Planning Commission Agenda
April 14, 2016—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 17, 2016
5. Report from Staff
6. Report from Planning Commission Members
7. Public Hearings: Consent Agenda
   A. Conditional use permit for Field Day Ridgedale, LLC, at 12259 Wayzata Boulevard.
      Recommendation: Recommend the city council adopt the resolution (4 votes)
      • Recommendation to City Council (Tentative Date: April 25, 2016)
      • Project Planner: Ashley Cauley
   B. Side yard setback variance for a garage and living space addition at 14524 Idylwood Road.
      Recommendation: Adopt the resolution approving the request (5 votes)
      • Final Decision Subject to Appeal
      • Project Planner: Susan Thomas
8. Public Hearings: Non-Consent Agenda Items

A. Site plan review for a parking lot expansion at 5900 Clearwater Drive.

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

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

B. Items concerning a parking lot expansion at 14001 Ridgedale Drive.

   Recommendation: Adopt the resolution denying the requests (4 votes)

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

C. Items concerning a licensed day care facility at 14730 Excelsior Boulevard.

   Recommendation: Recommend the city council adopt the resolution (4 votes)

   - Recommendation to City Council (Tentative Date: April 25, 2016)
   - 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 and items scheduled for the May 5, 2016 Planning Commission meeting:

   Project Description: The applicant is proposing changes to both the site and building at 14900 State Highway 7. As proposed, the interior and exterior of existing building would be significantly remodeled and new parking areas and driveways constructed. The primary tenant of the building would be a specialty medical clinic. The proposal requires: (1) preliminary and final plats; (2) a major amendment to the existing master development plan; (3) site and building plan review; and (4) a conditional use permit.
   Project No.: 86091.16a        Staff: Susan Thomas
   Ward/Council Member:  3—Brad Wiersum        Section: 21

   Project Description: Minnetonka Schools ISD #276 is proposing changes to existing parking lots and construction of two new parking areas on the Minnetonka High School Campus. The parking changes, which were conceptually reviewed in 2015 during formal review of the Pagel Center Expansion, require: (1) amendment to the school's existing conditional use permit; and (2) site plan review.
   Project No.: 97001.16b        Staff: Susan Thomas
   Ward/Council Member:  4—Tim Bergstedt        Section: 30

   Project Description: Ordinance amending city code pertaining to signs.
   Staff: Loren Gordon

   Project Description: Glen Lake Study
   Staff: Julie Wischnack/Loren Gordon
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.
Unapproved
Minnetonka Planning Commission
Minutes
March 17, 2016

1. Call to Order

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

2. Roll Call

Commissioners Odland, Powers, Calvert, Hanson, Knight, O'Connell, and Kirk were present.

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

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


   Odland moved, second by Powers, to approve the March 3, 2016 meeting minutes as submitted with a change on Page 2 from “second by Powers” to “second by Knight.”

   Odland, Powers, Calvert, Hanson, Knight, O'Connell, and Kirk voted yes. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of March 14, 2016:

- Introduced an application for proposed improvements to parts of the Bunker Golf Center.
- Adopted a resolution approving items for the Williston Woods 5-lot subdivision.
- Adopted a resolution approving an increase in the number of units from 99 to 100 for Cherrywood Pointe.
- Reviewed a concept plan to redevelop the TCF Bank site.

There will be a workshop from 6 p.m. to 8:30 p.m. on Wednesday, March 23, 2016, on resources and ways communities will be updating comprehensive guide plans. Please RSVP to Gordon.
The next planning commission meeting will be March 31, 2016.

Wischnack added that the March 28, 2016 city council agenda packet includes staff reports reviewing the Glen Lake study and redevelopment on Shady Oak Road near Main Street in Hopkins.

6. Report from Planning Commission Members

Calvert completed the Minnetonka Citizen’s Academy. She recommends it highly.

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Variances to allow construction of a second-story addition to the house at 2513 Bantas Point Lane.

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

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

Brad Bollman, of Struction Construction, applicant, stated that the height would be increased to provide living space to the two-bedroom house. The sprinkler system would be continued throughout the addition.

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

Odland moved, second by Hanson, to adopt the resolution on pages A13-A16 of the staff report which approves variances for a second story living addition at 2513 Bantas Point Lane.

Odland, Powers, Calvert, Hanson, Knight, O’Connell, and Kirk voted yes. Motion carried.

Chair Kirk stated that an appeal of the planning commission’s decision must be made in writing to the planning division within 10 days.
9. Adjournment

*Odland moved, second by Knight, to adjourn the meeting at 6:50 p.m. Motion carried unanimously.*

By: ____________________________

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
April 14, 2016
Agenda Item 7

Public Hearing: Consent Agenda
MINNETONKA PLANNING COMMISSION  
April 14, 2016

Brief Description  A conditional use permit for Field Day Ridgedale, LLC, at 12259 Wayzata Boulevard

Recommendation  Recommend the city council adopt the resolution approving the request

Introduction

Field Day Ridgedale, LLC is a new restaurant concept owned by Parasole Restaurant Holdings, Inc. Headquartered in Minneapolis. Parasole Restaurant Holdings operates a number of restaurants in and around the metro area. Their restaurant portfolio includes Salut Bar Americain in Edina and St. Paul; Burger Jones in Burnsville; Chino Latino and Libertine in Uptown; Manny’s Steakhouse and The Living Room & Prohibition Bars at the W Minneapolis – The Foshay in downtown Minneapolis; Muffuletta Café in St Paul; and Good Earth Restaurants in Edina and Roseville.

Proposal

In 2014, General Growth and Nordstrom began construction of Phase 2 of the Ridgedale Mall master development plan. To connect the new Nordstrom store to the existing mall, Phase 2 included a two-story 88,000 square foot mall addition. Since the construction wrapped up late last year, several tenants have already occupied the mall addition.

Field Day Ridgedale, LLC is requesting a conditional use permit to operate a restaurant within the first floor of the new Nordstrom wing. The restaurant would have seating for up to 50 guests and would be approximately 2800 square feet in size. The applicant has applied for a liquor license which will be reviewed separately by the city council.

The hours of operation, consistent with the mall’s hours, would be 10:00 a.m. – 9:00 p.m. Monday through Saturday and 11:00 – 6 p.m. on Sundays.

The proposal requires a conditional use permit to allow a restaurant use, exceeding 1,200 square feet in size, within a retail center. (See pages A2–A6.)

Staff Analysis

Staff finds that the proposed restaurant is reasonable:
• The parking demands and traffic associated with the restaurant can be accommodated within the existing site without the need for any additional traffic improvements.
• The restaurant use would be complimentary to existing uses within the mall.
• The restaurant would meet all conditional use permit standards outlined in the zoning ordinance for restaurants.

Staff Recommendation

Recommend the city council adopt the resolution on pages A7–A10, which approves the conditional use permit for a restaurant in Ridgedale Center at 12401 Wayzata Boulevard.

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

Project No. 03046.16a

Property 12401 Wayzata Boulevard

Applicant Field Day Ridgedale, LLC

Planning Guide Plan designation: Mixed Use
Zoning: PID, Planned I394 District

CUP Standards

The proposal would meet the general conditional use permit standards as outlined in City Code §300.31 Subd. 4(b)2:

1. The use is in the best interest of the city;
2. The use is compatible with other nearby uses;
3. The use is consistent with other requirements of this ordinance.

The proposal would meet the general conditional use permit standards as outlined in City Code §300.31 Subd. 4(b)2(o):

1. must be in retail multiple tenant centers only and conform to the architecture of a specific center;

Finding: The restaurant would be interior to the mall. As an interior tenant, Field Day would apply their trade dress to their interior entrance. The design and material choice of the trade dress would be regulated by Ridgedale. There would be no evidence of the restaurant on the exterior of the mall.

2. will not be permitted when traffic studies indicate significant impacts on the levels of service as defined by the Institute of Traffic Engineers on the roadway system;

Finding: The traffic within the Ridgedale area has been studied extensively. The traffic associated with the restaurant can be accommodated within the existing roadway system and on-site parking areas.

3. outdoor seating areas will be approved only subject to the following:
a) must be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access must be only through the principal building;

b) must be setback at least 300 feet and screened from any adjacent property designated in the comprehensive plan for residential use;

c) must be located and designed so as not to interfere with pedestrian and vehicular circulation;

d) must be located next to an entrance to the main use;

e) must be equipped with refuse containers and periodically patrolled for litter pick-up;

f) must not have speakers or audio equipment that is audible from adjacent residential properties; and

g) must meet building setback requirement.

**Finding:** The proposal does not include an outdoor eating area.

4. drive-up windows and related stacking spaces will be approved only subject to the following:

a) public address system must not be audible from any residential parcel; and

b) stacking for a maximum of six cars per aisle must be provided subject to applicable parking lot setbacks.

c) must be setback at least 100 feet and screened from any adjacent property designated in the comprehensive plan for residential use.

**Finding:** The proposal does not include a drive-up window.

5. Restaurants or fast-food restaurants with less than 1,200 square feet gross floor area, designed capacity not exceeding 25, having no drive-up window and located in retail multiple tenant centers are exempt from the requirements of this section and are considered to be a
standard retail use. For tenants with accessory fast-food restaurants, the 1,200 square-foot calculation will include the total gross floor area of all restaurants and fast-food restaurants within the tenant space.

**Finding:** The restaurant would exceed 1,200 square feet. As such, the requirements of this section would apply to the proposal.

**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)

**Neighborhood Comments**
The city sent notices to 424 area property owners and received no comments to date.

**Deadline for Decision**
July 12, 2016
Location Map

Project: Good Earth Concept (Parasole)
Applicant: Field Day Ridgedale, LLC
Address: 12401 Wayzata Blvd
Project No. 03046.16a
City of Minnetonka
Liquor License Application
Field Day
Business Plan
March 4, 2016

1. Staffing – Field day will have a manager or lead employee on duty during all business hours and be staffed by full and part-time employees

2. Alcohol - Managers and alcohol serving staff will complete an alcohol training class. We are committed to workplace and public safety by ensuring responsible and legal sale of alcohol in the restaurant. All guests appearing under 35 years of age will be required to present a valid government ID for age verification. Field Day will participate in the City of Minnetonka’s Best Practices Program “Project Smart Choice”

3. Food to Liquor Ratio – alcohol sales are estimated at less than 3%

4. Hours of Operation – 10:00 A.M. to 9:00 P.M. every day except Sunday. Sunday hours are 11:00 A.M. to 6:00 P.M.

5. Entertainment – None

6. Menu – Draft menu attached

7. Orderly Appearance and Operation – The restaurant is entirely within Ridgedale Mall. Restaurant staff will ensure there is no graffiti or refuse within or on the restaurant leased premises. Rubbish and trash will be deposited in a central collection point provided by Ridgedale Mall

8. Noise Management - The restaurant is entirely within Ridgedale Mall. There will be background music within the leased premises
**Greens**

**Sesame Salmon**
Gently cooked sustainable Norwegian salmon with avocado, Napa cabbage, watercress, sesame wakame, chia & sesame seeds, ginger and tahini-yogurt vinaigrette

**Thai-Style Beef Cobb Salad**
Grass-fed braised beef, romaine, watercress, carrot, avocado, cucumber, egg, sprouted beans, peanuts and peanut-sweet chili vinaigrette

**Chicken & Kale Caesar**
Miso glazed organic chicken with baby kale and romaine, organic, cage-free eggs and ancient grains crumble. Tossed in a miso-kefir vinaigrette.

**Mediterranean Market Veggie**
Romaine, watercress, arugula, cucumber, ripe tomatoes, red onion, red peppers, quinoa tabbouleh, pepperoncin, feta, Kalamata olives and lemon-oregano vinaigrette

**Fresh Mozzarella**
Fresh mozzarella, ripe tomatoes, arugula, pesto chickpeas, fresh basil, Tuscan olive oil & balsamic vinegar

**Superfood Energy**
Baby kale, watercress and arugula, tossed with blueberries, apple, raw beet, chia & pumpkin seeds, toasted quinoa, ginger and avocado, with a green tea-kefir vinaigrette

**Cashew Chicken Salad**
A Good Earth classic. Slow roasted organic chicken, butter lettuce, tomato, cucumber, sprouted beans, avocado, toasted cashews, egg & Kalamata olives

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**Sandwiches & Wraps**

**Cashew Chicken**
Our classic Cashew chicken salad made with chicken breast and cholesterol-free mayonnaise, topped with cashews on whole grain bread

**Bahn Mi Wrap**
Red curry braised beef, carrots, daikon, cucumber, cilantro, hummus on spinach tortilla

**5-Spice Turkey Meatball Pita**
Our house-made meatballs with tomato, avocado, cucumber, arugula, and sesame yogurt on low carb flatbread

**Thai Chicken Wrap**
Grilled chicken, jasmine rice, Napa slaw and spicy peanut sauce wrapped in a spinach tortilla

**Garden Vegetable Hummus Wrap**
Avocado, baby spinach, sprouts, cucumber, ripe tomato, Indian spices hummus on a spinach tortilla

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**Grain Bowls**

**Ancient Grains**
Powerhouse grains including quinoa, amaranth, Kamut, farro & chia, tossed with Mediterranean vegetables, kale, arugula, Kalamata olives and feta. Finished with a lemon-cilantro vinaigrette and spicy pumpkin seeds

**Bombay Vegetable**
Ancient Grains flavored with tahini yogurt and Indian spices. Tossed with baby spinach, arugula, watercress, sprouted beans, chickpeas and lots of fresh veggies

**Energy Bowl**
Green tea infused quinoa, amaranth & chia seeds with power greens, apple, avocado, blueberries, raw beets, ginger and sprouted beans

**Miso-Sesame Salmon**
Sustainable Norwegian salmon with quinoa, sesame wakame, ginger, edamame, kale, avocado, raw vegetables and Chia & sesame seeds

**Lemongrass Beef**
Spicy braised beef with jasmine rice, farro, peanut sauce, kale, cucumber, edamame & vegetables, finished with a cooling cilantro yogurt

**Kung Pao Turkey Meatballs**
Teriyaki glazed turkey meatballs, with Kamut, spicy chickpeas, Napa cabbage, red peppers, edamame, roasted peanuts and sesame

**Quinoa Chicken Bibimbap**
Grilled organic chicken with ginger quinoa, baby greens, edamame, sesame wakame, kimchi, lightly pickled raw vegetables, sesame seeds and soft poached egg
**Tea & Coffee**

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**Juice**

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**Organic Sodas & Water**

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**Wine**

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**Beer**

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Resolution No. 2016-

Resolution approving a conditional use permit for Field Day, by Good Earth, a restaurant at Ridgedale Center at 12401 Wayzata Boulevard

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

Section 1. Background.

1.01 Field Day Ridgedale, LLC has requested a conditional use permit for a restaurant. (Project 03046.16a)

1.02 The property is located at 12401 Wayzata Boulevard. It is legally described as: TRACT E, REGISTERED LAND SURVEY NO. 1826

1.03 On April 14, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 City Code §300.31 Subd. 4(b)2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

2.02 City Code §300.31 Subd. 4(b)2(o) outlines the following specific standards that must be met for granting a conditional use permit for restaurants located on property designed for retail use:

1. Must be in retail multiple tenant centers only and conform to the architecture of a specific center;

2. Will not be permitted when traffic studies indicate significant impacts
on the levels of service as defined by the Institute of Traffic Engineers on the roadway system;

3. Outdoor seating areas will be approved only subject to the following:
   a) Must be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access must be only through the principal building;
   b) Must be setback at least 200 feet and screened from any adjacent property designed in the comprehensive plan for residential use;
   c) Must be located and designed so as to not interfere with pedestrian and vehicular circulation;
   d) Must be located next to an entrance to the main use;
   e) Must be equipped with refuse containers and periodically patrolled for litter pick-up;
   f) Must not have speakers for audio equipment that is audible from adjacent residential parcels; and
   g) Must meet building setback requirements.

4. Drive-up windows and related stacking spaces will be approved only subject to the following:
   a) Public address systems must not be audible from any residential parcel; and
   b) Stacking for a minimum of six cars per aisle must be provided subject to applicable parking lot setbacks.
   c) Must be setback at least 100 feet and screened from any adjacent property designated in the comprehensive plan for residential use.

5. Restaurants or fast-food restaurants with less than 1,200 square feet gross floor area, designed seating capacity not exceeding 25, having no drive-up window and located in retail multiple tenant centers are
exempt from the requirements of this section and are considered to be standard retail use. For tenants and accessory fast-food restaurants, the 1,200 square foot calculation would include the total gross area of all restaurants and fast-food restaurants within the tenant space.

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.31 Subd.4(b)2.

3.02 The proposal meet all but one of the specific conditional use permit standards outlined in City Code §300.31 Subd. 4(b)2(o).

1. The restaurant would be interior to the mall. As an interior tenant, Field Day would apply their trade dress to their interior entrance. The trade dress of the entrance would be regulated by the Ridgedale. There would be no evidence of the restaurant on the exterior of the mall.

2. The traffic within the Ridgedale area has been studied extensively. The traffic associated with the restaurant can be accommodated within the existing roadway system and on-site parking areas.

3. The proposal does not include an outdoor eating area.

4. The proposal does not include a drive-up window.

5. The restaurant would exceed 1,200 square feet. As such, the requirements of this section would apply to the proposal.

Section 4. City Council Action.

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

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

   • Lease plan submitted March 14, 2016
   • Floor plan submitted March 14, 2016

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

3. The restaurant must obtain all applicable food and liquor licenses from the city.

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

5. Any change to the approved use that results in a significant increase in traffic or significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 25, 2016.

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 25, 2016.

David E. Maeda, City Clerk
Brief Description  Side yard setback variance for a garage and living space addition at 14524 Idylwood Road

Recommendation  Adopt the resolution approving the variance

Background  The subject property is located on the north side of Idylwood Road, just east of Williston Road. It is improved with a roughly 1,600 square foot home and 440 square foot garage. The structures, which are located on the far west side of the property, have an interesting history. According to city records, the home was constructed in 1947. The garage and associated breezeway were constructed in 1957. It appears that two separate surveys were submitted for the garage/breezeway construction. The first survey, submitted with the building permit application, indicated that the garage would be constructed 1.5 feet from the west property line. The second survey, evidently an as-built survey submitted prior to the final building inspection, revealed “the garage to be on [the] lot line.” The permit record goes on to note that the owner was “fined $50.” In 1957, the Village of Minnetonka had no zoning ordinance and, therefore, no setback requirements. Staff suspects the fine was based on either: (1) the discrepancy between the proposed and actual setback; or (2) the final location of the garage on the property line. (See pages A1–A2.)

A survey conducted in 2013 indicates the garage is actually two feet over the side property line. (See page A4.)

Proposal  The current property owners are proposing to remove the existing garage and breezeway and construct a new garage and two story living addition. The new construction, which would have a footprint of roughly 25 feet by 43 feet, requires a setback variance from 10 feet to 3.6 feet. (See pages A4–A8.)

Staff Analysis  Staff finds that the proposal would meet the variance standard outlined in city code:

- **Reasonableness.** The proposed garage and living addition would be reasonably situated given the location and internal layout of the existing home.
• **Unique Circumstance and Neighborhood Character.** The location of the existing house, situated on the far west side of the property, and the location of the existing garage, partially situated on the adjacent property to the west, are both circumstances unique to the subject property. Though the garage and addition would not meet setback requirements, the proposed setback would improve the existing situation. It would not negatively impact neighborhood character.

**Staff Recommendation**

Adopt the resolution approving a side yard setback variance for a garage and living space addition at 14524 Idylwood Road. (See pages A9–A12.)

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

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<tr>
<th><strong>Surrounding</strong></th>
<th>The subject property is surrounded by single-family properties zoned R-1</th>
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<tbody>
<tr>
<td><strong>Land Uses</strong></td>
<td><strong>Planning</strong></td>
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<td>Zoning: R-1</td>
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<td><strong>Variance Standard</strong></td>
<td>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)</td>
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<td><strong>Natural Resources</strong></td>
<td>Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance erosion control fencing</td>
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<td><strong>Neighborhood Comments</strong></td>
<td>The city sent notices to 45 area property owners and received no comments to date.</td>
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<td><strong>Motion Options</strong></td>
<td>The planning commission has three options:</td>
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<td>1. Concur with the staff recommendation. In this case a motion should be made to adopt the resolution approving the request.</td>
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<td>2. Disagree with staff’s recommendation. In this case, a motion should be made denying the request. This motion must include a statement as to why the request is denied.</td>
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<td>3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.</td>
</tr>
<tr>
<td><strong>Appeals</strong></td>
<td>Any person aggrieved by the planning commission’s decision about the requested variances may appeal such decision to the</td>
</tr>
</tbody>
</table>
city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

Deadline for Decision  
July 11, 2016
Applicant: William Campbell
Address: 14524 Idylwood Rd
Project No. 16004.16a

This map is for illustrative purposes only.
<table>
<thead>
<tr>
<th>Name of Builder:</th>
<th>Broman, Paul B.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Owner:</td>
<td>Noble, John C.</td>
</tr>
<tr>
<td>Phone No.:</td>
<td>WE 9-2129</td>
</tr>
<tr>
<td>Address:</td>
<td>6001 Timphaven, Mans.</td>
</tr>
<tr>
<td>Address:</td>
<td>Idylwood, Hopkins</td>
</tr>
<tr>
<td>Permit No.:</td>
<td>6572</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SEC NO.</th>
<th>PARCEL NO.</th>
<th>LOT</th>
<th>BLOCK</th>
<th>ADDITION or SUBDIVISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>700</td>
<td>E. 180' of W. 923 of N. 120' S. 1/2 of N. 7/16 of S. 3/4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Describe Land: Elevation, Drainage

Check Plot Plan

Year: 1957
Purpose of Building: Garage & Breezeway

Construction: Frame, Stucco
Brick Veneer, Brick, Solid
Stone, Cement Block

Footings:

<table>
<thead>
<tr>
<th>Depth</th>
<th>Least Depth</th>
<th>Width</th>
<th>Below Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>92'</td>
</tr>
</tbody>
</table>

Foundation: Construction, Size

Basement: Ground Drainage

Floor: Bearing Posts, size & spacing
Beams, Size & Span

Chimneys:
Foundation
Height above Roof
Smoke Pipe distance from Joists

Floors: Sub Flooring

<table>
<thead>
<tr>
<th>Joists</th>
<th>Size</th>
<th>Spacing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Bearing
Welding
Spacers in steel beams

Studdings: Rafter, Ceiling Joints

<table>
<thead>
<tr>
<th>Size</th>
<th>Spacing</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>16</td>
<td>4</td>
</tr>
</tbody>
</table>

Plates: Span, Longest Span
Bracing

Exits No.: Door Width, Subway Width

Glass Area:
To Outside
To Open Porch
Per cent usage of Floor Area

Ventilation Area:
Percentage of Floor Area

Insulation
Lintels: Elevation, Location
Size, Span

**Value:** $1800

6/1/57 Broman said footing done.

Checked Measurements of Garage & Breezeway Found Garage 20'6" & Breezeway 7' or total of 27'6" Survey by Jepson Shows 29' from No. To Lot Line Levens 1'6" From Garage To Lot Line. Survey by Cardarelle Shows Garage To Be On Lot Line Fixed #52 on 11/29/57.
To: City of Minnetonka Planning Department

From: William and Deborah Campbell
14524 Idylwood Road
Minnetonka MN, 55345

Subject: Written Statement for Variance Application

We purchased the property in September 1984. As part of the purchase, a plat drawing was supplied (see attached) that showed there was 5 ft of setback from the garage to the property line on the west side of the lot. During our time living here, we heard that our neighbor to the west was irritated because he believed our garage was on his property. Last year we began looking at improving/expanding our dwelling and did a survey to find out specifically where the line was and discovered that the garage actually was built over the line before we bought the property. We have looked at various design options for the building project and have decided the best option was to tear down the existing garage and build another with living space behind and above. Because a garage must be a certain size, it was possible to rebuild it so it was not across the line but it would require a variance to the setback requirement. (see attached drawings)

This is the best plan for a number of reasons. Not only does it make the most sense because the plumbing is all on the west side of the house, it also solves a problem that was created long before we moved in. Having the garage across the line could potentially cause problems for both property owners in the future if trying to sell. It also would remedy a mistake that was created many years ago.

This project and variance would not change the character of the neighborhood because the new structure would occupy nearly the same space as it does now. The alternate plan would be to leave the garage where it is (over the property line) and build on the east side of the house, increasing the footprint considerably, reducing the lot open space and creating a more difficult build.

After review of this information, we are sure the city will agree this is the best solution.

Respectfully submitted:
William J Campbell
Deborah J Campbell
LEGAL DESCRIPTION:
East 180 feet, West 533 feet of North One-half of South One-half of North Half of Southwest Quarter of Section 21, Township 117, Range 22.

GENERAL NOTES:
1. The boring system used is casamed.
2. The location of the underground utilities shown herein, if any, are approximate only. PURSUANT TO MSA 218D CONTACT GOPHER STATE ONE CALL AT (815) 454-0002 PRIOR TO ANY EXCAVATION.
3. Site area = 26,862 square feet.
4. This survey was made on the ground.
5. No current title work was furnished for the preparation of this survey, legal description, recorded or unrecorded easements and encumbrances are subject to revision upon receipt of current title work.

SCALE IN FEET

LEGEND
- Found Property Monument
- Set Property Monument
(Minf. Reg. No. 23877)
- Concrete Foundation
- Pile Piers
- Owner's Electric
- Electric Meter
- Power Pole
- Light Pole
- Gas Meter
- Sanitary Waste
- Cistern

CERTIFICATION:
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Date: August 5, 2013

William and Deborah Campbell
14524 Idylwood Road
#16004.16a

PROPOSED CONDITIONS
PROPOSED CONDITIONS
Planning Commission Resolution No. 2016-

Resolution approving a side yard setback variance for a garage and living space addition at 14524 Idylwood Road

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

Section 1. Background.

1.01 The subject property is located at 14524 Idylwood Road. It is legally described as:

East 180 feet of West 933 feet of North One-half of South One-half of North One-half of Southeast Quarter of Northeast Quarter, Section 21, Township, 117 Range 22, Hennepin County, Minnesota.

1.02 The property is improved with a 1,600 square foot home and 440 square foot garage. The structures are located on the far west side of the property and were constructed in 1947 and 1957 respectively. Both predate adoption of the city’s first zoning ordinance.

1.03 By City Code §300.10, residential structures must maintain a minimum ten-foot side yard setback. A 2013 survey revealed that the existing garage is actually located two feet over the west side property line.

1.04 The current property owners, William and Deborah Campbell, are proposing to remove the existing garage and associated breezeway and construct a new garage and living space addition. The new garage and addition would be set back 3.6 feet from the west side property line.

1.05 A side yard setback variance from 10 feet to 3.6 feet is required.

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

Section 2. Standards.
Planning Commission Resolution No. 2016-2

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. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

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

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The intent of the side yard setback requirements is to provide appropriate and consistent setbacks between individual structures on adjacent properties. The proposed setback would meet this intent. Though less than 10 foot setback requirement, the proposed 3.6 foot setback would actually improve the existing situation.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood, and would provide investment in the property to enhance its use.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:

   a) REASONABLENESS: The proposed garage and living addition would be reasonably situated given the location and internal layout of the existing home.

   b) UNIQUE CIRCUMSTANCE and CHARACTER OF LOCALITY: The location of the existing house, situated on the far west side of the property, and the location of the existing garage, partially situated on the adjacent property to the west, are both circumstances unique to the subject property. Though the garage and living space addition would not meet setback requirements, the proposed setback would improve
the existing situation. It would not negatively impact neighborhood character.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described variance based on the findings outlined in section 3 of this resolution. 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, excepted as modified by the conditions below:

   - Building elevations and floor plans date-stamped March 14, 2016

2. Prior to issuance of a building permit:

   a) Submit a survey clearly illustrating the proposed garage and living space addition. The survey must indicate:

      1) The proposed garage and living space addition will be located a minimum of 3.6 feet from the west side property line; and

      2) The minimum floor elevation will be 989.2.

   b) A copy of this resolution must be recorded with Hennepin County.

   c) Install erosion control fencing as required by staff for inspection and approval. The fencing must be maintained throughout the course of construction.

3. This variance will end on December 31, 2017, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on April 14, 2016
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 April 14, 2016.

Kathy Leervig, Deputy City Clerk
Minnetonka Planning Commission Meeting
April 14, 2016

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION
April 14, 2016

Brief Description
Site plan review for a parking lot expansion at 5900 Clearwater Drive.

Recommendation
Adopt the resolution approving the request

Background
The subject property is located within the 76-acre Minnetonka Corporate Center. The site is developed with two office buildings that are connected by an enclosed walkway and are served by a 380 stall parking lot.

Proposal
Charles Youngquist, on behalf of property owner, ALTUS MCC, LCC, is proposing to expand the parking area on the southeast side of the building. As proposed, 44 new parking stalls would be constructed, essentially linking two existing parking lots. (See pages A1–A7.)

Staff Analysis
Staff supports the applicant's proposal for two reasons:

1. The number of parking stalls currently on the site is not consistent with either: (1) the original site and building plans approval for the property; or (2) the code requirement for the property. The proposal would represent a balance between these numbers.

<table>
<thead>
<tr>
<th></th>
<th>Parking Stalls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constructed Stalls</td>
<td>380</td>
</tr>
<tr>
<td>Originally Approved Stalls (1983)</td>
<td>441</td>
</tr>
<tr>
<td>Required Stalls</td>
<td>412</td>
</tr>
<tr>
<td>Proposed Stalls</td>
<td>424</td>
</tr>
</tbody>
</table>

2. The proposed parking lot would be consistent with parking locations and setbacks throughout the Minnetonka Corporate Center.

Staff Recommendation
Adopt the resolution approving final site plan for a parking lot expansion at 5900 Clearwater Drive. (See pages A8–A13.)
Supporting Information

Surrounding Land Uses
The subject property is surrounded by office and industrial land uses.

Planning
Guide Plan designation: mixed use
Zoning: PUD

Parking
The two existing buildings are considered “industrial flex” buildings. In other words, building space may be dedicated to any combination of office or warehousing use. As the code-required parking for office and warehouse varies significantly, the specific parking requirement for the site could technically vary through time as the combination of office/warehouse changes.

<table>
<thead>
<tr>
<th>Use</th>
<th>Required parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>1 stall per 250 gross sq.ft.</td>
</tr>
<tr>
<td>Warehouse</td>
<td>1 stall per 1,000 gross sq.ft.</td>
</tr>
</tbody>
</table>

For the purposes of this report, staff calculated required parking under a “worst case scenario.” But for a medical clinic within the building that was previously approved by conditional use permit, staff assumed the entirety of building was occupied as office.

<table>
<thead>
<tr>
<th>Use</th>
<th>Area</th>
<th>Ratio</th>
<th>Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>79,605 sq.ft.</td>
<td>1 stall per 250 gross sq.ft.</td>
<td>318</td>
</tr>
<tr>
<td>Clinic</td>
<td>16,442 sq.ft.</td>
<td>1 stall per 175 gross sq.ft.</td>
<td>94</td>
</tr>
<tr>
<td>TOTAL</td>
<td>96,047 sq.ft.</td>
<td></td>
<td>412</td>
</tr>
</tbody>
</table>

Grading and Trees
Under existing conditions, grade slopes downward from the southeast side of the office buildings to Clearwater Drive. This topography would be altered to accommodate the proposed parking. The area of the new parking would be leveled and the downward slope essentially “pushed” toward the roadway. This grading would result in removal of, or significant impact to, seven to eight trees. Such removal/impact is allowed under city code, but mitigation is also required.

Stormwater
The proposal triggers both the city and Nine Mile Creek Watershed District rules. To meet these rules – which regulate runoff volume, rate, and quality – a stormwater ponding area
would be constructed in the southwest corner of the site. (See page A5.)

**SBP Standards**

The proposal would comply with all site and building standards as outlined in City Code 300.27 Subd.5

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

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

2. Consistency with this ordinance;

   **Finding:** The proposal would be generally consistent with the zoning ordinance, as well as the original master development plan for the area.

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 subject property is a developed site within an existing office park. As such, though the proposal would result in grading and tree removal, impact would not be to natural topography or native-growth trees.

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 proposed site design is intuitive, would result in appropriate location of parking areas, and would establish appropriate circulation patterns for vehicular traffic.

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.

**Finding:** The proposed site design is intuitive, would result in appropriate location of parking areas, and would establish appropriate circulation patterns for vehicular traffic.

5. 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 standard pertains primarily to structures. The proposal would not alter the existing buildings.

6. 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 proposed parking lot would be consistent with parking locations and setbacks throughout the Minnetonka Corporate Center. The proposal would not negatively impact adjacent or neighboring properties.

### Neighborhood Comments

The city sent notices to 20 area property owners and received no comments to date.

### Motion Options

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made to adopt the resolution approving the request.
2. Disagree with staff’s recommendation. In this case, a motion should be made denying the request. This motion should include reasons for denial.

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.

Appeals

Any person aggrieved by the planning commission’s decision about 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.

Deadline for Decision

July 11, 2016
Location Map

Project: Minnetonka Corporate Center
Applicant: Charles Youngquist on behalf of Altus MCC, LLC
Address: 5900 Clearwater Drive
HILL EXISTING ASPHALT. OVERLAY TO MATCH NEW PAVEMENT. ASPHALT OUTSIDE NEW LIMITS TO BE REMOVED.

EXISTING RETAINING WALL TO REMAIN

EXISTING TREES TO REMAIN (REPLACE IF REQUIRED)

ASPHALT PAVING
3" ASPHALT, 1.5" WMA BASE 3.5" PMS NEAR EXIST 6" WMA LAYER
CONCRETE 4" DEPTH, 9000 PSF AIR OVER 5" COMPACTED GRAVEL FILL

PARKING CALCULATIONS
TOTAL STALLS: 40
ADA STALLS: 0
NET UNITS: 36
REGULAR PARKING STALLS: 280
REVERSE DRIVE LANE WIDTH: 24'

GRAPHIC SCALE 1'-30'

0 30 60 90
STATE LAW REQUIRES NOTIFICATION OF Gopher One Call FOR LOCATION OF UTILITY OWNED LINES 48 HOURS PRIOR TO BEGINNING WORK. PRIVATE UTILITY LINES WILL NOT BE LOCATED AS PART OF Gopher One Call, BUT CAN BE LOCATED BY A CONTRACTOR OR OTHER SUITABLE MEANS. CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITY LINES PRIOR TO CONSTRUCTION.

**Stormwater Pond Construction Plan**

- **Elliott Design/Build**
- **Minnetonka Corporate Center**
- **5900 Clearwater Drive #91038.16**

**Instructions:**
- **Remove Catch Basin Fill In and Install 3" Wide Curb Cut with Rip Rap Spillway Patch Asphalt as Required.**
- **Soil All Disturbed Areas Repair Irrigation as Required.**
- **3:1 Slope from Elev 830 to 839.**
- **3:1 Slope Above Elev 832 Unless Noted Otherwise.**
- **Bulkhead Both Ends or Remove Pipe.**
- **Maya PS49 Pond Skimmer Outlet Top Manhole Sloped to Patch Grade Build 45° W/1' Over Existing Pipe In-W/25° W/1' (Field Verify Prior to Bidding Structure).**
- **Dim: 920.0 (at Low Side), 930.0 (at High Side).**
- **2' Sump.**
- **3:1 Slope in this Area to Avoid Communications Box.**

**Granular Filter (MN DOT 3501.2B) Geotextile Filter Type III**

**Rip Rap Longitudinal Section**

**Rip Rap Cross Section**

**Graphic Scale** 1"=30'
Plants

<table>
<thead>
<tr>
<th>#</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>#20 Lilac, Dwarf Korean</td>
</tr>
<tr>
<td>18</td>
<td>#5 Grass, Karl Foerster</td>
</tr>
<tr>
<td>12</td>
<td>#5 Yew, Taunton</td>
</tr>
<tr>
<td>9</td>
<td>#5 Hydrangea, Little Lime</td>
</tr>
</tbody>
</table>

**Landscape Hardgoods**

- All landscape beds to be mulched with 4" of dark brown shredded hardwood.
- All beds to be treated with Preem weed preventer.
- All landscape plants to be watered by drip irrigation.
- All disturbed sod is to be restored to previous condition.
- All damaged irrigation is to be repaired and replaced.

**Trees to be Removed**

- 29' Basswood
- 14' Ash
- 40' Ft Spruce
Plants

5  #20  Lilac, Dwarf Korean
15  #13  Grass, Karl Foerster
12  #15  Yew, Taunton
9  #15  Hydrangea, Little Lime

Landscape Hardgoods

- All landscape beds to be mulched with 4" of dark brown shredded hardwood
- All beds to be treated with Preen weed preventer
- All landscape plants to be watered by drip irrigation
- All disturbed sod is to be restored to previous condition
- All damaged irrigation is to be repaired and replaced

Trees to be Removed

1  29' Basswood
1  14' Ash
1  40ft. Spruce
Planning Commission Resolution No. 2016-

Resolution approving the final site plan for a parking lot expansion at 5900 Clearwater Drive

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

Section 1. Background.

1.01 Charles Youngquist, representing property owner ALTUS MCC, LLC, has requested site approval for a parking lot expansion at 5900 Clearwater Drive.

1.02 The property is legally described as: Lot 1, Block 1, Minnetonka Corporate Center.

Section 2. Standards.

2.01 City Code §300.27, Subd. 5, outlines that the following must be considered in the evaluation of site and building plans:

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 3. Findings.

3.01 The city has considered the items outlined in City Code §300.27, Subd. 5 and finds the following:

1. The proposal has been reviewed by city planning, engineering, natural resources, public works, fire, and legal staff and found to be generally consistent with the city’s development guides.

2. The proposal would be generally consistent with the zoning ordinance, as well as the original master development plan for the area.
3. The subject property is a developed site within an existing office park. As such, though the proposal would result in grading and tree removal, impact would not be to natural topography or native-growth trees.

4. The proposed site design is intuitive, would result in appropriate location of parking areas, and would establish appropriate circulation patterns for vehicular traffic.

5. The proposal would not negatively impact adjacent or neighboring properties.

Section 4. City Council Action.

4.01 The above-described site and building plans are hereby approved subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Site Plan, with revision date March 9, 2016
   - Grading Plan, with revision date March 9, 2016
   - Landscape Plan, dated February 1, 2016

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

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

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

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

      3) Final site, grading, stormwater management, landscape, tree mitigation, and natural resource protection plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

         a. Final site plan must:
1. Illustrate that the radius of the 90-degree turn will meet fire department requirements.

2. Include a minimum 26-foot width to comply with fire code requirements. The 2-foot increase in width should be toward the building so as to maintain a minimum 15-foot setback from property lines.

b. Final stormwater management plan must meet Nine Mile Creek Watershed District Rules and the requirements of city’s Water Resources Management Plan, Appendix A Design. The plan must include a narrative indicating conformance with watershed and city rules, impervious surface information, soil boring data, and modeling demonstrating rate control and water quality treatment.

c. Final landscaping and tree mitigation plans must:

1. Clearly show all trees within and adjacent to the project area and clearly identify all trees to be removed.

2. Include seven to eight trees to be planted consistent with the tree removals proposed. Staff may administratively reduce this number if there is not sufficient space to allow for full replanting.

3. Include additional landscaping to compensate for the landscaping removed as well as the valuation of the project.

4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct parking lot improvements, comply with grading permit, tree mitigation requirements, landscaping requirements, and to restore the site. One itemized letter of credit is permissible, if approved by staff.
a. The city will not fully release the letters of credit or cash escrow until:

- A final as-built survey has been submitted;
- Vegetated ground cover has been established; and
- Required landscaping or vegetation has survived one full growing season.

5) 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 or grading problems.

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

b) Prior to issuance of the grading permit, install a temporary rock driveway, erosion control, and tree protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

3. During construction the street must be kept free of debris and sediment.

4. The property owner is responsible for replacing any required landscaping that dies.
Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on April 14, 2016.

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 April 14, 2016.

Kathy Leervig, Deputy City Clerk
Brief Description  
Items concerning a parking lot expansion at 14001 Ridgedale Drive  
1) Site and building plan review; and  
2) Parking lot setback variance.

Recommendation  
Adopt the resolution denying the requests

Background  
In 1979, the city council approved final site and building plans for a three-story, 26,855-square foot medical and office building on the subject property. Following the submission of a traffic study, a condition of approval was included restricting the amount of medical use within the building to 60 percent. At the time, the property was zoned B-4, General Business District and medical clinics were permitted uses within this district. (See pages A16-A17.)

In 1988, the council approved the Planned I-394 District; under the ordinance medical clinics became conditionally permitted uses. In 2007, the city reviewed a request by the property owner to increase the amount of medical use within the building from 60 percent to 75 percent. The request included a parking variance. Despite the variance, staff recommended approval for two primary reasons: (1) the amount of medical use within the building had varied since the building’s original construction; and (2) the building was buffered from the residential properties to the south by a vegetated berm. At its meeting, the council spent a significant amount of time discussing the parking situation and the variance request to further reduce the amount of required parking for the medical uses. Ultimately, the council approved Resolution No. 2007-129 with the condition that:

“A maximum of 75 percent of the gross floor area of the building may be used as a medical clinic. The property manager must provide a written report to the city no later than January 30 of each year specifying the amount of space leased as a medical clinic. If there is insufficient parking on site and parking problems occur, the city may require that the percentage used by a medical clinic be reduced to eliminate the parking issue.” (See pages A19-A23.)

Proposal Summary  
The following information is intended to summarize the applicant’s current proposal. Additional information associated with the proposal can be found in the “Supporting Information” section of this report.
• **Existing Site Conditions.** The subject property is 2.2 acres in size and is currently improved with a three-story office building and two distinct parking areas. The north and south parking areas are not connected internally but are accessed independently via Ridgedale Drive. A vegetated berm is situated along the south property line and ranges in height from 10 feet to 26 feet. This berm contains a variety of high priority and significant trees. (See page A3.)

• **Proposed Use.** The property owner has expressed that additional parking is needed on the property to accommodate the parking needs of existing and prospective tenants. The property owner is proposing two changes to the south parking lot to allow for an additional twelve parking stalls. The changes include:

1. **Parking lot stripping.** The western most area of the existing parking lot would be striped to create five parking spaces. Despite this area and area beyond the property line already being paved, the request requires a variance to reduce the required setback from 20 feet to 0 feet. As currently proposed, the parking area would encroach into the city’s right-of-way.

2. **Cantilevered parking deck.** A retaining wall and cantilever would be “cut” into the berm to allow for a reconfiguration of the existing parking lot. To accommodate the proposed structure, a significant amount of grading and tree removal would be required. Following construction, the cantilever would be vegetated with small shrubs and perennials and would “overhang” a portion of the newly constructed parking area. Site and building plan approval is required to construct the cantilevered parking area. (See proposed plans on pages A4-A9.)

**Staff analysis**

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

• **Is the request to increase the amount of parking on the site appropriate?**

  No. Medical uses tend to have a higher parking demand than traditional office uses. Since the building’s construction, the council has expressed concern related to the medical use of the building and the amount of available parking on site.

  According to Resolution 2007-129, if on-site parking is insufficient, the city may require that the amount of medical use within the building be reduced to eliminate the parking issue. Further, to understand how much of the building is leased by medical tenants, the property owner is required to submit leasing reports to the city each year. Since the approval, the city has yet to receive a formal leasing report. However, at the request of city staff, the property owner submitted leasing
information as part of the current application. Based on the plans submitted, nearly 80 percent of the building is currently being leased for medical use. (See pages A10-A12.)

- **Is the proposed parking variance to allow parking on the western portion of the paved parking lot reasonable?**

1. **Reasonableness and unique circumstance:** Staff does not find the variance request reasonable or the result of a circumstance unique to the property:
   - Rather than a circumstance unique to the property, the variance request is the result of building tenant requests.
   - The paved area, proposed for stripping, was created at some point after the building’s construction to store the building’s trash enclosure. The enclosure was relocated at the request of city staff in 2011. The variance is not justified simply because the area is already paved.
   - The intent of parking lot setbacks is to allow for appropriate separation between the traveled portion of a roadway and parking lots. As currently proposed, the proposed parking area would encroach into the city’s right-of-way.
   - The parking demand could be reduced by reducing the amount of medical use within the building. Based on recently submitted floor plans, the amount of medical use within the building exceeds the amount allowed by Resolution No. 2007-129.
   - The perceived parking issue is likely the result of a lack of convenient parking rather than an actual shortage of parking stalls. During staff observations the parking lot never exceeded 68 percent occupancy.

2. **Neighborhood Character.** The proposed parking lot setback would not be consistent with the neighborhood character. While the parking lots of the commercial areas along Ridgedale Drive have varying setbacks, all but one property have a setback of at least five feet. The proposed variance would allow for encroachment into the city’s right-of-way.

- **Are the proposed site impacts reasonable?**

No. A significant amount of grading and tree removal would be required for the construction of the parking structure. The wooded berm serves both as a visual and sound buffer for the residential properties to the south. While the proposed
cantilever would be re-vegetated, the proposed perennials and shrubs would not provide an appropriate amount of buffering.

Summary Comments

At this time, staff is not recommending a reduction in the amount of medical use within the building. However, staff finds that the request to increase the amount of available on-site parking is directly related to the amount of medical use within the building. As such, staff does not support the proposal.

Staff Recommendation

Adopt the resolution on pages A28–A33. This resolution denies final site and building plans, with a parking lot setback variance, for a parking lot expansion at 14001 Ridgedale Drive.

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

Project No. 07041.16a

Property 14001 Ridgedale Drive

Applicant Ridgedale Dr, LLC

Surrounding Land Uses

Northerly: I394
Easterly: Office building, zoned PID, guided for office
Southerly: single family residential homes, zoned R-1 and guided for low density residential
Westerly: I494

Planning

Guide Plan designation: Office
Zoning: PID, Planned I394 District

Non-conforming Setbacks

In 1979, the city council approved final site and building plans for a three-story office building on the property. At that time, the building and parking lot met all city code standards. When the council approved the Planned I-394 ordinance in 1988, the setback requirements for parking lots increased. By current ordinance, the parking lot has a non-conforming setback from the north property line.

Parking Conditions

The property is improved with two parking lots. The parking lots are not internally connected. Rather, the connection of the lots occurs via Ridgedale Drive. Signage on the property indicates that users of the OBGYN clinic utilize the upper parking area and all other building users utilize the lower parking area. The parking spaces under the existing parking deck are "reserved."
By ordinance, medical uses require more parking than general office uses. This is generally consistent with the parking rates prescribed by the Institute of Transportation Engineers (ITE.) Based on Resolution No. 2007-129, 75 percent of the building could be leased for medical use within the building. The following table is intended to summarize the amount of parking spaces required for the amount of medical and office space allowed by Resolution 2007-129:

<table>
<thead>
<tr>
<th>Use</th>
<th>Amount of space within building</th>
<th>Required by parking ordinance</th>
<th>ITE parking rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical use</td>
<td>20,142 sf</td>
<td>116 stalls</td>
<td>72 stalls</td>
</tr>
<tr>
<td>Office use</td>
<td>6,714 sf</td>
<td>26 stalls</td>
<td>19 stalls</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>26,856 sf</strong></td>
<td><strong>142 stalls</strong></td>
<td><strong>91 spaces</strong></td>
</tr>
</tbody>
</table>

* Variance approved in 2007 to reduce number of stalls from 142 to 117

City staff visited the site on several occasions to observe parking conditions on site. According to the Institute of Transportation Engineers (ITE) the peak parking demand would typically occur between 9 a.m. – 12 p.m. and 2 p.m. – 4 p.m. The following table summarizes the parking counts:

<table>
<thead>
<tr>
<th></th>
<th>Existing on site</th>
<th>3/1 @ 10 a.m.</th>
<th>3/8 @ 2 p.m.</th>
<th>3/10 @ 3:30 p.m.</th>
<th>3/11 @ 12 p.m.</th>
<th>3/30 @ 8 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Upper deck</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(south)</td>
<td>54</td>
<td>34</td>
<td>24</td>
<td>28</td>
<td>18</td>
<td>16</td>
</tr>
<tr>
<td><strong>Lower deck</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(north)</td>
<td>63</td>
<td>45</td>
<td>39</td>
<td>49</td>
<td>36</td>
<td>26</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>117</strong></td>
<td><strong>79</strong></td>
<td><strong>63</strong></td>
<td><strong>77</strong></td>
<td><strong>54</strong></td>
<td><strong>42</strong></td>
</tr>
<tr>
<td><strong>% parked</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>68%</strong></td>
<td><strong>54%</strong></td>
<td><strong>66%</strong></td>
<td><strong>46%</strong></td>
<td><strong>36%</strong></td>
<td></td>
</tr>
</tbody>
</table>

* Variance approved in 2007 to reduce number of stalls from 142 to 117

**Tree removal**

In order to construct the proposed parking structure, 10 high priority trees and 27 significant trees would be removed. Approximately half of the high priority and significant trees to be removed are within the basic tree removal area and would not require mitigation. A total of 91 inches of tree mitigation and an
additional 10 trees are required to mitigate for removal outside of the basic tree removal area.

**Stormwater**

Stormwater management would be required for the increase in impervious surface on the property. At this time, the property owner has not included a stormwater management plan.

**SBP Standards**

The proposal would comply with all site and building standards as outlined in City Code 300.27 Subd.5

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

   **Finding:** While the previously approved Resolution 2007-129 allowed for additional medical space within the building, it included a condition of approval stating that if parking problems were to occur the amount of medical use should be reduced. Staff finds that the parking demand could be reduced by reducing the amount of medical use within the building.

2. Consistency with this ordinance;

   **Finding:** The proposal is not consistent with the intent of the city's ordinance or with Resolution No. 2007-129.

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:** While the slope of the berm does not meet the criteria needed to be considered a steep slope by ordinance, the slope is significant. Under the current proposal the existing slope would be significantly altered. This alteration would result in a diminished visual and sound buffer of the intense commercial areas to the residential properties to the south.

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 proposal would significantly change the visual and physical relationship of the built environment to the property’s open space by altering a significant amount of the
existing topography and removing a number of the existing mature trees.

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.

Finding: While the proposal would create additional parking on site, it would not result in a significantly improved sense of internal order or vehicular circulation.

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 proposal does not include features which promote energy conservation.

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 existing berm has served as a visual and a sound buffer to the residential properties to the south since the building’s construction. The proposed landscaping, tree removal and grading would result in a significantly diminished
buffer for the residential properties. The mature trees would be replaced with shrubs and perennials.

**Variance Standard**

A variance may be granted from the requirements of the zoning district when: (1) it is 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)

**Motion Options**

The planning commission has three options:

1) Concur with the staff recommendation. In this case a motion should be made to adopt the resolution denying the final site and building plans and parking variance.

2) Disagree with staff’s recommendation. In this case, a motion should be made directing staff to prepare a resolution to approve the final site and building plans and parking variance. This motion should include findings for approval.

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

**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 37 area property owners and received two comments. See comments on pages A25-A26.

**Deadline for Decision**

June 9, 2016
Location Map

Applicant: Ridgedale Dr LLC
Address: 14001 Ridgedale Dr
Project No. 07041.16a
Existing Conditions

Parking stalls are not stripped and would not meet parking lot setbacks.
Requires parking lot setback variance

New retaining wall

Proposed
### Planting Notes

1. **ALL PLANTS MUST BE PLANTED IN SUITABLE SOILS AND WERE PLANTED UNDER THE SUPERVISION OF A QUALIFIED LANDSCAPE PROFESSIONAL.**
2. **ALL PLANTS MUST BE PLANTED UNDER THE SUPERVISION OF A QUALIFIED LANDSCAPE PROFESSIONAL.**
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50. **ALL PLANTS MUST BE PLANTED UNDER THE SUPERVISION OF A QUALIFIED LANDSCAPE PROFESSIONAL.**

### Plant Schedule

**OVERSTORY TREE (8 Total)**

<table>
<thead>
<tr>
<th>Tree Name</th>
<th>Size</th>
<th>Spacing</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sugar Maple</td>
<td>50'-75'</td>
<td>40'-50'</td>
<td></td>
</tr>
<tr>
<td>Red Oak</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swamp White Oak</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northwood Red Maple</td>
<td></td>
<td></td>
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**ORNAMENTAL TREE (1 TOTAL)**

<table>
<thead>
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<th>Tree Name</th>
<th>Size</th>
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</tr>
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<tbody>
<tr>
<td>Whitespire Birch</td>
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<td>35'</td>
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**EVERGREEN TREE (23 TOTAL)**

<table>
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<th>Tree Name</th>
<th>Size</th>
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<th>Comment</th>
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</thead>
<tbody>
<tr>
<td>Black Hills Spruce</td>
<td>50'-80'</td>
<td>20'-25'</td>
<td></td>
</tr>
<tr>
<td>Red Pine</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White Pine</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River Birch</td>
<td></td>
<td></td>
<td></td>
</tr>
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**DECIDUOUS SHRUBS (-- TOTAL)**

<table>
<thead>
<tr>
<th>Shrub Name</th>
<th>Size</th>
<th>Spacing</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Chokeberry</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gro-Low Sumac</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Smooth Sumac</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gray Dogwood</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwarf Bush Honeysuckle</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red Gnome Dogwood</td>
<td></td>
<td></td>
<td></td>
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**EVERGREEN SHRUBS (27 TOTAL)**

<table>
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<th>Shrub Name</th>
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<th>Comment</th>
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<tbody>
<tr>
<td>River Birch Clump</td>
<td>50'-60'</td>
<td>40'-60'</td>
<td></td>
</tr>
<tr>
<td>Red Gnome Dogwood</td>
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<td></td>
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</tbody>
</table>

**PERENNIALS & GRASSES (1,075 TOTAL)**

<table>
<thead>
<tr>
<th>Perennial Name</th>
<th>Size</th>
<th>Spacing</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Midnight Prairie Blues</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Baptisia 'Midnight Blues'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hemerocallis 'Stella de Oro'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>False Indigo</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blue Rug Juniper</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Green Sargent Juniper</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>River Birch</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red Gnome Dogwood</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quaking Aspen</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paper Birch</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purple Sage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blue Heaven Grass</td>
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<td>Prairie Dropseed</td>
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<td>Blue Rug Juniper</td>
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<td>Red Gnome Dogwood</td>
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<td>Quaking Aspen</td>
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<td>Paper Birch</td>
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<td>Purple Sage</td>
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<td>Blue Heaven Grass</td>
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<td>Prairie Dropseed</td>
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**NOT FOR CONSTRUCTION**

**Planned by**

Mohagen Hansen Architectural Group

3807 Valley Oak Center Drive Suite 300
Waconia, MN

Ridgedale Dr. LLC
14001 Ridgedale Dr
07041.16a

Ridgedale Office Parking Lot Expansion
Minneapolis, Minnesota

Landscape Details
Site Photos
1979 Approval
A. Building Occupancy: This building is anticipated to be constructed
this fall with occupancy planned for spring of 1980. The service
and tenant access from the Ridgedale Parkway Road will not be
completed until summer or fall of 1980. This will result in developer
and hazardous left turns from westbound Highway 14 to the southerly
service road entrance at Ridgedale. It is recommended that this
development be closely coordinated with completion of this new frontage
road.

STAFF RECOMMENDATION: Staff would recommend approval to Site Plan No. 3-19 and acceptance
of the new traffic report for the Ridgedale Office building with a variance
for building height, subject to the following:
1. A Minnesota Highway Department Access permit be secured for the drive-
way exit.
2. Approval of the drainage/grading plans which will examine the
existing City 10" storm pipe and the potential need for a jump
by the Hennepin Creek Watershed District and the Minnesota
Highway Department.
3. The existing mature trees along the south property boundary be retained.
4. The City Fire Marshal approve the utility plans.
5. The rooftop aggregate be of a color compatible with the exterior
building facade. If there are rooftop fixtures, they be screened.
6. Final landscape signage and lighting plan review by the Planning Dept.
7. A revised site plan be submitted to the Planning Department for
approval for the northeastern portion of the site that indicates a
common driveway easement (if possible) with the Westridge Office
Building and parking islands, the elimination of the eastern access
point, and elimination of the parking stall variance.
8. The City reserve the right to restrict right turning movements onto
the south service road.
9. The applicant prepare and post alternate route maps within the building.
10. The applicant attempt to lease no more than 60% of the office
space for medical uses.
2007 Approval
RESOLUTION NO. 2007-129

RESOLUTION APPROVING A CONDITIONAL USE PERMIT, WITH A PARKING VARIANCE, FOR A MEDICAL CLINIC IN THE PLANNED I-394 ZONING DISTRICT, AT 14001 RIDGEDALE DRIVE.

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

Section 1. BACKGROUND.

1.01 Fendler Patterson Construction, Inc., is requesting a conditional use permit, with a parking variance, for a medical clinic in the Planned I-394 zoning district (Project 07041.07a).

Based on city code regulations the proposed use would require 142 parking stalls. The site currently contains 114 parking stalls; therefore, a parking variance is required.

1.02 The property is located at 14001 Ridgedale Drive. It is legally described as follows:

Parcel 1:
That part of the Northwest Quarter of the Southwest Quarter of Section 3, Township 117 North, Range 22 West of the 5th Principal Meridian, lying Southeasterly of the highway right of way line and Northerly of a line parallel with the North line of said Northwest Quarter of the Southwest Quarter and drawn from a point in the East line of said Northwest Quarter of the Southwest Quarter, distant 745 feet North of the Southeast corner thereof, Hennepin County, Minnesota.

Parcel 2:
The West half of that part of Lincoln Road lying North of the Easterly extension of the North line of the White Birch Hill Addition, as originally platted in the plat of Fairfield Acres, Hennepin County, Minnesota.
1.03 On September 13, 2007, the Planning Commission held a hearing on the application. The applicant was provided the opportunity to present information to the Planning Commission. The Planning Commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The Commission recommended that the City Council approve the permit.

Section 2. GENERAL STANDARDS.

2.01 City Code Section 300.21, Subdivision 2, lists the following general standards that must be met for granting of the permit:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
4. The use is consistent with the city's storm water management plan;
5. The use is in compliance with the performance standards specified in Section 300.28 of this ordinance; and
6. The use does not have an undue adverse impact on the public health, safety or welfare.

Section 3. SPECIFIC STANDARDS.

3.01 City Code Section 300.21, Subdivision 3(e) lists the following specific standards that must be met for granting of the permit:

1. Shall not be adjacent to low density residential areas;
2. Site shall have direct access to collector or arterial street as defined in the comprehensive plan;
3. Emergency vehicle access shall not be adjacent to or located across a street from any residential use.
Section 4. FINDINGS.

4.01 The proposal meets the conditional use permit standards.

4.02 The proposal meets the variance standards:

1. The existing building and associated parking lot was approved and designed for partial medical use and met all code requirements at the time of approval. Subsequent changes to the ordinance have resulted in non-conformity. The discrepancy between the original intended use of the site and current code requirements presents a practical difficulty.

2. There are several circumstances unique to this property.
   a. The subject property is separated from residential properties by a significant grade change and vegetated screening.
   b. There is a significant discrepancy between the code required parking and the parking demand actually created by the proposed use.

3. For many years the subject property was used almost entirely for medical purposes. Staff is not aware that this medical use adjacent to residential area or its associated parking had any negative impact on the essential character of the neighborhood.

Section 5. CITY COUNCIL ACTION.

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

1. Submit/complete the following before the city issues a building permit:
   a. Submit proof of having recorded this resolution with the county before the city issues a building permit.
   b. Submit a construction management plan; this plan must outline parking and construction access and stockpile and material storage.
   c. Install temporary rock driveway, erosion control, tree protection and lake protection fencing, subject to review by
the city's natural resources staff. These items must remain in place throughout the course of construction.

2. A maximum of 75% of the gross floor area of the building may be used as a medical clinic. The property manager must provide a written report to the city no later than January 30 of each year specifying the percentage of space leased as a medical clinic. If there is insufficient parking on site and parking problems occur, the city may require that the percentage used by a medical clinic be reduced to eliminate the parking issue.

3. Violation of the conditional use permit standards outlined in City Code 300.21.4(o) or conditions placed upon the conditional use permit shall result in immediate revocation of the conditional use permit.

4. The city council may review the conditional use permit and may reasonably add or revise conditions to address any future unforeseen problems.

5. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 24, 2007.

/s/ A. Callison, Mayor

ATTEST:

/s/ David E. Maeda, City Clerk
ACTION ON THIS RESOLUTION:

Motion for adoption: Wagner
Seconded by: Allendorf
Voted in favor of: Thomas, Allendorf, Ellingson, Wagner, Wiersum, Callison
Voted against:
Abstained:
Absent: Schneider
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on September 24, 2007.

______________________________
David E. Maeda, City Clerk

SEAL
Neighborhood feedback
Hello Ashley,

We are a tenant in this building. We are a primary care pediatric group seeing newborns through college age patients and their parents.

In addition, there is an OB/Gyn practice in the building.

The point is that we have pregnant women, women/men with little children, strollers and multiple siblings trying to park and cross the parking lots to our entrance doors. At times they cannot find space during certain busy times of the year. We all desperately need additional parking options and totally support the addition that our landlord is proposing.

We urge you to support it too.

Please feel free to call me.

Sincerely,

Corinne L. Abdou
Administrator
Wayzata Children’s Clinic, P.A.
14001 Ridgedale Drive, Suite 100
Minnetonka, MN 55305

“The single biggest problem in communication is the illusion that it has taken place.” – George Bernard Shaw
Hi Ashley,

If I may I’d like to add that we have an Open (walk-in) Clinic 6 days a week at this location, it’s quick care for simple illnesses and injuries. Hours are Monday – Thursday 8am-8pm, Friday 8am-5pm, and Saturday 9am-12pm. This makes for a random, unpredictable flow of patients. Occasionally our patient families don’t know where to park so they call us as they circle the lot asking us where they can park.

Patti Knapp  
Clinic Operations Manager  
14001 Ridgedale Drive, Suite 100  
Minnetonka, MN 55305-1781

Privacy Notice
The information transmitted in this e-mail and any files attached to it are intended only for the person or entity to which it is addressed and may contain confidential or privileged material, including “protected health information”. If you are not the intended recipient, you are hereby notified that any review, retransmission, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this in error, please destroy and delete this message from any computer and contact Wayzata Children’s Clinic, P.A. immediately by return e-mail.
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Planning Commission Resolution No. 2016 -  
Resolution denying final site and building plans, with a parking lot setback variance, for a parking lot expansion at 14001 Ridgedale Drive

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

Section 1. Background.

1.01 Ridgedale Dr, LLC is requesting site and building plan review to construct a parking structure on the south side of the subject property. The applicant is also requesting a variance to reduce parking setback from 20 feet to 0 feet to allow parking within the required setback and city right-of-way. (Project 07041.16a).

1.02 The property is located at 14001 Ridgedale Drive. The property is legally described as follows:

Parcel 1:
That part of the Northwest Quarter of the Southwest Quarter of Section 3, Township 117 North, Range 22 West of the 5th Principal Meridian, lying Southeasterly of the highway right-of-wayline and Northerly of a line parallel with the North line of said Northwest Quarter of the Southwest Quarter and drawn from a point in the East line of said Northwest Quarter of the Southwest Quarter, distant 745 feet North of the Southeast corner thereof, Hennepin County, Minnesota.

Parcel 2:
The West half of that part of Lincoln Road lying North of the Easterly extension of the North line of the White Birch Hill Addition, as originally platted in the plat of Fairfield Acres, Hennepin County, Minnesota.

1.03 In 1979 the city approved final site and building plans for a 26,855 square foot medical and office building on the subject property. Specifically related
to traffic concerns, a condition of approval limited the amount of medical use within the building to 60 percent. At the time of approval, the property was zoned B-4, General Business District, which allowed medical clinics as a permitted use.

1.04 Following the rezoning of the property to PID, which allows medical clinics as conditionally permitted uses, the city approved Resolution 2007-129. This resolution approved an increase in the amount of medical use within the building from 60 percent to 75 percent. The resolution states if there is insufficient parking on site and parking problems occur, the city may require that the percentage of the building used by a medical clinic be reduced to eliminate the parking issue.

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

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

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 3. Findings.

3.01 The applicant’s request to allow parking within the required setback and the city’s right-of-way would not meet the required standards for a variance outlined in City Code §300.07:

1. INTENT OF THE ORDINANCE: The proposal does not meet the purpose and intent of the zoning ordinance. The purpose of the parking lot setback is to ensure adequate separation between the traveled portion of a roadway and parking lots. As proposed, the
parking lot would extend beyond the property lines and into the city’s right-of-way.

2. CONSISTENCY WITH THE COMPREHENSIVE PLAN: The proposal would not be consistent with the city’s comprehensive guide plan. As a valuable public asset, the city’s right-of-way should be protected and should serve the greatest public good. By allowing private parking the city’s right of way, the area would no longer serve the greater public good but would promote the privatized use of the public area.

3. PRACTICAL DIFFICULTIES:

a) REASONABLENESS and UNIQUE CIRCUMSTANCE: Staff does not find the variance request reasonable or the result of a circumstance unique to the property:

• Rather than a circumstance unique to the property, the variance request is the result of building tenant requests.

• The paved area, proposed for stripping, was created at some point after the building’s construction to store the building’s trash enclosure. The enclosure was relocated at the request of city staff in 2011. The variance is not justified simply because the area is already paved.

• The intent of parking lot setbacks is to allow for appropriate separation between the traveling public and parking lots. As currently proposed, the proposed parking area would encroach into the city’s right-of-way.

• The parking demand could be reduced by reducing the amount of medical use within the building. Based on recently submitted floor plans, the amount of medical use within the building exceeds the amount allowed by Resolution No. 2007-129.

• The perceived parking issue is likely the result of a lack of convenient parking rather than an actual shortage of parking stalls. During staff observations the parking lot never exceeded a 68 percent occupancy.
b) CHARACTER OF THE LOCALITY: The proposed parking lot setback would not be consistent with the neighborhood character. While the parking lots of the commercial areas along Ridgedale Drive have varying setbacks, all but one property have a setback of at least five feet. The proposed variance would allow for encroachment into the city’s right of way.

3.02 The proposal would not comply with site and building standards as outlined in city code.

1. While the previously adopted Resolution 2007-129 allowed for additional medical space within the building, it included a condition of approval stating that if parking problems were to occur the amount of medical use should be reduced. Staff finds that the parking demand could be reduced by reducing the amount of medical use within the building.

2. The proposal is not consistent with the intent of the city’s ordinance or with Resolution No. 2007-129.

3. While the slope of the existing berm does not meet the criteria required to be considered a steep slope by ordinance, the slope is significant. Under the current proposal the existing slope would be significantly altered. This alteration would result in a diminished visual and sound buffer of the more intense commercial areas to the residential properties to the south.

4. The proposal would significantly change the visual and physical relationship of the built environment to the property’s open space by altering a significant amount of the existing topography and removing a number of existing mature trees.

5. While the proposal would create additional parking on site, it would not result in a significantly improved sense of internal order or vehicular circulation.

6. The proposal does not include features which promote energy conservation.

7. The existing berm has served as a visual and a sound buffer to the residential properties to the south since the building’s construction. The proposed landscaping plan, tree removal and grading would
result in a significantly diminished buffer for the residential properties. The mature trees would be replaced with shrubs and perennials.

Section 4. Planning Commission Action.

4.01 The planning commission denies the site and building plan, with a parking lot setback variance, based on the above findings.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on April 14, 2016.

Brian Kirk, Chairperson

Attest:

Kathy Leervig, Deputy City Clerk

Action on this resolution:


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 April 14, 2016.

Kathy Leervig, Deputy City Clerk

SEAL
MINNETONKA PLANNING COMMISSION  
April 14, 2016

**Brief Description**  
Items concerning a licensed day care facility at 14730 Excelsior Boulevard:

1) A conditional use permit; and

2) Final site and building plans

**Recommendation**  
Recommend the city council adopt the resolution approving the conditional use permit and plans

**Background**

Kraemer’s Hardware has operated at various locations within the Glen Lake area for over 100 years. In 1972, the store moved into the then newly constructed building at the northeast corner of Excelsior Boulevard/ Willison Road intersection. In 2012, the store relocated to the south side of Excelsior Boulevard; its former north location has remained vacant since.

The city has reviewed several redevelopment proposals for the site over the years. The most recent was in 2015 when the city approved a proposal, by Lake West Development and Prestige Preschool, to operate a licensed day care facility within the existing Kraemer’s building. In addition to some site improvements, the proposal included an extensive amount of interior and exterior remodeling of the building to accommodate the center. Generally, the city council was comfortable with the day care use but was somewhat concerned with the proposed building aesthetics and architecture. (See 2015 plans, resolution, and minutes on pages A16-A28.)

**Current Proposal**

The city has received a new proposal by Shingobee Real Estate Company, on behalf of Prestige Preschool Academy, to tear down the former hardware store and construct a new single story building. Additional site improvements include outdoor play areas and a newly constructed parking area. (See narrative and plans on page A1-A13.) The proposal requires a conditional use permit and site and building plan review, with front yard setback variance from 50 feet to 35 feet.

**Primary Questions and Analysis**

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

- **Is the proposed use generally reasonable?**
  
  Yes. Preschools and day cares are conditionally permitted uses in commercial districts. The proposed facility would meet all conditional use permit standards, which are outlined in the “Supporting Information” section of this report.

- **Is the requested front yard setback variance reasonable?**
  
  Yes.
  
  1. **Reasonableness and unique circumstance:** Staff finds that the variance request is reasonable and is the result of a circumstance unique to the property:
     
     - The unique lot configuration and corner lot setbacks are not common to all similarly zoned properties.
     
     - The variance request would allow for the proposed building to be centered on the property. Further, the variance would allow for a more appropriate separation between the proposed building and the building to the east. Currently, the existing building and building to the east have a separation of only five feet.
     
     - The redevelopment of the site would increase the amount of green space on the property.
     
  2. **Neighborhood character:** The variance would not alter the character of the existing neighborhood. As proposed, the setback from the west property line adjacent to Williston Road would be 35 feet. By city code all properties in this area, including residential properties along Williston Road, are required to maintain a 50-foot setback from Williston Road right-of-way. Half of the properties within 1,000 feet along Williston Road have a front yard setback of 35 feet or less. Further, the city council recently approved a 35-foot front yard setback for Williston Woods West, a five lot subdivision, immediately adjacent to the subject property. While these other properties are residential, the proposed building would generally align with existing and approved setbacks in the area. (See page A14.)

- **Are the proposed building and site changes appropriate?**
  
  Yes. Staff finds that the proposed building and site changes are appropriate.
1. **Site improvements.** As proposed, the Williston Road access would move south on the property. This coupled with the reconstruction of the parking lot would result in a significant reduction in impervious surface area on the property. In fact, the amount of impervious surface on the property would be reduced by almost 20 percent. A landscaped bioswale area would be constructed at the Excelsior Boulevard/Williston Road intersection. While the function of the swale is for stormwater management, it would also provide for a more pedestrian friendly environment over existing conditions. The proposal also includes two play areas and a significant amount of reclaimed turf area. Additional site improvements would occur as conditions of approval, including a sidewalk connection from the Excelsior Boulevard/Williston Road intersection to the north property line.

2. **Building.** Under the proposed plan, the existing building would be removed in order to construct a new single story 10,000 square foot building. Prestige Preschool Academy has submitted elevation drawings of their Apple Valley location. The applicant has indicated that the Minnetonka location would be developed with the same color palate and material choice. Included as a condition of approval, the applicant must submit a final material and color palate board.

**Staff Recommendation**

Recommend that the city council adopt the resolution on pages A30–A40. This resolution approves a conditional use permit and final site and building plans, with setback variance, for a licensed day care facility at 14730 Excelsior Boulevard.

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

Project No. 14003.16a

Surrounding Land Uses

Northerly: Willison Woods West, single family detached homes
Easterly: Commercial property
Southerly: Excelsior Boulevard; commercial property beyond
Westerly: Williston Road; two family homes beyond

Planning

Guide Plan designation: Commercial
Zoning: B-3

Previous CUP

The conditional use permit, approved in 2015, was tied to the specific site and building plans proposed at that time. Since the previous site and building plan approval was for the reuse of an existing building, a new conditional use permit is required.

Existing site Conditions

The site is 1.18 acres in size and is currently improved with a single story 13,000 square foot building. The existing building has non-conforming north and east setbacks. The building on the property to the east is 0.2 feet from the property line. As a result, the separation between the two existing buildings is only five feet.

The property currently has direct access onto Williston Road to the west and Excelsior Boulevard to the south. Currently, a significant amount of the property is paved for parking and for areas previously used by the hardware store for outdoor storage.

Proposed Building

The proposed building would be just over 10,000 square feet in size and would be generally centered on the property. The following chart is intended to summarize the required, existing and proposed setbacks for the property.

<table>
<thead>
<tr>
<th></th>
<th>Required by ordinance</th>
<th>Existing building</th>
<th>Proposed building</th>
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<tbody>
<tr>
<td>West front yard setback</td>
<td>50 ft</td>
<td>55 ft</td>
<td>35 ft *</td>
</tr>
<tr>
<td>South front yard setback</td>
<td>50 ft</td>
<td>65 ft</td>
<td>57 ft</td>
</tr>
<tr>
<td>East side yard setback</td>
<td>35 ft</td>
<td>5 ft</td>
<td>35 ft</td>
</tr>
<tr>
<td>North rear yard setback</td>
<td>35 ft</td>
<td>30 ft</td>
<td>37 ft</td>
</tr>
<tr>
<td>Lot coverage</td>
<td>85%</td>
<td>63%</td>
<td>42%</td>
</tr>
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</table>

* requires setback variance
Proposed Day care

The day care use itself would operate similar to what was approved in 2015. The facility would operate from 6:30 a.m. to 6:30 p.m. Monday through Friday. The facility would be licensed for up to 178 children, ranging in age from infants to young school children.

Parking

Generally, city code parking requirements are based on the land use and the size of the building in which the land use is occurring. However, for day care facilities the city code requires parking to be based on the licensed capacity of the facility rather than the size of the building. By both the parking ordinance, and conditional use permit, day care facilities must provide one parking stall for every six children. The proposal includes 30 newly constructed parking stalls, which is the minimum allowed by ordinance for a day care facility licensed for 178 children.

Traffic

Based on the traffic studies for other preschool/day care facilities, and the Institute of Transportation Engineers analysis, the proposed day care would generate more traffic than the hardware store previously occupying the site, but less than other potential uses of the building:

<table>
<thead>
<tr>
<th></th>
<th>Hardware Store</th>
<th>178 child** day care</th>
<th>Post office</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.M. Peak</td>
<td>1.1/1000 sf</td>
<td>0.75/child</td>
<td>8.2/1000 sf</td>
</tr>
<tr>
<td>P.M. Peak</td>
<td>4.84/1000 sf</td>
<td>0.51/child</td>
<td>11.1/1000 sf</td>
</tr>
<tr>
<td>Daily</td>
<td>51.29/1000 sf</td>
<td>2.9/child</td>
<td>108.2/1000 sf</td>
</tr>
<tr>
<td>A.M. Peak</td>
<td>14 trips</td>
<td>134 trips</td>
<td>105 trips</td>
</tr>
<tr>
<td>P.M. Peak</td>
<td>62 trips</td>
<td>91 trips</td>
<td>142 trips</td>
</tr>
<tr>
<td>Daily</td>
<td>656 trips</td>
<td>516 trips</td>
<td>1384 trips</td>
</tr>
</tbody>
</table>

CUP Standards

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:

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

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

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

The proposal would meet the general conditional use permit standards as outlined in City Code §300.21 Subd. 3(j):

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

   Finding: The proposed facility would serve young children. Parents/guardians would park their vehicle and then walk their children into the facility. While entry features are proposed for architectural interest, there would be no outdoor drop-off or pick-up area. As such, the onsite movements would not be interfered.

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

   Finding: Play areas are proposed on the east and west side of the proposed building. A newly constructed fence and landscaping would provide a buffer to the residential properties to the north.

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

   Finding: The licensed capacity of the day care center would be for 178 children. As proposed, the newly constructed parking lot would have 30 parking stalls, which is the minimum required by ordinance.

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

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

**SBP Standards**

The proposal would comply with all site and building standards as outlined in City Code 300.27 Subd.5
1. Consistency with the elements and objectives of the city's
development guides, including the comprehensive plan and
water resources management plan;

Finding: Members of the city’s community development,
engineering, fire and public works staff have reviewed the
proposal and find that is generally consistent with the city's
development guides.

2. Consistency with this ordinance;

Finding: But for the requested setback variance, the
proposal would meet ordinance standards.

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: While the proposal would disturb a significant
amount of the property, the proposal would result in a 20-
percent reduction in the amount of impervious surface on the
site. This will effectively increase the amount of green space
on the property.

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 proposal would result in an increase of
landscaping and green space on the site. Further, the
proposed bioswale in the southwest corner of the site would
add visual interest to the property.

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.

Finding: The proposal would increase the amount of green space on the property. Further, the proposal would revitalize the property. The proposal would not hinder vehicular and pedestrian circulation. In fact, the redesigned parking lot would likely reduce the amount of “cut through” traffic of the site and a sidewalk extension would improve pedestrian access in the area.

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 proposal would reduce the amount of impervious surface on the property and introduce “greener” landscaping and stormwater management techniques to the area.

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 proposal would not negatively impact the surrounding properties. In fact, the proposal would result in a more appropriate setback between the existing building and the building to the east.

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.
<table>
<thead>
<tr>
<th>Approving Body</th>
<th>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)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motion Options</td>
<td>The planning commission has three options:</td>
</tr>
<tr>
<td>1.</td>
<td>Concur with staff’s recommendation. In this case, a motion should be made to approve the proposal based on the findings outlined in the staff-drafted resolution.</td>
</tr>
<tr>
<td>2.</td>
<td>Disagree with staff’s recommendation. In this case, a motion should be made recommending denial of the proposal. The motion should include findings for denial.</td>
</tr>
<tr>
<td>3.</td>
<td>Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant or both.</td>
</tr>
<tr>
<td>Neighborhood Comments</td>
<td>The city sent notices to 533 area property owners and received no comments to date.</td>
</tr>
<tr>
<td>Deadline for Decision</td>
<td>June 24, 2016</td>
</tr>
</tbody>
</table>
Project: Prestige Preschool
Applicant: Shingobee Real Estate
Address: 14730 Excelsior Blvd
Project No. 14003.16a
To: City of Minnetonka

From: Jon Fahning, ASLA, Vice President – Real Estate Development
      Stacy Gleason, Senior Project Manager, LEED AP BD+C

Date: February 22, 2016

Re: Submittal Information and Narrative
    Request for Site Plan Approval
    Prestige Preschool Academy

On behalf of our tenant, Prestige Preschools Academy, Shingobee Real Estate Company, LLC/Shingobee Builders, Inc. are proposing the development and construction of a facility to house a children’s educational academy as part of the 1.19 acres (+/-51.836 sf) of the former Kraemer’s Hardware location at 14730 Excelsior Boulevard in Minnetonka, Minnesota. Our request is for the review and approval of the Site Plan as part of the recent Conditional Use Permit (Resolution 2006-077) and for the development and construction of a single-story, approximately 10,816 sf facility. This location will be part of the Prestige Preschools portfolio within the Twin Cities metro area, with a recent facility completed in Apple Valley and in Brooklyn Park, with a series of others in different stages of development. Six to eight additional facilities are anticipated for the metropolitan area, including this Minnetonka facility.

Overview
The request for Site Plan review and approval will allow the construction and development of a single-story children’s academy facility estimated at 10,816 sf on the 1.19 acre property. The facility proposed would be licensed to provide educational and childcare services for up to approximately 178 children, including infant care, private kindergarten, along with before and after school, and half day programs. In addition to the building, the development of the site would accommodate playgrounds, outside play area, and adequate parking to service the intended use of the property as depicted in the proposed site plan included as part of the submittal package. The construction of the property is intended to start Spring, 2016, and is anticipated to be completed and delivered to our tenant near December, 2016, to allow for opening and licensing in 1st quarter, 2017. Design, review and final licensing of the facility will determine the final square footage and in turn, the license capacity of the facility.
Benefit to Area and City of Minnetonka and its Residents

The proposed facility and its use would fall into that original intent of the area, supporting that vision of an amenity to the surrounding residential areas and compliment to existing land uses. It is understood that the current infrastructure (water, sewer, storm water run-off, and roadways) in place was designed to accommodate a commercial-type use, which our proposed function and design would fall into and anticipate operating within the current capacity of the infrastructure in place.

The benefit to the area will be provided both from an aesthetic and support to the existing and proposed uses of the area. The design of the building is intended to blend in with the surrounding residential neighborhood facilities while carefully integrating planned parking and access into the design. Through the use of architectural materials, lighting, signage, and landscaping, the development of this site as a childhood education academy will continue to demonstrate the growth and focus of the City of Minnetonka’s commercial vision.
Existing Site Conditions

Right of way Easement

Adjacent building
Proposed site plan
2015 Proposal
Resolution No. 2015-082

Resolution approving a conditional use permit and final site and building plans for a licensed daycare facility at 14730 Excelsior Boulevard

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

Section 1. Background.

1.01 Lake West Development Co. LLC, on behalf of Prestige Preschool Academy, has requested a conditional use permit to operate a licensed daycare facility within the existing building at 14730 Excelsior Boulevard.

1.02 The property is legally described on EXHIBIT A of this resolution.

1.03 On August 27, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the conditional use permit.

Section 2. Conditional Use Permit Standards.

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

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

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

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

4. The use is consistent with the city's water resources management
5. The use is in compliance with the performance standards specified in §300.28 of the ordinance; and

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

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

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

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

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

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

2.03 City Code §300.27, Subd. 5, states that in evaluating a site and building plan, the city will consider its compliance with the following:

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

2. Consistency with the ordinance;

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing 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 proposed daycare facility would meet the general conditional use permit standards as outlined in City Code §300.21 Subd. 2.

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

1. The proposed facility would primarily serve young “preschool” age children. Parents/guardians would drop-off and pick-up children by parking their vehicle and walking into the facility. No outdoor drop-off or pick-up area is proposed and, as such, would not interfere with the vehicular or pedestrian circulation.

2. The proposed play area would be appropriately located on the site. A new fence and landscaping would buffer the area from existing
residential area across Williston Road and the potential, new residential area adjacent to the north.

3. The proposed parking lot would include 40 parking stalls, accommodating 240 students under the ordinance’s 1 stall per 6 child ratio.

4. As a condition of this resolution, all applicable state, county and city licenses must be obtained and submitted to the city prior to issuance of a certificate of occupancy.

4.03 The proposed daycare facility would be consistent with the site and building plan standards as outlined in City Code §300.27

1. Members of the city’s community development, engineering, fire, and public works staff have reviewed the proposal and find that it is generally consistent with the city’s development guides.

2. The proposal would meet ordinance standards.

3. The subject property is fully developed, with no area in a “natural state.” The proposal would actually increase the amount of green space on the site.

4. The proposal would significantly improve the overall site and building appearance and, therefore, that of the intersection.

5. The proposal would visually increase open/green space through removal of parking areas.

6. The proposal would not hinder vehicular and pedestrian circulation. Rather, occupancy of a long vacant site may reduce “cut thru” traffic and provision of a sidewalk connection would improve pedestrian access from the north to the surrounding commercial area to the south and east.

7. The proposal would require improvements to the building’s HVAC equipment, thereby improving energy efficiency.

8. The proposal would allow for: (1) continued use of a site that has long been used for commercial purposes; and (2) reuse of vacant building. It would not negatively impact adjacent properties or the neighboring area.
Section 5. Council Action.

5.01 The above-described conditional use permit and final site and building plans are 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:**
   - Preliminary grading and drainage plan, dated 07/24/15
   - Preliminary landscape plan, dated 07/24/15
   - Revised elevation plan, received 08/14/15

2. **Prior to issuance of a building permit:**
   a) Submit the following items for staff review and approval:
      1) A final materials and color palate board.
      2) A revised site plan that illustrates:
         a. The new Williston Road entrance in relation to the intersection of Peteler Lane and Williston Road.
         b. A sidewalk connection from the Excelsior Boulevard/Williston Road intersection to the north property line
      3) A revised grading and drainage plan that includes a catch basin rather than curb cut at the southwest corner of the parking lot.
      4) A revised landscaping plan. The plan must include no new tree plantings within the right-of-way or within the existing watermain easement. Natural grasses or other smaller plantings should be considered. The plan must also outline the cost of proposed plant materials.
      5) A site diagram that includes turning templates. This diagram must specifically illustrate that the turning movements can be made from northbound Williston Road into the site while cars are queued to leave the site.
b) Confirm whether existing utility connections are being altered or new utility connections are proposed. If either, a plan reflecting the alterations or new connections must be submitted for staff review and approval.

c) This resolution must be recorded with Hennepin County.

3. Prior to a certificate of occupancy, all applicable state, county and city licenses must be obtained and copies submitted to the city.

4. Maximum capacity is limited to 240 students/children.

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

6. Any change to the approved use that results in a significant increase in traffic or a significant change in character may require city council review and a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 14, 2015.

_______________________________________
Terry Schneider, Mayor

Attest:

_________________________________
David E. Maeda, City Clerk

**Action on this resolution:**

Motion for adoption: Allendorf
Seconded by: Bergstedt
Voted in favor of: Wiersum, Bergstedt, Wagner, Ellingson, Allendorf, Acomb, Schneider
Voted against:
Abstained:
Absent:
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on September 14, 2015.

David E. Maeda, City Clerk
EXHIBIT A

LEGAL DESCRIPTION

Beginning at a point in the West line of the Northeast Quarter of Northeast Quarter, Section 33, Township 117, Range 22 distant 531.5 feet South of the Northwest corner of said Northeast Quarter of Northeast Quarter; thence Easterly at right angles 133 feet; thence South at right angles 120 feet; thence West at right angles 133 feet to a point in the West line of said Northeast Quarter of Northeast Quarter, 120 feet South of the point of beginning; thence North to the point of beginning, Hennepin County, Minnesota.

Abstract Property.

Tract G, Registered Land Survey No. 1187, Hennepin County, Minnesota.

Torrens Property

Torrens Certificate No. 455028.
14. Other Business:

A. Items concerning a licensed daycare facility at 14730 Excelsior Boulevard:
   1) A conditional use permit; and
   2) Final site and building plans

Thomas gave the staff report.

Jon Fletcher from Lake West Development said they were currently in discussions with Prestige Child Care Centers, an upscale child care provider based in California. The proposed plan was for a complete redevelopment of the building. There were some constraints to what could be done with the exterior of the building based on the economics. The licensing would allow for up to 240 students. There would be 40 parking stalls. The child care provider was estimating in the range of 180 to 200 students. There would be up to 16 to 18 employees spread out throughout the day. He said this proposal would work well with the proposal for the site to the north discussed earlier in the meeting.

Allendorf asked for more information about the outdoor play area. Fletcher said there would be a tetherball area along with two playgrounds, one for tots and the other for older kids. On the south side of the building there would be an infinity loop for kids to ride their tricycles. The idea was to allow one of the twelve classrooms out at any one time. Allendorf asked what type of fencing there would be. Fletcher said the fence would be a see through metal fence with some screening to meet city requirements. Allendorf said he had heard concerns from residents about having the play area next to Williston Road. He asked how tall the fence would be. Fletcher said it would be five feet high. Schneider noted there was a similar playground next to the industrial park on Baker Road.

Bergstedt said the council had seen a number of proposals for the site. Residents have had many ideas with what to do for site but the council only could deal with what comes before them. He said the proposal was an improved use that addresses a number of things. The whole area was fairly complicated as far as traffic patterns and parking. He was glad to see the stipulation that if parking issues arise, the city would have the ability to limit the number of students. He asked if there were any staff safety concerns with cars turning off Excelsior Boulevard on to Williston Road with the new access location further to the south. Thomas said there were not concerns but staff still had questions. As a condition for approval there was a requirement that a drawing be submitted showing the larger area along with some turning templates to help understand how much area was needed to make the turn safely into and out of the site.
Wiersum said the building was a big building and he agreed the proposed use was appropriate although it might not be the use the council would choose if it was picking uses. He said the design held true to the hardware store roots and it would be more desirable to make the building look more like a school. He thought there could be greater creativity with the design.

Schneider said when he first heard about the proposal he questioned if the site was appropriate for a daycare center. The more he thought about it he realized the city needed something to attract younger families with younger kids. The use was adequate although it may not be the ideal solution. He agreed that the applicant could be more creative with the design. Another thing to consider was although there would be a new roof and a new facelift for the building, the investment was not so major that 10 to 20 years from now the area could not still be redeveloped as the city would like to see done. It may postpone redevelopment but it was not a deal breaker for a major future redevelopment of the area. He said having young families with kids coming in may help the grocery store.

Allendorf said of all the recent developments in the Glen Lake area, this proposal generated the most phone calls to him and they all were positive.

**Allendorf moved, Bergstedt seconded a motion to adopt resolution 2015-082 approving the conditional use permit and plans.**

Bergstedt said all the businesses in the area, in addition to the grocery store, may benefit with young families coming in. The Glen Lake area needed a shot in the arm and the proposal would go a long ways to provide that. The council had heard comments about all the senior housing in the area. He thought the senior housing was appropriate and good but it also felt good to have something for the opposite demographic.

Barone asked Wischnack if she thought the language in the resolution was adequate to address the council’s comments on the building exterior. Wischnack said she thought it was as long as the council was comfortable having staff making the decision. Schneider said the council’s comments were to encourage the developer to look at a slightly revised concept to make the building look more charming. Staff would work with the developer to find a better look. Wischnack suggested strengthening the language in the resolution to provide more power for staff to help find a better look for the building. Schneider said he wanted to give staff some discretion to encourage the developer to find a better building look.

Fletcher said he agreed with staff on the condition to work on the color palette. He noted within the ordinance architectural detail design was not a
condition of use. He wanted to be careful not to put an unenforceable or unnecessary condition on the project. He cited the parking as an example. Either the parking was sufficient under the existing code or it was not. Schneider said he was encouraging a cooperative arrangement where Fletcher would work with staff to look at design alternatives to make the building look more charming and residential but not have staff dictate the final design. Fletcher said that was something he could commit to.

Bergstedt asked if approved, when the child care center might open. Fletcher said ideally child care centers like to line up with school years so the center would open mid to late summer in 2016 or possibly in December 2016 depending on the construction and redevelopment timeline.

Wiersum asked if the roof shape design was part of Prestige’s look and was the way it looked at other locations. Fletcher said it was. Wiersum questioned why Prestige wanted to look like a home improvement store rather than more like a school but said if it was the corporate approach it was what it was. Fletcher said typically Prestige does ground up developments where there is a scraped site with a pitched roof. The economics for this site don’t allow for a demolition. Schneider said to get something a little more attractive within a reasonable budget would benefit Prestige as well. Fletcher said there was every desire to make it something the market wanted from an economic standpoint.

Allendorf encouraged Fletcher to talk to whoever was currently managing the site to see if the current site could be improved immediately. He didn’t want to wait until next year before something was done to the existing property to make it look palatable to the neighbors. Fletcher said he would pass that on to the owner.

Schneider said as he was looking at the grade issue of item 12A he noticed a small split between the two lots that likely was owned by the dance studio. He asked staff to make sure that was looked at. Fletcher said there was a lot gap between parcel A and B on the Williston Woods application. There was a legal process to close the gap.

All voted “yes.” Motion carried.
Current Proposal
Resolution No. 2016-

Resolution approving a conditional use permit and final site and building plans, with a front yard setback variance, for a licensed day care facility at 14730 Excelsior Boulevard

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

Section 1. Background.

1.01 Shingobee Builders, on behalf of Prestige Preschool Academy, is proposing to operate a licensed day care facility within a newly constructed building at 14730 Excelsior Boulevard. (Project No. 14003.16a)

1.02 The property is legally described on Exhibit A of this resolution.

1.03 The proposal requires a conditional use permit and final site and building plan review. The proposal also requires a front yard setback variance from the west property line from 50 feet to 35 feet.

1.04 On April 16, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

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

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

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

4. The use is consistent with the city's water resources management plan;

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

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

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

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

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

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

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

2.03 City Code §300.27, Subd. 5, states that in evaluating a site and building plan, the city will consider its compliance with the following:

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

2. Consistency with the ordinance;

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

2.04 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.
Section 3. Findings.

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

3.02 The proposal meet all of the specific conditional use permit standards outlined in City Code 300.21 Subd. 3(j) for licensed day care facilities.

1. The proposed facility would serve young children. Parents/guardians would park their vehicle and then walk their children into the facility. While entry features are proposed for architectural interest, there would be no outdoor drop-off or pick-up area proposed. As such, the onsite movements would not be interfered.

2. Play areas are proposed on the east and west side of the proposed building. A newly constructed fence and landscaping would provide a buffer to the residential properties to the north.

3. The licensed capacity of the day care center would be for 178 children. As proposed, the newly constructed parking lot would have 30 parking stalls, which is the minimum required by ordinance.

4. A condition of approval has been included requiring that the applicant obtain all applicable state, county and city licensing.

3.03 The proposed day care facility would be consistent with the site and building plan standards as outlined in City Code §300.27

1. Members of the city’s community development, engineering, fire and public works staff have reviewed the proposal and find that is generally consistent with the city’s development guides.

2. But for the requested setback variance, the proposal would meet ordinance standards.

3. While the proposal would disturb a significant amount of the property, the proposal would result in a 20 percent reduction in the amount of impervious surface on the site. This would effectively increase the amount of green space on the property.

4. The proposal would result in an increase of landscaping and green space on the site. Further, in addition to stormwater management a proposed bioswale in the southwest corner of the site would add visual interest to the property.
5. The proposal would increase the amount of green space on the property. Further, the proposal would revitalize the property. The proposal would not hinder vehicular and pedestrian circulation. In fact, the redesigned parking lot would likely reduce the amount of “cut through” traffic of the site and a sidewalk extension would improve pedestrian access in the area.

6. The proposal would reduce the amount of impervious surface on the property and introduce “greener” landscaping and stormwater management techniques to the area.

7. The proposal would not negatively impact the surrounding properties. In fact, the proposal would result in a more appropriate setback between the existing building and the building to the east.

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

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The intent of front yard setback requirements is to ensure an appropriate separation between roadways and adjacent buildings. The proposed building would maintain a similar front yard setback to other properties along Williston Road. Further, the variance request would “center” the building on the property and increase the amount of separation between the proposed building and the existing building to the east.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The Glen Lake area is one of the city’s three community village centers. The area has undergone numerous redevelopment efforts since it was established as an early commercial center. These redevelopment efforts have created a more attractive, interesting and pedestrian-friendly area. The proposal would provide additional pedestrian connections and a more inviting pedestrian experience at the Excelsior Boulevard/Williston Road intersection. Further, the proposal would introduce another type of use complimentary to existing commercial uses of this area.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:

   a. REASONABLENESS and UNIQUE CIRCUMSTANCE: The variance request is reasonable and is the result of a circumstance unique to the property:
1. The unique lot configuration and corner lot setbacks are not common to all similarly zoned properties.

2. The variance request would allow for the proposed building to be centered on the property. Further, the variance would allow for a more appropriate separation between the proposed building and the building to the east. Currently, the existing building and building to the east have a separation of only five feet.

3. The redevelopment of the site would increase the amount of green space on the property.

b. CHARACTER OF LOCATION: The variance would not alter the character of the existing neighborhood. As proposed, the setback from the west property line adjacent to Williston Road would be 35 feet. By city code all properties in this area, including residential properties along Williston Road, are required to maintain a 50-foot setback from Williston Road right-of-way. Half of the properties within 1,000 feet along Williston Road have a front yard setback of 35 feet or less. Further, the city council recently approved a 35-foot front yard setback for Williston Woods West, a five-lot subdivision, immediately adjacent to the subject property. While these other properties are residential, the proposed building would generally align with existing and approved setbacks in the area.

Section 4. City Council Action.

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

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

   • Site plan dated February 25, 2016
   • Floor plans dated February 25, 2016
   • Preliminary grading and drainage dated February 24, 2016
   • Preliminary tree preservation plan dated February 24, 2016
   • Preliminary landscape plan dated February 24, 2016
   • Preliminary paving plan dated February 24, 2016
   • Preliminary utility plan dated February 24, 2016
2. Prior to issuance of a building permit:

   a) This resolution must be recorded with Hennepin County.

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

      1) Final materials and color palate board.

      2) A revised site plan that illustrates:

          a. The location of all right of way, utility and access easements.

          b. The paving of the area within the Ingress and Egress Easement per Document No. 1513783.

          c. The relocation of the east play area fencing out of the Ingress and Egress Easement per Document No. 1513783.

          d. A sidewalk connection from the Excelsior Boulevard/Williston Road intersection to the north property line. The sidewalk must be a minimum of 6-feet wide. Transitions to the Williston Road driveway and entrance across the driveway must meet ADA requirements with the exception of truncated domes.

          e. Increased drive lane widths. The lane width must be a minimum of 26 feet.

      3) A revised grading plan. This plan must include spot elevations and existing contours to clearly illustrate how the proposed swale will tie into the existing berm.

      4) A revised utility plan. This plan must:

          a. Remove the 1-1/2 inch water service back to the main. Further, the corporation stop must be turned off.

          b. Add a private hydrant along the new 6-inch water service to the building. The hydrant
spacing along Excelsior Boulevard currently exceeds the 500-foot maximum spacing allowed by code.

c. The catch basin, shown to be removed, and the pipe, shown to be abandoned, in the southwest corner of the site must be removed to the adjacent catch basin structure on Excelsior Boulevard. The structure must be plugged and replaced. This will likely require the removal and replacement of a portion of the existing sidewalk.

d. The applicant must work with staff to determine if the 12-inch pipe, under the existing Excelsior Boulevard entrance, should be removed entirely or abandoned as shown.

5) A revised landscaping plan. This plan must:

a. Remove new plantings from within the right of way or water easement. All new deciduous tree species must be located at least 15-feet from the street. All new evergreen trees must be located at least 20-feet from the street.

b. Not include landscaping that would interfere with the use or maintenance of adjacent public sidewalks and trails.

c. Provide sufficient mitigation for trees removed from the site. Staff at its sole discretion can reduce the amount of required mitigation based on space limitations of the site.

d. Include, or possibly substitute, additional shrub species onsite.

e. Meet the minimum landscape requirements per city ordinance.

6) A stormwater management plan. This plan must include rate, volume, and water quality requirements based on the amount of impervious surface proposed.
7) A site diagram that includes turning templates. This plan must specifically illustrate safe turning radiiuses for delivery trucks and safety vehicles.

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

9) Install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.

3. Prior to issuance of a certificate of occupancy, submit the following:
   a) Copies of all applicable state, county and city licenses.
   b) Utility as-builts following utility construction.

4. Fences exceeding 7-feet in height require a building permit.

5. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.

6. Maximum capacity of the facility is 178 students/children.

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

8. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 25, 2016.

_______________________________________
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 25, 2016.

_________________________________
David E. Maeda, City Clerk
Exhibit A

LEGAL DESCRIPTION

Beginning at a point in the West line of the Northeast Quarter of Northeast Quarter, Section 33, Township 117, Range 22 distant 531.5 feet South of the Northwest corner of said Northeast Quarter of Northeast Quarter; thence Easterly at right angles 133 feet; thence South at right angles 120 feet; thence West at right angles 133 feet to a point in the West line of said Northeast Quarter of Northeast Quarter, 120 feet South of the point of beginning; thence North to the point of beginning, Hennepin County, Minnesota.

Abstract Property.

Tract G, Registered Land Survey No. 1187, Hennepin County, Minnesota.

Torrens Property

Torrens Certificate No. 455028.