight distance.

Internal Site Circulation

An internal site traffic circulation review was conducted following generally accepted traffic engineering and site planning guidelines. Parking for the proposed project would be provided by existing and new surface parking areas as identified on the site plan.

The existing western surface parking area (42 spaces) will be primarily used for visitor parking, and as a drop-off/pick-up area. It is recommended that many of these parking spaces be designated as visitor only parking and/or have a time limit. This would prevent the use of these parking spaces as alternative long-term parking. The 28 parking spaces southwest of the facility are intended for long-term staff parking. The new surface parking area north/northeast of the building (127 spaces) will be primarily used for faculty, staff, and additional long-term parking.

The layout of these existing and proposed surface parking areas allows for easy circulation for vehicles entering/exiting and traveling throughout the site. The parking stalls are shown to be 90-degree, nine foot wide stalls with adequate drive aisle widths. Therefore, circulation within the site and parking areas will be satisfactory.
Proposed Site Plan
St. David's Center Traffic, Parking and Circulation Study
City of Minnetonka

A15

Figure 3

ST. DAVID'S CENTER
3395 PLYMOUTH ROAD
#90030.13A
The following site access and internal circulation recommendations should be considered:

- All internal roadways and surface parking areas must be designed to conform to City of Minnetonka standards.
- The access driveways and drive aisles within the surface parking areas should be designed to allow easy vehicle access and circulation. The parking aisles should be wide enough to allow for vehicle circulation, including emergency vehicles and adequate turning radii should be provided for easy maneuvering.
- Easily accessible and clear pedestrian connections from the parking areas and project area to existing and proposed pedestrian facilities should be provided.
- A clear travel path for other service vehicles, such as garbage and delivery trucks, should be defined.

**Pedestrian and Bicycle Facilities**

Easily accessible and clear pedestrian connections from the surface parking areas and the site to existing and proposed pedestrian facilities are provided based on the proposed site plan. Bicycle use to/from the site has not been estimated, however, bicycle parking/racks should be considered.

**TRAFFIC FORECASTS**

To account for traffic impacts associated with the proposed development, trip generation estimates for the weekday a.m. and p.m. peak hours were developed. There is not a specific land use type within the **ITE Trip Generation Report, 8th Edition** that accurately depicts the type of trip generation expected for St. David’s Center; therefore, driveway count data from the existing access locations was utilized.

Driveway counts were collected at the St. David’s Center access locations. These driveway counts were used to estimate the trips that will be generated due to the expansion during the peak hours. Table 2 presents the trip generation estimates.

**Table 2**  
**Trip Generation Estimates**

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Size (SF)</th>
<th>Weekday A.M. Trips</th>
<th>Weekday P.M. Trips</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
<td>In</td>
</tr>
<tr>
<td><strong>Existing Land Use</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>St. David’s Center</td>
<td>55,527</td>
<td>66</td>
<td>20</td>
<td>39</td>
</tr>
<tr>
<td><strong>Proposed Land Use</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>St. David’s Center Expansion</td>
<td>4,870</td>
<td>6</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td><strong>Proposed Land Use Total</strong></td>
<td>60,397</td>
<td>72</td>
<td>22</td>
<td>42</td>
</tr>
</tbody>
</table>

(1) Existing St. David’s Center building size was provided by the project team.
(2) Trip generation rates based on field data collection for the existing St. David’s Center building.
The proposed development is anticipated to be completed by year 2013. Therefore, traffic forecasts were developed for year 2014 conditions (one year after construction). Based on existing area traffic growth patterns and historical annual average daily traffic (AADT) volumes, no annual growth was applied to the existing peak hour volumes to develop year 2014 background traffic forecasts.

The directional trip distribution for the proposed development is based on historical AADT volumes within the area and existing turning movement patterns. The directional trip distribution is shown in Figure 4. The traffic assignment did assume the existing south site access to Burwell Drive will be closed as part of the site improvement project. The existing trips using Burwell Drive to access the site were rerouted to the Plymouth Road access points. The resultant peak hour forecasts for the future build conditions are shown in Figure 5.

**FUTURE BUILD CONDITIONS**

To determine how well the existing roadway network will operate under future build conditions, an operations analysis was completed for the weekday a.m. and p.m. peak hours. Results of the future build condition operations analysis shown in Table 3 indicate that all key intersections will continue to operate at an acceptable overall LOS B or better during the weekday a.m. and p.m. peak hours, with existing traffic controls and geometric layout.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Level of Service</th>
<th>Level of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plymouth Road and McGinty Road/West Site Access *</td>
<td>A/D</td>
<td>B/F</td>
</tr>
<tr>
<td>Plymouth Road and Bridge Street/North Site Access *</td>
<td>A/A</td>
<td>A/C</td>
</tr>
</tbody>
</table>

* Indicates an unsignalized intersection with side-street stop control. The overall LOS is shown followed by the worst approach LOS.

The westbound approach at the Plymouth Road and McGinty Road/West Site Access intersection will continue to have minor queuing and delay issues. Drivers on the westbound approach to this intersection are expected to experience more than one minute of average delay per vehicle during the p.m. peak hour under future conditions. This level of delay can lead to drivers accepting unsafe gaps in traffic that may result in a traffic safety problem at this intersection. Restricted sight distance to the north, due to the horizontal and vertical alignment of Plymouth Road and roadside vegetation, contributes to the potential traffic safety problem at this intersection.
Directional Distribution
St. David's Center Traffic, Parking and Circulation Study
City of Minnetonka

Figure 4

H:\Projects\7366\TS\Figure\Figure04_Directional%20Distribution.cdr
An alternative site access scenario was reviewed that will mitigate the potential traffic safety problem at the Plymouth Road and McGinty Road/West Site Access intersection. In this alternative the West Site Access at Plymouth Road would be restricted to a right in only with all exiting movements using the North Site Access (see Figure 6 for the traffic volume shifts, etc). The results of this alternative site access scenario shown in Table 4 indicate that the intersection level of service will improve and the North Site Access will operate acceptably (LOS A and reasonable side-street operation). The northbound movements at the North Site Access will experience on average approximately 30 seconds or less of delay (most of which would be attributed to the northbound left-turn movement).

Table 4
Future Peak Hour Capacity Analysis – Alternative Site Access
Level of Service Results

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Level of Service</th>
<th>A.M. Peak</th>
<th>P.M. Peak</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plymouth Road and McGinty Road/West Site Access *(1)</td>
<td>A/B</td>
<td>A/C</td>
<td></td>
</tr>
<tr>
<td>Plymouth Road and Bridge Street/North Site Access *(1)</td>
<td>A/B</td>
<td>A/D</td>
<td></td>
</tr>
</tbody>
</table>

* Indicates an unsignalized intersection with side-street stop control. The overall LOS is shown followed by the worst approach LOS.

(1) Analysis assumes the West Site Access at Plymouth Road and McGinty Road is restricted to a right-in only from northbound Plymouth Road and restricted site traffic is reassigned to the North Site Access.

PARKING ANALYSIS

The existing site currently provides (and has access to) a total of 186 parking spaces. SRF collected parking utilization data at the site on a typical weekday in June. The number of occupied parking spaces was counted every two hours from 8:00 a.m. to 6:00 p.m. The occupied parking spaces were counted to determine the existing parking demand at the site. The highest number of occupied parking spaces was observed during the midday periods and indicated a maximum parking utilization of approximately 62 percent at noon. Table 5 presents the parking utilization data.

The proposed site plan will provide a total of 197 parking spaces. The proposed number of parking spaces was compared to the required parking supply estimated using two parking rate sources: the parking requirements for the City of Minnetonka and the Institute of Transportation Engineers (ITE) Parking Generation, 4th Edition. An attempt was made to use these two sources to verify whether the proposed number of parking spaces would be adequate to serve the project. A third source was reviewed as well based on the existing site parking utilization data. Table 6 presents the various rate assessments considering the parking supply and demand.
Table 5
St. David's Center Parking Lot Utilization (Inventory 120605)

<table>
<thead>
<tr>
<th>Available Stalls</th>
<th>Southwest Lot</th>
<th>West Lot Handicapped</th>
<th>West Lot</th>
<th>East Lot 1 hour Spots</th>
<th>East Lot 20 minute Spots</th>
<th>East Lot Handicapped</th>
<th>East Lot</th>
<th>Park</th>
<th>Street South</th>
<th>Street East</th>
<th>Existing Total Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>3</td>
<td>35</td>
<td>28</td>
<td>3</td>
<td>3</td>
<td>63</td>
<td>10</td>
<td>8</td>
<td>5</td>
<td>186</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time of Day</th>
<th>Available Spots</th>
<th>Southwest Lot</th>
<th>West Lot Handicapped</th>
<th>West Lot</th>
<th>East Lot 1 hour Spots</th>
<th>East Lot 20 minute Spots</th>
<th>East Lot Handicapped</th>
<th>East Lot</th>
<th>Park</th>
<th>Street South</th>
<th>Street East</th>
<th>Existing Total Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>800</td>
<td>Construction</td>
<td>0</td>
<td>26</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>15</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>53</td>
<td></td>
</tr>
<tr>
<td>1000</td>
<td>Construction</td>
<td>0</td>
<td>33</td>
<td>7</td>
<td>1</td>
<td>0</td>
<td>51</td>
<td>3</td>
<td>8</td>
<td>5</td>
<td>108</td>
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</tr>
<tr>
<td>1200</td>
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<td>1</td>
<td>54</td>
<td>4</td>
<td>7</td>
<td>5</td>
<td>114</td>
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<tr>
<td>1400</td>
<td>Construction</td>
<td>0</td>
<td>27</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>46</td>
<td>0</td>
<td>5</td>
<td>3</td>
<td>87</td>
<td></td>
</tr>
<tr>
<td>1600</td>
<td>Construction</td>
<td>0</td>
<td>18</td>
<td>14</td>
<td>1</td>
<td>1</td>
<td>35</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>76</td>
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<tr>
<td>1800</td>
<td>Construction</td>
<td>0</td>
<td>5</td>
<td>6</td>
<td>2</td>
<td>0</td>
<td>26</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>40</td>
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</table>

<table>
<thead>
<tr>
<th>Time of Day</th>
<th>Available Spots</th>
<th>Southwest Lot</th>
<th>West Lot Handicapped</th>
<th>West Lot</th>
<th>East Lot 1 hour Spots</th>
<th>East Lot 20 minute Spots</th>
<th>East Lot Handicapped</th>
<th>East Lot</th>
<th>Park</th>
<th>Street South</th>
<th>Street East</th>
<th>Existing Total Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>800</td>
<td>Construction</td>
<td>0.00%</td>
<td>74.29%</td>
<td>7.14%</td>
<td>33.33%</td>
<td>0.00%</td>
<td>23.81%</td>
<td>40.00%</td>
<td>25.00%</td>
<td>60.00%</td>
<td>28.49%</td>
<td></td>
</tr>
<tr>
<td>1000</td>
<td>Construction</td>
<td>0.00%</td>
<td>94.29%</td>
<td>25.00%</td>
<td>33.33%</td>
<td>0.00%</td>
<td>80.95%</td>
<td>30.00%</td>
<td>100.00%</td>
<td>100.00%</td>
<td>58.06%</td>
<td></td>
</tr>
<tr>
<td>1200</td>
<td>Construction</td>
<td>0.00%</td>
<td>91.43%</td>
<td>32.14%</td>
<td>66.67%</td>
<td>33.33%</td>
<td>85.71%</td>
<td>40.00%</td>
<td>87.50%</td>
<td>100.00%</td>
<td>61.29%</td>
<td></td>
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<td>1400</td>
<td>Construction</td>
<td>0.00%</td>
<td>77.14%</td>
<td>21.43%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>73.02%</td>
<td>0.00%</td>
<td>62.50%</td>
<td>60.00%</td>
<td>46.77%</td>
<td></td>
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<td>1600</td>
<td>Construction</td>
<td>0.00%</td>
<td>51.43%</td>
<td>50.00%</td>
<td>33.33%</td>
<td>33.33%</td>
<td>55.56%</td>
<td>20.00%</td>
<td>37.50%</td>
<td>40.00%</td>
<td>40.86%</td>
<td></td>
</tr>
<tr>
<td>1800</td>
<td>Construction</td>
<td>0.00%</td>
<td>14.29%</td>
<td>21.43%</td>
<td>66.67%</td>
<td>0.00%</td>
<td>41.27%</td>
<td>0.00%</td>
<td>12.50%</td>
<td>0.00%</td>
<td>21.51%</td>
<td></td>
</tr>
</tbody>
</table>
Table 6
St. David's Center Parking Requirements

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit</th>
<th>Size</th>
<th>Rate</th>
<th>Required Spaces</th>
<th>Rate</th>
<th>Required Spaces</th>
<th>Rate</th>
<th>Required Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenario 1</td>
<td>Medical Office</td>
<td>GSF 60,397</td>
<td>1 per 175 GSF</td>
<td>345</td>
<td>3.2 per KGSF</td>
<td>194</td>
<td>2.05 per KGSF</td>
<td>124</td>
</tr>
<tr>
<td>Scenario 2</td>
<td>Day Care</td>
<td>Students 320</td>
<td>1 per 6 Students</td>
<td>53</td>
<td>0.24 per Student</td>
<td>77</td>
<td>1 per 2.51 Students</td>
<td>128</td>
</tr>
<tr>
<td>Scenario 3</td>
<td>Day Care</td>
<td>Employees 145</td>
<td>NA</td>
<td>NA</td>
<td>0.48 per Emp</td>
<td>70</td>
<td>1 per 1.15 Emp</td>
<td>126</td>
</tr>
<tr>
<td>Scenario 4</td>
<td>Day Care</td>
<td>KGSF 60.40</td>
<td>NA</td>
<td>NA</td>
<td>3.16 per KGSF</td>
<td>191</td>
<td>2.05 per KGSF</td>
<td>124</td>
</tr>
</tbody>
</table>

Note: GSF = Gross Square Feet, KGSF = Thousand Gross Square Feet, ITE = Institute of Transportation Engineers
The parking requirements listed for the City of Minnetonka do not directly map to the St. David Center uses. St. David’s Center provides various services, including:

- **Early Childhood Education** - preschool and extended day care for children ages 15 months - 5 years
- **Pediatric Therapies** - rehabilitative therapies including speech, physical, occupational, music, feeding and autism day treatment
- **Mental Health Services** - individual and family therapy, support groups, skills training and case management for children and families
- **Community Special Needs Services** - in-home and community-based support for children and adults with disabilities
- **Early Intervention & Support** - education, support and resources for families facing many obstacles in successfully raising their children

The City Code descriptions best suited for these uses are medical office and daycare services. Applying these requirements indicates that the site would require either substantially more or less than the 197 proposed spaces. Although the Municipal Code also lists exceptions to the requirements, which allow new developments to provide less parking supply than that prescribed in the Municipal Code, the variation between the two closest code descriptions for this site are not applicable.

Using the ITE parking rates for comparable land uses, it was estimated that the proposed project would require as few as 70 parking spaces to as many as 194 parking spaces. Using the ITE rates, the proposed project would provide between three and 127 more spaces than what is required. This comparison appears to better reflect the proposed parking stall count.

Parking rates were also developed based on the St. David’s Center parking utilization data as inventoried on Tuesday, June 5, 2012. These parking rates were developed by comparing the current number of clients, staff and gross square feet of building space to the highest number of observed occupied parking spaces. From this data it was estimated that the proposed project would require between 124 and 128 parking spaces, resulting in a surplus of 69 to 73 parking spaces.

Based on the wide range of required parking spaces estimated in the site parking supply and demand analysis, it is recommended that the project team consider going forward with the proposed plan and request approval of a total of 197 onsite parking spaces. However, to preserve open space and reduce costs, the project team should consider identifying 41 of these parking spaces as “proof-of-parking” to be constructed in the future as needed.

In this “proof-of-parking” alternative the existing 59 parking spaces to remain west of the existing building, combined with 97 new parking spaces to be constructed generally north of the existing building as part of the St. David’s Center Phase II project, would provide an adequate total of 156 onsite parking spaces. This is based on the current utilization rate data and would result in a maximum of approximately 75 percent utilization of these spaces on a daily basis.
Based on the City of Minnetonka Municipal Code the site is required to provide one handicapped parking space for each 50 spaces. The site proposed total of 197 parking spaces would require a minimum of four (4) handicapped parking spaces. It is recommended that these handicapped parking spaces are located near the main building entrance and be in compliance with the uniform building code and state law.

SUMMARY AND RECOMMENDATIONS

Based on the analysis, the following summary and recommendations are offered for your consideration:

- Intersection observations and vehicular a.m. and p.m. peak hour turning movement counts were collected by SRF Consulting Group in June 2012.

- All key intersections (current site access points with adjacent roadway intersections) currently operate at an acceptable overall LOS A or better during the a.m. and p.m. peak hours with existing traffic controls and geometric layout.
  - However, minor queuing and side-street delay occurs at the Plymouth Road and McGinty Road/West Site Access intersection. Along Plymouth Road in the northbound direction, queues extend back approximately 190 feet during the p.m. peak hour. This is caused by northbound left-turning vehicles waiting for gaps. Furthermore, westbound approach delays can range from approximately 30 - 60 seconds during the p.m. peak hour, indicating that it is difficult for vehicles to make left-turns out of the west parking lot.

- The proposed development consists of a 4,870 square foot expansion to the existing 55,527 square foot building housing St. David’s Center for Child and Family Development. This project also includes site work consisting of new and relocated parking, a new playground, surface water retention, and public space and storage improvements.
  - Based on the proposed site plan, the reconfigured site will be served by the two existing access driveways along Plymouth Road (removing the access to Burwell Drive).
  - The layout of the existing and proposed surface parking areas allows for easy circulation for vehicles entering/exiting and traveling throughout the site. The parking stalls are shown to be 90-degree, nine foot wide stalls with adequate drive aisle widths. Therefore, circulation within the site and parking areas will be satisfactory.
  - Easily accessible and clear pedestrian connections from the surface parking areas and the site to existing and proposed pedestrian facilities are provided based on the proposed site plan. Bicycle use to/from the site has not been estimated, however, bicycle parking/racks should be considered.

- The expansion of the St. David’s Center will generate minimal additional trips to/from the site. Reorganizing access to/from the site will have a greater impact on how the site functions with the adjacent roadway network.
• Results of the future build condition operations analysis indicate that all key intersections will continue to operate at an acceptable overall LOS B or better during the weekday a.m. and p.m. peak hours, with existing traffic controls and geometric layout.
  o However, the westbound approach at the Plymouth Road and McGinty Road/West Site Access intersection will continue to have queuing and delay issues. Drivers on the westbound approach to this intersection are expected to experience more than one minute of average delay per vehicle during the p.m. peak hour under future conditions.
  o This level of delay can lead to drivers accepting unsafe gaps in traffic that may result in a traffic safety problem at this intersection. Restricted sight distance to the north, due to the horizontal and vertical alignment of Plymouth Road and roadside vegetation, contributes to the potential traffic safety problem at this intersection.

• Therefore, it is recommended that this access point be considered for right-in access only and all subsequent egress access be located at the existing/proposed North Site Access.

• Results of the alternative site access scenario indicate that the intersection level of service will improve and the North Site Access will operate acceptably (LOS A and reasonable side-street operation). The northbound movements at the North Site Access will experience on average approximately 30 seconds or less of delay (most of which would be attributed to the northbound left-turn movement).

• The existing site currently provides (and has access to) a total of 186 parking spaces. The highest number of occupied parking spaces was observed during the midday periods and indicated a maximum parking utilization of approximately 62 percent at noon on a typical weekday.

• The proposed site plan will provide a total of 197 parking spaces. The proposed number of parking spaces was compared to the required parking supply estimated using two parking rate sources: the City Code and the ITE Parking Generation manual. A third source was reviewed as well based on the existing site parking utilization data.
  o The City Code descriptions best suited for these uses are medical office and daycare services. Applying these requirements indicates that the site would require either substantially more or less than the 197 proposed spaces.
  o The ITE parking rates for comparable land uses estimate that the proposed project would require as few as 70 parking spaces to as many as 194 parking spaces. Using the ITE rates, the proposed project would provide between three and 127 more spaces than what is required.
  o The St. David’s Center parking utilization data and subsequent rates estimate that the proposed project would require between 124 and 128 parking spaces, resulting in a surplus of 69 to 73 parking spaces.
Based on the wide range of required parking spaces estimated in the site parking supply and demand analysis, it is recommended that the project team consider going forward with the proposed plan and request approval of a total of 197 onsite parking spaces. However, to preserve open space and reduce costs, the project team should consider identifying 41 of these parking spaces as “proof-of-parking” to be constructed in the future as needed.

- In this “proof-of-parking” alternative the existing 59 parking spaces to remain west of the existing building, combined with 97 new parking spaces to be constructed generally north of the existing building as part of the St. David’s Center Phase II project, would provide an adequate total of 156 onsite parking spaces. This is based on the current utilization rate data and would result in a maximum of approximately 75 percent utilization of these spaces on a daily basis.

Based on the City of Minnetonka Municipal Code the site is required to provide one handicapped parking space for each 50 spaces. The site proposed total of 197 parking spaces would require a minimum of four (4) handicapped parking spaces. It is recommended that these handicapped parking spaces are located near the main building entrance and be in compliance with the uniform building code and state law.
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RESOLUTION NO. 2013-07

RESOLUTION APPROVING SITE AND BUILDING PLAN REVIEW, WITH PARKING SETBACK VARIANCE, FOR CHANGES AT ST. DAVIDS CENTER

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

Section 1. BACKGROUND.

1.01 St. David's Center is requesting site and building plan review, with parking setback variance from 20 feet to 15 feet, for various changes to the existing site and building. The changes include: (1) an addition to the north side of the building; (2) reconfiguration of parking lots; and (3) relocation of playground areas. (Project 90030.13a.).

1.02 The property is located at 3395 Plymouth Road. It is legally on EXHIBIT A of this resolution.

1.03 City Code §300.27 Subd. 6 authorizes the Planning Commission to approve final site and building plans.

1.04 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances.

Section 2. GENERAL STANDARDS.

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

2.02 City Code Section §300.27, Subd. 5, lists the following standards that must be met for site and building plan review:
1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

2. Consistency with this ordinance;

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
   b) the amount and location of open space and landscaping;
   c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
   d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

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

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

Section 4. FINDINGS.

4.01 The proposal would meet all ordinances and standards outlined in City Code §300.27, Subd. 5.

4.02 The proposal would meet the required standards for a variance outlined in City Code §300.07:

1. INTENT OF THE ORDINANCE: The intent of the ordinance as it pertains to parking setbacks is to promote both safety and aesthetics by providing adequate distance between the traveling public and parking lots. The requested variance meets this intent. While just 15 feet from the property line, the new parking areas would be 20 feet from the traveled portion of Plymouth Road. New landscaping would further separate the parking lot from the roadway.

2. CONSISTENT WITH COMPREHENSIVE PLAN: One of the goals outlined in the 2030 Comprehensive plan is building community by embracing Minnetonka’s “proud past, while valuing diversity and inclusiveness.” (2030 Comprehensive Plan page I-3) The requested variance is consistent with the goal. The variance would allow for the reconfiguration and, therefore, the continued use of a building and site that has been a fixture in the Minnetonka community.

3. PRACTICAL DIFFICULTIES:

a) REASONABLENESS and CHARACTER OF LOCALITY: The proposed 15-foot setback would be a continuation of similar parking lot setbacks already existing on the St. David's site. As such, the proposed 15-foot setback is reasonable and would not impact the character of the surrounding area.

b) UNIQUE CIRCUMSTANCES: The subject property and existing building have existed in their current configuration for over 100-years. Given the location of the existing building, and code-required required parking stall and drive aisle dimensions, the required 20-foot parking could not be
met on the site without a significant reduction in the number of parking stalls. This is a unique circumstance not common to all similarly zoned properties.

4.03 The proposal is consistent with the Comprehensive Guide Plan.

4.04 The proposal would not negatively impact the public health, safety or general welfare.

Section 5. PLANNING COMMISSION ACTION.

5.01 The Planning Commission approves the above-described proposal, with setback variance, based on the above findings. Approval is subject to the following conditions:

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

   - Site plan dated January 21, 2013
   - Grading, Drainage and Utility plan dated January 21, 2013
   - Landscaping plan dated January 21, 2013
   - Building elevations dated January 21, 2013

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

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

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

      2) Two full size and three 11x17 sets of construction drawings and three sets of project specifications.

      3) Final site, grading, drainage, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

         a. Proposed parking lot and associated retaining walls must meet minimum wetland setback
requirements. The setback requirement will be based on edge of delineated wetland as approved by city staff.

b. Proposed culverts must not be located within wetland.

c. Maximum impervious surface coverage for the portion of land that is within 150 feet of Minnehaha Creek OHWL is 30 percent. In no case may the impervious surface coverage under the proposed conditions exceed the coverage under existing conditions.

d. Final site plan for the playground must include location of playground equipment. Equipment that will require a footing must be located at least 10 feet from the existing water main.

e. Final grading plan must:
   1. Show the location of existing watermain.
   2. Show insulation of the watermain where any new storm sewer crosses over the main.
   3. Maintain appropriate ground cover over the main.

f. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.

4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to utility improvements, comply with grading permit, tree mitigation requirements, landscaping requirements, and to restore the site. One itemized letter of credit may be submitted if approved by staff. The city will
not fully release the letters of credit or cash escrow until: (1) submission of as-built drawings and a letter certifying that the streets and utilities have been completed according to the plans approved by the city; (2) vegetated ground cover has been established; and (3) required landscaping or vegetation has survived one full growing season.

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

b) Prior to issuance of a grading permit:

1) Sign an encroachment agreement with the city. The agreement will outline rights, risks, and responsibilities associated with locating the new playground within the existing watermain easement.

2) Submit a conservation easement over the existing wetland and code required wetland buffer and a drawing of the easement. The easement may allow removal of hazard, diseased, or invasive species and future construction of city approved paths and boardwalks. The easements and drawings must be recorded with the final plat.

3) A copy of this resolution must be recorded with the County and a copy of the recorded document returned to the city.

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

5) Submit cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this
document the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

6) Schedule and hold a preconstruction meeting with engineering, planning, and natural resources staff as determined by city staff.

3. Prior to issuance of a building permit:

a) Submit the following items for staff review and approval:

1) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.

2) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
• If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.

3) An illumination plan for the parking lot.

b) Submit all required hook-up fees.

4. City staff may require striping of additional parking stalls as generally depicted on Exhibit B of this resolution if city staff documents ongoing or regular on-street parking associated with St. David’s Center.

5. The site and buildings must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.

6. During construction, the streets must be kept free of debris and sediment.

7. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.

8. The property owner is responsible for replacing any required landscaping that dies.

9. Construction must begin by December 31, 2014, unless the planning commission grants a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on March 7, 2013.
Resolution No. 2013-07

Paul Lehman, Chairperson

ATTEST:

Kathy Leervig, Deputy City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption: Yetka
Seconded by: Odland
Voted in favor of: Knight, Magney, Odland, Yetka, Kirk, Lehman
Voted against:
Abstained:
Absent: Thaler
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on March 7, 2013.

Kathy Leervig, Deputy City Clerk
Susan Thomas

From: Mark Sorebo
Sent: Tuesday, February 26, 2013 1:15 AM
To: Susan Thomas; Tony Wagner; jan.callison@co.hennepin.mn.us
Subject: St. David's Expansion Street Plan for 3395 Plymouth Road / County 61 in Minnetonka

Commissioner Callison, Ms. Thomas, and Council Member Wagner,

I recently received the City of Minnetonka post card regarding the St. David's expansion and street access changes.

I live at 3348 Plymouth Road. I attended the original preschool at the St. David's Church building and Burwell Elementary. Thus I have more than just casual familiarity with the proposed area :-)

I reviewed the proposal on the City web site. This appears to be the St. David's architectural presentation documents.

Does the city or county have any independent analysis or other documents regarding the project?

I would guess the county has general traffic count numbers for County 61 in Minnetonka.

Has St. David's architect or the city measured the traffic count of vehicles entering from the McGinty Road East corner and the North and South Bridge Street entrances to the St. David's property?

Will the South Bridge street / Burwell Drive area be used as a defacto park and walk entrance even if parking lot access is closed? Would street parking be allowed on Burwell Drive?

Would closing the South Bridge street entrance limit fire department equipment access to the South or East sides of the building? Has the fire department offered any comment on the St. David’s plan?

It appears the size and locations of the McGinty corner and North Bridge Street corner entrances will not change. Please confirm.

It appears the St. David's plan directs storm water to it's own retention pond and the wetland to the East. Does anything eventually flow to the creek?

It would also appear that no changes to the Plymouth Road / County Road 61 drainage or curb and gutter are occurring. Or does the St. David's system catch any street run off from Burwell Drive, Bridge Street or Plymouth / County 61?

My assumption is that any Plymouth Road / County 61 drainage work would be under the control and budget of Hennepin County. Please confirm. If any Plymouth Road / County 61 drainage is a county project why does Minnetonka bill me for storm water fees while I live on a county road? :-)

While it interesting to see the elaborate and likely expensive St. David's plan the vast majority of storm water in the area seems to be "old school" down hill run-off and catch basins from Minnetonka
Boulevard / County 5 and Plymouth Road. Plymouth Road rarely has hard curb areas.

Will the fence remain along Plymouth Road?

Who installed and maintains the yellow bollard posts protecting a vehicle intrusion along Plymouth Road / 61? Were the bollard posts a county road project or did St. David’s install them?

The landscape diagram has circle with an x inside symbols that are not identified on the legend. A silt fence is indicated for construction but the current or a future fence and bollards are not clear. It appears some landscaping may be added along the former playground / future parking by Plymouth road.

While the cyclone fence is a traditional budget minded way to enclose big school yard the fence and the bollards are not overly attractive.

The aerial rendering does not show any fence clearly.

While rainwater plan will likely win a landscape architecture award; I would hope some of the St. David’s budget could address the outer road landscape. This will buffer traffic noise for the school and fit the park area plan for the Mills.

How does this proposal complement or hinder any of the general Minnetonka Mills road / park plans?

Several years ago there were proposals for a traffic circle / roundabout at the corner of McGinty East and other adjustments.

The city plans for park along the creek appear to be consistent with the St. David's plan.

However relying on just the McGinty or North Bridge Street intersection entrances may or may not work with a road realignment or traffic circle at the McGinty corner. Have such road plans been rejected or delayed?

Regardless of whether the St. David’s proposal is accepted the traffic speed and signage needs to be addressed on Plymouth Road / 61 South of Cedar Lake Road.

The speed limit of 30 mph. needs to be observed to allow the current entrances or proposed limited entrances to work safely.

Any Minnetonka Police officer who wishes to fill a ticket book need only park in the St. David’s entrance across from the North section of Bridge Street and wait less than a minute or two for a stop. I remember 6 or 7 stops in 30-45 minutes.

A better solution is to add additional and larger speed signs. The speed changes from 35 to 30 just South of Cedar Lake Road. New larger signs in the open area South of the rail bridge would be helpful.

While I am well aware of the need to brake all the way down from Cedar Lake Road to stay at 30 mph the vast majority of those behind me often believe that riding my bumper will speed their arrival at the stoplight at Minnetonka Boulevard. :-}
Slowing traffic for the almost certain stop at Minnetonka Boulevard is needed to today and especially so if St. David's entrances will be only from Plymouth Road.

Drivers exiting St. David's onto Plymouth often overly accelerate to jump into a short gap in traffic. Following the first snow or freezing rain cars will discover that the Plymouth / 61 McGinty corner is really a "dog leg" rather than a gradual curve and slide off the road just past Frear Drive.

While relatively young, I feel like an "old man" complaining about speed. However, Given the physics of the road and the area being essentially a private school zone and park area the current or proposed layout only will work if speed is properly regulated.

Currently there is a speed limit sign close to the West side of Rutledge Circle. The sign is further away from the road than other signs. This was likely installed too far away after some roadside work. Vegetation often obscures the sign. Last year a county crew was replacing a sign by the North Bridge street section of Plymouth and I asked about moving the speed sign the same distance from the street as others. The crew reported that this would need to be approved and utility markings done first.

Commissioner Callison, Given your past service to the City of Minnetonka I am confident you could bring together the necessary city and county engineering staffs to allow better speed signage.

While not knowing how much traffic shift will actually occur from the St. David's plan; a permanent speed limit and radar digital "your speed" sign could be considered. These often appear in schools zones.

My guess is that those wishing to travel West for Minnetonka Boulevard currently use the creek Bridge street exit from St. David's as Minnetonka Boulevard access is direct and better sight lines exist.

The left turns to and from the remaining Plymouth Road / 61 entrances are obviously the most dangerous and would be the only option for West bound travel under the proposed plan.

Given the number of cars who pass on right the shoulder when I wait to turn left into my driveway it would appear to be equal chances for rear end or T-bone accident hit from either North or South bound Plymouth Road / 61 traffic.

Again the only way the proposed plan will work is if drivers ease up on the speed coming into the Minnetonka Mills area.

I look forward to any information you can provide. Also let me know what is needed to address the poor speed limit signage.

I appreciate your assistance and efforts on behalf of Minnetonka and Hennepin County.

Regards,

Mark Sorebo
3348 Plymouth Road
Minnetonka MN 55305
Mr. Sorebo,

I hope the following will answer many of the questions you raised in your recent email.

Traffic: The city hired SRF Consulting Group to analyze Plymouth Road traffic under existing and proposed conditions. I have attached the completed traffic study for your review. The study generally concluded that proposed site access changes would actually improve existing conditions on Plymouth Road. In particular, as the westerly entrance to the site would be changed from a “full access” to a “right-in” only (no exit) the function of the Plymouth Road/McGinty Road intersection would improve. Both the city and county engineers have reviewed the SRF report and concur with its findings.

Surrounding Roadways and Drainage: The St. David’s proposal would not change the configuration of any of the adjacent roadways or their associated drainage systems. Any changes to the Plymouth Road alignment, curbing, or drainage would need to be done through a county project. The St. David’s project does not necessitate a county project.

Stormwater: Stormwater management would be required on the St. David’s property given the amount of soil disturbance that would occur. This management includes: runoff rate control, runoff volume control, and water quality treatment. St. David’s has submitted the necessary plans and computations and they have been reviewed by the city’s water resources engineer. The city engineer found that the plans comply with the city and watershed district requirements. Runoff would generally be directed to two new infiltration basins or rain gardens; one would be located southeast of new parking lot and the other would be located north of the creek. This project would vastly improve existing conditions, as there is currently no stormwater management on the site.

Landscaping: The proposed tree removal and landscape plans are being reviewed by the city’s natural resources staff. I have forwarded them your suggestions regarding roadway landscape. Any such landscaping would need to be located on the St. David’s property. Like the city, the county generally does not like landscaping in the public right-of-way, as it can impact critical site lines and is impacted by salting and snowplowing.

Parking: The city has received some complaints about St. Davids parking on Bridge Street and Burwell Drive. City staff is addressing this with St. David’s and also suggesting additional parking be added to the parking lot to eliminate this issue.

Fire Access: The city’s fire marshal has reviewed the proposal and finds it to be acceptable.

Minnetonka Mills Park: The St. David’s project proposes changes only on St. David’s private property. It does not impact the general Minnetonka Mills Park or roadways plans.

If you have further questions, I can be reached at this email address or at 952-939-8292.

Regards,

Susan Thomas
Chair Lehman 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.

Yetka noted a request for proof of parking. Thomas pointed out the illustration on Page 201. Staff has received some complaints regarding vehicles parked on Burwell Drive and Bridge Street. Based on the current configuration of the building, the street parking is closer to the front door than would be parking-lot stalls. The interior configuration would make that problem go away by moving the main entry to the west side. A condition of approval would require the stalls to be striped if parking on the streets would continue.

Yetka asked Stout to go over the storm water requirements for the site. Currently there is no treatment. Stout explained that the site currently has no storm water management or storm sewer. Everything on the site sheet flows into Minnehaha Creek either on the south or to the large wetland complex that connects to Minnehaha Creek on the east. Just under 50 percent of the site would be disturbed. The proposal would meet all requirements and exceed them to some extent. Part of the disturbance would include removal of impervious surface.

Kirk asked if any of the site is grandfathered in. Stout explained that storm water rules went into effect in 2008. The site and plan is looked at as a whole to meet current storm water management requirements.

Knight noted that the proposal would have a fair amount of shrubbery and all of the exiting traffic would go out the north. He asked how long the sight lines would be and the speed limit. He was concerned there would be a safety issue. Thomas explained that the city and county engineers reviewed the sight lines and found them much better at the north access point than at the west access point. All exiting traffic would be moved to an area that has better sight lines. With regard to the plantings, the applicant is working with a landscape architect. City staff will receive final plans to review. Given existing sight lines and use of low-growth plants, the exiting traffic should be fine.

Julie Jordal, St. David Center’s Executive Director, applicant, stated that:

- The organization started as a preschool in the basement of the church 50 years ago. The organization has provided services to thousands of families. It is now a non-profit, multiple service organization serving over 2,200 children and families throughout Hennepin County.
• St. David’s has a particular expertise in early childhood education, children’s mental health, autism services, pediatric rehabilitation therapies, foster care, and disability services. The preschool serves children of all abilities.
• The organization is treasured and has a wide reach. Staff goes to client’s homes, child care centers, and schools.
• Minnetonka should be very proud of the organization and the work done.
• St. David’s is a significant employer of over 1,000 people. Many of the staff work remotely and out of homes.
• The building was renovated in the late 1980s. The goal is to take the 90 year old building and make it into an early intervention, treatment, and education center for some of the most vulnerable kids in our community.
• She thanked commissioners and staff for hearing her brief overview. She welcomed questions. The architect and engineer were in attendance also.

Yetka was curious if the surrounding outdoor natural features are used for educational purposes. Ms. Jordal answered affirmatively. The property is a beautiful treasure. The goal is to pull some of the forest into the playground to interact with the natural environment which is a treasure.

Yetka encouraged having the children help create the rain gardens. Ms. Jordal agreed.

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

Yetka supports staff’s recommendation. The proposal will be a nice improvement from what is there. The layout would make the best use of the site. She supports the project.

Yetka moved, second by Odland, to adopt the resolution on pages A29–38 of the staff report and additions provided in the change memo dated March 7, 2013 which approves final site and building plans, with parking setback from 20 feet to 15 feet, for changes at St. David’s Center. Approval is based on the following findings:

1. The proposal would meet all ordinances and standards outlined in City Code §300.27 Subd. 5.
2. The proposal would meet the required standards for a variance outlined in City Code §300.07:

a) INTENT OF THE ORDINANCE: The intent of the ordinance as it pertains to parking setbacks is to promote both safety and aesthetics by providing adequate distance between the traveling public and parking lots. The requested variance meets this intent. While just 15 feet from the property line, the new parking areas would be 20 feet from the traveled portion of Plymouth Road. New landscaping would further separate the parking lot from the roadway.

b) CONSISTENT WITH COMPREHENSIVE PLAN: One of the goals outlined in the 2030 Comprehensive plan is building community by embracing Minnetonka’s “proud past, while valuing diversity and inclusiveness.” (2030 Comprehensive Plan page I-3) The requested variance is consistent with the goal. The variance would allow for the reconfiguration and, therefore, the continued use of a building and site that has been a fixture in the Minnetonka community.

c) PRACTICAL DIFFICULTIES:

1) REASONABLENESS and CHARACTER OF LOCALITY: The proposed 15-foot setback would be a continuation of similar parking lot setbacks already existing on the St. David’s site. As such, the proposed 15-foot setback is reasonable and would not impact the character of the surrounding area.

2) UNIQUE CIRCUMSTANCES: The subject property and existing building have existed in their current configuration for over 100-years. Given the location of the existing building, and code-required parking stall and drive aisle dimensions, the required 20-foot parking could not be met on the site without a significant reduction in the number of parking stalls. This is a unique circumstance not common to all similarly zoned properties.

3. The proposal is consistent with the Comprehensive Guide Plan.

4. The proposal would not negatively impact the public health, safety or general welfare.

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

- Site plan dated January 21, 2013.

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

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

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

2) Two full size and three 11x17 sets of construction drawings and three sets of project specifications.

3) Final site, grading, drainage, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

   a. Proposed parking lot and associated retaining walls must meet minimum wetland setback requirements. The setback will be measured from the delineated edge of wetland as approved by city staff.

   b. Proposed culverts must not be located within wetland.

   c. Maximum impervious surface coverage for the portion of land that is within 150 feet of the Minnehaha Creek OHWL is 30 percent. If impervious surface is in this area is over 30 percent under existing condition, the impervious surface coverage under the proposed conditions may not exceed the existing level of coverage.

   d. Final site plan for the playground must include location of playground equipment. Equipment that will require a
footing must be located at least 10 feet from the existing water main.

e. Final grading plan must:

1. Show the location of existing watermain.

2. Show insulation of the watermain where any new storm sewer crosses over the main.

3. Maintain appropriate ground cover over the main.

f. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.

b) Prior to issuance of a grading permit:

1) Submit a conservation easement over the existing wetland and code required wetland buffer. The easement may allow removal of hazard, diseased, or invasive species, as well as future construction of city approved recreational facilities. The easement and drawings must be recorded with the final plat.

4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to utility improvements, comply with grading permit, tree mitigation requirements, landscaping requirements, and to restore the site. One itemized letter of credit may be submitted if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) submission of as-built drawings and a letter certifying that the streets and utilities have been completed according to the plans approved by the city; (2) vegetated ground cover has been established; and (3) required landscaping or vegetation has survived one full growing season.

5) A construction management plan. The plan must be in a city approved format and must outlined minimum site management practices and penalties for non-compliance.
b) Prior to issuance of a grading permit:

1) Sign an encroachment agreement with the city. The agreement will outline rights, risks, and responsibilities associated with locating the new playground within the existing watermain easement.

2) A copy of this resolution must be recorded with the County and a copy of the recorded document returned to the city.

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

4) Submit cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

5) Schedule and hold a preconstruction meeting with engineering, planning, and natural resources staff as determined by city staff.

3. Prior to issuance of a building permit:

a) Submit the following items for staff review and approval:

1) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the
construction management plan submitted at the time of grading permit may fulfill this requirement.

2) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:

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3) An illumination plan for the parking lot.

b) Submit all required hook-up fees.

4. City staff may require striping of additional parking stalls as generally depicted on Exhibit B of this resolution if city staff documents ongoing or regular on-street parking associated with St. David’s Center.

5. The site and buildings must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.

6. During construction, the streets must be kept free of debris and sediment.

7. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.
8. The property owner is responsible for replacing any required landscaping that dies.

9. Construction must begin by December 31, 2014, unless the planning commission grants a time extension.

Knight, Magney, Odland, Yetka, Kirk, and Lehman voted yes. Thaler was absent. Motion carried.

 Appeal of the planning commission’s decision may be made in writing within 10 days to the planning division.
REAFFIRMATION RESOLUTION
Resolution No. 2015-

Resolution reaffirming final site and building plan approval, with parking setback variance, for changes at St. David’s Center

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

Section 1. Background.

1.01 On March 7, 2013 the planning commission approved final and site building plans, with parking lot setback variance, for various site and building plan changes at St. David’s Center.

1.02 The property is located at 3395 Plymouth Road and is legally described on attached EXHIBIT A.

1.03 As a condition of the 2013 approval, construction was to begin by December 31, 2014, unless the planning commission granted a time extension. To date, construction of the changes approved has not begun.

Section 2. Standards.

2.01 City code contains does not include any specific conditions under which previous site and building plan approvals may be reaffirmed. Nevertheless, the city has generally considered:

1. Whether there have been changes to city code or policy that would affect the previous approvals; and

2. Whether such reaffirmation would adversely affect the interests of neighboring property owners.

Section 3. Findings.

3.01 There have not been any changes the city code and policy that affect the site
Resolution No. 2015-

Resolution reaffirming final site and building plan approval, with parking setback variance, for changes at St. David’s Center

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

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1. Whether there have been changes to city code or policy that would affect the previous approvals; and

2. Whether such reaffirmation would adversely affect the interests of neighboring property owners.

Section 3. Findings.

3.01 There have not been any changes the city code and policy that effect the site
and building plans.

3.02 Reaffirming the site and building plans would not impact the interests of neighboring properties.

Section 4. Planning Commission.

4.01 Resolution No. 2013-07 is reaffirmed, approving final site and building plans, with parking lot setback variance, for changes at St. David’s Center.

4.02 Reaffirmation is subject to the following condition: construction must begin by December 31, 2015, unless the planning commission grants a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on March 19, 2015.

Brian Kirk, Chairperson

Attest:

Kathy Leervig, Deputy 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 Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on March 19, 2015.

_____________________________________
Kathy Leervig, Deputy City Clerk
Minnetonka Planning Commission Meeting
March 19, 2015

Agenda Item 8

Public Hearing: Non-Consent Agenda
Brief Description
Expansion permit and variance for a new two-story home at 3520 Meadow Lane

Recommendation
Adopt the resolution approving the request

Project No.
15001.15a

Property
3520 Meadow Lane

Applicant
Jeremy Rupp, on behalf of Concord Universal, LLC

Background
The property at 3520 Meadow Lane was platted in its current configuration in 1927 as part of the STARING’S TONKA WOOD-CROFT subdivision. The property has frontage on Meadow Lane to the east, The Strand to the south, and Druid Lane to the west. The subject property is 9,100 square feet in size and is improved with a one-story rambler. The existing home was constructed in 1949 and has legally non-conforming front yard setbacks. (See existing conditions survey on page A8.)

Proposal
The applicant is proposing to tear down the existing one-story house and construct a new two-story house. The proposed home would be approximately 4,000 square feet in size; this area includes the above-grade floor area of the home and attached three-car garage. As proposed, portions of the new two-story home would be built within the existing, non-conforming setbacks and other portions would be closer to property lines than the existing home. (See narrative and plans on pages A2-A21.) The existing and proposed home setbacks would be as follows:

<table>
<thead>
<tr>
<th>Backset Type</th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>North setback – side setback</td>
<td>15 feet</td>
<td>38 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>East setback – front yard setback</td>
<td>25 feet</td>
<td>6 feet</td>
<td>16 feet</td>
</tr>
<tr>
<td>South setback – front yard setback</td>
<td>25 feet</td>
<td>6 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>West setback – front yard setback</td>
<td>25 feet</td>
<td>21 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>
Proposal Requirements:

- **Expansion Permit:** An expansion permit is necessary to allow the proposed two-story with a within the existing non-conforming setbacks.

- **Variance:** The applicant is proposing to “center” the home on the property. In order to do so, the applicant is proposing to reduce the western front yard setback from 20 feet to 10 feet. This requires a variance. (See page A10.)

**Approving Body**

The planning commission has final authority to approve or deny the request. (City Code §300.29 Subd.7(c)(2))

**Staff Analysis**

**Expansion Permit**

Staff finds the proposal is reasonable under the provisions of the non-conforming use ordinance.

- **REASONABLENESS AND NEIGHBORHOOD CHARACTER:** The proposed setbacks are reasonable and would not negatively impact the character of the surrounding neighborhood. In fact, by centering the proposed home on the property, the east and south front yard setbacks would be increased. Despite physically reducing the setback from the west property line, the proposed home would visually maintain the required setback due to the amount of available right-of-way.

- **CIRCUMSTANCE UNIQUE TO THE PROPERTY:** Due to the property’s small lot area and configuration, it is unlikely that any reasonable addition or reconstruction of the home could occur without an expansion permit or variance. Additionally, by ordinance the home has three front yard setbacks. Collectively these present circumstances not common to similarly zoned properties.

**Variance**

Staff finds the requested variance for the new home is reasonable:

- **REASONABLENESS AND NEIGHBORHOOD CHARACTER:** The proposed setbacks are reasonable and would not negatively impact the character of the surrounding neighborhood. The current proposal would:
1. Aesthetically enhance the property.

2. Center the proposed home on the property. This effectively increases the separation from adjacent roadways and intersection, while maintaining an appropriate separation from the single family property to the north.

3. Visually maintain the required setbacks from the adjacent paved intersection and roadways.

4. Allow reasonable use of the property. It is unlikely that an addition to the existing home or the construction of a new home could occur on the property without a variance.

CIRCUMSTANCE UNIQUE TO THE PROPERTY: Due to the property’s small lot area and configuration, it is unlikely that a reasonable addition or reconstruction of the home could occur without a variance. Additionally, by ordinance, the property has three front yard setbacks. The requested variance is the result of the applicant’s effort to increase the separation from the roadway to the east and intersection to the south. Collectively these present circumstances not common to similarly zoned properties.

Staff Recommendation

Adopt the resolution on pages A24–A28, which approves an expansion permit and variance for a new home at 3520 Meadow Lane.

Originator: Ashley Cauley, Planning Technician
Through: Loren Gordon, AICP, City Planner
Supporting Information

Surrounding Land Uses
All properties are single-family homes, zoned R-1 and guided for low density residential uses.

Planning
Guide Plan designation: Low density residential
Zoning: R-1, low density residential

Small lot
By City Code §300.10 Subd. 7, properties that are defined as qualifying small lots are allowed lesser setbacks from property lines than “typical” properties. To be defined as a small lot, a property must be less than 15,000 square feet; have been a lot of record prior to February 12, 1966; and must be located in an area in which the average size of residential lots is less than 15,000 square feet. The subject property is considered a small lot.

Impervious Surface
Currently, the city establishes a maximum impervious surface requirement for properties within the shoreland overlay district. The subject property is located outside of the overlay district. Nonetheless, the proposal would have an impervious surface coverage of 36 percent.

McMansion Policy
The McMansion policy is a tool the city can utilize to ensure new homes requiring a variance are consistent with the character of the existing homes in the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties 1,000 feet on the same street, and a distance of 400 feet from the subject property.

The current proposal would comply with the McMansion Policy with a FAR of 0.49. The property with the highest FAR in the neighborhood is immediately adjacent to the subject property and has a FAR of 0.50. (See page A12.)

Comparison to recent variance review
Recently, the planning commission considered a variance request for a new home at 1503 Linner Road. The commission and ultimately the council denied the request. The table on the following page highlights the significant differences between the two properties:
### Expansion permit Vs. variance

By ordinance, staff could administratively approve a permit to build a new house of the same footprint, mass and size as the existing house. Under the current proposal the applicant is proposing to remove the existing house and essential “center” the home on the property. A portion of the proposed home is located within the existing home’s footprint. The expansion permit applies to the portions of the proposed home within the existing footprint to maintain the existing setback and add a second story.

A variance is required for the portions of the proposed home that fall outside of the existing home’s footprint and outside of the established buildable area of the property. (See the portions of the home requiring a variance or expansion permit on page A10.)

### Burden of Proof

By city code, an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

1. The proposed expansion is reasonable use of the property, considering such things as:
   - Functional and aesthetic justifications for the expansions;

<table>
<thead>
<tr>
<th></th>
<th>Meadow Lane</th>
<th>Linner Road</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot area</strong></td>
<td>9,000 sq. ft.</td>
<td>22,200 sq. ft.</td>
</tr>
<tr>
<td><strong>Proposed home size</strong></td>
<td>4,000</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td><strong>Compliance with McMansion Policy</strong></td>
<td>Yes. The proposed FAR is 0.49. The established maximum is 0.50.</td>
<td>No. The proposed FAR was 0.45. The established maximum was 0.22.</td>
</tr>
<tr>
<td><strong>Ability to construct a home meeting required setbacks</strong></td>
<td>It’s unlikely based on lot configuration and area.</td>
<td>Yes. The proposed home could have been constructed without the need for a variance. The variance was the result of the applicant’s design choice.</td>
</tr>
</tbody>
</table>
Meeting of March 19, 2015
Subject: 3520 Meadow Lane

- Adequacy of off-street parking for the expansion;
- Absence of adverse off-site impacts from such things as traffic, noise, dust odors, and parking;
- Improvement to the appearance and stability of the property and neighborhood.

2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner’s convenience, and are not solely because of economic considerations; and

3. The expansion would not adversely affect or alter the essential character of the neighborhood.

Variance Standard

A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)

Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval the applicant must submit a construction management plan detailing these management practices.

Appeals

Any person aggrieved by the planning commission’s decision about the requested permit may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

Motion Options

The planning commission has three options:

1. Concur with staff’s recommendation. In this case, a motion should be made approving the expansion permit and variance.

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

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

**Pyramid of Discretion**

![Pyramid of Discretion Diagram]

**Neighborhood Comments**

The city sent notices to 47 area property owners and have received no comments to date.

**Deadline for Decision**

June 5, 2015
Location Map

Project: Rupp, Jeremy
Address: 3520 Meadow La (15001.15a)

City of Minnetonka

This map is for illustrative purposes only.

James Rupp
3520 Meadow Lane
15001.15a
PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>3520 Meadow Ln</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel ID Number</td>
<td>17-117-32-31-0018</td>
</tr>
</tbody>
</table>

OWNER INFORMATION

<table>
<thead>
<tr>
<th>Owner Name</th>
<th>Concord Universal, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Address</td>
<td>9920 13th Ave N, Suite 100, Plymouth, MN 55441</td>
</tr>
<tr>
<td>Owner Phone</td>
<td>612-999-5314</td>
</tr>
<tr>
<td>Owner Email</td>
<td><a href="mailto:kevin@concorduniversal.com">kevin@concorduniversal.com</a></td>
</tr>
</tbody>
</table>

APPLICANT INFORMATION

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Jeremy Rupp</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Address</td>
<td>743 Oak Grove, Richfield, MN 55423</td>
</tr>
<tr>
<td>Applicant Phone</td>
<td>720-934-4756</td>
</tr>
<tr>
<td>Applicant Email</td>
<td><a href="mailto:jeremy@jeremyrupp.com">jeremy@jeremyrupp.com</a></td>
</tr>
</tbody>
</table>

VARIANCE REQUEST

<table>
<thead>
<tr>
<th></th>
<th>FROM</th>
<th>TO</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback</td>
<td>25</td>
<td>16.34</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floodplain Setback</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>Ft</td>
<td>Ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Setback</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>Ft</td>
<td>Ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shoreland Setback</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aggregate Side Yard</td>
<td>Ft</td>
<td>Ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

OWNER'S STATEMENT

I am the owner of the above described property and I agree to this application. By signing this application, I certify that all fees, charges, utility bills, taxes, special assessments and other debts or obligations due to the city by me or for this property have been paid. I further certify that I am in compliance with all ordinance requirements and conditions regarding other city approvals that have been granted to me for any matter. (If the owner is a corporation or partnership, a resolution authorizing this action on behalf of the board or partnership must be attached.)

Signature Date

APPLICANT'S STATEMENT

This application should be processed in my name, and I am the party whom the city should contact about this application. I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct.

Signature Date

James Rupp
3520 Meadow Lane
15001.15a
3520 Meadow Ln, Minnetonka Mn

Variance

Describe why the proposed use is reasonable:

The current residence is ~80% outside of the setback requirements and is in very poor condition (crumbling foundation, holes in siding, etc). The new home location is ~80% within the setback requirements. The setback requirements create a situation where a home would have to be pie shaped which would not fit the neighborhood. The portion of the new home that is outside the setbacks is the portion that makes the homes shape fit the neighborhood.

Describe circumstances unique to the property:

The setbacks would require the home to be pie shaped which would not fit the neighborhood.

Describe why the need for the variance was not caused by the property owner:

The setbacks require the home to be pie shaped.

Describe why the need is not solely based on economic considerations:

Since the home would have to be pie shaped it would not fit the neighborhood.

Describe why the variance would not alter the essential character of the neighborhood:

The home has been designed completely with the neighborhood in mind. It is my feeling that this home will fit the neighborhood very well while also improving it since the current residence is in such disrepair.
## PROPERTY INFORMATION

<table>
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<tr>
<th>Property Address</th>
<th>3520 Meadow Ln.</th>
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<tr>
<td>Parcel ID Number</td>
<td>111722310018</td>
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</tr>
</tbody>
</table>

## DESCRIPTION OF EXPANSION REQUEST

See attached word document

## OWNER'S STATEMENT

I am the owner of the above described property and I agree to this application. By signing this application, I certify that all fees, charges, utility bills, taxes, special assessments and other debts or obligations due to the city by me or for this property have been paid. I further certify that I am in compliance with all ordinance requirements and conditions regarding other city approvals that have been granted to me for any matter. (If the owner is a corporation or partnership, a resolution authorizing this action on behalf of the board or partnership must be attached.)

Signature: James Rupp
Date: 2-4-15

## APPLICANT'S STATEMENT

This application should be processed in my name, and I am the party whom the city should contact about this application. I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct.

Signature: James Rupp
Date: 2/4/15
3520 Meadow Ln, Minnetonka Mn

Expansion Permit

**Description of expansion request:**

Based on the setback requirements and location of the previous home we are proposing that the new home location be approved as it will add benefit to the neighborhood by creating tremendous appeal to a lot that has little to no chance of having a beautiful home on it if they accommodate the setbacks completely. We've intentionally placed the home on the northern most portion of the lot in an attempt to fit within as many of the current setback criteria as possible while still providing a home with all of the great features that homeowners' want/need these days. The exterior of the home has been carefully designed to be appealing from all sides due to having curb access from all sides. The current residence is ~80% outside of the setbacks requirements, while the new home is ~80% within the setbacks. The current home is also dilapidated beyond most people's desire to be renovated (crumbling foundation, holes in siding, old roof, etc) and lacks a floor plan that will attract the sort of owners that this gorgeous neighborhood is attracting. The combination of all of those details has brought us to this proposal where the southeastern corner of the home has a small portion outside of the setbacks.
Proposed site plan
Expansion permit vs. Variance: For illustrative purposes only

Variance

Expansion Permit
Buildable area:
For illustrative purposes only

Approx 1400 square feet of buildable area
Proposed home plans
Passive (Code Minimum) Radon System

APPLIES TO BASEMENTS, CONDITIONED CRAWLSPACES, SLAB-ON-GRADE BUILDINGS AND OTHER FOUNDATIONS UNDER CONDITIONED SPACE

MINIMUM CODE REQUIREMENTS ARE LISTED. OTHER SYSTEM COMPONENTS ARE SUGGESTIONS FOR BEST PRACTICE INSTALLATIONS BASED ON MINNESOTA DEPARTMENT OF HEALTH RECOMMENDATIONS.

INSTALL RADON VENT PIPE TERMINATED AT LEAST 6 FEET IN THE AIR SPACE OF ROOF APERTURES

- MINIMUM 14 IN. OR PVC OR EQUIVALENT GAUGE PIPE (PSIG 1.0)
- INSTALLATION MAY BE MORE EFFECTIVE, BUT IS NOT REQUIRED

SPACE PROPERLY FOR INTERIOR INSTALLATION OF A PIPE VALVE

- MINIMUM 14 IN. DIA. VALVE CENTERED ON THE AXIS OF THE VENT STACK
- MINIMUM VERTICAL DISTANCE OF 12" FROM VENT STACK TO PIPE VALVE

INSTALL VALVE LOCATED IN ATC OR NEAR WHERE RISER PULLS MAY BE INSTALLED (APPROX.)

INSTALL ALL LEAKS, CRACKS, OR OTHER OPENINGS IN POLYETHYLENE OR POLYSTYRENE CALLER OR BLASTING TRAP CLEAN ACCORDING TO MANUFACTURER'S RECOMMENDATIONS IN MATERIAL THROUGH APERTURES

INSTALL VENT PIPE OVERLAY INSULATED GAS PERMEABLE LAYER (APPROX. 12") OR EIGHT FEET LONG BEFORE SLAB IS CAST

MINIMUM 41/2" VENT PIPE AND 1/8" CROSS-ANEALIZED POLYETHYLENE SHEET SHALL BE LAPPED AND PLACED BELOW THE SLAB AND ON TOP OF THE GAS PERMEABLE LAYER OVERLAPS

- FIT POLYETHYLENE OVERLAY CLOTH TO PERFORATIONS OVERLAPS
- RECOMMEND FIXING OR GLAZING WITH ADHESIVE POLYSTYRENE (APPROX.)

THIS ILLUSTRATION DOES NOT REFLECT ALL THE REFERENCES TO ACTUAL CODE LANGUAGE. SEE OTHER SIDE OF THIS SHEET FOR A SUMMARY OF OTHER PASSIVE SYSTEM CODE REQUIREMENTS.

FOR PRECISE REQUIREMENTS AND OPTIONS OF SPECIFIC CODE SECTIONS
CHECK THE ORIGINAL CODE LANGUAGE AT: www.bam.org/energycode

© 2009 Copyright Builders Association of Minnesota, www.bam.org

The new Residential Energy Code and Radon requirements went into effect for permits pulled on or after June 1, 2009.

The illustration to the left shows the major requirements for passive radon systems in all new residential construction. The back side of this sheet explains additional radon code requirements, recommended upgrades and additional requirements to meet the Minnesota Department of Health’s Gold Standard for Radon Resistant New Construction.

BAM has additional free resources to help you understand the new code.

Go to www.bam.org/energycode to:

- Find a link to the Minnesota Department of Health’s Gold Standard for Radon Resistant New Construction program


- Ask a question and we’ll share it with the entire industry on the energy code Q & A section of our webpage.

This project was made possible by a grant from the U.S. Department of Energy and the Minnesota Department of Commerce with assistance from the Minnesota Department of Health.

For More Information:
www.bam.org/energycode
800-654-7783 x166 or 651-646-7959 x166

James Rupp
3520 Meadow Lane
15001.15a
Planning Commission Resolution No. 2015-
Resolution approving an expansion permit and front yard
variance for a new home at 3520 Meadow Lane

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

Section 1. Background.

1.01 Jeremy Rupp, on behalf of Concord Universal LLC, is proposing remove the existing, one-story home to construct a new, two-story home.

1.02 The property is legally described as:

Lot 13, Block 19, STARING’S TONKA WOOD-CROFT, Hennepin County, Minnesota, according to the recorded plat thereof.

1.03 City Code §300.10, Subd. 7 requires a minimum front yard setback for qualifying small lots be no less than 20 feet.

1.04 The existing home pre-dates the setback requirements and has legally non-conforming setbacks.

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
</tr>
</thead>
<tbody>
<tr>
<td>North setback (side yard)</td>
<td>15 feet</td>
<td>38 feet</td>
</tr>
<tr>
<td>East setback (front yard)</td>
<td>25 feet</td>
<td>6 feet</td>
</tr>
<tr>
<td>South setback (front yard)</td>
<td>25 feet</td>
<td>6 feet</td>
</tr>
<tr>
<td>West setback (front yard)</td>
<td>25 feet</td>
<td>21 feet</td>
</tr>
</tbody>
</table>

1.05 Portions of the proposed home would fall within the existing home’s non-conforming setbacks. An expansion permit is required to maintain these existing setbacks.

1.06 A portion of the proposed home falls outside of the existing home’s footprint and outside of the property’s buildable area and requires a variance.
### Planning Commission Resolution No. 2015-

#### Section 1. Definitions.

### Standards.

**2.01** City Code §300.29 Subd. 7(c) states that an expansion permit may be granted, but is not mandated, when an applicant meets the burden of proving that:

1. The proposed expansion is a reasonable use of the property, considering such things as: functional and aesthetic justifications for the expansion; adequacy of off-site parking for the expansion; absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and improvement to the appearance and stability of the property and neighborhood.

2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowners convenience, and are not solely because of economic considerations; and

3. The expansion would not adversely affect or alter the essential character of the neighborhood.

**2.02** By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the variance is less restrictive than any other variance that could be granted.

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<thead>
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<td>6 feet</td>
<td>30 ft</td>
</tr>
<tr>
<td>West setback (front yard)</td>
<td>25 feet</td>
<td>21 feet</td>
<td>10 ft</td>
</tr>
</tbody>
</table>

1.06 Minnesota Statute §462.357 Subd. 1 (e)(b) allows a municipality, by ordinance, to permit an expansion of non-conformities.

1.07 City Code §300.29 Subd. 3(g) allows expansion of a nonconformity by variance or expansion permit.

1.08 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances.

1.09 City Code §300.29 Subd. 7(c) authorizes the planning commission to grant expansion permits.
applicant establishes that there are practical difficulties in complying with the ordinance.

Section 3. EXPANSION PERMIT FINDINGS:

3.01 The application for the expansion permit is reasonable and would meet the required standards outlined in City Code §300.29 Subd. 7(c):

1. Reasonableness and Neighborhood Character: The proposed setbacks are reasonable and would not negatively impact the character of the surrounding neighborhood. By centering the proposed home on the property, the east and south front yard setbacks would be increased. Despite reducing the setback from the west property line, the proposed home would visually maintain the required setback due to the amount of available right-of-way.

2. Unique Circumstance: Due to the property’s small lot area and configuration, it is unlikely that any reasonable addition or reconstruction of the home could occur without an expansion permit or variance. Additionally, by ordinance the property has three front yard setbacks. Collectively these present circumstances not common to similarly zoned properties.

Section 4. VARIANCE FINDINGS:

1. Reasonableness and neighborhood character: The proposed setbacks are reasonable and would not negatively impact the character of the surrounding neighborhood. The proposal would:

   a) Aesthetically enhance the property.

   b) Center the proposed home on the property. This effectively increases the separation from adjacent roadways and intersection, while maintaining an appropriate separation from the single family property to the north.

   c) Visually maintain the required setbacks from the adjacent paved intersection and roadways.

   d) Allow reasonable use of the property. It is unlikely that an addition to the existing home or the construction of a new home could occur on the property without a variance.

CIRCUMSTANCE UNIQUE TO THE PROPERTY: Due to the property’s small lot area and configuration, it is unlikely that a reasonable addition or reconstruction of the home could occur
without a variance. Additionally, by ordinance, the property has three front yard setbacks. The requested variance is the result of the applicant’s effort to increase the separation from the roadway to the east and intersection to the south. Collectively these present circumstances not common to similarly zoned properties.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described expansion permit based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the property must be developed in substantial conformance with the following plans, except as modified by conditions below.
   - Proposed site plan dated February 2, 2015
   - Floor plans and elevations dated January 21, 2015

2. Prior to issuance of a building permit:
   a) This resolution must be recorded with Hennepin County.
   b) Install a temporary erosion control and tree protection fencing for staff inspection. These items must be maintained throughout the course of construction.
   c) The applicant is responsible for obtaining any required permitting from the Riley Purgatory Bluff Creek Watershed District.

3. Remove the existing driveway prior to the issuance of a Certificate of Occupancy.

4. The neighbor’s fence is located in the location of the proposed driveway. The property owner should work with the neighbor to resolve the issue.

5. This expansion permit and variance approvals will end on December 31, 2016, unless the city has issued a building permit for the project covered by this expansion permit approval or approved a time extension.
Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on March 19, 2015.

Brian Kirk, Chairperson
Attest:

Kathy Leervig, Deputy 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 Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on March 19, 2015.

Kathy Leervig, Deputy City Clerk
Brief Description
A conditional use permit for a 100-foot wireless telecommunication tower at 15001 Minnetonka Industrial Road.

Recommendation
Recommend the city council approve the request.

Project No.
10038.15a

Property
15001 Minnetonka Industrial Road

Applicant
Buell Consulting, Inc., on behalf of Verizon Wireless

Background
In 2011, American Tower Corporation proposed a telecommunications tower on the southwest corner of the existing parking lot on the subject property. The 150-foot monopole was proposed to provide coverage to an identified “gap” within the area. The city council approved a conditional use permit for the telecommunications tower but it was never constructed. The conditional use permit has since expired. (See minutes for March 7, 2011 city council meeting on pages A24-A27.)

Proposal
Buell Consulting, Inc. is proposing to erect a 100-foot wireless telecommunication tower south of the existing parking lot at 15001 Minnetonka Industrial Road. (See narrative and plans on pages A1-A22.)

Proposal Requirements
Per the Telecommunications Ordinance, staff may administratively approve antennas that are located on existing support structures. However, all new telecommunication structure – or towers – are allowed by a conditional use permit in any zoning district.

Ordinance
The intent of the Telecommunications Ordinance is to accommodate the growth of wireless communication systems within the city, while protecting the public against any adverse impacts on public welfare or on the city’s adverse resources. The city’s current ordinance favors the location of antennas on existing support structures – such as existing towers, water towers, and high density and non-residential buildings – over new free-standing stand-alone towers. However, the city ordinance recognizes that environmental and locational challenges can
prevent the placement of antennas on such existing structures. As such, the ordinance establishes additional standards for free-standing structures to minimize their visual impact on the community. By ordinance, all free-standing towers require a conditional use permit regardless of the underlying zoning.

**Proposed Tower**

The current telecommunications ordinance permits horizontal antenna projection within industrially zoned districts. However, the current proposal is of a mono-pole design where all antennas are internally located. The proposed 100-foot tower would be approximately four-feet wide at grade and diminish with height. All ground equipment would be located adjacent to the tower and enclosed within a 2,500 square foot fenced enclosure. Staff has included as a condition of approval that the fence be constructed of opaque wood materials. The proposed tower would accommodate two wireless providers.

**Staff Analysis**

Staff finds the applicant’s proposal is reasonable:

1. The proposed telecommunication’s tower would meet the general and specific conditional use permit standards for new communication tower in the industrial zoning district. Those standards are included in the “Supporting Information” section of this report.

2. The telecommunication ordinance specifically allows for 150-feet telecommunication towers. The applicant is proposing a 100-foot telecommunication tower.

3. The city council approved a conditional use permit for a 150-foot tower on the property in 2011. The tower was never constructed and the conditional use permit has since expired.

**Staff Recommendation**

Recommend that the city council adopt the resolution on pages A29-A36. This resolution approves a conditional use permit for a 100-foot telecommunications tower on the property at 15001 Minnetonka Industrial Road.

Originator: Ashley Cauley, Planning Technician
Through: Loren Gordon, AICP, City Planner
### Supporting Information

<table>
<thead>
<tr>
<th>Surrounding Land Uses</th>
<th>The subject property and all adjacent properties are similarly zoned Industrial.</th>
</tr>
</thead>
</table>
| Planning              | Guide Plan designation: Industrial  
Zoning: I-1, Industrial |
| Site Features         | The subject property is located on Minnetonka Industrial Road.  
The subject property is 2.4 acres in size and is improved with a 22,000 square foot building and associated surface parking space. |
| Landscaping           | Mature trees are located along the south – or rear – property line.  
A number of trees were removed in 2011 by the previous applicant in order to conduct soil testing in the location of the proposed tower. The then-applicant worked with city staff to complete an acceptable landscaping plan to compensate for the tree removal. Since a permit was never issued for the trees, the proposed landscaping was not installed.  
The current proposal includes the removal of 55 significant trees for access as well as for the proposed tower’s ground equipment.  
Staff has included a condition of approval to provide a tree preservation and landscaping plan to provide mitigation and screening to the south and west properties. |
| Comparison to the recent tower proposal | Recently, the planning commission recommended the city council deny a monopole telecommunications tower at the Adath Jeshurun Congregation at 10500 Hillside Lane West. As forementioned the current telecommunications ordinance prefers placement of antennas on existing structures. Under the AT&T proposal, the applicant had an opportunity to co-locate on an existing stadium light pole at the Hopkins High School stadium. Additionally, the submitted coverage maps were unable to “prove” two things: (1) placing the antenna on the stadium light pole could not adequately serve the area; and (2) that the proposed tower would eliminate the existing gap in coverage.  
The current proposal has submitted adequate documentation, which has been preliminarily confirmed by the city’s communication consultant. The proposed tower would eliminate an existing coverage gap and that locating on existing support structures would not be appropriate. |
**Administrative Approval**

Under the current telecommunications ordinance, staff has the authority to administratively approve a one-time 15-foot extension of an existing monopole structure or a one-time replacement of an existing tower no greater than 15-feet taller than the existing tower. Additional requests for increased height, would require a revised conditional use permit.

**CUP Standards**

The proposed telecommunications facility would meet the general conditional use permits as outlined in city code:

1) **Vertical projection.** Antennas mounted on an antenna support structure must not extend more than 15 feet above the height of the structure to which they are attached. Wall or facade-mounted antennas may not extend above the cornice line and must be constructed of a material or color that matches the exterior of the building.

   **Finding:** This condition applies to antennas mounted onto an existing structure and is not applicable to the current proposal.

2) **Horizontal projection.** Antennas must not project out from the side of the antenna support structure or tower, unless it is physically impossible to locate the antennas within the structure or tower, in which case they must not project out by more than three feet by more than three feet.

   **Finding:** The proposed tower is a monopole-type tower and would not have any horizontal projection of antennas.

3) **Setbacks.** A tower adjacent to a R-1, R-2, or R-3 zoning district must meet the building setback that is established for the district where it is to be located, but only from the residential zone. This setback is not required for a tower in a right-of-way. The city may waive this setback requirement if necessary to implement stealth design techniques or if the residentially zoned property is public or institutional property. An accessory equipment cabinet that is greater than 120 square feet in size must be at least ten feet from all property lines.

   **Finding:** The proposed telecommunication tower would be located on an industrially zoned property surrounded by similarly zoned properties.
4) **Height.** The height of an antenna and tower must be the minimum necessary to meet the applicant’s coverage and capacity needs, as verified by an electrical engineer or other appropriate professional. The city council may waive this requirement if additional height is appropriate for co-location opportunities.

**Finding:** Following review of the proposal by OWL Engineering – the city’s telecommunication’s consultant – the 100-foot tower is of reasonable height and would provide for one co-location opportunity. The city’s consultant noted that additional height would provide for at least one additional (two total) co-location opportunities.

5) **Exterior surfaces.** Towers and antennas must be painted a non-contrasting color consistent with the surrounding area such as: blue, gray, brown, or silver, or have a galvanized finish to reduce visual impact. Metal towers must be constructed of, or treated with, corrosion-resistant material.

**Finding:** A condition of approval is included requiring that the tower be painted "Winter Sky,” the same color as the city water towers. Requiring telecommunication towers to be painted this color has been the city’s policy in the recent past.

6) **Ground-mounted equipment.** Ground-mounted accessory equipment or buildings must be architecturally designed to blend in with the surrounding environment, including the principal structure, or must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. No more than one accessory building is permitted for each tower. Additional space needed for the co-location of antennas must be added to an existing accessory building in a manner to make it appear as one building. Design of the building or equipment cabinet, screening and landscaping are subject to a site plan review under section 300.27 of this code.

**Finding:** The proposed tower and associated ground equipment would be located within a fenced enclosure. A condition of approval has been included to ensure the fence enclosure is constructed of an opaque wood material.

7) **Construction.** Telecommunications facilities must be in compliance with all building and electrical code requirements.
A tower must be designed and certified by an engineer to be structurally sound and in conformance with the building code. Structural design, mounting and installation of the telecommunications facilities must be in compliance with the manufacturer’s specifications.

**Finding:** The applicant is required to obtain all applicable building and electrical permits prior to the installation of the antennas. Compliance with building and electrical code requirements would be verified through the permit review process.

8) **Co-location opportunity.** If a new tower over 60 feet in height is to be constructed:

   a) The tower must be designed to accommodate both the applicant’s antennas and antennas for at least one additional comparable user;

   b) the tower must be designed to accept antennas mounted at additional heights;

   c) the applicant, the tower owner, the landowner, and their successors must allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, must submit a dispute over the potential terms and conditions to binding arbitration, and must sign the conditional use permit agreeing to these requirements. The city council may waive these co-location requirements if necessary to implement stealth design.

**Finding:** The 100-foot monopole tower is designed to accommodate one additional comparable co-locator. Both staff and the city’s telecommunications consultant found the proposed tower to meet the intent of the ordinance. However, the consultant noted that by increasing the height of the tower, the tower would be able to provide antenna space for the applicant and at least two additional co-locators.

9) **Exterior Message.** No advertising message or identification sign larger than two square feet may be affixed to the telecommunications facilities.
Finding: This has been included as a condition of approval.

10) Lighting. Telecommunications facilities may not be artificially illuminated unless required by law or by a governmental agency to protect the public’s health and safety or unless necessary to facilitate service to ground-mounted equipment.

Finding: This has been included as a condition of approval.

11) Right-of-way. Telecommunications facilities located within a right-of-way must not negatively impact the public health, safety and welfare, interfere with the safety and convenience of ordinary travel over the right-of-way, or otherwise negatively impact the right-of-way or its users. In determining compliance with this standard, the city may consider one or more of the following factors:

a.) the extent to which right-of-way space where the permit is sought is available, including the placement of the ground equipment;

b.) the potential demands for the particular space in the right-of-way;

c.) the availability of other locations in a right-of-way that would have less public impact;

d.) the extent to which the placement of the telecommunications facilities minimizes impacts on adjacent property; and

e.) the applicability of ordinances or other regulations of the right-of-way that affect location of equipment in the right-of-way;

Finding: The proposed facility would not be located in/on right-of-way.

12) On-site employees: There must be no employees on the site on a permanent basis. Occasional or temporary repair and service activities are allowed.

Finding: No permanent employees are proposed. However, this has been included as a condition of approval.
13) **Landowner authorization.** When applicable, the applicant must provide written authorization from the property owner. The property owner must sign the conditional use permit agreeing to the permit conditions, agreeing to remove the telecommunication facilities when they are unused, obsolete, or become hazardous, and agreeing to the city’s right to assess removal costs under paragraph (n) below.

**Finding:** This has been included as a condition of approval.

14) **Removal.** Obsolete telecommunications facilities must be removed within 90 days after cessation of their use at the site, unless an exemption is granted by the city council. Unused telecommunications facilities and all related equipment must be removed within one year after cessation of operation at the site, unless an exemption is granted by the city council. Telecommunications facilities and related equipment that have become hazardous must be removed or made not hazardous within 30 days after written notice to the current owner and to any separate landowner, unless an exemption is granted by the city council. Notice may be made to the address listed in the application, unless another one has subsequently been provided, and to the taxpayer of the property listed in the Hennepin county tax records. Telecommunications facilities and all related equipment that are not removed within this time limit are declared to be public nuisances and may be removed by the city. The city may assess its costs of removal against the property.

**Finding:** This has been included as a condition of approval.

15) **Historic Places.** No telecommunication tower may be located with 400 feet of the boundary of any property that contains a facility or structure listed on the national register of historic places. Antennas may be located in this restricted area only if they are hidden from public view.

**Finding:** Staff is unaware of any facility or structure within 400 feet of the proposed antennas that is listed on the national register of historic places.

The proposed facility would also meet the specific conditional use permit standards outlined in city code:

1) Antennas may be located in industrial districts on an antenna support structure, a public utility facility, or a
telecommunications tower and may be on any right-of-way. Antennas on a right-of-way must also comply with the requirements in subdivision 5(k) below.

Finding: The applicant is proposing to construct a telecommunications tower.

2) In industrial districts, a telecommunications tower, including attachments other than lighting rods, may not exceed 150 feet in height, measured from grade. The city council may allow towers up to 199 feet high if the applicant can demonstrate that off-site views of the tower will be minimized by the topography of the site and surrounding area, the location of the tower, the tower design, the surrounding tree cover and structures, or the use of screening. The city council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety.

Finding: The proposed tower would be 100-feet.

3) No part of a tower in an industrial district may have a horizontal area of more than 500 square feet.

Finding: The proposed tower would be of monopole design. All antennas are enclosed internally within the monopole. The horizontal area would be on the ground and would have a width of four-feet.

4) An applicant must provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis.

Finding: The city’s communication’s engineer is reviewing the proposal. The engineer has given preliminary approval. As a condition of approval, the report must be finalized to confirm the antenna—at the proposed height—is appropriate for providing coverage and capacity needs.

Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway,
erosion control, and tree protection fencing. As a condition of approval the applicant must submit a construction management plan detailing these management practices.

**Approving Body**

The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request. (City Code §300.06 Subd. 4)

**Pyramid of Discretion**

![Planning & Zoning Discretion Pyramid]

**Motion Options**

The planning commission has three options:

1) Concur with staff’s recommendation. In this case, a motion should be made recommending the city council approve the proposal based on the findings outlined in the staff-drafted resolution.

2) Disagree with staff’s recommendation. In this case a motion should be made recommending the city council deny the proposal. The motion should include findings for denial.

3) Table the request. In this case a motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

**Neighborhood Comments**

The city sent notices to 41 area property owners and received no comments to date.

**Deadline for Decision**

May 30, 2015
Location Map

Project: Verizon Wireless
Applicant: Brent Kabat, Buell Consulting Inc
Address: 15001 Minnetonka Industrial Rd
(10038.15a)
### PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>15001 Minnetonka Industrial Road, Minnetonka, MN 55343</th>
</tr>
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<tbody>
<tr>
<td>Parcel ID Number</td>
<td>16-117-22-43-0013</td>
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### OWNER INFORMATION

<table>
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<tr>
<th>Owner Name</th>
<th>David Frederick Steingas, c/o Copperwood Management</th>
</tr>
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<tbody>
<tr>
<td>Owner Address</td>
<td>6109 Blue Circle Drive #2100, Minnetonka, MN 55343</td>
</tr>
<tr>
<td>Owner Phone</td>
<td>(952) 392-1310</td>
</tr>
<tr>
<td>Owner Email</td>
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</table>

### APPLICANT INFORMATION

<table>
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<tr>
<th>Applicant Name</th>
<th>Brent Kabat, Buell Consulting, Inc. (on behalf of Verizon Wireless)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Address</td>
<td>1360 Energy Park Drive, Suite 210, St. Paul, MN 55108</td>
</tr>
<tr>
<td>Applicant Phone</td>
<td>(651) 789-8705</td>
</tr>
<tr>
<td>Applicant Email</td>
<td><a href="mailto:bkabat@buellconsulting.com">bkabat@buellconsulting.com</a></td>
</tr>
</tbody>
</table>

### TELECOMMUNICATION FACILITY REQUEST

<table>
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<th>Zoning Classification</th>
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<tbody>
<tr>
<td>Land Use</td>
<td>Office</td>
</tr>
<tr>
<td>Existing Facility on Site</td>
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</tr>
</tbody>
</table>

**OWNER’S STATEMENT**

I am the owner of the above described property and I agree to this application. By signing this application, I certify that all fees, charges, utility bills, taxes, special assessments and other debts or obligations due to the city by me or for this property have been paid. I further certify that I am in compliance with all ordinance requirements and conditions regarding other city approvals that have been granted to me for any matter. (If the owner is a corporation or partnership, a resolution authorizing this action on behalf of the board or partnership must be attached.)

**APPLICANT’S STATEMENT**

This application should be processed in my name, and I am the party whom the city should contact about this application. I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1/30/2015</td>
</tr>
</tbody>
</table>

Verizon Wireless
15001 Minnetonka Industrial Rd
10038.15a
MEMORANDUM

TO: Susan Thomas, Principal Planner, AICP, Planning Division, City of Minnetonka, MN

FROM: Brent Kabat, Buell Consulting on behalf of Verizon Wireless

DATE: January 30, 2015

RE: Application for Conditional Use Permit – Proposed Wireless Communications Facility at 15001 Minnetonka Industrial Road, Minnetonka, Minnesota 55343 (Verizon Site Reference: MIN Civic)

Dear Ms. Thomas:

Please accept this memorandum and the enclosed materials as the formal Conditional Use Permit (CUP) application for a proposed Verizon Wireless communications facility in the City of Minnetonka, Minnesota. The facility is to consist of a 75’ stealth pole communications tower (overall height of 78’ with appurtenances) and an equipment shelter adjacent to the base of the tower.

As required pursuant to the City of Minnetonka, Minnesota Code of Ordinances (the “Code”), this memorandum serves to identify appropriate information pertaining to this application, and also addresses how the proposed tower is consistent with the Code.

Applicant Name: Brent Kabat, Site Development Agent, Buell Consulting, Inc. On Behalf of Verizon Wireless

Applicant Address: Buell Consulting, Inc.
1360 Energy Park Drive, Suite 210
Saint Paul, Minnesota, 55108

Applicant Phone #: Direct: (651) 789-8705

Owner of Subject Property: David Frederick Steingas c/o Copperwood Management
6109 Blue Circle Drive #2100
Minnetonka, MN 55343
Tel. (952) 392-1310

Legal Description of Subject Property: The East 240 feet measured along the North and South lines of Lot 4, Block 1, Minnetonka Industrial Park, Hennepin County, Minnesota.
In general, the proposed Verizon communication tower facility adheres to, and is consistent with the City of Minnetonka, Minnesota Code of Ordinances. Pursuant to Chapter 3: Zoning Regulations, Section 300.34 Telecommunications Facilities, the proposed wireless communications facility satisfies the Code as follows:

Subd. 4. The proposed telecommunications facility shall consist of a one hundred foot (100’) tall stealth monopole topped with a nine foot (9’) lightning rod to an overall height of one hundred nine feet (109’). The property on which the facility shall be constructed is zoned Industrial, and as such, the facility is eligible for approval as a Conditional Use.

Subd. 4.b.2 The coverage objectives for the planned equipment include both improving coverage along Minnetonka Boulevard and Williston Road as well as to provide a capacity offload for existing Verizon communications equipment (Site Ref. “Equestrian”) approximately one and two tenths of one mile north-northeast of this proposed location. There are no existing buildings or structures within a radius greater than one-half of one mile from the proposed site that would accommodate a collocation of the planned communications equipment at or near the target height of ninety-five feet (95’) above ground. The subject property for the proposed telecommunications facility is zoned Industrial, all adjacent properties are zoned Industrial, and the proposed tower height is less than the maximum allowable height of one hundred fifty feet (150’). Pursuant to the Code, the proposed tower shall be constructed to utilize a stealth construction design. Please refer to the enclosed location map and justification letter for detailed location and signal propagation information.

Subd. 5.a The communications antennas will be mounted internally within the stealth monopole, and will not project to a level higher than the antenna support structure.

Subd. 5.b The communications antennas will not project horizontally from the tower.

Subd. 5.c The property is not adjacent to R-1, R-2, or R-3 zoning districts, and therefore is not subject to a specific setback distance. The associated equipment shelter is greater than one hundred twenty (120) square feet, and will be situated such that it exceeds the minimum enforceable setback of ten feet (10’) from all property lines.
Subd. 5.d The proposed height of the tower has been designed to accommodate the communications antennas at a height necessary to meet the coverage objective for the area. The proposed stealth monopole has also been designed structurally in consideration to accommodate the communications equipment for at least one (1) additional user.

Subd. 5.e The exterior surface of the stealth monopole shall consist of a galvanized finish to reduce visual impact.

Subd. 5.f The equipment shelter, shall consist of an exposed aggregate exterior surface, and will be situated in an area that is naturally screened by existing trees and brush. The perimeter of the facility will also be enclosed by a chain link fence. The applicant respectively requests that the landscaping requirement be waived due to the existing industrial uses surrounding the proposed site.

Subd. 5.g The proposed telecommunications facility will be constructed and maintained in compliance with all building and electrical code requirements, and has been designed and certified by an architect licensed in the State of Minnesota to be structurally sound and in conformance with the building code. The design, mounting, and installation of the facility will be in compliance with the manufacturer’s specifications.

Subd. 5.h The proposed tower has been designed to accommodate the applicant’s antennas and the antennas of at least one (1) comparable user, and will accept antennas mounted at additional heights. Shared use of the tower will be allowed if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

Subd. 5.i No advertising message or identification sign in addition to minimum signage required to be posted by regulatory groups or agencies will be affixed to the proposed telecommunications facility.

Subd. 5.j The proposed tower shall not be artificially illuminated unless such lighting is required by and in compliance with the law or a governmental agency.

Subd. 5.k The proposed facility shall not be located within a right-of-way.

Subd. 5.l No employees will be present on site on a permanent basis. Employee presence will occur on occasion for the purposes of maintenance, service, or repair.

Subd. 5.m Please refer to the enclosed City of Minnetonka Telecommunications Facility - Conditional Use Permit application, which has been signed by the property owner, as evidence of the property owner’s written authorization.

Subd. 5.n The telecommunications facility will be removed from the property or made non-hazardous within the required time periods stated within the Code if the facility has
become obsolete, its use has ceased, or the facility has been deemed to be hazardous, provided that notice has been made to the facility owner and taxpayer of the underlying zoning district.

Subd. 5.o The proposed facility is not known to be in an area that is within four hundred feet (400’) of the boundary of a property that contains a facility or structure listed on the national register of historic places.

Verizon Wireless agrees to abide by the Code pertaining to communication towers in all other aspects not specified within this application; including but not limited to inspections and maintenance.

Brent Kabat, the applicant, respectfully requests that the City of Minnetonka approve this request for a Telecommunications Facility - Conditional Use Permit.

Sincerely,

Brent Kabat
Site Development Agent
Buell Consulting, Inc.
"On behalf of Verizon Wireless"
November 7, 2014

Re: Verizon Wireless proposed 100’ stealth monopole at Minnetonka Industrial Rd, Minnetonka MN 55345.

To Whom It May Concern:

I am the Verizon Wireless Radio Frequency Engineer responsible for the proposed site, Civic, located at Minnetonka Industrial Rd, Minnetonka MN 55345. Verizon Wireless has selected this location because it will improve the quality of service Verizon Wireless provides to its customers and it meets specific design criteria set by Verizon Wireless Engineering.

There are two objectives for the proposed Civic site. First, is to improve the coverage along Minnetonka Blvd and Williston Rd as well as improving coverage to the businesses in the surrounding area. Second objective is to provide capacity offload to the neighboring site Equestrian north of this location and west of Interstate-494.

FIGURE 1: Current predicted coverage without Civic

Figure 1 shows the current in building coverage of the neighboring Verizon sites around the proposed Civic site. All of these neighboring sites are greater than a mile away resulting in unreliable or weak signals around the proposed Civic site. This is especially true inside homes and businesses.
Figure 2 shows the added coverage of the Civic site. With the improved coverage from the proposed Civic site location Verizon Wireless will be able to provide better coverage and user experience.

Respectfully,

Nithyakalyani Jaipuriyar
Verizon Wireless
RF Engineer
The map below exhibits the location of the proposed 100’ stealth monopole communications tower at the center of the blue circle, the circle representing a one-half (1/2) mile radius. No existing towers, structures, or buildings are located within this search radius that would accommodate a collocation of the planned wireless communications equipment at or near a centerline height of 95’ above ground.

COORDINATES OF PROPOSED 100’ STEALTH POLE:

**Latitude:** 44° 56' 04.4" NORTH, **Longitude:** 93° 28' 14.7" WEST
Current Proposal

Proposed monopole
Fence structure
Ground equipment
Current proposal

Monopole approved in 2011
Current coverage

Proposed coverage
PHOTO SIMULATION

SITE: MINC CIVIC
CARRIER: VERIZON WIRELESS
SITE ADDRESS: MINNETONKA INDUSTRIAL ROAD, MINNETONKA, MN 55345
View Type: Original Photograph - View 1
Site Address: Minnetonka Industrial Road
City: Minnetonka  State: MN, 55345
Site Name: MINC CIVIC
View Description: Looking south.
Disclaimer: This picture is an artist’s rendition of the completed site layout prior to construction. The completed construction may vary in layout, dimension, and color from the above picture.

View Type: Simulated Photograph - View 1
Site Address: Minnetonka Industrial Road
City: Minnetonka  State: MN, 55345
Site Name: MINC CIVIC
View Description: Looking south.
View Type: Original Photograph - View 2
Site Address: Minnetonka Industrial Road
City: Minnetonka  State: MN, 55345
Site Name: MINC CIVIC
View Description: Looking southwest.
Disclaimer: This picture is an artist's rendition of the completed site layout prior to construction. The completed construction may vary in layout, dimension, and color from the above picture.

View Type: Simulated Photograph - View 2
Site Address: Minnetonka Industrial Road
City: Minnetonka  State: MN, 55345
Site Name: MINC CIVIC
View Description: Looking southwest.
View Type: Original Photograph - View 3
Site Address: Minnetonka Industrial Road
City: Minnetonka  State: MN, 55345
Site Name: MINC CIVIC
View Description: Looking east.
Disclaimer: This picture is an artist's rendition of the completed site layout prior to construction. The completed construction may vary in layout, dimension, and color from the above picture.
View from Westmark Circle

View Type: Original Photograph - View 4
Site Address: Minnetonka Industrial Road
City: Minnetonka  State: MN
Site Name: MINC CIVIC
View Description: Looking southwest.
View from Westmark Circle

Proposed tower

Disclaimer: This picture is an artist's rendition of the completed site layout prior to construction. The completed construction may vary in layout, dimension, and color from the above picture.

View Type: Simulated Photograph - View 4
Site Address: Minnetonka Industrial Road
City: Minnetonka State: MN
Site Name: MINC CIVIC
View Description: Looking southwest.
Tower would not be visible from the cul-de-sac of Robinwood Dr.
2011 Approval of 150-foot monopole tower
14. OTHER BUSINESS:

A. Resolution approving a conditional use permit for a 150-foot wireless telecommunications tower on the property at 15001 Minnetonka Industrial Road

Gordon gave the staff report.

Wiersum noted the other 150 foot towers in the city had several appendages that do not look like the proposed monopole. He said he wanted to be assured that the city was getting what was being proposed. Gordon said the condition in the resolution would restrict the design and the construction of the antennas on the monopole to the "stealth design." The requirement would be that the antennas be placed inside the diameter of the monopole. Winter sky color would also be required.

Schneider said the technology required to locate the antennas inside the monopole meant the same type of co-location required for a standard frame pole. Gordon said there would be the ability to co-locate at least three and possibly up to four antennas.

Allendorf said the proposed look of the tower was clean looking. He asked what type of guide wires or support mechanism would be required for a
150 foot tower. Gordon said the monopoles were specifically designed to be self supporting.

Garrett Lysiak, Owl Engineering, cautioned that with the technologies that were now available not all the providers who might want to go on the tower would be able to be located inside the shell. He cited Clearwire, a provider in the city, which has a system that uses microwave dishes to transmit information from one tower to another. He said if the council chose to put a restriction on the tower to not allow anything on the outside, it might require another tower if a provider came forward in the future. He noted that antennas placed on water towers now were not noticeable because they are located on the side and painted.

Hiller asked what size device is needed for a wireless connection located outside. Lysiak said in the example of Clearwire, the design utilizes a fiber optic or T1 connection to the pole. A master setup on a water tower is used to transmit the data to other antenna. The size of the microwave dish is usually two to three feet. The issue is the dish has to be aimed at specific sites. He said if someone wanted to add something on, the city would have the ability to regulate the addition through a conditional use permit. Gordon said if a scenario like the one Lysiak described came up in the future, staff could revisit the conditional use permit to allow for the other technology. He said the resolution before the council adequately addressed what was being proposed.

Schneider said he wanted to avoid a situation where someone came in and said the resolution prohibited them from installing an antenna on the tower. He said the discussion indicated the council was open to modifying the provisions subject to council review. Peterson said the city's ordinance included a requirement that the companies had to use stealth technology. The appendages could be used as a cheaper way of providing service but the ordinance does not allow that. She suggested the council should hold the companies to using the right technology and not give in too easily.

Wiersum said he agreed with Peterson that the city should have a higher standard not only for the aesthetics, but also because the solutions exist. He noted the council had previous discussion about a water tower that had no more capacity for antennas and an applicant came in with a proposal for a monopole. After further examination it was determined the water tower did have the capacity for further antennas. He said his preference would be for the city to take the same approach in the future. If another tower is proposed in the future a different or modified approach could be looked at but it should be done so based on the technology available. The city has little control but should use the control it has.
Allendorf moved, Wagner seconded a motion to adopt Resolution No.
2011-021 which approves a conditional use permit for a 150-foot
telecommunication tower on the property at 15001 Minnetonka Industrial
Road:
Approval is based on the following findings:
1) The proposal meets the required conditional use permit standards.
Approval is subject to the following conditions:
1) This resolution approves only the telecommunication facility at
15001 Minnetonka Industrial Road, detailed in associated site plans
and elevations date-stamped January 7, 2011. This resolution does
not imply or ensure future approval of any other telecommunication
facilities in the community, regardless of their physical or wireless
connection to other sites in the community.
2) The site and facility, including ground mounted equipment, must be
developed in substantial conformance with the following plans,
unless modified by conditions below:
• Site Plan date-stamped January 7, 2011
• Compound Plan date-stamped January 7, 2011
• Tower Elevation Plan date-stamped January 7, 2011
3) Prior to issuance of any required electrical or building permits,
complete the following:
   a. Record this resolution with the county. A copy of the
recorded resolution must be returned to the city.
   b. Submit evidence of a signed lease agreement for space on
the telecommunication tower. If the lease agreement is not
with T-Mobile, a radio analysis must be conducted by a city-
retained radio or electrical engineer and must demonstrate
that the proposed location of the antennas is necessary to
meet the coverage and capacity needs of the service
providers system and that there is no existing antenna
support structure that could adequately serve the area if
antennas were placed on it.
   c. Provide escrow to the city for any outstanding or additional
consultant fees associated with radio analysis.
   d. Submit a revised site plan for review and approval of the city
engineer. The plan must locate the tower and equipment pad
further to the east, outside of existing and necessary utility
easements.
   e. Submit a final grading and erosion control plan for staff
review and approval. Staff may require adjustments to the
grading plan to preserve trees south of the proposed
enclosure.
   f. Submit a final landscape plan for staff review and approval.
The plan must mitigate for significant and high priority trees
removed and provide screening to the south and west. Any
planted towards the south should be appropriate for planting around overhead utility lines.

g. Submit individual written statements from the property owner and applicant, or their authorized representatives, agreeing to the conditional use permit conditions, agreeing to remove the telecommunication facilities when they are unused, obsolete, or become hazardous, and agreeing to the city's right to assess removal costs under City Code Section 300.34.5(n).

h. Submit appropriate easements for location of and access to the proposed telecommunication tower and ground-mounted equipment. These easements must be prepared by an attorney knowledgeable in the area of real estate. They are subject to the review and approval of the city attorney.

i. The applicant must agree to the above conditions in writing.

4) The telecommunications tower/antennas must be painted “Winter Sky” or another color consistent with the color of the city’s water towers, as reviewed and approved by staff.

5) No more than one accessory building is permitted with the fenced enclosure.

6) No advertising message or identification sign larger than two square-feet may be affixed to the telecommunications facility.

7) The telecommunications facility may not be artificially illuminated unless periodically necessary to facilitate service to ground-mounted equipment.

8) No telecommunication employees are allowed on the site on a permanent basis. Occasional or temporary repair and service activities are allowed.

9) The applicant must obtain appropriate electrical and building permits prior to installation of the antennas.

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

11) 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.

All voted “yes.” Motion carried.
Resolution
Resolution No. 2015-

Resolution approving a conditional use permit for a 100-foot telecommunications tower on the property at 15001 Minnetonka Industrial Road

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

Section 1. Background.

1.01 Buell Consulting, Inc, on behalf of Verizon Wireless, has requested a conditional use permit to erect a 100-foot telecommunications tower within the Minnetonka Industrial Park (Project 10038.15a.).

1.02 The property is located at 15001 Minnetonka Industrial Road. It is legally described as:

The east 240.00 feet of Lot 4 as measured along the north and south lines thereof, Block 1, MINNETONKA INDUSTRIAL PARK, Hennepin County, Minnesota.

1.03 On March 7, 2011, the City Council approved a conditional use permit for a 150-foot telecommunications tower at 15001 Minnetonka Industrial Road. The tower was never constructed and the conditional use permit has since expired.

1.04 On March 19, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. General Standards.

2.01 City Code §300.34 lists the following general standards that must be met for granting a conditional use permit:
1. **Vertical projection.** Antennas mounted on an antenna support structure must not extend more than 15 feet above the height of the structure to which they are attached. Wall or facade-mounted antennas may not extend above the cornice line and must be constructed of a material or color that matches the exterior of the building.

2. **Horizontal projection.** Antennas must not project out from the side of the antenna support structure or tower, unless it is physically impossible to locate the antennas within the structure or tower, in which case they must not project out by more than three feet by more than three feet.

3. **Setbacks.** A tower adjacent to a R-1, R-2, or R-3 zoning district must meet the building setback that is established for the district where it is to be located, but only from the residential zone. This setback is not required for a tower in a right-of-way. The city may waive this setback requirement if necessary to implement stealth design techniques or if the residentially zoned property is public or institutional property. An accessory equipment cabinet that is greater than 120 square feet in size must be at least ten feet from all property lines.

4. **Height.** The height of an antenna and tower must be the minimum necessary to meet the applicant’s coverage and capacity needs, as verified by an electrical engineer or other appropriate professional. The city council may waive this requirement if additional height is appropriate for co-location opportunities.

5. **Exterior surfaces.** Towers and antennas must be painted a non-contrasting color consistent with the surrounding area such as: blue, gray, brown, or silver, or have a galvanized finish to reduce visual impact. Metal towers must be constructed of, or treated with, corrosion-resistant material.

6. **Ground-mounted equipment.** Ground-mounted accessory equipment or buildings must be architecturally designed to blend in with the surrounding environment, including the principal structure, or must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. No more than one accessory building is permitted for each tower. Additional space needed for the co-location of antennas must be added to an existing accessory building in a manner to make it...
7. **Construction.** Telecommunications facilities must be in compliance with all building and electrical code requirements. A tower must be designed and certified by an engineer to be structurally sound and in conformance with the building code. Structural design, mounting and installation of the telecommunications facilities must be in compliance with the manufacturer's specifications.

8. **Co-location opportunity.** If a new tower over 60 feet in height is to be constructed:
   a) The tower must be designed to accommodate both the applicant’s antennas and antennas for at least one additional comparable user;
   b) the tower must be designed to accept antennas mounted at additional heights;
   c) the applicant, the tower owner, the landowner, and their successors must allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, must submit a dispute over the potential terms and conditions to binding arbitration, and must sign the conditional use permit agreeing to these requirements. The city council may waive these co-location requirements if necessary to implement stealth design.

9. **Exterior Message.** No advertising message or identification sign larger than two square feet may be affixed to the telecommunications facilities.

10. **Lighting.** Telecommunications facilities may not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety or unless necessary to facilitate service to ground-mounted equipment.

11. **Right-of-way.** Telecommunications facilities located within a right-of-way must not negatively impact the public health, safety and welfare, interfere with the safety and convenience of ordinary travel over the right-of-way, or otherwise negatively impact the right-of-way or its
users. In determining compliance with this standard, the city may consider one or more of the following factors:

a) the extent to which right-of-way space where the permit is sought is available, including the placement of the ground equipment;

b) the potential demands for the particular space in the right-of-way;

c) the availability of other locations in a right-of-way that would have less public impact;

d) the extent to which the placement of the telecommunications facilities minimizes impacts on adjacent property; and

e) the applicability of ordinances or other regulations of the right-of-way that affect location of equipment in the right-of-way;

f) On-site employees: There must be no employees on the site on a permanent basis. Occasional or temporary repair and service activities are allowed.

g) Landowner authorization. When applicable, the applicant must provide written authorization from the property owner. The property owner must sign the conditional use permit agreeing to the permit conditions, agreeing to remove the telecommunication facilities when they are unused, obsolete, or become hazardous, and agreeing to the city’s right to assess removal costs under paragraph (n) below.

12. Removal. Obsolete telecommunications facilities must be removed within 90 days after cessation of their use at the site, unless an exemption is granted by the city council. Unused telecommunications facilities and all related equipment must be removed within one year after cessation of operation at the site, unless an exemption is granted by the city council. Telecommunications facilities and related equipment that have become hazardous must be removed or made not hazardous within 30 days after written notice to the current owner and to any separate landowner, unless an exemption is granted by the city council. Notice may be made to the address listed in the application, unless another one has subsequently been provided, and to the taxpayer of the property listed in the Hennepin county tax records.
Telecommunications facilities and all related equipment that are not removed within this time limit are declared to be public nuisances and may be removed by the city. The city may assess its costs of removal against the property.

13. **Historic Places.** No telecommunication tower may be located with 400 feet of the boundary of any property that contains a facility or structure listed on the national register of historic places. Antennas may be located in this restricted area only if they are hidden from public view.

Section 3. **Specific Standards.**

3.01 City Code §300.34, Subd. 4, lists the following specific standards that must be met for granting a conditional use permit for telecommunication towers in Industrially zoned districts:

1. Antennas may be located in industrial districts on an antenna support structure, a public utility facility, or a telecommunications tower and may be on any right-of-way. Antennas on a right-of-way must also comply with the requirements in subdivision 5(k) below.

2. In industrial districts, a telecommunications tower, including attachments other than lighting rods, may not exceed 150 feet in height, measured from grade. The city council may allow towers up to 199 feet high if the applicant can demonstrate that off-site views of the tower will be minimized by the topography of the site and surrounding area, the location of the tower, the tower design, the surrounding tree cover and structures, or the use of screening. The city council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety.

3. No part of a tower in an industrial district may have a horizontal area of more than 500 square feet.

4. An applicant must provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis.

Section 4. **Findings.**
4.01 The proposal meets the general standards as outlined in City Code §300.34.

4.02 The proposed tower meets the specific conditional use permit standards for telecommunication towers in industrially zoned districts as outlined by City Code §300.34, Subd. 4:

1. The applicant is proposing to construct a telecommunications tower.

2. The proposed monopole tower would be 100-feet.

3. The city’s communication’s engineer is reviewing the proposal. While he has given preliminary approval, included as a condition of approval the report must be finalized to confirm the antenna – at the proposed height – is appropriate.

Section 5. Council Action.

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

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans:
   - Site plans dated November 12, 2014
   - Landscape plan dated November 12, 2014
   - Tower elevation plans dated November 12, 2014

2. Prior to issuance of any required electrical or building permits:
   a) This resolution must be recorded with Hennepin County.
   b) Submit a grading permit with final grading, tree preservation plan and landscaping plan for staff review and approval. The landscaping plan must include trees and shrubs to provide screening to the south and west. Any plantings to the south must be appropriate for overhead utility lines.

b) Provide an escrow to ensure compliance with the grading and erosion requirements, as well as the installation, maintenance, and survival of the required landscaping for a minimum of one year after installation.
c) Provide an escrow for any outstanding or additional consultant fees associated with the application.

d) Work with staff to reduce the width of the access driveway between the existing parking lot and the ground facilities. This would reduce the amount of impact to surrounding landscaping.

e) Submit individual written statements from the property owner and applicant, or their authorized representatives, agreeing to the conditional use permit conditions, agreeing to remove the telecommunication facilities when they are unused, obsolete, or become hazardous, and agreeing to the city’s right to assess the removal costs under City Code Section 300.34.5(n).

f) The applicant must agree to the above conditions in writing.

3. The telecommunication tower/antennas must be painted “Winter Sky” or another color consistent with the city’s water towers, as reviewed and approved by staff.

4. The fence enclosure, surrounding the tower and associated ground facilities, must be constructed of an opaque wood material. This fence must be kept in good repair.

5. No more than one accessory building is permitted within the fenced enclosure.

6. No advertising message or identification sign larger than two-square feet may be affixed to the telecommunications facility.

7. The telecommunications facility cannot be artificially illuminated unless periodically to facilitate service to ground-mounted equipment.

8. No telecommunication employees are allowed on the site on a permanent basis. Occasional or temporary repair and service activities are allowed.

9. The applicant must obtain appropriate electrical and building permits prior to the installation of antennas.
10. The city council may reasonably add or revise conditions to address any future unforeseen problems.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 6, 2015.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

**Action on this resolution:**

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on April 6, 2015.

David E. Maeda, City Clerk