Planning Commission Agenda

August 27, 2015—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: July 20, 2015

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   A. Horizontal projection variance for a new antenna array on an existing telecommunications tower at 10500 Bren 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. Preliminary and final plat for Marshes of Meadowwoods 2\textsuperscript{nd} Addition:

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

      - Recommendation to City Council (Tentative Date: September 14, 2015)
      - Project Planner: Jeff Thomson
B. Preliminary and final plat of MEETING RIDGE, a two-lot subdivision at 2360 Meeting Street.

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

- Recommendation to City Council (Tentative Date: September 14, 2015)
- Project Planner: Susan Thomas

C. Items concerning a licensed daycare facility at 14730 Excelsior Boulevard.

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

- Recommendation to City Council (Tentative Date: September 14, 2015)
- Project Planner: Susan Thomas

9. Other Business

A. Concept plan for redevelopment of the property located at 10101 Bren Road E

Recommendation: Discuss concept plan with the applicant. No formal action is required.

- Recommendation to City Council (Tentative Date: September 14, 2015)
- Project Planner: Elise Durbin

B. Concept plan review for Villa West, State Highway 7

Recommendation: Discuss concept plan with the applicant. No formal action is required.

- Recommendation to City Council (Tentative Date: September 14, 2015)
- Project Planner: Jeff Thomson
Notices

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

2. Applications scheduled for the September 10, 2015 Planning Commission meeting:

   Project Description: Lionsgate Academy has submitted an application to operate a school for seventh through twelfth grade at 5605 Green Circle Drive. The proposal requires a conditional use permit.
   Project No.: TBD         Staff: Susan Thomas
   Ward/Council Member:  1-Bob Ellingson    Section: 36

   Project Description: Park Dental is proposing to locate a dental office at Ridge Square North. The application requires a conditional use permit, with variance.
   Project No.: TBD         Staff: Jeff Thomson
   Ward/Council Member:  2-Tony Wagner   Section: 03

   Project Description: Mike McKinley, representing Auntie Ruth’s Furry Friends, LLC, are proposing to operate a pet daycare and boarding facility at 14901 Minnetonka Industrial Road. As proposed, the facility would occupy the entirety of the existing building and would provide care for up to 170 animals. The proposal requires a conditional use permit.
   Project No.: 98044.15a        Staff: Susan Thomas
   Ward/Council Member:  3-Brad Wiersum   Section: 16

   Project Description: The property owners are requesting an Interim Use Permit for a home-based business located at 25 Milbert Road. The property owners currently operate a ceramic business from property as an accessory use to the single-family home. The Interim Use Permit would allow the owners to have one outside employee, and to operate the business from an existing detached garage.
   Project No.: 15024.15a        Staff: Jeff Thomson
   Ward/Council Member:  3-Brad Wiersum   Section: 03

   Project Description: Riley Purgatory Bluff Creek Watershed District is proposing a creek stabilization project east of County Road 101, just north of Creek View Terrace.
   Project No.: TBD         Staff: Susan Thomas
   Ward/Council Member:  4-Tim Bergstedt   Section: 31
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

2. Staff presents their report on the item.

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

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

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

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

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

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

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

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

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

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

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

2. Roll Call

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

Staff members present: Community Development Director Julie Wischnack and Planner Jeff Thomson.

3. Approval of Agenda: The agenda was approved as submitted with one additional comment provided in the change memo dated July 20, 2015.

4. Approval of Minutes: June 25, 2015

   Magney moved, second by Odland, to approve the June 25, 2015 meeting minutes as submitted. Calvert, Knight, Magney, Odland, Rettew, and Kirk voted yes. O'Connell was absent. Motion carried.

   Concept Plan Review: July 9, 2015

   Odland moved, second by Magney, to make no changes to the July 9, 2015 concept plan review summary as submitted. Magney, Odland, and Kirk voted yes. O'Connell was absent. Calvert, Knight, and Rettew abstained. Motion carried.

5. Report from Staff

Wischnack briefed the commission on land use applications considered by the city council at its meeting of July 13, 2015:

- Adopted a resolution approving a conditional use permit and side yard setback variance for a property on Chase Drive.
- Adopted a resolution approving a conditional use permit for Kona Grill.
- Adopted a resolution approving The Oakhaven Addition on Spring Lake Road.
• Adopted a resolution approving the Saville plat on Excelsior Boulevard and County Road 101.
• Adopted a resolution approving the preliminary plat for Buckman Addition on Highwood Drive.
• Tabled action for a preliminary plat on Ridgemount Avenue.
• A $2 million funding commitment was made to SWLRT.
• The city council adopted a new liquor policy.

A community meeting will be held this Thursday, July 23, 2015 to discuss Glen Lake and another will be held August 3, 2015 to discuss the Ridgedale area. Staff will send an email with the details.

6. Report from Planning Commission Members

Rettew apologized for being absent at the last meeting and causing the lack of a quorum so no action could be taken. He announced his resignation from the commission due to moving out of the city. Wischnack appreciated his service and invited residents to apply to be a commissioner.

7. Public Hearings: Consent Agenda

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

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

A. Resolution approving an aggregate side yard setback variance for an addition at 16924 Cottage Grove Avenue.

Adopt the resolution on pages A9-A12 of the staff report which approves an aggregate side yard setback variance for an addition at 16924 Cottage Grove Avenue.

*Calvert, Knight, Magney, Odland, Rettew, and Kirk voted yes. O’Connell was absent. Motion carried and the item on the consent agenda was approved as submitted.*

An appeal of the planning commission’s decision to the city council must be made in writing to the planning division within 10 days of this meeting.

8. Public Hearings
A. A conditional use permit for Redstone American Grill at 12401 Wayzata Boulevard.

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

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

Chair Kirk said that he would not vote on the item or ask questions due to a possible perceived conflict of interest since he works for the YMCA.

Knight confirmed with Thomson that the proposed sign would be located on the side of the mall itself.

Rettew asked if the outside eating area would be enclosed in the winter. Thomson answered in the negative. It would be seasonal.

Rettew asked if construction had started already and if that was authorized. Thomson explained that the expansion of the mall is under construction. There is no work occurring for the restaurant tenants. That would not begin until approval of the conditional use permit.

Michael Wilkus, of Wilkus Architects, representing Red Stone Grill, the applicant, stated that:

- He was present to answer questions regarding the conditional use permit.
- No construction has started. He has not applied for a permit yet.
- There would be interior dining that would open to the exterior.

Rettew asked if the boulders would contain the eating area enough to satisfy liquor license requirements. Thomson answered affirmatively. The area would be fully enclosed by tall boulders that would meet the requirement.

In response to Calvert’s question, Thomson explained that pedestrian traffic would not be prohibited, but the sidewalk would narrow to five or six feet wide at one point. There is landscaping near the boulders that might be pulled back to allow two more feet of sidewalk width. Mr. Wilkus stated that the sidewalk to the east in front of Nordstrom’s is five feet wide. He would work closely with staff and General Growth Properties to make the sidewalk wider.
Rettew asked if there are concerns with traffic flow and people being dropped off and picked up in front of the restaurant. Mr. Wilkus explained that the drive is very wide. There would be an island before the parking starts. The applicant is not concerned at all. In this case, parking is adjacent and massive. There is no food pick up service being offered at this time.

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

**Odland moved, second by Rettew, to recommend that the city council adopt the resolution on pages A7-A10 of the staff report which approves the conditional use permit for a restaurant in Ridgedale Center at 12401 Wayzata Boulevard.**

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

This item is tentatively scheduled to be heard by the city council at its meeting on July 27, 2015.

**B. Sign plan amendment for Ridgedale Center.**

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

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

In response to Chair Kirk’s question, Thomson clarified that Kona submitted an application, Redstone submitted a separate application, and General Growth Properties has agreed to both of the applications.

Chair Kirk noted that there are two approvals to consider. One is to increase the size from 30 inches to 42 inches which staff supports and the second is the sign location. Staff’s recommendation is to locate the sign somewhere on the trade dress of the store even though that may exceed the one-story space. Thomson agreed. Thomson explained that staff did not want to include anything in the covenant that would dictate where the sign would have to be located, because the applicant may locate the sign within the building’s elevation.

Odland asked if another tenant could be impeded. Thomson said that is what staff is trying to prevent. There would be tenants behind the wall, but they would face the mall interior. Those mall tenants are not allowed to have signs on the
exterior of the building in that space, but it could be used for a “Ridgedale” sign in the future.

Rettew asked for the allowed maximum size of department store signs. Thomson answered that signs may be up to 8-feet tall. Nordstrom’s signs are 5.5 feet to 6 feet. Macy’s sign was approved to be 12 feet in height by the city council.

Rettew asked if this would set a precedent for businesses not in the mall. Thomson answered in the negative. All restaurants in the center would be treated the same, but the proposal would not apply to a restaurant not located in Ridgedale Center. General Growth Properties has approved the proposal.

Odland confirmed with Thomson that Bar Louie could not add an additional sign on the façade of the Ridgedale Center structure in addition to what is already there.

Chair Kirk noted that Kona Grill is requesting approval of a second sign for which staff is recommending denial. Thomson pointed out an illustration of the proposed vertical sign at the base of the tower structure. Chair Kirk noted that if that sign would be approved, then that would potentially allow Bar Louie to apply for a second sign at the same elevation.

Calvert and Thomson reviewed the amount of space between the top of the parapet to the overhang.

Chair Kirk asked how high a tenant could build a tower to accommodate a sign. Thomson said that staff wants to balance that carefully. Staff wants the sign within the building elevation, but does not want the sign location to drive the design of the exterior of the building. Staff would not want to see the facades of the restaurants to extend 35 to 40 feet to allow the sign to be taller. The towers are reasonable and provide a function by identifying the entrance to the space.

Odland asked if something would identify the entrance to Redstone outside of the center. Thomson said that once a patron enters the mall, then both entrances for Red Stone and Kona Grill would be right there. It would be possible that the sign would lead patrons to think an entrance is located on the exterior of Kona Grill, where there would be none.

Knight asked if restaurants are allowed to stay open later than the mall. Thomson answered that restaurants are allowed to stay open later. Knight was curious how patrons would access Kona Grill if the mall doors would be locked. Thomson invited the applicant to address the question.
Rettew asked if light pollution would be a concern. Thomson said that was looked at. The application would comply with ordinance requirements. The sign and lights would face a large parking lot and Interstate 394.

Michael Wilkus, on behalf of the applicant, stated that:

- He has worked closely with staff on lowering the sign and providing the correct character for the mall elevation.
- All of the other restaurant signs are located above their space. Red Stone would not project above the first floor space, except for the tower. Big Bowl and Bar Louie signs are above their spaces. The imposing mall façade gives the applicant the opportunity to balance having the proposed signs higher.
- He supports the way finding. The parking lot is large and the sign must be seen from a long ways away. Redstone does have to rent space in the second floor area.
- The Redstone sign would be tastefully done. There would be no glaring, bright lights. The sign would be lit from behind to create a halo effect.
- He provided a letter from General Growth in support of the application.

Rettew asked for the benefits of locating the sign on the mall façade. Mr. Wilkus said the sign would be quite a bit lower on Red Stone property. The proposal would be done tastefully. Elevation is the main reason.

Rettew questioned what would be done if the application would not be allowed. Mr. Wilkus did not know. Mr. Wilkus worked closely with Kona Grill who worked hard to create a balanced elevation and placed their sign at 42 feet above the ground elevation also.

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

Knight liked seeing development of the restaurants on the outside of the building. It turned the center from a rather mundane, big-box building to a lively site. He liked the proposal and supports the sign location and size as requested by the applicant.

Rettew agreed. He did not have a problem with the size. He did not understand how putting the sign on the restaurant façade would increase way finding. Having
the sign higher would increase way finding. The restaurants want their signs visible from Interstate 394. If the owners of Ridgedale support the proposal, then it would be fine with him. This site is distinguished from other sites. He was on the fence regarding the second sign. He agreed with the applicant in regard to sign location and size.

Magney concurred in regard to the height. The brown color would set it apart from the rest of the mall. He agreed with staff's recommendation for the second sign. He opposed the second sign. He was fine with the application's proposed size and location.

Odland noted that the Kona Grill space would be nondescript. She questioned if starting the trend would lead to visual pollution down the road. She supports staff's recommendation.

Chair Kirk felt putting the sign on the mall box without limitations could be dangerous. He did not want the mall to turn into a billboard. He would have to see a limitation thrown into the mix that would require the applicant to build something that did not have a human scale as it got into the parking lot. It takes a 45-foot building and reduces it to 25 feet and eventually down to 10 feet. He did not want to create a situation where every restaurant builds a 35-foot tower in order to put a sign on it. The visibility from the top of the parapet of the mall would be more visible from Interstate 394. He suggested including limitations. He suggested looking at reducing the height of the sign to a reasonable elevation to not allow the big boxes that enclose the mall itself, besides the anchor stores, to become billboards.

Calvert agrees. The Macy's sign is enormous for the facade. It has a billboard feel. There would be congruity between the Nordstrom's sign, the Red Stone sign, and the Kona Grill sign in tone, color, and fonts. It seems tasteful. She is conflicted. If the signs would be located on the restaurant façade, it would detract from the design. Each sign permit is reviewed on a case by case basis. She wants to keep signs consistent and not constantly change the regulations for signs on the mall walls.

Chair Kirk commented on how Ridgedale Center has changed since 1980. It is alright for commissioners to consider changes while maintaining control.

Knight said that his understanding is that the top of the sign could not be above the top of the restaurant facade. He asked if another restaurant would be constructed opposite Chipotle, then would the city have design control on how tall the tower could be. Thomson answered affirmatively. Knight noted that would
limit where a sign could be located for a new restaurant. The proposal looks nice. The signs are proportional. He could not image that General Growth Properties would allow a big, tall tower. He liked the proposal.

Chair Kirk asked if there would be a height limitation for a tower. Thomson noted that it could be a design consideration of the conditional use permit. The conditional use permit could find a tower out of scale with the mall. Chair Kirk noted that the commission could recommend approval of the application with the condition that the top of a sign could not exceed the height of a tower governed by conditional use permit review.

Odland noted the importance of anchor tenants. She questioned if restaurants would be allowed to have signs on the center facade, then would other retailers want signs on the center facade also. She wants to make sure every Ridgedale tenant would have the same rules to abide by.

Calvert visited Eden Prairie Center. Thomson provided examples of signs for restaurants at other malls.

Rettew was not as concerned with setting a precedent. Ultimately, those applications would be reviewed by the planning commission. The interests of the center and the city are aligned. Aesthetics is important to the owner. He asked what limitations would make Chair Kirk comfortable with the proposal. Chair Kirk was not sure he was ready to create limitations. He was referring to the tower in his original comments about the height of the tower being the limit on the height of the sign so that it would not creep up to the top of the box behind it. Thomson said that is an option. Staff always considers possible future tenants. Restrictions must be able to be equally enforced. Requiring a sign to be no taller than the tower’s elevation or a requirement to center a sign within the mall facade would be enforceable. A specific dimension from ground level would not be enforceable.

Rettew confirmed with Thomson that Kona Grill’s tower and Redstone’s tower would not be equal in height.

Odland stated that locating the signs on the actual business would negate that problem, keep the playing field level, keep in character with the neighborhood, and keep the center a classy place.

Rettew also wants to keep the area beautiful. The proposed design looks better than it would on the building.
Odland thought staff took everything into consideration including future uses and treating each similar use the same. She supports staff’s recommendation.

Chair Kirk noted that the proposed store fronts would not accommodate a 42-inch sign very well. He received a consensus with commissioners that going from 30 inches to 42 inches would not be a problem and the second Kona sign would not be supported. The placement and height need to be discussed.

Rettew stated that, technically, the applicant could locate the sign at the top of the 35-foot tower which is higher than the proposal. Thomson stated that the sign would be allowed on the tower, but it was not clear if the sign would be considered within the tenant space if it would be mounted on the roof of the new structure.

Knight likes the looks of the fronts of both of those buildings. Hopefully, the applicant would have some design style and not put the sign on top of the roof. He thinks the applicant is better than that.

_Rettew moved, second by Calvert, to recommend that the city council adopt the resolution on pages A7-A10 of the staff report which approves a staff-drafted amendment to the sign plan to increase the size to up to 42 feet and not allow a second sign for restaurants at Ridgedale Center at 12401 Wayzata Boulevard._

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

_Odland moved, second by Magney, to recommend that the city council adopt the resolution on pages A7-A10 of the staff report which approves a staff-drafted amendment to the sign plan option 3 that allows signs for restaurants only to be located outside the tenant space subject to review by the planning commission, based on the unique circumstances of the restaurant and its building design for Ridgedale Center at 12401 Wayzata Boulevard._

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

This item is tentatively scheduled to be heard by the city council at its meeting on July 27, 2015.

C. Items concerning Salsa a la Salsa at 11390 Wayzata Boulevard.
Chair Kirk introduced the proposal and called for the staff report.

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

Justin Wang, representing CSM and head of leasing for Westridge Market, the applicant, thanked Thomson and staff. He agrees with staff's recommendation. He was available for questions.

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

Calvert thought the location would be nice for an outdoor patio. She saw no drawback to replacing a few parking stalls with a patio.

Knight asked if the parking lot restricts which patrons may park where. Thomson answered in the negative. The property has the same owner and all of the businesses have shared parking agreements.

**Odland moved, second by Knight, to recommend that the city council adopt the resolution on pages A15-A18 of the staff report. This resolution approves a conditional use permit and minor amendment to the West Ridge Market master development plan for an outdoor dining patio at 11390 Wayzata Boulevard.**

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

This item is tentatively scheduled to be heard by the city council at its meeting on August 17, 2015.

**D. Items concerning 500 Milbert Road.**

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

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

Odland asked if the accessory apartment would be more along the lines of a senior suite instead of a duplex. Thomson answered affirmatively. The proposal would be restricted to be an accessory apartment. It could be no larger than one third of the residence.
Magney clarified that the residence is located on 506 Milbert Road and the new address for the accessory apartment would be 500 Milbert Road.

Dan Mackey, applicant, thanked staff and commissioners for their work. The proposal would be a mother-in-law apartment. He prefers the proposal. That would give his in-laws 950 square feet and a 2-vehicle garage. He, his wife, and 5 kids would have a 2-vehicle garage and 3,300 square feet of living space. His house would not have a basement. That is the only reason the exception is needed. The site is 99.9 percent compliant with ordinances. His family has a lot of allergy issues with mold, so the basement would not be constructed. He was available for questions. He has 4 vehicles already. More vehicles would be parked outside if the proposal would not be approved. He hopes the proposed plan will be approved.

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

Calvert was conflicted. The site comes so close to meeting the requirements. The design appears to be very attractive, but it would be out of character with most of the houses in the neighborhood which are mainly single-story ramblers on the small side. It seems like it would be disproportionate with most houses, although there is a large house across the street.

Odland asked what precedent would be set by approving the proposal. Thomson said that the lot size makes the site unique. It is very close to conformance with ordinance requirements. There is flexibility with the mcmansion policy to allow for home designs that would exceed the FAR if it would be compatible with the neighborhood. It would set a precedent in decision making that the FAR could be increased in certain circumstances. He suggested commissioners articulate the reasons for their recommendation in this particular case.

Chair Kirk noted how the second option would impact the design. The proposal would exceed the mcmansion policy by 440 square feet which would pretty much be the size of a two-car garage. There would be a small area for the basement. Thomson explained that a full basement with egress windows is not included as square footage in calculating FAR.

Rettew was inclined to support staff’s recommendation. He felt like it would be close enough and would be consistent with the neighborhood character.
Calvert supports the idea of the mother-in-law apartment. She understood the purpose. It would be big compared to the neighboring houses. The property was subdivided at one time to provide a certain type of housing stock which the proposal would no longer be.

Odland noted that the 3,300-square-foot portion of the residence could be reduced.

Rettew was sympathetic since he was in the market for a house. He did not want to make the applicant start from scratch given that the proposal is so close.

Chair Kirk struggled. There are two lots at .24 FAR that are relatively small lots with reasonable size houses. The lots around the subject property are larger and the FAR is half. When new houses are built, a 2-car or 3-car garage and two stories are expected. Whether the unit is used by a family member right now or rented to a non-family member in the future, the residence would provide an affordable rental unit that is needed in Minnetonka. The FAR would be disproportionate with the neighborhood.

Knight stated that the property has a certain frontage width. The houses across the street have a lot more square footage, but do not have any more frontage. Those properties could have just as big of a house on their lot and a far smaller FAR, but the house would look just as big as the proposed one. He questioned penalizing the subject property because it is not as deep as others across the street. He struggled with that.

Knight supports parking the vehicles in a garage. Commissioners concurred.

Knight was concerned that the commission would recommend denial of this proposal, but the next commission would allow a neighbor to do something similar in the future.

Calvert stated a reason to allow the property to go to .26 FAR is because it is such a fine line. There is a 5-foot difference in the lot size. She sympathized with the applicant. Recommending approval because the difference is only 5 feet may be a reference for the future.

Chair Kirk noted that the FAR for the neighborhood would go from .24 to .26. He thought that was almost nothing.
Odland knew of neighborhoods in Minneapolis where the FAR was increased a small amount and the character and affordability of a neighborhood were changed.

Calvert thought it would be nice to have newer homes in that size of housing stock. She is afraid of the creep of the FAR.

In response to Chair Kirk’s question, Thomson suggested commissioners use the provision of the mcmansion policy that allows the city to approve a specific house design that would exceed the maximum FAR based on the uniqueness of the lot size and the site’s similar lot width as other properties along Milbert Road. It would not approve any plan with FAR of .26, but only this specific building plan. The lot size is just under the minimum requirement, by 30 square feet, to not have any house-size restriction.

Chair Kirk noted that the site’s increased width and shorter depth make it unique to surrounding properties and the lot size is within 30 square feet of the mcmansion policy standards which make the application unique.

Knight moved, second by Rettew, to recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment (on pages A16-A20 of the staff report) and adopt the resolution eliminating the maximum floor area ratio requirement (on pages A14-A15 of the staff report) associated with the property at 500 Milbert Road.

Calvert, Knight, Magney, Rettew, and Kirk voted yes. O’Connell was absent. Odland voted no. Motion carried.

This item is tentatively scheduled to be heard by the city council at its meeting on July 27, 2015.
E. A conditional use permit for an educational institution at St. Paul’s Lutheran Church at 13207 Lake Street Extension.

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

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

Chair Kirk asked if the hours of operation would be tied to the conditional use permit. Thomson said that the conditional use permit would be tied to a use with similar hours and enrollment. A change would require an amendment to the conditional use permit.

Sheri Brennan, president of the council of St. Paul’s Lutheran Church, applicant, stated that the school is compatible with the church and will use space not currently being used during the weekdays. There is ample parking space. Other groups meet in the evenings. It would be a complimentary service. The neighbors have been notified. She thanked Thomson for working with them.

Calvert asked if there would be a benefit to using an interim use permit in this case. Thomson said that interim uses are utilized for transient, temporary, or uses with a time limit put in place usually for a larger redevelopment goal. In this case, there is no redevelopment plan in the area that the use would inhibit.

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

Rettew moved, second by Odland, to recommend that the city council adopt the resolution approving an educational institution at 13207 Lake Street Extension (see pages A9-A13 of the staff report).

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

This item is tentatively scheduled to be heard by the city council at its meeting on August 17, 2015.

9. Adjournment

Odland moved, second by Rettew, to adjourn the meeting at 8:41 p.m. Motion carried unanimously.
By: ____________________________

Lois T. Mason
Planning Secretary
Public Hearing: Consent Agenda
Brief Description  Horizontal projection variance for a new antenna array on an existing telecommunications tower at 10500 Bren Road

Recommendation  Adopt the resolution approving the variance

Background

The city's telecommunications ordinance favors the installation of wireless technology on existing support structures – water towers, buildings, high voltage transmission poles, and existing telecommunication towers – over the construction of freestanding towers. To encourage these type of installations, the ordinance allows for administrative review and approval if: (1) the support structure has already received a conditional use permit for siting of telecommunication facilities; and (2) the proposed installation does not require a variance or other application requiring commission/council review.

Proposal

Verizon Wireless is proposing to install several new antennas on an existing telecommunications tower at 10500 Bren Road. The antennas would be mounted on a framework that would project out from the tower roughly seven feet. This arrangement would be consistent with the arrangement of antennas already on the tower. However, by ordinance, “antennas must not project out from the side of the antenna support structure or tower, unless it is physically impossible to locate the antennas within the structure or tower, in which case they must not project out by more than three feet.” The proposed seven foot projection requires a variance. (See pages A1–A5.)

But for the horizontal projection, the proposed installation could be reviewed and approved administratively.

Staff Analysis

Staff finds that the proposed horizontal projection meets the variance standard outlined in city code:

- Reasonableness. The proposed installation is reasonable, as it would be similar to an existing antenna array on the tower. The tower and array were approved by conditional use permit in 2000, prior to adoption of the current ordinance. (See page A6.)
- Unique Circumstance. The physical arrangement of the existing antennas necessitates the physical arrangement of the proposed antennas. Without
adequate separation, the existing antennas may impede or obscure the signal to/from the proposed antennas.

- Neighborhood Character. Given that the horizontal projection of the proposed antennas would be consistent with that of the existing antennas, the proposal would not negatively impact the essential character of the surrounding area.

**Staff Recommendation**

Adopt the resolution approving the variance request. (See page A7–11.)

Originator: Susan Thomas, AICP, Principal Planner
Supporting Information

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<th>Surrounding Land Uses</th>
<th>Northerly: office/industrial building</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Easterly: office/industrial building</td>
</tr>
<tr>
<td></td>
<td>Southerly: office/industrial building</td>
</tr>
<tr>
<td></td>
<td>Westerly: office/industrial building</td>
</tr>
</tbody>
</table>

Planning

- Guide Plan designation: mixed use
- Zoning: PUD, planned unit development

Approving Body

The planning commission has final authority to approve or deny the request. (City Code §300.07 Subd.4)

Expansion Permit v. Variance

The existing antenna array predates the city’s telecommunication ordinance. It is considered non-conforming. However, because the proposed antenna array would occupy vertical space not currently occupied, a variance rather than expansion permit is required.

Variance Standard

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

Neighborhood Comments

The city sent notices to 10 area property owners. No comments have been received.

1. Concur with the staff recommendation. In this case a motion should be made adopting the resolution approving the variance.

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 denial is recommended.

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

Appeals

Any person aggrieved by the planning commission's decision about the requested variance 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

November 23, 2015
Project: Verizon Wireless
Address: 10500 Bren Road W
(99067.15a)
Planning Commission Resolution No. 2015-
Resolution approving a horizontal projection variance for installation of antennas on an existing telecommunication tower at 10500 Bren Road West

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

Section 1. Background.

1.01 Verizon Wireless has requested a variance from city code for installation of antennas on an existing telecommunications tower.

1.02 The property is located at 10500 Bren Road West. It is legally described on Exhibit A of this resolution.

1.03 By City Code §300.34 Subd.5(b), “Antennas must not project out from the side of the antenna support structure or tower, unless it is physically impossible to locate the antennas within the structure or tower, in which case they must not project out by more than three feet.”

1.04 The proposed antennas would project out from the side of the existing tower roughly seven feet.

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

Section 2. 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. 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 horizontal projection restriction is to minimize the visual impact telecommunication facilities may have on surrounding properties. Given that the projection of the proposed antennas would be consistent with that of antennas already on the tower, the proposed antennas would not significantly impact the surrounding area.

2. CONSISTENT WITH COMPREHENSIVE PLAN: One of the primary themes of the comprehensive guide plan is the “recognition and support of the I-394/Ridgedale and Opus areas as regional centers of the city that provide the widest range and variety of services, shopping, employment and higher density housing opportunities for residents.” The proposed antennas would be consistent with this theme. They would provide a telecommunication service option to employees and residents in the Opus area.

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

a) REASONABLENESS: The proposed installation is reasonable, as it would be similar to an existing antenna array on the tower. The tower and array were approved by conditional use permit in 2000, prior to adoption of the current.

b) UNIQUE CIRCUMSTANCE: The physical arrangement of the existing antennas necessitates the physical arrangement of the proposed antennas. Without adequate separation, the existing antennas may impede or obscure the signal to/from the proposed antennas.

c) CHARACTER OF LOCATILTY: Given that the horizontal projection of the proposed antennas would be consistent with that of the existing antennas, the proposal would not negatively impact the essential character of the surrounding area.
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:
   - Revision F plan set dated 08/10/15

2. Prior to issuance of a permit:
   a) A copy of this resolution must be recorded with Hennepin County.
   b) An interference study must be completed by the city’s telecommunications consultant. The study must indicate no intermodulation induced interference.

3. This variance will end on December 31, 2016, 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 August 27, 2015.

__________________________________________
Brian Kirk, Chairperson

Attest:

__________________________________________
Kathy Leervig, Deputy City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on August 27, 2015.

Kathy Leervig, Deputy City Clerk
That part of Lot 9, Block 4, OPUS 2 NINTH ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, described as lying westerly, southwesterly and southerly of a line described as commencing at the most southeasterly corner of said Lot 9; thence westerly along the south line of said Lot 9 a distance of 100.05 feet to its intersection with a line 100.00 feet westerly of and parallel with that particular east line of said Lot 9 that bears North 2 degrees 44 minutes 49 seconds East from the point of commencement, to the point of beginning of the line to be described; thence northerly along said parallel line and its extension a distance of 107.53 feet; thence northwesterly, deflecting to the left 40 degrees 12 minutes 51 seconds a distance of 88.84 feet; thence westerly, deflecting to the left 43 degrees 41 minutes 52 seconds a distance of 299.45 feet to the southwesterly line of said Lot 9 and said line there terminating.
Minnetonka Planning Commission Meeting
August 27, 2015

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION
August 27, 2015

**Brief Description**

Preliminary and final plat for Marshes of Meadowwoods 2nd Addition

**Recommendation**

Recommend the city council approve the plats

---

**Proposal**

The property owner is proposing to adjust the property lines of three single-family residential lots on the north side of the Meadowwoods development. The proposal would re-divide the three existing lots into two lots. The proposal requires preliminary and final plat review. (See narrative and plans on pages A1-A5.)

**Background Information**

Marshes of Meadowwoods is a 21-acre residential development that was approved by the city council in 2003. The overall development consists of 15 single-family residential lots, and two attached single-family units. Of the 15 existing single-family lots, 10 are currently developed with homes. There are 5 remaining vacant lots.

Meadowwoods is a planned unit development. It was approved as conservation development and has a stewardship plan that addresses wetland restoration, upland prairie management, and stormwater treatment. The stewardship plan is managed by the homeowners association with oversight by the city’s natural resources staff.

**Proposed Subdivision**

There are three existing single-family lots on the north side of the Meadowwoods development that are served by a private driveway, Lindsey Lane. The three lots are currently vacant, and are all owned by the applicant. Due to the configuration of the buildable area on the three lots, the applicant is proposing to rearrange the lot lines to create only two buildable lots. The existing middle lot, Lot 2, would be divided in half, and the two halves would be combined with the adjacent lots, Lots 1 and 3. (See pages A4-A5.)

Typically, a subdivision which re-adjusts lot lines and does not create any additional lots can be reviewed administratively by city staff. However, the applicant is proposing the subdivision as a plat because a plat is a simpler and cleaner means of dividing the lot. Any subdivision by plat requires review of the planning commission and city council.
Staff Analysis

Staff finds that the applicant’s proposal is reasonable. The proposed lots are consistent with the master development plans of the Meadowwoods development, and meet the city’s zoning and subdivision regulations.

Staff Recommendation

Recommend the city council adopt the resolution approving the preliminary and final plat approval to Marshes of Meadowwoods 2 \textsuperscript{nd} Addition, a two-lot subdivision at 4247, 4259 and 4271 Lindsey Lane. (See pages A7–A9.)

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

<table>
<thead>
<tr>
<th>Project No.</th>
<th>99019.15a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Properties</td>
<td>4247, 4259 and 4271 Lindsey Lane</td>
</tr>
<tr>
<td>Applicant</td>
<td>Sushil Rana</td>
</tr>
<tr>
<td>Property Owner</td>
<td>Anjali Dahiya</td>
</tr>
</tbody>
</table>

**Approving Body**
The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request.

**Additional Applications**
The applicant has made three additional requests that do not require planning commission approval.

- The applicant originally requested an amendment to the house design requirements that are part of the city’s original master development plan approval. The request would allow for the lots on the subject properties to have a front-facing third garage stall. After doing additional research, city staff determined that the PUD requirement that the homes have a side-loading garage only pertains to the lots located on the development’s “pinwheels.” The requirement does not apply to subject properties. Therefore, the front-facing third stall garage would meet the city’s master development plan requirements.

- The applicant has requested that the city vacate the existing public drainage and utility easements that run along the side property lines of the existing Lot 2. New drainage and utility easements would be re-established on the plat along the new side property line.

- The applicant has requested that the city council approve an amendment to the development’s master declaration as it pertains to stewardship fund contributions for each of the lots. These requests will be reviewed by the city council, as they do not require review by the planning commission.

**Surrounding Land Uses**
All surrounding land uses are single-family homes zoned R-1 and guided for low density residential uses.
### Planning
- Guide Plan designation: Low density residential
- Zoning: PUD/Planned Unit Development

### Neighborhood Comments
- The city sent notices to 40 area property owners and received no comments.

### Deadline for Decision
- November 11, 2015
Location Map
Project: Marshes of Meadowwoods 2nd Addition
Applicant: Sushil Rana
Address: 4247, 4259, & 4271 Lindsey Lane
(90019.15a)
The Designated Officer(s), Planning
City of Minnetonka, 14600 Minnetonka Blvd, Minnetonka, MN 55345

Subject:

1. Application for Preliminary Plat, Final Plat and Vacation to convert 3 lots (4247, 4259 and 4271 Lindsey Lane Minnetonka) into 2 lots.
2. Request for relaxation in the side-load garage requirement
3. Request for same stewardship dues for the home owners of the 2 new lots as the rest of home owners of Marshes of Meadowwoods

Dear Sir / Madam,

1. **Application for Preliminary Plat, Final Plat and Vacation**

Please find attached applications and the required documents for preliminary plat, final plat and utility easement vacation to convert 3 lots (4271, 4259 and 4247 Lindsey Lane) into 2 lots by splitting the center lot (4259 Lindsey Lane) into 2 halves and merging each half with the adjacent lots (4271 and 4247) respectively.

2. **Request for Relaxation in Side-Load Garage Requirement**

Attached is the proposed home design. The proposed garage is not a straight side load garage. It is a side load garage but the garage door of third stall is different from a straight side load garage. It is more convenient to park. The home owners of one of the new lots want to have this house as their retirement home and feel that with increasing age it will become more and more difficult for them to park in the garage that needs a right angle turn.

3. **Request for Same Stewardship Dues**:

The upland square footage of each of the 3 North lots is close to half of that of the cul-de-sac lots and it not possible to build houses that are comparable in size to the rest of the houses of Marshes of Meadowwoods on these lots. Both of these 2 new lots will have less upland square footage than even the smaller of the cul-de-sac lots. We, therefore plead to you to charge same stewardship dues to the home owners of the 2 new lots as the rest of home owners. Following is an analysis of the upland square footage of 6 lots in the Marshes of Meadowwoods development for which we have information available (a picture is also attached).

**Upland Square Feet of 3 North Lots which will be converted into 2 lots**

- 4247 Lindsey Lane has 7,423 Upland Sq Ft
- 4259 Lindsey Lane has 8,697 Upland Sq Ft
- 4271 Lindsey Lane has 6,908 Upland Sq Ft

**Upland Square Feet of 3 other lots (in the 2 pin-wheel cul-de-sacs)**
• 4230 Lindsey Lane has 13,007 Upland Sq Ft
• 18310 Kylie Court has 12,299 Upland Sq Ft
• 4233 Lindsey Lane has 12,171 Upland Sq Ft

Upland Square Feet of Proposed 2 New Lots

• 4247 Lindsey Lane (7,423 Upland Sq Ft) + Half of Center Lot (4348.5 Upland Sq Ft) = 11771.5 Upland Sq Ft
• 4271 Lindsey Lane (6,908 Sq Ft Upland) + Half of Center Lot (4348.5 Sq Ft Upland) = 11256.5 Upland Sq Ft

Both of these proposed new lots will have less upland square footage than the smallest of the 3 cul-de-sac lots (4233 Lindsey Lane - 12,171 Sq Ft).

Therefore, the 3 North lots should have been just 2 lots when they were originally designed and the 2 new lots should not be treated any differently than the other lots in the development. Marshes of Meadowwoods Home Owners Association voted unanimously in favor of keeping the same stewardship dues for the owners of the 2 new homes as the dues paid by other home owners of Marshes of Meadowwoods.

Please call (952) 250 7500 or email at srana@davincicustomhomes.com if you have any questions.

Thanks and Regards,

Your Truly

(Sushil Rana)  
(Date: 7/11/2015)

(Anjali Dahiya)  
(Date: 7/11/2015)
Existing Plat

Marshes of Meadowwoods
4247, 4259 & 4271 Lindsey La

Subject Properties

Subject
PRELIMINARY PLAT FOR
MARSHES OF MEADOWWOODS 2ND ADDITION

PROPERTY ADDRESS
4271 Lindsey Lane
Minnetonka, MN 55345

EXISTING DESCRIPTION:
Lots 1, 2, and 3, Block 2,
MARSHES OF MEADOWWOODS,
Hennepin County, Minnesota.
Subject to easements of record, if any.

AREAS:
PROPOSED LOT 1 AREA: 23,691 SQ FT
BUILDABLE AREA: 5,800 SQ FT

PROPOSED LOT 2 AREA: 23,117 SQ FT
BUILDABLE AREA: 5,969 SQ FT

LEGEND:
● Denotes iron monument found
○ Denotes iron monument set and
marked with RLS 47223

NOTES:
Bearings are on assumed datum.
Buildings, driveways, and grades to be
described at a later date.
Elevations are on NAD 1988 Datum.
Bench Mark = THH NE corner
Lindsey Lane and Ridgewood Road.

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

Theresa K. Foster
LICENSE #: 47223
DATE:

DRAWN BY: A5 PROJECT NUMBER: 2084.002

Marshes of Meadowwoods
4247, 4259 & 4271 Lindsey La
Resolution No. 2015-

Resolution granting preliminary and final plat approval to Marshes of Meadowwoods 2nd Addition at 4247, 4259 and 4271 Lindsey Lane

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

Section 1. Background.

1.01 Sushil Rana has requested preliminary and final plat approval for Marshes of Meadowwoods 2nd Addition, a two-lot subdivision at 4247, 4259 and 4271 Lindsey Lane.

1.02 The property is legally described as follows:

Lots 1, 2, and 3, Block 2, MARSHES OF MEADOWWOODS, Hennepin County, Minnesota

1.03 On August 27, 2015, the planning commission held a hearing on the proposed plat. 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 grant preliminary and final plat approval.

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposed preliminary and final plat meets the design requirements as outlined in City Code §400.030.

4.01 The above-described preliminary and final plat is hereby approved, subject to the following conditions:

1. Subject to staff approval, Marshes of Meadowwoods 2nd Addition must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Preliminary plat dated July 14, 2015
   - Final plat dated July 14, 2015

2. Prior to release of the final plat for recording:
   a) This resolution must be recorded with Hennepin County.
   b) The following must be submitted to the city:

      1) A final plat drawing that clearly illustrates the following:
         a. A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way and minimum 7-foot wide drainage and utility easements along all other lot lines.
         b. Utility easements over existing or proposed public utilities, as determined by the city engineer.
         c. Drainage and utility easements over wetlands, floodplains, and stormwater management facilities, as determined by the city engineer.

      2) Documents for the city attorney’s review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
         a. Title evidence that current within thirty days before release of the final plat.

      3) Two sets of mylars for city signatures.

      4) An electronic CAD file of the plat in microstation or DXF.
3. The final plat must be filed within one year of final plat approval.

4. The lots are subject to all master development plan requirements of Marshes of Meadowwoods, approved by the city council on September 15, 2003 and amended by the planning commission on July 15, 2004.

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on September 14, 2015.

David E. Maeda, City Clerk

Marshes of Meadowwoods
4247, 4259 & 4271 Lindsey La
MINNETONKA PLANNING COMMISSION
August 27, 2015

Brief Description
Preliminary and final plat of MEETING RIDGE, a two-lot subdivision at 2360 Meeting Street

Recommendation
Recommend the city council adopt the resolution approving the preliminary and final plats.

Introduction
The 1.8-acre subject property is located on the west side of Meeting Street. The property is improved with an approximately 3,100 square foot home, which is situated at the highest point of the lot. The property slopes downward in all directions from the home; the grade change over the lot is 24 feet. The property contains several mature trees including a variety of oaks. (See pages A1–A2.)

Proposal
Estate Development Corporation is proposing to divide the property into two, single-family residential lots. The existing home would be removed and two new homes constructed. The applicant is requesting approval of both preliminary and final plats. (See pages A3–A5.)

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 subdivision and staff’s findings.

- Are the proposed lots reasonable?
  Yes. The proposed subdivision would result in two properties meeting and exceeding minimum R-1 lot standards.

- Would the proposal meet the tree ordinance?
  Yes. The property does not contain a woodland preservation area. However, it does contain 35 high-priority trees. Based on the generalized grading plan submitted by the applicant, 12 high priority trees – or 34 percent – would be removed or significantly impacted. This would meet the tree preservation ordinance. (See pages A6–A7.)
**Staff Comment**

Meeting Street was originally developed as private roadway surrounded by large estate lots served by private wells and septic systems. In the mid-1990s several residents of the area petitioned the city to upgrade the road to a public street and to install public utilities. As part of the public project – to anticipate future utility use and calculate construction cost dispersal among property owners – city staff drafted a general development plan for the area illustrating future subdivision of the large estates. The plan suggested that the subject property would ultimately be divided into two lots. (See page A8.) The applicant’s proposal generally reflects this decades-old plan.

**Staff Recommendation**

Recommend that the city council adopt the resolution approving the preliminary and final plats of MEETING RIDGE. (See page A12–A15.)

Originator: Susan Thomas, AICP, Principal Planner
Supporting Information

Surrounding Land Uses
Northerly: Single-family homes
Easterly: Single-family homes
Southerly: Single-family homes
Westerly: Single-family homes

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

Lot Standards

<table>
<thead>
<tr>
<th></th>
<th>REQUIRED</th>
<th>LOT 1</th>
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</tr>
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<tbody>
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<td>22,000 SF</td>
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<tr>
<td>BLD AREA</td>
<td>3,500 SF</td>
<td>21,600 SF</td>
<td>24,045 SF</td>
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<tr>
<td>WIDTH AT ROW</td>
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<tr>
<td>WIDTH AT SETBACK</td>
<td>110 FT</td>
<td>115 FT</td>
<td>110 FT</td>
</tr>
<tr>
<td>DEPTH</td>
<td>125 FT</td>
<td>300 FT</td>
<td>300 FT</td>
</tr>
</tbody>
</table>

All numbers rounded down to nearest 5 FT or 5 SF

Steep Slope
By city code definition, a “steep” slope is one that: (1) rises at least 25 feet; (2) has an average grade of at least 20%; and (3) has a width of at least 100 feet. While there are two areas on the site that have slopes of over 20%, the areas do not rise 25 feet and are not 100 feet in width. As such, the areas are not classified as “steep.”

Grading
As required by the subdivision application process, generalized home footprints, locations, and grading plans have been submitted by the applicant. Specific plans would be submitted and reviewed by staff at the time of building permit applications.

Stormwater
The site is located within 500 feet of a designated wetland. Given this, stormwater management in compliance with the city’s stormwater resources management plan would be required for both lots. The proposed stormwater practices would be reviewed in conjunction with the new home building permit applications.

Trees
The property contains several mature trees of oak, basswood, and ash varieties. At the time the application was submitted 36 of the trees were classified as high priority. A recent site visit revealed that one of the trees has been infected with Oak wilt. Three are now 35 high priority trees on the property. Under the
generalized grading plans 12 high priority trees would be removed or significantly impacted. (See pages A6–A7.) Oak wilt may result in further reduction of the site’s high priority trees. A reduction through this unfortunate, though natural, cause would not be “held against” the developer/builder/future property owner. (For more information on Oak Wilt see pages A9–A11.)

It is important to note that the tree protection aspects of the tree ordinance would apply to the properties from the date of the subdivision approval until two years after issuance of a certificate of occupancy. As with any subdivision, unless wooded areas are covered by conservation easements, once a home has been occupied and unaltered for two years, a homeowner may choose to remove trees on their property without mitigation.

**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 a construction management plan detailing these management practices must be submitted in conjunction with building permit applications.

**Motion Options**

The planning commission has three options:

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

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

3. **Table the 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.

**Neighborhood Comments**

The city notified 52 property owners of the proposed subdivision and has received no comments to date.

**Deadline for Action**  **October 26, 2015**
LOCATION MAP

ESTATE DEVELOPMENT CORP.
2360 Meeting Street
#15023.15a

This map is for illustrative purposes only.
HIGH PRIORITY TREES
PROPOSED CONDITIONS
Oak Wilt in Minnesota

David W. French
Jennifer Juzwik

IN PARTNERSHIP...

College of Natural Resources
University of Minnesota

Extension Service

University of Minnesota
Oak wilt, caused by a fungus Cercospora fagacearum, is responsible for killing large numbers of oaks annually in Minnesota. Oaks are undoubtedly the most valuable and plentiful of our shade trees. In contrast to Dutch elm disease, which has been very difficult to control, oak wilt can be more readily controlled and this valuable resource saved.

Oak wilt, present in many of the eastern states, is most common in the Upper Midwest, including Minnesota. It has spread very slowly north to approximately North Branch and St. Cloud and west to Mankato.

The greatest concentrations are in and adjacent to the seven-county metropolitan area surrounding Minneapolis and St. Paul (Figure 1).

![Map showing the distribution of oak wilt in Minnesota.](image)

**Figure 1.** Distribution of oak wilt in Minnesota.

**Symptoms**

Red oaks, such as Northern Red Oak and Northern Pin Oak, are highly susceptible to infection by the oak wilt fungus (Figure 2). Oak wilt is easily identified in red oaks by the rapid wilting of affected trees. After symptoms first appear, a red oak will generally wilt completely in two to six weeks. The trees wilt from the top of the crown down and individual leaves wilt from leaf tip and margins to the bases, turning bronze to brown (Figure 3). Fallen leaves are often green at the base. White oaks range in susceptibility from moderate (Bur Oak) to low (White Oak) (Figure 2). Infected white oaks die slowly, a branch at a time, often surviving for many years. Leaf discoloration of affected white oaks resembles autumn colors.

In both red and white oaks, the outer ring of springwood vessels will be plugged with brown material (tyloses and gums) and streaks of brown may be obvious on the outside of the wood. The vascular discoloration is most easily seen in cross sections of infected branches of white oaks (Figure 3), and less readily observed in affected red oak branches.

![Diagram showing the difference between red oak and white oak groups.](image)

**Figure 2.** The four most common species of oaks in Minnesota.

---

**Infection Process**

The oak wilt fungus spreads in two ways. Most new infections are the result of the fungus moving from infected to healthy oaks via grafted root systems, which are common. Trees as much as 50 feet apart may be grafted together. Root grafts may occur occasionally between different species of oaks.

The only way that the fungus can cross highways, rivers, and open fields is by insect vectors, primarily by sap beetles of the Family Nitidulidae. This spread occurs infrequently, but is important as the means by which new oak wilt infection centers are started. Sap beetles are commonly attracted to the sporulating mats produced by the fungus between the bark and wood of oak wilt-killed trees. These mats are commonly produced between April and late June on red oaks that wilted during the previous summer (Figure 4). This is also the same period of time that red oaks produce large springwood vessels and are particularly susceptible to infection. Several species of the same sap beetles are also attracted to fresh wounds on healthy oaks during spring (mid-April to late June). Visitation of such wounds by Cercospora fagacearum—contaminated beetles then results in oak wilt infection. Oak bark beetles, important oak wilt vectors in some parts of the U.S., are not considered important vectors in Minnesota.

![Image of a sporulating mat produced during May by the oak wilt fungus between the bark and wood of a tree that wilted during the previous summer.](image)

**Figure 4.** A sporulating mat produced during May by the oak wilt fungus between the bark and wood of a tree that wilted during the previous summer. The dark areas in the center of the mat are pressure pads that crack open the bark.
MANAGEMENT STRATEGIES

Stopping spread of the fungus through common root systems is most important and can be done by mechanical barriers using a vibratory plow with a 5-foot blade. Barriers in the soil must be positioned outside of trees with the fungus. Often two lines are recommended: a primary line outside of apparently healthy trees and a secondary barrier outside of every obviously infected tree (Figure 5). The fungus can be in a tree for 2-3 weeks without leaf symptoms appearing. Barrier placement requires experience. If buried utilities are present, the soil sterilant, Vapam, can be used, but it is not nearly as effective as the mechanical barrier.

Overland spread by insects can be prevented by following these guidelines on when to prune and when to paint.

- **High Risk Period.** April, May and June: don’t wound or prune! If trees are accidentally wounded or pruning is unavoidable, cover the wounds immediately—within minutes—with one of the preferred materials such as water-based paint or shellac.

- **Low Risk Period.** July through October. On rare occasions—depending on weather conditions and insect populations—infections may occur. Covering wounds is optional.

- **Safe Period.** November through March. This is the preferred time for pruning since the fungal pathogen and insect vectors are inactive.

Tree climbing irons should never be used on living oak trees.

As further precaution, infected red oaks on which spores may form in spring (Figure 4) should be eliminated by debarking, burning, burying, or wrapping and sealing in 4-6 ml plastic until July 1. Experience is needed to detect these trees before spores are produced. The spores are carried by the sap beetles to wound oaks during May and June.

Logs from wilting, or recently wilted trees should not be moved in any form, including firewood, to areas where oak wilt is not present. Oak wilt mats may form on these logs. Long distance movement of firewood obtained from such logs has accounted for establishment of oak wilt centers in distant areas that previously had been unaffected by the disease.

In high value white oaks, systemic injection with propiconazole by qualified arborists may prevent infection of trees adjacent to oak wilt affected ones. Propiconazole treatment of white oaks exhibiting early symptoms of oak wilt (less than 30% of crown affected) can also prevent further disease development for at least 2 years.

---

David W. French is a past professor of Plant Pathology and Forest Resources, at the College of Natural Resources, University of Minnesota.

Jennifer Juzwik, Adjunct Professor of Forest Resources, at the College of Natural Resources, University of Minnesota.

Funding for this publication was provided by the University of Minnesota Extension Service [the Renewable Resources Extension (RREA) program of the University of Minnesota Extension Service and the U.S. Department of Agriculture—Cooperative States Research, Education and Extension Service (CSREES)].

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Figure 5. Diagram of root graft barriers around infected trees.

www.extension.umn.edu

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Resolution No. 2015-

Resolution approving the preliminary and final plat of MEETING RIDGE at 2360 Meeting Street

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

Section 1. Background.

1.01 Estate Development Corporation has requested preliminary and final plat approval for MEETING RIDGE, a two-lot subdivision.

1.02 The property is located at 2360 Meeting Street. It is legally described as: Registered Land Survey No. 205, Tract J, Hennepin County, Minnesota.

1.03 On August 27, 2015, the planning commission held a hearing on the proposed plat. 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 grant plat approval.

Section 2. General Standards.

2.01 City Code §400.025 outlines preliminary and final plat requirements for residential subdivisions. These requirements are incorporated by reference into this resolution.

2.02 City Code §400.030 outlines design standards for residential subdivisions. These requirements are incorporated by reference into this resolution.
Section 3. Findings.

3.01 The plats would meet the requirements and standards as outlined in City Code.


4.01 The above-described preliminary and final plat are hereby approved, subject to the following conditions:

1. Prior to release of the final plat for recording purposes:
   a) Submit the following:
      1) Revised final plat clearly illustrating a minimum 10-foot wide drainage and utility easement adjacent to the public right-of-way and minimum 7-foot wide drainage and utility easements along all other lot lines.
      2) Two sets of mylars for city signatures.
      3) An electronic CAD file of the plat in Microstation or DXF.
      4) Park dedication fee of $5,000.
      5) Meeting Street Hookup Assessment in the current amount of $7,375.25.
      6) Hookup fee in the current amount of $17,381.15.
      7) Title evidence that is current within thirty days before release of the final plat for the city attorney’s review and approval.
   b) This resolution must be recorded with Hennepin County.

2. Prior to issuance of a building permit for each lot:
   a) Submit a letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
   b) Submit a grading and tree removal plan. The plan must be in substantial conformance with Grading and Tree Removal
Plan revised date August 5, 2015. In addition, grading on the south side of Lot 2 must be designed to direct all stormwater runoff to the rear of the property or to the street. Drainage cannot be directed to the adjacent property to the south.

c) Submit a stormwater management plan for review and approval of the city engineer.

d) Submit 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.

e) Submit evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.

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

3. All lots and structures within the development are subject to all R-1 zoning standards. In addition:

a) Separate sewer and water services are required for each home. If the existing sewer and water service is not used for one of the two homes, the sewer service must be removed back to the main, the wye cut out, and main sleeved. The water service must be removed back to the main and the corporation stop turned off.

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

4. The final plat must be recorded within one year of approval or the plat approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 14, 2015.
Resolution No. 2015-

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on September 14, 2015.

David E. Maeda, City Clerk
MINNETONKA PLANNING COMMISSION  
August 27, 2015

**Brief Description**  
Items concerning a licensed daycare 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

________

**Introduction**

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/Williston Road intersection. In 2012, the store relocated to the south side of Excelsior Boulevard; its former north side location has remained vacant since.

**Proposal**

Prestige Preschool Academy is an educationally-based childcare center with two locations in Minnesota; one operating in Brooklyn Park and one approved for construction in Apple Valley. Prestige is proposing to open a third center in the former Kraemer’s building at 14730 Excelsior Boulevard. Both the interior and exterior of the building would be extensively remodeled to accommodate the center. Additionally, the site’s existing parking lot would be reconfigured and a new outdoor play area would be constructed in the northwest corner of the site. (See pages A1–A15.) The proposal requires a conditional use permit and approval of final site and building plans.

**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 daycare center and staff’s findings.

- **Is the proposed use generally reasonable?**

  Yes. Preschools/daycare facilities are conditionally permitted uses in commercial zoning districts. The proposed facility would meet all conditional use permit standards, which are outlined in the “Supporting Information” section of this report.
• **Are the proposed building and site changes appropriate?**

Generally, yes. The existing site and building have not undergone any significant alteration in the last 40 years. As such, even minor changes would “refresh” the property.

**Site.** Under the proposed plans, the Williston Road entrance to the site would be moved south, a portion of the existing parking lot would be removed, and a fenced play area would be installed. 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. (See page A9.)

**Building.** Under the proposed plan, the existing façade would be removed and a new one installed. Façade materials would include brick veneer, EIFS, and horizontal and board-and-batten siding. Areas of existing stucco would be painted. In addition, new windows with shutter and pane treatments would be installed to soften the appearance of the structure. (See page A10.) As a condition of approval, a final materials board with color palate must be submitted for staff review and approval.

**Staff Comment**

In recent years the vacant Kramer’s building has been included in various redevelopment concept plans; most recently a concept for a multi-story apartment building. However, full redevelopment is no longer being contemplated by the property owner. Understanding this, staff supports the Prestige Preschool Academy proposal. Staff finds that it would: (1) afford continued use of a site long used for commercial purposes; (2) result in a much needed remodel of the existing, vacant building; and (3) increase the variety of services available in the Glen Lake area.

**Staff Recommendation**

Recommend that the city council adopt the resolution approving a conditional use permit and final site and building plans for a licensed daycare facility at 14730 Excelsior Boulevard. (See page A18–A24.)

Originator: Susan Thomas, AICP, Principal Planner
Supporting Information

<table>
<thead>
<tr>
<th>Surrounding Land Uses</th>
<th>Northerly: Single-family home</th>
</tr>
</thead>
<tbody>
<tr>
<td>Easterly: Commercial property</td>
<td></td>
</tr>
<tr>
<td>Southerly: Excelsior Boulevard; commercial property beyond</td>
<td></td>
</tr>
<tr>
<td>Westerly: Williston Road; two-family homes beyond</td>
<td></td>
</tr>
</tbody>
</table>

Planning

| Guide Plan designation: Commercial |
| Zoning: B-2 |

Nuisance Conditions

Several real and perceived nuisance conditions currently exist on the site, including: a bus regularly parked on the property, various materials piled around the perimeter of the building, general disrepair of the building façade, and a significant amount of “cut thru traffic” utilizing the parking lot to avoid the Excelsior Boulevard/Williston Road intersection. (See pages A16–A17.) The bus, material storage, and façade conditions would all be removed/improved through the proposed use. In staff’s opinion the “cut thru” traffic may also be reduced as the building and site become permanently occupied. Nevertheless, the property owner may wish to consider installation of “No Thru Traffic” signs at the entrances to the site. As these signs would be on private property and addressing a private traffic issue, they would not be enforced by the city. However, such signs may help to reduce the number of vehicles traveling through the site.

Commercial Use

General commercial and service uses could occupy the vacant Kraemer’s Hardware building without any special city approval. For instance, a new retailer could update the façade and remodel the interior of the building by applying for and receiving a basic building permit. The applicant’s proposal requires special city approval because a daycare center is a conditionally-permitted use.

Facility Information

Based on the information provided by the applicant, Prestige Preschools operate from 6:30 a.m. to 6:30 p.m. Monday through Friday. The facility would be staffed by 16 to 18 employees and would generally serve infants through kindergarteners.

Proposed Building

The existing building is roughly 12,790 square feet in size. To meet current building code requirements several changes would need to be made including structural and mechanical improvements. To accommodate the preschool, the interior of the building would be extensively remodeled and the space divided into various classroom, bathrooms, and office spaces. (See pages A10–A15.)
In addition to the interior changes, the exterior of the building would be remodeled. The existing façade would be removed and a new one installed. Façade materials would include brick veneer, EIFS, painted stucco, and horizontal and board-and-batten siding. (See page A10.)

**Proposed Site**

As proposed, the existing paved area in the northwest corner of the site would be removed. This area would be converted to a roughly 8,500 square foot outdoor play area. The area would be enclosed by fencing and new landscaping would be placed between the fence and adjacent property lines. (See page A9.)

**Parking**

Generally, city code parking requirements are based on land use and the size of the building in which that land use is occurring. However, this is not the case for daycare facilities. Rather, city code requires parking based on the licensed capacity of the facility not on the size of the building. By both the parking ordinance, and conditional use permit standard, daycare facilities must provide 1 parking stall for every 6 children.

As proposed, the Prestige Preschool Academy site would have 40 parking stalls. Therefore, the city would limit capacity to 240 children.

Interestingly, the city’s parking ordinance, parking studies for other preschool/daycare facilities, and the Institute of Transportation Engineers suggest that these 40 stalls would accommodate significantly different number of students/children:

<table>
<thead>
<tr>
<th></th>
<th>RATIO</th>
<th>ALLOWED students with 40 STALLS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinance</td>
<td>1 stall per 6 children</td>
<td>240 students</td>
</tr>
<tr>
<td>Parking Study*</td>
<td>1 stall per 6.2 children</td>
<td>248 students</td>
</tr>
<tr>
<td>ITE</td>
<td>1 stall per 4.2 children</td>
<td>168 students</td>
</tr>
</tbody>
</table>

* Primrose School study, based on observations at existing Twin Cities Primrose Schools

Given these varied numbers, staff has included a condition of approval noting that maximum enrollment may be revisited by the city council in the event that parking issues arise.

**Traffic**

Based on the traffic studies for other preschool/daycare facilities, and the Institute of Transportation Engineers analysis, the proposed daycare facility 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>RATE</th>
<th>Hardware Store</th>
<th>240 Child Daycare**</th>
<th>Post Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.M. Peak</td>
<td>1.1/1000 sq.ft.</td>
<td>0.75/child</td>
<td>8.2/1000 sq.ft.</td>
</tr>
<tr>
<td>P.M. Peak</td>
<td>4.84/1000 sq.ft.</td>
<td>0.51/child</td>
<td>11.1/1000 sq.ft.</td>
</tr>
<tr>
<td>Daily</td>
<td>51.29/1000 sq.ft.</td>
<td>2.9/child</td>
<td>108.2/1000 sq.ft.</td>
</tr>
</tbody>
</table>

** Based on Primrose School study

<table>
<thead>
<tr>
<th>DAILY*</th>
<th>Hardware Store</th>
<th>240 Child Daycare**</th>
<th>Post Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.M. Peak</td>
<td>14 trips</td>
<td>180 trips</td>
<td>105 trips</td>
</tr>
<tr>
<td>P.M. Peak</td>
<td>62 trips</td>
<td>122 trips</td>
<td>142 trips</td>
</tr>
<tr>
<td>Daily</td>
<td>656 trips</td>
<td>696 trips</td>
<td>1384 trips</td>
</tr>
</tbody>
</table>

* rounded to nearest trip

** CUP Standards

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

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

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

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

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

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

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

The proposal would meet the specific conditional use permit standards as outlined in City Code §300.21 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 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. Outdoor play areas shall be located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;

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

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

**FINDING:** The proposed parking lot would include 40 parking stalls, theoretically accommodating 240 students under this 1 stall per 6 student ratio. The Institute of Transportation Engineers research suggest a ratio of 1 stall per 4.2 students. Using this ratio the site could accommodate 168 students.

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

**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 it is generally consistent with the city’s development guides.

2. Consistency with this ordinance;

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

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

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

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

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

**Finding:** The proposal would visually increase open/green space through the elimination of parking areas.

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

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

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 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 south and east.

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 require improvements to the building’s HVAC equipment, thereby improving energy efficiency.

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 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.

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 533 area property owners and received no comments.

Deadline for Decision
November 9, 2015
Location Map
Project: Prestige Preschool
Applicant: Lake West Development
Address: 14730 Excelsior Blvd
(14003.15a)

This map is for illustrative purposes only.
Friday, July 24, 2015

Julie Wischnack  
Community Development Director  
City of Minnetonka  
14600 Minnetonka Boulevard  
Minnetonka, MN 55345  
O: 952-939-8282  
E: jwischnack@eminnetonka.com

Loren Gordon  
City Planner  
City of Minnetonka  
14600 Minnetonka Boulevard  
Minnetonka, MN 55345  
O: 952-939-8296  
E: lgordon@eminnetonka.com

RE: CONDITIONAL USE PERMIT APPLICATION, WRITTEN STATEMENT; LAKE WEST DEVELOPMENT  
14730 EXCELSIOR BLVD, MINNETONKA, MN 55345  
PID: 3311722110045

Dear Ms. Wischnack and Mr. Gordon,

Lake West Development is pleased to bring to your attention a conditional use permit application for the redevelopment of the former Kraemer’s True Value hardware store located at 14730 Excelsior Boulevard, Minnetonka, MN 55345. We believe that the proposed redevelopment of the underutilized site into a first-class licensed child care facility is consistent with the general and specific standards and intent of the B-2 zoning district ordinances. We respectfully seek staff support and City Council approval of this conditional use permit application for a licensed day care facility in the B-2 Limited Business District zoning area.

Lake West Development and child care provider Prestige Preschool’s Inc. are in final discussions to bring a fully redeveloped property and first-class operation to the Northeast corner of Excelsior Boulevard and Williston Road. The proposed project would re-use the existing foundation and block wall structure of the building, but would require a substantial amount of redevelopment. Improvements include, but are not limited to, structural improvements, waterproofing, a new exterior façade, roof, interior classrooms, bathrooms, kitchen, and play areas, an exterior play area, and parking lot and landscaping improvements. The new exterior would be made up of a combination of materials including brick and/or EIFS brick, painted EIFS, stucco, and lap siding. Both Lake West Development and Prestige Preschool’s are pleased to be making such a substantial investment in this property through re-development dollars and long-term tenancy commitments.

Prestige Preschool’s operates in several states and is currently engaged in several new developments throughout the Minneapolis/St. Paul metropolitan area. Typical operations are from
Monday thru Friday, from 6:30am-6:30pm, subject to seasonality or other program requirements. At maximum capacity, the child care center will have approximately 16-18 employees on site at a given time.

The following is an assessment of the application to permit evaluation criteria:

**Conditional Use Permit Evaluation Criteria**

<table>
<thead>
<tr>
<th>Section 300.21.2. General Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) <strong>Is the use consistent with the intent of this ordinance?</strong></td>
</tr>
<tr>
<td>Yes. The purpose of the B-2 Limited Business District is to provide for low intensity service oriented commercial uses in areas designated as neighborhood or community centers in the comprehensive plan. A child care facility, which is conditionally permitted in the B-2 district, meets the intent by providing a low intensity service necessary for a “village” (Glen Lake Station) that is seeking to add stability and increase vitality.</td>
</tr>
<tr>
<td>b) <strong>Is the use consistent with the goals, policies and objectives of the comprehensive plan?</strong></td>
</tr>
<tr>
<td>Yes. The Minnetonka 2030 Comprehensive Plan designates the site as “Commercial” within its 2030 Land Use Plan, which is further defined as retail, entertainment, service, and office uses that typically occur in the village and regional areas. Glen Lake Station, one of three identified Community Village Centers within the Comprehensive Plan, will particularly benefit from the infusion of daytime activity from both employee’s as well as parents and caretakers of children utilizing the proposed development. In addition, the use directly reinforces several of the Plan’s Overall Growth Strategy Themes, such as adding stability in established areas through redevelopment and long-term tenancy in a village environment, as well as increasing vitality in a village area.</td>
</tr>
<tr>
<td>c) <strong>Is the use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements?</strong></td>
</tr>
<tr>
<td>No. The proposed use does not incorporate a special use or other circumstance that would otherwise add unnecessary requirements or have an adverse impact on governmental facilities, utilities, services, or existing or proposed improvements.</td>
</tr>
<tr>
<td>d) <strong>Is the use is consistent with the city's water resources management plan?</strong></td>
</tr>
<tr>
<td>Yes. As described in Section C &amp; D within Chapter VI (Resources Management Plan) of the 2030 Comprehensive Plan, the project contributes to meeting the resource management goals and plans of the City.</td>
</tr>
</tbody>
</table>
e) Is the use in compliance with the performance standards specified in section 300.28 of this ordinance?

Yes. The proposed use is in compliance with the applicable general performance standards and will work with city staff to ensure specific performance standards are adhered to.

f) Does the use have an undue adverse impact on the public health, safety or welfare?

No. The use is intended to provide a safe and enriching environment for children of working families. Access to the facility is strictly monitored and controlled by staff through a site security program and CCTV systems.

Section 300.21.4.a.j. Licensed Day Care Facilities Specific Standards

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

As currently designed, all loading and drop off points are contained within the site itself adjacent to the subject building, or across a single drive aisle.

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

As currently designed, outdoor play areas a located to the south and west of the subject building. The play area will be enclosed by decorative fencing and appropriately screened to mitigate visual and noise impacts. In addition, the facility will be operational during weekday/daytime hours only, which will minimize operational noise impact during leisure or sleeping hours for area residents.

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

As currently designed, the site has 40 parking stalls, which would allow up to 240 children.

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

Yes, the project will comply with this requirement.

(CONTINUED ON NEXT PAGE)
We sincerely appreciate your efforts and feedback on the redevelopment of this property over the past couple years and are looking forward to providing a necessary and welcome addition to the neighborhood as well as a significant improvement to the appearance and functionality of the property.

Please feel free to contact me directly if you have any questions or require additional information.

Sincerely,

Jon Fletcher
President, Lake West Development
14525 Highway 7, Suite 265
Minnetonka, MN 55345
O: 952-653-1355
E: jon@lwestdev.com

Cc: Jeff Thomson, City of Minnetonka
    Curt Fretham, Lake West Development
    Kayla Mack, Lake West Development

Encl: Conditional Use Permit Application
      Owners Statement
      $800 Application Fee
      Legal Description
      Certificate of Survey
      Grading and Drainage Plan
      Landscape Plan
      Building Rendering
      Floor Plan
Per Title Commitment No. Hb-2549, issued by Custom Home Builders Title, Inc., as agent for Old Republic National Title Insurance Company:

Beginning at a point in the West line of the Northeast Quarter of Northwest Quarter, Section 33, Township 117, Range 22 distant 531.5 feet South of the Northwest corner of said Northeast Quarter of Northwest 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 Northwest Quarter of Northwest Quarter; 130 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 Certificate No. 455028.

PROPERTY SUMMARY

1. Subject property's address is 14730 Excelsior Blvd., its property identification number is 39-117-22-11-0045.

2. The gross area of the subject property is 1.473 Acres or 64,162 Square Feet.

BENCHMARKS

1. The vertical datum is based on NAVD88. The originating bench marks are SCHADAUER and FAHIL, both referenced from the MnDOT Geodetic Database

BENCHMARK #1

SCHADAUER, located near the intersection of Trunk Highway 7 and Fair Hills Road. Elev.=1015.34

BENCHMARK #2

FAHIL, located near the intersection of Trunk Highway 7 and Baker Road. Elev.=1028.72

SURVEY NOTES

1. Bearing system is based on the west line of Tract G having an assumed bearing of North 01 degrees 05 minutes 26 seconds East.

2. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. Utility information shown herein, if any, is a compilation of this map information and those visible utilities that were located during the survey field work. The surveyor further does not warrant that the underground utilities shown herein, if any, are in the exact location as indicated, although he does certify that they are located as accurately as possible from the information available. The surveyor has not physically located the underground utilities. Pursuant to MS 216.0 contract Gopher State One Call at (651-454-0002) prior to any excavation.

3. Field work was completed on 7/26/2013.

4. The building(s) and exterior dimensions of the outside wall at ground level are shown on the survey. It may not be the foundation wall.
Southeast

PREFINISHED METAL FASCIA & SOFFITS
LP SMARTSIDE LAP SICING
BUILT UP E.I.F.S PILASTER
E.I.F.S TRIM BAND
PAINT EXISTING STUCCO

West

BUILT UP E.I.F.S PILASTER
E.I.F.S W/ REVEALS
E.I.F.S TRIM BAND
BUILT UP E.I.F.S PILASTER
E.I.F.S TRIM BAND
PAINT EXISTING STUCCO

Northeast

PREFINISHED METAL FASCIA & SOFFITS
LP SMARTSIDE LAP SICING
BUILT UP E.I.F.S PILASTER
E.I.F.S TRIM BAND
BUILT UP E.I.F.S PILASTER
E.I.F.S TRIM BAND
PAINT EXISTING STUCCO

North

PREFINISHED METAL FASCIA & SOFFITS
BOARD & BATTEN
LP SMARTSIDE LAP SICING
BUILT UP E.I.F.S PLASTER
BRICK VENEER
E.I.F.S TRIM BAND
E.I.F.S W/ REVEALS
PAINT EXISTING STUCCO

REVISED PLAN
Resolution No. 2015-

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 Lakewest Development Corporation, 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
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 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:

   - 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 the new Williston Road entrance in relation to the intersection of Peteler Lane and Williston Road.

      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. This includes reviewing and reducing maximum enrollment should parking issues arise.

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on September 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.
Minnetonka Planning Commission Meeting
August 27, 2015

Agenda Item 9

Other Business
MINNETONKA PLANNING COMMISSION
August 27, 2015

**Brief Description**
Concept plan for redevelopment of the property located at 10101 Bren Road E.

**Action Requested**
Discuss the concept plan with the applicant. No formal action is required.

---

**Background**

Roers Investments has submitted a concept plan for redevelopment of the property located at 10101 Bren Road E, the location of the former Scicom Data Services. The property has an area of 7.91 acres. The property is zoned I-1 and is guided for mixed use. The concept plan contemplates construction of a 274-unit apartment building on the easterly portion of the property leaving the westerly portion open for future redevelopment (See pages A1–A14).

If a formal application were submitted, the proposed apartment development would likely require: (1) rezoning; (2) site and building plan review; and (3) preliminary and final plats if the property is subdivided for the future redevelopment.

**Key Issues**

City staff has identified the following considerations for any development of the subject properties:

- **Land Use**: Like all properties in the OPUS area, the subject property is guided “mixed use.” Evaluation of any proposed land use relative to surrounding existing uses, anticipated uses, and expected traffic generation would be important.

- **Access**: The site is currently accessed from two points: private and direct access to Blue Circle Drive and shared access to Bren Road West. A clear understanding of this shared access, any easements and the rights conveyed by such, would be necessary.

- **Site Design**: Considerations of the development include utility access, tree preservation, grading and drainage. More information and analysis would be needed for a formal development application regarding the engineering and natural resource details of the project.

**Review Process**

Staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted.
• **Neighborhood Meeting.** A neighborhood meeting was held on July 16, 2015. Five area businesses were in attendance and raised a variety of questions and concerns regarding:

  - Shared driveway off of Bren Road E accessing this property and properties to the east;
  - Location and amount of guest parking; and
  - Trespassing on properties to the east.

• **Planning Commission Concept Plan Review.** The planning commission concept plan review is intended as a follow-up to the neighborhood meeting. The objective of this meeting is to identify major issues and challenges in order to inform the subsequent review and discussion. The meeting will include a presentation by the developer of conceptual sketches and ideas, but not detailed engineering or architectural drawings. No staff recommendations are provided, the public is invited to offer comments, and planning commissioners are afforded the opportunity to provide feedback without any formal motions or votes.

• **City Council Concept Plan Review.** The city council concept plan review is intended as a follow-up to the planning commission meeting and would follow the same format as the planning commission concept plan review. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to provide feedback without any formal motions or votes.

**Staff Recommendation**

Staff recommends the planning commission provide comment and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Through: Julie Wischnack, AICP, Community Development Director
Susan Thomas, AICP, Principal Planner

Originator: Elise Durbin, AICP, Community Development Supervisor
SUPPORTING INFORMATION

Concept Review v. Development Review

During review of a formal application, commissioners may ask questions – and receive answers – regarding details of a proposal. Commissioners may also debate points of the proposal with each other and with the applicant.

Concept plan review should be approached differently than the formal development application process. To provide the most useful feedback to the applicant, rather than asking questions, the commission should spend the majority of the concept review engaged in discussion as a commission. After discussion, it would be appropriate to provide specific comments to the applicant. The applicant may consider the commission’s comments in the preparation of more detailed development plans and formal development review application.

For the Roers Investments concept, it would useful if commissioners would provide their reaction and general comments on the contemplated land use, density, size of building, and general site design.

Next Steps

- **Formal Application.** If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city’s website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can “follow” projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) and staff can review resident comments.

- **Neighborhood Meeting.** Prior to the planning commission meeting and official public hearing, an additional public meeting would be held with neighbors to discuss specific engineering, architectural and other details of the project, and to solicit feedback. This extends the timing that has historically been provided in advance of the planning commission review to allow more public consideration of the project specifics.

- **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial concept plan review meeting, and to provide direction about any refinements or additional issues they wish to be researched, and for which staff recommendations should be prepared.
• **Planning Commission Review.** The planning commission would hold an official public hearing for the development review and would subsequently recommend action to the city council.

• **City Council Action.** Based on input from the planning commission, professional staff and general public, the city council would take final action.

**Roles and Responsibilities**

• **Applicants.** Applicants are responsible for providing clear, complete and timely information throughout the review process. They are expected to be accessible to both the city and to the public, and to respect the integrity of the public process.

• **Public.** Neighbors and the general public will be encouraged and enabled to participate in the review process to the extent they are interested. However, effective public participation involves shared responsibilities. While the city has an obligation to provide information and feedback opportunities, interested residents are expected to accept the responsibility to educate themselves about the project and review process, to provide constructive, timely and germane feedback, and to stay informed and involved throughout the entire process.

• **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council’s consideration by carefully balancing the interests of applicants, neighbors, and the general public.

• **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to effectively participate in the process.

• **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.
Location Map

Project: Roer Investments
Address: 10101 Bren Road E
(Concept Plan)

This map is for illustrative purposes only.
10101 Bren Road East

Minnetonka, MN

APPLICATION FOR
CONCEPT PLAN REVIEW

August 7, 2015
INTRODUCTION

A joint venture of Roers Investments LLC of Long Lake and CPM Companies of Minneapolis ("Development Team") is pleased to submit this application for concept plan review to create a 274-unit rental apartment complex at 10101 Bren Road East (PID #36-117-22-43-0030) comprising 7.92 acres of land within the Opus II development area west of Hwy. 169 and north of Hwy. 62.

The Development Team (through Roers Investments) has the subject property under agreement with the current property owner and, as a part of its due diligence, is pursuing development entitlements necessary for the proposed project. We anticipate these high-quality apartments will be a great addition to the area.

CONCEPT PLAN REVIEW

This submission is to initiate the public review process and to request feedback from the City to create a vibrant residential served by the public way Bren Road East. The subject property is currently zoned I-1 industrial, and is guided by Mixed Use designation in the Comprehensive Plan. The Development Team has been working with City staff to introduce, shape, and introduce a residential development to replace the dormant, former light industrial use on the site.

Planning Goals
The proposed development is intended to align with and support the City's goal of enhancing a mix of uses in the area as indicated in the Comprehensive Plan; to increase the City's housing options and to do so close to centers of employment thereby reducing the toll on existing transit infrastructure; and leveraging current and future public infrastructure investments and enhancements. This proposed project has the opportunity to take advantage of and be one step in further validating current and future roadway and bridge work, as well as future light rail improvements immediate to the subject property.

Zoning Designation
Given the current industrial zoning, the proposed project will require a change in zoning. At the present time, the Development Team is considering and will continue to work with City staff to determine the most appropriate zoning necessary to move the proposed project, including potentially R-5 (to address the proposed density) or a P.U.D. (to consider compatible uses and a full development of the site). At present, the proposed development is focused on the eastern most two-thirds of the site.
The westerly one third of the site has potential for redevelopment for a compatible use, and while consideration has been given to the demand and potential for a hotel there, a decision on use has not been made.

A change to R-5 would be a relatively straight-forward match with the proposed size and density subject to City review and approval. With regard to P.U.D., Section 300.22 of Minnetonka’s City code provides that P.U.D. flexibility may be granted if it would result in one of the following public benefits:

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

**Public Benefits of Proposed Project**
The proposed development would provide several public benefits identified in the Code. The design of the site minimizes tree loss by placing the primary structure in a previously cleared and developed area; access to the site makes use of the existing driveway from the Bren Road East public way; the project design includes nearly all of its parking within an internal structure garage, with two levels and 333 parking stalls, thereby reducing the need and impacts of surface parking; and the building footprint and location preserves access and use of the Opus II area trail system, while generally preserving and leveraging the mature tree growth onsite.

The proposed development provides high-quality housing desirable to many types of residents and households, as well as appealing to all generations. The proximity of this residential project to major local employers provides a housing alternative that both serves future tenants, as well as reducing travel times and the corresponding strain on the surrounding highway system.

As indicated above, the proposed project supports the City’s goal of an increasing diverse mix of uses in the Opus II development area. At present, other than the northern end of the development, most of the uses are office and light industrial.

*Page 2 of 3*
The proposed project not only diversifies the uses in the immediate area, but also balances the mix of housing options across the overall development area.

**Neighborhood Meeting**
The Development Team presented the proposed project at a neighborhood meeting on Thursday July 16, 2015 for which it provided advanced written notice to a City-generated list of abutters. Discussion was had on the goals of the project, as well as abutter feedback on past and current experiences in the area, questions and concerns. Comments were recorded and some attendees provided their contact information (a copy of the sign in sheet is available upon request). In response to discussion on the topic of surface parking and questions regarding guest parking capacity, the materials submitted with this application include both the initial preliminary plan presented to the neighborhood, as well as a subsequent alternative showing an increase in the number of surface spaces. As this is an early stage in planning, the final number of surface spaces is not final, but we are confident and committed to working with City staff and the abutters to ensure we have a workable outcome that also supports a feasible project.

**CONCLUSION**
The Roers Investments/CPM joint venture is excited to provide a high-quality project to the City of Minnetonka. We welcome feedback on this concept plan from Planning Commission on August 27, 2015 and City Council on September 14, 2015.

Attached for your further review and consideration are an updated site survey, a site layout, surface parking alternatives (study is ongoing) on the number and configuration of surface parking, unit layouts, structured parking layout, an overlay of the building footprint in relation to the existing improvements, and a summary of our preliminary unit mix.

**CONTACT INFORMATION**
This document was prepared by:
David Higgins, Vice President of Development
Roers Investments LLC
1964 W. Wayzata Blvd., Suite 200
Long Lake, MN 55356

Any additional questions regarding this application can be directed by email to david@roersinvestments.com or by telephone at 617.510.0429.
Development Summary  Roers - Minnetonka Apartment Building
Updated 06/10/2015

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MINNETONKA PLANNING COMMISSION
August 27, 2015

Brief Description
Concept plan review for Villa West

Action Requested
Discuss concept plan with the applicant. No formal action required.

Background

RTS Development is proposing to redevelop the existing single-family residential properties at 16901, 16913 and 17101 State Highway 7. The concept plan includes 30 detached villa homes accessed via a new street directly from Highway 7. (See plans on pages A1–A2.)

The properties are located on the south side of Highway 7, west of the Clear Springs Road intersection. The properties are part of a larger area that is guided for medium density residential uses. The area includes the existing Carlyle Place development, and six existing single-family residential properties. The properties have been guided for medium density residential since the 1981 comprehensive plan. Medium density land use includes densities ranging from 4 to 12 units per acre. (See page A3.)

There are a total of six residential properties that are currently zoned R-1/low density residential and included in the medium density land use category. On these six residential properties, there are five single-family residential homes that are separately owned; the sixth property is vacant and owned in common with the adjacent property. The applicant has purchase agreements for four of the parcels, including the vacant lot. The applicant does not currently have purchase agreements for the two easterly properties, 16809 and 16821 State Hwy 7. (See page A3.)

Key Issues

City staff has identified the following considerations for any development of the subject properties:

- **Access:** The site has limited opportunities for access given that the only current right-of-way access is directly from State Highway 7, which is a principal arterial highway. MnDOT has jurisdictional control of access from Highway 7. Therefore, the applicant would need to work with MnDOT and the city in order to provide safe access to the development site.

- **Planned Development:** The four parcels are part of a larger area that is currently guided for medium density residential. The comprehensive plan anticipates that the properties would be developed as a single, medium density
development. This is especially important due to the access constraints. It is not desirable to have separate developments with separate accesses from Highway 7. However, it may be difficult for one development to assemble all of the properties at one time given that there are multiple property owners involved. In this case, any development of a portion of the properties would need to account and plan for the potential of future development on the other properties that are guided medium density. A larger plan would need to be developed that ensures a planned and orderly overall development.

- **Highway 7 Natural Corridor:** Highway 7 is identified as a natural green corridor in the overall growth strategies of the comprehensive plan. The subject properties currently contain a treed and wooded area on the front of the lots along Highway 7. Preservation of this existing buffer is an important consideration of any development of the properties.

- **Transition to single-family residential properties:** The site is adjacent to single-family residential properties to the south. Creating an appropriate transition between the medium density development and single-family homes is an important consideration for the development. The transition could be accomplished with preservation of existing natural resources, and creation of additional buffering or screening. The transition would also be important to the single-family residential properties to the east if the development does not include these properties.

- Other considerations of the development include utility and street access, tree preservation, grading and drainage, and wetland protection. More information and analysis would be needed for a formal development application regarding the engineering and natural resource details of the project.

**Review Process**

Staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted.

- **Neighborhood Meeting.** The developer held a neighborhood meeting on August 5, 2015. Approximately 22 people were in attendance. The meeting included significant discussion about access. Several residents from Carlyle Place townhomes to the west expressed concerns about the location of the exit onto Highway 7 in relation to their access point. There were serious concerns about providing access to Clear Spring Road through a city-owned parcel. The applicant stated that they are not pursuing that option. Other comments and concerns focused on trees, buffering/screening, drainage, and water resources.
• **Planning Commission Concept Plan Review.** The planning commission Concept Plan Review is intended as a follow-up to the neighborhood meeting. The objective of this meeting is to identify major issues and challenges in order to inform the subsequent review and discussion. The meeting will include a presentation by the developer of conceptual sketches and ideas, but not detailed engineering or architectural drawings. No staff recommendations are provided, the public is invited to offer comments, and planning commissioners are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

• **City Council Concept Plan Review.** The city council Concept Plan Review is intended as a follow-up to the planning commission meeting and would follow the same format as the planning commission Concept Plan Review. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

**Staff Recommendation**

Staff recommends the planning commission provide comment and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

*Originator: Jeff Thomson, Planner*

*Through: Susan Thomas, AICP, Principal Planner*
ADDITIONAL INFORMATION

Next Steps

• **Formal Application.** If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city’s website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can “follow” projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) and staff can review resident comments.

• **Neighborhood Meeting.** Prior to the planning commission meeting and official public hearing, an additional public meeting would be held with neighbors to discuss specific engineering, architectural and other details of the project, and to solicit feedback. This extends the timing that has historically been provided in advance of the planning commission review to allow more public consideration of the project specifics.

• **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial concept plan review meeting, and to provide direction about any refinements or additional issues they wish to be researched, and for which staff recommendations should be prepared.

• **Planning Commission Review.** The planning commission would hold an official public hearing for the development review and would subsequently recommend action to the city council.

• **City Council Action.** Based on input from the planning commission, professional staff and general public, the city council would take final action.

Roles and Responsibilities

• **Applicants.** Applicants are responsible for providing clear, complete and timely information throughout the review process. They are expected to be accessible to both the city and to the public, and to respect the integrity of the public process.

• **Public.** Neighbors and the general public will be encouraged and enabled to participate in the review process to the extent they are interested. However, effective public participation involves shared responsibilities. While the city has an obligation to provide information and feedback opportunities, interested
residents are expected to accept the responsibility to educate themselves about the project and review process, to provide constructive, timely and germane feedback, and to stay informed and involved throughout the entire process.

- **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council’s consideration by carefully balancing the interests of applicants, neighbors, and the general public.

- **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to effectively participate in the process.

- **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.
Location Map

Project: Villa West
Address: 16901, 16913 & 17101 Hwy 7
Concept Plan

City of minnetonka

This map is for illustrative purposes only.
VILLA WEST CONCEPT PLAN

GROSS AREA
4.5 ACRES APPROXIMATE

PROPOSED LOTS
50 SINGLE FAMILY RESIDENTIAL LOTS
MINIMUM 40 FT WIDTH

PROPOSED DENSITY
6.7 UNITS PER ACRE APPROXIMATE

ONE-WAY PRIVATE DRIVE
1,050 FT LENGTH APPROXIMATE
20 FT VEHICLE DRIVE
5 FT SIDEWALK
2 FT GRASSY ONE SIDE
30 FT TOTAL WIDTH
Section F  Land Use Plan Implementation

The following land use implementation section describes the methods that the City of Minnetonka will utilize to initiate the implementation of the Minnetonka 2030 Vision according to the planning strategies for the growth strategy themes listed in Section B of this chapter. The implementation methods also consider the conditions and policies established in the other chapters of the 2030 Comprehensive Guide Plan.

This section establishes the land use categories and review criteria to guide private and public decisions regarding development and redevelopment in accordance with the targeted planning areas (residential neighborhoods, villages, regional areas/corridors, and transportation/natural area corridors) within the city. The implementation methods include:

- the 2030 land use definitions;
- the 2030 land use plan map;
- the 2030 population, household and employment forecasts;
- the overall development review criteria, including those established in Sections C and D of this chapter, to determine consistency of development and redevelopment projects with the land use plan; and
- implementation procedures that include city regulations (the zoning and subdivision ordinances) and specific 2030 Comprehensive Guide Plan amendment criteria that pertain primarily to the land use chapter text and 2030 land use map.

2030 Land Use Definitions

The land use districts should not be confused with the zoning designations of property. The land use districts describe general land uses and may include other criteria to be considered when development and redevelopment projects are reviewed by the city to ensure that the project meets the 2030 Comprehensive Guide Plan policies and the appropriate policies and strategies of other chapters of the plan. The corresponding zoning designation and associated performance standards describe specific criteria that must be met before development can occur on property.

The city’s land use definitions follow, according to the general land use category. Appendix IV-A of this chapter provides illustrative examples of the specific types of uses found within each land use category.

1. Residential Land Use Districts

Prior to 1979, the medium- and high-density residential definitions restricted densities to five to eight, and nine to 12 units per acre, respectively. The definitions were changed, as part of a comprehensive planning effort, to allow a greater density to provide more opportunities for housing choice (variety and cost), recognition of the rising cost of land in Minnetonka, and to bring the density standards more in conformance with other metropolitan area communities and Metropolitan Council policies.
Chapter IV. 2030 Land Use Plan

The density definitions are expressed in terms of ranges to allow for development flexibility and compatibility with natural resource and other site specific characteristics of property. Therefore, an appropriate density for a particular use may be at the lower end of the density range rather than the higher end.

Further, the density definitions do not specify the type of housing; rather, the zoning ordinance specifies the type of housing and specific standards that must be met by a particular development. The decision regarding the specific density for a particular property is made during the development review process, where the following conditions are considered by the city:

- The existing environmental conditions of the property including wetlands, floodplains, steep slopes and the quality of existing vegetation;
- The specific site plan including the type of housing units proposed and requirements for development facilities such as stormwater ponding, municipal sewer and water, etc.;
- The existing and requested zoning classification for the property; and
- The surrounding neighborhood characteristics.

A. Low-density residential: development that ranges in density from two to four dwelling units per acre.

Most residential neighborhoods that contain existing single-family homes in the city are designated for low-density residential uses. Although low-density uses include detached single family housing types other residential housing types such as duplexes and attached townhomes are included provided that the overall density does not exceed four units per acre. This land use district is established to recognize the primary residential development pattern in the city and accommodate housing goals, including affordable and mid-priced housing.

B. Medium-density residential: residential density ranges from more than four to 12 units per acre.

Typically, this land use district includes attached housing types such as small-lot single family developments (“zero lot line”), duplexes, townhouses, “quads,” and low-rise multiple family buildings. This land use designation is used to:

- Encourage and allow the opportunity for residential project design techniques that incorporate natural resource protection and open space preservation techniques such as “clustering”.
- Create appropriate transitions between different and more intense land uses and low-density areas.
- Encourage opportunities for residential development near and within village and regional centers, employment centers or major transportation corridors.
- Broaden housing choice, especially with an increasingly aging population and accommodate housing goals, including affordable and mid-priced housing.

Development within medium-density residential areas should incorporate:

1. Design techniques that facilitate natural resource protection and open space preservation; and
2. Buffers and/or transitions between more intense land uses and low-density areas.
Environmental features such as wetlands, floodplains, steep slopes, and heavily vegetated areas should be used, as available, as buffers. Developments should incorporate appropriate transitions, such as landscaping and other land use or design features between non-residential and residential uses of a lower density.

C. High-density residential: residential developments with densities above 12 units per acre.

Typical high density residential development consists of apartment or condominium units in multi-story buildings. The intent of this district is to provide the opportunities for residential developments that:

- serve a wide range of income group and changing lifestyles;
- are in close proximity to services, employment centers and transportation corridors, especially transit routes; and
- broaden housing choice, especially with an increasingly aging population and accommodate housing goals, including affordable and mid-priced housing.

As is the case with medium-density residential development, development within high-density residential areas should incorporate:

1. Design techniques that facilitate natural resource protection and open space preservation, and buffers and/or transitions between more intense land uses and low-density areas.

2. Buffers and/or transitions between more intense land uses and lower density areas. Environmental features such as wetlands, floodplains, steep slopes, and heavily vegetated areas should be incorporated, as available, within buffers. Developments should incorporate appropriate transitions, such as landscaping and other land use or design features between non-residential and lower density residential uses.

High-density residential development projects should occur in a planned manner, with specific consideration given to all uses within an area and also to impacts on adjacent developments, services and transportation. Development will not be encouraged to occur until appropriate services and infrastructure are available or programmed.

2. Business Land Use Districts

Business land uses typically include categories of uses that are measured by the intensity of development and off-site impacts. These uses are found in the village areas, regional areas and corridors of the city. Additionally, business land use districts apply to several planned corporate campuses such as the Cargill and Welsch developments in the city.

The following describe the categories of business uses in the city.

A. Office

The office land use district provides locations for administrative, executive, professional or other offices and related service uses, such as financial institutions, lodging, day care and similar uses. It is not intended for retail uses that serve the general public. The office designation can be used, if designed appropriately, as a transitional use between residential and more intense commercial districts.

B. Service commercial

The service commercial land use district is a land use district used in the I-394 Corridor and other specific areas. It is considered a tool that increases flexibility in siting uses that