Planning Commission Agenda

July 20, 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: June 25, 2015 & July 9, 2015

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda
   
   A. Resolution approving an aggregate side yard setback variance for an addition at 16924 Cottage Grove Avenue

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

   • Final Decision Subject to Appeal
   • Project Planner: Ashley Cauley

8. Public Hearings: Non-Consent Agenda Items

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

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

   • Recommendation to City Council (Tentative Date: July 27, 2015)
   • Project Planner: Jeff Thomson
B. Sign plan amendment for Ridgedale Center.

Recommendation: Recommend the city council approve the staff-drafted amendment (4 votes)

• Recommendation to City Council (Tentative Date: July 27, 2015)
• Project Planner: Jeff Thomson

C. Items concerning Salsa a la Salsa at 11390 Wayzata Boulevard.

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

• Recommendation to City Council (Tentative Date: August 17, 2015)
• Project Planner: Jeff Thomson

D. Items concerning 500 Milbert Road.

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

• Recommendation to City Council (Tentative Date: July 27, 2015)
• Project Planner: Susan Thomas

E. A conditional use permit for an educational institution at St. Paul’s Lutheran Church, 13207 Lake Street Extension.

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

• Recommendation to City Council (Tentative Date: August 17, 2015)
• Project Planner: Susan Thomas

9. Adjournment
Notices

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

2. Applications scheduled for the August 6, 2015 Planning Commission meeting:

   Project Description: Concept plan review for a 42-unit memory care facility at 5500 Rowland Road
   Project No.: TBD
   Staff: Susan Thomas
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 Rettew, Calvert, Knight, Magney, O’Connell, Odland, and Kirk were present.

Staff members present: Community Development Director Julie Wischnack, Principal Planner Susan Thomas, Planner Jeff Thomson, Planning Technician Ashley Mellgren, Water Resources Engineer Liz Stout, and Natural Resource Specialist Aaron Schwartz.

3. **Approval of Agenda:** The agenda was approved as submitted with modifications and additional comments provided in the change memo dated June 25, 2015.

4. **Approval of Minutes:** June 11, 2015

   *Odland moved, second by Magney, to approve the June 11, 2015 meeting minutes as submitted.*

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

5. **Report from Staff**

Wischnack briefed the commission on land use applications considered by the city council at its meeting of June 22, 2015:

- Adopted a resolution approving a conditional use permit for Cross Fit Gym.
- Adopted a resolution approving items for Eagle Ridge Academy.
- Adopted a resolution vacating easements for Bauer Custom Hitches.
- Reviewed the concept plan for the Pagel Activity Center.
- Discussed the cross parking agreement involving the Play and Learn and Lone Spur.
The first Glen Lake meeting is tentatively scheduled for July 9, 2015. More information will be emailed when it becomes available.

A developer will be holding a meeting July 16, 2015 from 3 p.m. to 5 p.m. regarding a site on Bren Road East located fairly close to United Health Group. The proposal is a large apartment building.

6. **Report from Planning Commission Members**: None

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

A. Conditional use permit for Kona 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 asked if the sidewalk detail needs to be taken into consideration by the commission. Thomson explained that the site plan and sidewalk are included as a condition of approval, so they would be reviewed administratively by city staff during the building permit review process. More detail may be worked out before the city council meeting.

Chair Kirk asked if the sign would be located on Nordstrom’s wall. Thomson clarified that it would be the shopping center’s wall, but outside of the Kona lease space.

Chair Kirk assumed that the shopping center has regulations on exterior exposure signs. Thomson confirmed that the center has its own internal wall regulations. The city allows exterior signs for department stores, restaurants, and Ridgedale itself. The proposed amendment to the sign plan would apply the same regulations to all restaurants that have exterior frontage at Ridgedale Center.

Ian Brown, representing Kona Grill, applicant, stated that the height of the sign was meant to be visible through the trees and be complimentary to Red Stone Grill’s sign. The most important thing is for the sign to be located high enough to be visible.

In response to Chair Kirk’s question, Mr. Brown stated that he is working with the landlord to make the sidewalk feasible.

The public hearing was opened.

Ben Freeman, of General Growth Properties, representing Ridgedale Center, stated that he is working with Kona Grill and staff to locate the sidewalk and to find a balance of the sign with the façade. He supports these the Kona and Redstone sign, but not for all restaurants in the shopping center.

No additional testimony was submitted and the hearing was closed.
Odland asked if there would be access into the restaurant from the parking lot. Mr. Thomson explained that a patron would have to go into the mall’s glass entrance first to enter the restaurant. He believed Red Stone would have mall and exterior accesses.

Chair Kirk noted that it would be nice to know if Red Stone’s plans would be in alignment. He assumed Red Stone could be addressed in a similar way. Thomson agreed that it would be nice to look at the requests together. The restaurants are on different time frames. The Redstone application has been submitted and may be reviewed at the next planning commission meeting. Both items will be reviewed by the city council July 13, 2015.

Chair Kirk asked if there would be more of a separation between a restaurant and the sidewalk. Thomson clarified that an enclosure such as tall planters would be required to separate the area where alcohol would be served.

Rettew was not sure about proceeding without knowing Red Stone’s plans. Thomson stated that staff’s recommendation would not change dependent on Red Stone’s application. The recommendation is based on Kona Grill.

Chair Kirk confirmed that the proposed amendment to the sign plan would apply to every restaurant in Ridgedale Center.

Odland asked if the proposed sign plan amendment would allow Ike’s to locate its sign on the façade of the building. Thomson explained that Bar Louie’s blade sign was specifically approved for that tenant space because it was done in lieu of another sign. Bar Louie would not be required to change its signage.

The public hearing was reopened.

Mr. Freeman was open to tabling action on the sign plan amendment portion of the application.

No additional testimony was submitted and the hearing was closed.

Chair Kirk noted that the sign plan amendment could be tabled until the July 9, 2015 planning commission meeting to be reviewed at the same time as the sign plan amendment for Red Stone Grill. Thomson agreed.
Rettew confirmed with Thomson that the sign plan amendment would apply to Ridgedale only. Ridgedale is one of the most unique developments in Minnetonka. No other retail establishment is the same.

*Rettew moved, second by Odland, to recommend that the city council adopt the resolution on pages A8-A12 of the staff report which approves the conditional use permit for a restaurant in Ridgedale Center at 12401 Wayzata Boulevard and postpone action on the resolution on pages A13-A16 of the staff report which approves an amendment to the sign plan for Ridgedale Center at 12401 Wayzata Boulevard until the planning commission meeting on July 9, 2015.*

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

This item is tentatively scheduled to be reviewed by the city council at its July 13, 2015 meeting.
B. Variance for a pool and spa to be located between the front property line and the existing home at 4915 Highland Road.

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

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

The applicant was present for questions.

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

*Odland moved, second by O’Connell, to adopt the resolution on pages A7-A11 of the staff report which approves a variance to construct a pool and spa in front of the existing home at 4915 Highland Road.*

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

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

C. Items concerning the property at 3211 Chase Drive.

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

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

Calvert asked what would happen in the future with a new owner. Cauley explained that the property owner would be required to reside in one of the units, but the city cannot approve or deny the application based on who resides in the unit that the property owner is not living in. Calvert asked if the intent is to prevent the space from being rented. Cauley answered that rental could occur. The current proposal would be occupied by the property owner and family members of the property owner.

Cauley explained that the property owner was unable to attend the meeting, but does agree with the staff report and conditions of approval.
The public hearing was opened. No testimony was submitted and the hearing was closed.

Calvert thinks the proposal is a great idea. She has heard comments from neighbors in support of the addition for the family and the neighborhood.

**Odland moved, second by Rettew, to recommend that the city council adopt the resolution approving an aggregate side yard setback variance for an addition and a conditional use permit for an accessory apartment at 3211 Chase Drive (see pages A13-A19).**

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

This item is tentatively scheduled to be reviewed by the city council at its July 13, 2015 meeting.

In response to Kirk’s request, Thomas explained city ordinances related to single-lot subdivisions and zoning ordinance requirements.

D. Preliminary plat, with lot width variances, for a two lot subdivision at 12601 Ridgemount Avenue.

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

Cauley reported. She recommended denial of the application based on the findings listed in the staff report.

Ashish Aggarwal, applicant and Plymouth resident, appreciated the opportunity to speak. He stated that:

- He strongly believes that the project would greatly enhance and add value to the neighborhood.
- He lived in Minnetonka for 11 years. He moved to Plymouth because he could not find a new construction house in Minnetonka.
- The option of building 2 smaller houses on the site stood out.
- He sought feedback from 25 neighboring properties, hosted an open house, and sent letters to those who could not attend. Two neighbors attended the open house and were supportive of the small house options. Staff has received no opposition to the lot split from the immediate houses. The only comment was from a neighbor outside of the immediate area.
• The only reason for staff’s recommendation of denial is because of the inability to meet lot width setback requirements. He consulted other professionals. He respectfully disagrees with staff. He believes that one big mcmansion would change the character of the neighborhood, but two smaller houses would not.

• The proposal would be attractive for the city and the neighborhood because the lot is unique in the neighborhood. It is 170 feet in width. There is no other lot as large in the neighborhood. The existing lot does not fit the character of the neighborhood. Twenty percent of the neighborhood’s lots do not meet the lot width at the setback requirement.

• On the north side of Ridgemount, some lots are as narrow as 65 feet.

• Putting a mcmansion house on the lot would change the character of the neighborhood. Building a large mcmansion would reduce the value of the existing properties. Building houses that fit the scale of the neighborhood would increase the value of the neighborhood.

• Two small houses would be in line with the spirit of R-1A zoning which the city council recently enacted. There is a need for more diversity in housing. His proposal would meet setback requirements and the mcmansion policy.

• The proposal would support the 2030 land use and comprehensive guide plan that calls for 2 to 3 housing units per acre for this area.

• The proposal would provide much needed vitality in this neighborhood.

• The advantages of the project outweigh any shortcoming.

• He requested the city approve the application. He was available for questions.

Samantha Gross, architect for the applicant, stated that:

• The site is in a great neighborhood across from the elementary school.

• If a large house would be built on the site, it would devalue the neighboring properties and they would be looked at as land only.

• Our vision is to fit two houses that would fit nicely on the lots and remain in the scale of the neighborhood instead of one oversized house.

• There would be no issue with the mcmansion policy and the building pad would stay within setback requirements for an R-1 zoned property.
The public hearing was opened.

Max Norton, resident of Inver Grove Heights, on behalf of the applicant, stated that:

- He saw nothing but advantages to the immediate neighborhood and the city at large to divide the single lot into two.
- Staff has pointed out that precedent is determined on an individual basis.
- The commission’s value is to weigh the benefits even if the measurements do not all fall exactly into place.
- Granting a variance is a concession. In this case, it would be an improvement instead of a detriment. The existing house would be removed and replaced with two new, attractive, environmentally sensitive, conservatively sized houses without overshadowing or altering the value of the houses on either side.
- This is an opportunity to guide the first step in renewal of the neighborhood.

No additional testimony was submitted and the hearing was closed.

In response to Rettew’s question, Cauley explained that the property divided into a lot behind lot would require a right-of-way lot width variance.

Rettew asked how the proposed site compares to surrounding properties. Cauley said that traveling down Ridgemount Avenue, the proposed lot appears similar in width to the surrounding lots from Sunset Drive South to City View Drive. The proposed site is deeper, but that is not visible from the road.

In response to Rettew’s question, Cauley answered that of the properties along City View Drive, 2 properties are 22,000 square feet and the rest exceed 43,000 square feet which is similar in size to the proposed site.

In response to Calvert’s question, Cauley explained that one of two criteria need to be met for a property to be considered for rezoning to R-1A. At least 60 percent of the lots within a neighborhood need to have lot standards that do not meet ordinance requirements or all lots would be accessible by a newly created street. The proposed site would not meet either of those conditions.

Magney noted that the north side of Ridgemount is in Plymouth. Cauley agreed. Staff determined that those lots do exceed 100 feet in width.
Calvert stated that ordinances are created for a reason. Although the arguments are good ones, she supports staff’s recommendation. Arbitrary decisions are not good. The proposal would change the character of the neighborhood because the proposed houses would be very close together and the lots would be very narrow.

Chair Kirk was on the fence since the lot was close to meeting the requirements. He understood the applicant’s thoughts on one large house. Mr. Aggarwal said that a house up to 10,000 or 15,000 square feet in size could be built and meet setback requirements on the site. His proposed lots would meet setback requirements.

Magney favored two small houses, but the unique circumstance requirement for a variance is not met. Calvert concurred with Magney. It is so close, but there is a burden of proof that would not be met even though the arguments are compelling and she is sympathetic to the need for single-family housing within the desired requirements of young families.

O’Connell asked what the findings to approve the proposal would be. Cauley explained that it would be up to commissioners to identify the findings or reasons for the city council to approve the application and grant a variance.

Odland stated that while there are compelling arguments, staff has done a fantastic job laying out the visual impact of how the proposal would look when driving down the road. Perhaps if the lot was located on a corner, then it would be more amenable, but it appears like it would be the sore thumb of the neighborhood and not enhance the area.

Calvert was not convinced that the burden of proof would be met to approve a variance.

Chair Kirk noted that each situation is unique.

Odland moved, second by Magney, to recommend that the city council adopt the resolution denying a preliminary plat with lot width variances with the changes made in the change memo dated June 25, 2015 at 12601 Ridgemount Avenue (see pages A7-A9).

Rettew, Calvert, Knight, Magney, O’Connell, Odland, and Kirk voted yes. Motion carried.
E. Preliminary plat, with lot width variance, for Oakhaven Acres 2nd Addition at 13929 Spring Lake 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.

Rettew said that it seems to make more sense to divide a long, skinny property to create a lot behind a lot. The other benefit would be that the house in the front could be more centered and provide an easement for the driveway for the back lot. Thomson stated that, in general, it is much more desirable to have frontage on a street from the city and homeowner’s perspective for utility connections and access. The proposal would make more intuitive sense for the location of the property lines. A lot behind lot would create the need for a substantial variance on one lot to have the other lot conform to ordinance requirements. Given the 100-foot frontages currently along Spring Lake Road, the proposal makes the best sense.

Rettew asked if the applicant had considered a lot behind a lot. Thomson stated that more than two lots had been considered. The amount of the impact on the trees would not have met ordinance requirements.

Rettew asked what makes this application different than the proposal reviewed for 12601 Ridgemount Avenue. Thomson answered that the existing lots in the current proposal’s neighborhood are narrower than city standards. The proposed lots would be the same width as the existing lots.

Odland asked if moving the driveway to save four trees had been considered. Thomson invited the applicant to answer the question. He thought the location of the driveway had to do with the sewer easement. Instead of the driveway covering the length of the sewer line, it is better for the driveway to cut across a portion of it on the west.

Chair Kirk confirmed with Thomson that any improvement done in a utility easement runs the risk of the improvement having to be removed at the cost of the property owner. Driveways are allowed to crossover utility easements to gain access to the house.

Chair Kirk asked what defines a tree preservation area. Schwartz answered that a woodland preservation area relates to the composition of species and woodland characteristics. Most of the high-priority trees on the site are single
trees. There are some large oak and evergreen trees in the area. The area to the south does have a woodland character to it. The species in the area are more floodplain species. A remnant woodland area is more valuable. Thomson added that the proposal locates the house outside of the woodland area. Chair Kirk noted that the circumstance is unique and not caused by the property owner.

Ben Wickstrom, of Lakewest Development, applicant, stated that:

- His engineer looked at the topography when positioning the driveway. He was happy to change the alignment of the driveway so it would wrap around the four trees.
- City ordinance allows the applicant to remove 25 percent of the woodland area. He understood the concern.
- The location of the house in the back is due to the utility lines. It is also a much nicer setting.
- The intent here is to provide a fitting visual impact, spacing of houses, create an impervious surface limitation in combination with the lot area, and avoid long, narrow lots. The lots would be over 100 feet wide and fit with the character of the neighborhood.
- Moving the utilities would be addressed at the time of the building permit. The owner would like to see the two lots.
- He was available for questions.

The public hearing was opened.

Marie Carlson, 13915 Spring Lake Road, stated that:

- She asked when the mcmansion policy went into place. There is one house in a newer development that has a FAR of .24.
- She supports moving the driveway to save the trees.
- She supports conditions looking at the FAR.
- The neighborhood has no other houses in another residence’s back yard. She did not want a house in her back yard. If it is done well, there should be enough room to be able to share.

No additional testimony was submitted and the hearing was closed.

Thomson referred to the mcmansion illustration included in the staff report. The policy was adopted in 2008. A “FAR neighborhood” includes the properties 1,000 feet up and down the street and all properties within a circumference of 400 feet from the site. The FAR is the total above grade house and attached garage floor
area, plus one half of any partially exposed area, divided by the lot area. The FAR of a neighborhood changes over time. It does not matter when a house was constructed. The site could meet the mcmansion policy. The maximum FAR for the proposed site is .24.

Rettew noted that a large house on a deep, narrow lot would appear large from the street. Thomson agreed. The mcmansion policy is just one way to measure neighborhood character. The site needs a lot width variance, so the lot widths in the neighborhood are looked at as part of the neighborhood character.

Chair Kirk asked how much control the commission has regarding the building pad. Thomson explained that the city does not restrict house size or location unless there is a benefit or connection between the variance that is being requested. The house location and size is restricted by tree preservation ordinances. In this case, the proposal requires a lot width variance which makes the mcmansion policy apply to the proposal. The house will still need to meet setback requirements which may impact the size.

Wischnack added that the intention of the mcmansion policy is to look at a broader view rather than a specific lot.

Thomson clarified that the application’s variance is related to the lot width. Staff is recommending that the lot width is reasonable based on what is happening in the neighborhood. No other lots in the area have a FAR restriction. It would be burdensome to put a FAR restriction based on the lot width variance because there are several other lots of less than standard with without such restriction.

Calvert heard the neighbor’s concerns regarding the impact on her sight line and trees. She asked what could be done to help address those concerns. Thomson explained that the relocation of the driveway would help meet Ms. Carlson’s goal by moving the driveway away from her property and saving four trees adjacent to her property line. Thomson pointed out where the buildable area would be on the lot.

Rettew was opposed to staff’s recommendation to approve the variance because it did not meet the burden of proof. There are policies for a reason. He was against making long, skinny lots skinnier. There might be other lots in the area that have the lot width, but he did not feel like that is the character of the city overall. He did not know if he appreciated staff’s concerns about a lot behind a lot scenario. He would vote to deny the proposal.
Chair Kirk saw a 2.6 acre lot which is considered large. It is reasonable to have 102 feet of width as it relates to the lots in the area which also have 100 feet of width. The view from the street would be very consistent. There are a number of situations where houses end up behind houses in Minnetonka. He saw the request as being reasonable. The property is encumbered by the easement. The property with 2.6 acres is clearly large enough for 2 houses on reasonably sized lots. He supports the proposal because the lot width would be similar to the lots in the area. The fact that Spring Lake Road makes it a larger front yard view makes it even better. It meets the intent.

Calvert and O'Connell concurred with Chair Kirk.

Odland moved, second by Magney, to recommend that the city council adopt the resolution on pages A7-A14 of the staff report which grants preliminary plat approval to Oakhaven Acres 2nd Addition, a two lot subdivision at 13929 Spring Lake Road, with a change to move the driveway to save 4 high-priority trees.

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

This item is tentatively scheduled to be reviewed by the city council at its July 13, 2015 meeting.

F. Preliminary plat, with lot width variances, for Buckman Addition at 15700 Highwood Drive.

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

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

Chair Kirk stated that the site has very obvious, unique circumstances.

In response to Odland's question, Thomas explained that staff revised Exhibit B to show a very small area in the corner of the site as woodland preservation area. The revision will provide clarification in the future.

O'Connell asked for the meaning of a “functional setback.” Thomas used the term to point out that where the existing house is actually located, there is well over 110 feet of area.
Knight noted that the driveway is currently located in the neighbor’s yard. Visually, it looks like the lot is wider, but it is not. Thomas agreed. The property was once larger and divided in the 1970s. The driveway is allowed by an easement.

Chair Kirk noted that the access easement and driveway would stay.

Linda Buckman, 15700 Highwood Drive, thanked commissioners and staff. She was available for questions.

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

Calvert saw this one as more cut and dry. This one seems easier to come to a conclusion. She supports staff’s recommendation to approve the proposal.

Chair Kirk noted that the unique circumstances of the lot allow a buildable area that is further back than the setback. If the front yard setback was 70 feet, then the lot could comfortably have enough room for a house.

O’Connell added that the front of the lot could be modified to not need a variance, but the variance would improve the site.

**Odland moved, second by O’Connell, to recommend that the city council adopt the resolution approving the preliminary plat with lot width variances of Buckman Addition with the modification provided in the change memo dated June 25, 2015 (see pages A10-A16 of the staff report).**

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

This item is tentatively scheduled to be reviewed by the city council at its July 13, 2015 meeting.
G. Preliminary plat of Saville West, a twelve lot subdivision generally located at the southeast quadrant of the County Road 101/Excelsior Boulevard intersection.

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

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

In response to Chair Kirk’s comment, Thomas explained that a PUD is a flexible zoning district with a specific site plan to regulate the appearance and location of buildings very specifically. R-1A is a traditional zoning district that has no flexibility if a property meets ordinance requirements. The R-1A ordinance has a maximum FAR and impervious surface and height restrictions.

Wischnack added that R-1A zoning establishes lot size parameters which have to be discussed and determined in each case with a PUD.

Thomas explained that the proposal has been evaluated based on the lot width correction to the R-1A ordinance provided in the supporting information section of the report.

Chair Kirk asked if the wetland currently exists and how it operates with the pond. Thomas answered that the wetland is a naturally occurring wetland. The pond would be created. Stout explained that most of the site, including the new cul-de-sac, would drain into the newly constructed stormwater pond and overflow into the existing wetland. There would be 2 small raingardens on Lots 10 and 4 that would capture and treat the runoff from those lots.

Chair Kirk noted that the houses on the north and northeast drain into the wetland. Stout explained the drainage patterns for the area.

Rettew asked if there would be room for snow removal. Thomas answered affirmatively. Public works personnel did not indicate any snow removal or storage concerns.

Reid Schultz, of Landform Professional Services, representing the applicant, stated that:

- He thanked staff for their endless help throughout the process.
- In 2014, Lakewest proposed a subdivision of 22 townhomes. There were major objections from neighbors and the city council. A new
concept was created and a neighborhood meeting was held in December of 2014 to listen to the concerns. The consensus is a result of the city council and neighbors' concerns.

- The neighbors were concerned with the width and character of Spring Lane and preferred Tracy Lane to provide access. That is what is being proposed. The existing bulb of the cul-de-sac would be vacated.
- He submitted a rezoning application. He has met with staff to discuss a number of concerns. He intends to meet all of the conditions.
- He requests a recommendation of approval.
- He was present to answer questions.

The public hearing was opened.

Roger Omlid, 5321 Tracy Lynn Terrace, stated that:

- Over the last 12 years, there have been renters at the site and it has been abandoned.
- He supports development of the site. It is a beautiful property. Get it done. The developer is good.

No additional testimony was submitted and the hearing was closed.

Chair Kirk noted that part of the property vacated would go to a neighbor and part to the city. Thomas explained that right-of-way easement vacations are reviewed only by the city council.

*Odland moved, second by O’Connell, to recommend that the city council adopt the resolution approving the preliminary plat of Saville West (see pages A27-A40 of the staff report).*

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

This item is tentatively scheduled to be reviewed by the city council at its July 13, 2015 meeting.
9. Adjournment

_odland moved, second by Knight, to adjourn the meeting at 9:25 p.m. Motion carried unanimously._

By: ____________________________
   
   Lois T. Mason
   Planning Secretary
1. **Call to Order**

Chair Kirk conducted a concept plan review for Williston Woods West. A meeting could not be held due to the lack of a quorum.

2. **Roll Call**

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

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

3. **Approval of Agenda**: Agenda items requiring a vote were postponed until the next planning commission meeting, July 20, 2015, due to the lack of a quorum.

4. **Approval of Minutes**: June 25, 2015

This item was postponed until the next planning commission meeting, July 20, 2015.

5. **Report from Staff**

This item was postponed until the next planning commission meeting.

6. **Report from Planning Commission Members**: None

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

8. **Public Hearings**

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

   This item was postponed until the next planning commission meeting, July 20, 2015.

   B. A conditional use permit for Redstone American Grill at 12401 Wayzata Boulevard.
This item was postponed until the next planning commission meeting, July 20, 2015.

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

This item was postponed until the next planning commission meeting, July 20, 2015.

9. **Other Business**

A. **Concept plan review for Williston Woods West at 5431 and 5439 Williston Road.**

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

Thomson reported. He recommended that the planning commission provide comments and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Reid Schulz, of Landform Professional Services, on behalf of Lakewest Development, the applicant, stated that:

- John Fletcher of Lakewest Development was also present to answer questions.
- The area was previously part of Kraemer's Hardware Store.
- The proposal is for a PUD of six villa-type, detached townhomes.
- The PUD would allow flexibility with the lot widths in order to save the trees around the perimeter of the site.
- There would be a private drive with two locations off of Williston Road.
- The proposal would try to keep lot square footages above 10,000.
- There would be no land use reclassification. The density requirements would be met.
- A lot of high-priority trees would be preserved on the back half of the property and buffer the parking lot.
- He met with neighbors and will incorporate the concerns provided.
- He appreciated staff’s time and for working with him.
- Generally speaking, the neighbors seemed pretty receptive to the proposal. The proposal would provide a transition from commercial uses to single-family transitional houses.
- He and Mr. Fletcher were available for questions.
Chair Kirk asked why a PUD would be better than R-1A zoning. Thomson explained that the proposed lots would be smaller than the R-1A standard of 15,000 square feet.

Odland asked if grading could impact the trees’ roots. Mr. Schulz said that a specialist performed a tree inventory and the grade differential was considered. By pushing clustered units closer to the road, it would locate the houses on level ground and minimize the amount of grading. He was concerned with preserving the trees. Stormwater management would still need to be considered. The trees are as important to the development as they are to the neighbors and the city.

Chair Kirk asked if there are additional high-priority trees. Mr. Schulz answered affirmatively. There are an additional 35 high-priority trees. The cluster constitutes a large majority of the high-priority trees on the site.

Magney asked for the size of the proposed houses. Mr. Schulz said that has not been determined yet. He estimated that each house would have a 2,000-square-foot footprint depending on the style. He will be looking for feedback from commissioners and the city council. Those details would be refined when a builder is secured and elevations identified.

Magney confirmed with Mr. Schulz that there is an existing retaining wall. The proposal would probably have some type of retaining wall to protect the trees.

Odland asked for a sketch of the proposal in relation to the current structures. An illustration was provided. Odland said it helped to see the open area. She suggested saving as much of the buffer as possible.

Chair Kirk noted that additional parking could be accommodated on the west side of the curved drive and each of the driveways would be deep enough to fit a couple vehicles. It appears that there would be enough room for snow removal and garbage cans partially due to the shared driveways. Mr. Schulz said that staff pointed out concerns with private drives. There would be off-street parking for six vehicles. Most of the driveways would be able to accommodate four vehicles and the garages would be able to hold two vehicles. There are areas that could be expanded to provide additional parking, but it is a balance of parking space and tree preservation.

Chair Kirk confirmed with Mr. Schulz that there would be an access agreement on lots six and one.
Chair Kirk invited the audience to provide comments. No one chose to speak.

Magney liked what he saw. He was a little concerned with parking, but he liked it better than the large, multi-housing plan previously proposed.

Odland stated that the proposal would be a better fit in the neighborhood and would preserve the tree line. She agreed that the parking could be better, but it is the best plan presented so far.

Chair Kirk thought that the proposal had one unit too many for the area. He imagined that each house would be fairly large compared to the lot size. The proposal does a great job of combining lots one and two and lots three and four by orienting the driveways together. There would be enough room for snow storage, but it seems very tight. The homes would be very close together. That is not, necessarily, in keeping with the neighborhood. He has seen developments with houses this close before and it does end up seeming crowded, but he understood what is trying to be done. The proposal is much more empathetic to the neighborhood than extending a larger building into the space and is a better fit. Williston Road is a collector street. The use on the east side is business retail. The proposal is a good fit for these particular parcels. He agreed that the design is pretty solid.

Thomson explained that the ordinance relates the use of a PUD to the public benefit it would provide. Natural resource preservation is a public benefit. He asked if commissioners felt there would be enough public benefit to justify the use of a PUD. Chair Kirk noted that the application includes a list of reasons to allow a PUD. He struggled a little with mixed-use housing types and the amount the units would probably cost. Mr. Fletcher stated that a builder has not yet been selected. He anticipated the houses would be priced in the $600,000 to $850,000 range. Ideally, there would be 1 builder for all 6 lots. There would be 2 to 3 housing types.

Chair Kirk noted that diversified housing stock is a priority. Minnetonka is lacking newly constructed single-family houses. These units would not meet affordability requirements. Mr. Fletcher stated that he would classify the houses as step up or step down housing.

Chair Kirk felt that conserving the trees and the buffer would be a worth-while cause. The developer may benefit more from the buffer than anyone to provide buyers a better view.
Chair Kirk noted that the concept plan would be reviewed by the city council July 27, 2015.

10. Adjournment

By: ____________________________
Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
July 20, 2015
Agenda Item 7

Public Hearing: Consent Agenda
**MINNETONKA PLANNING COMMISSION**  
**July 20, 2015**

<table>
<thead>
<tr>
<th>Brief Description</th>
<th>Resolution approving an aggregate side yard setback variance for an addition at 16924 Cottage Grove Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recommendation</td>
<td>Adopt the resolution approving the request</td>
</tr>
<tr>
<td>Project No.</td>
<td>15021.15a</td>
</tr>
<tr>
<td>Property</td>
<td>16924 Cottage Grove Avenue</td>
</tr>
<tr>
<td>Applicant</td>
<td>Farhad Hakim</td>
</tr>
<tr>
<td>Proposal</td>
<td>The applicant is proposing to construct an addition onto the existing home at 16924 Cottage Grove Avenue. (See plans on pages A1-A5.)</td>
</tr>
<tr>
<td>Proposal Requirements</td>
<td>The proposal requires:</td>
</tr>
<tr>
<td></td>
<td>• <strong>Aggregate side yard setback variance:</strong> The zoning ordinance requires that a home maintain a minimum aggregate side yard setback of 30 feet, with no one side less than 10 feet. With the proposed addition, the home would have an aggregate side yard setback of 13 feet. The proposed addition would maintain the minimum 10-foot side yard setback.</td>
</tr>
<tr>
<td>Approving Body</td>
<td>The planning commission has final authority to approve or deny the request. (City Code §300.07 Subd.4)</td>
</tr>
<tr>
<td>Site Features</td>
<td>The subject property was platted as part of the THORPE BROS. GROVELAND SHORES subdivision in 1916. The property has remained in the configuration in which it was originally platted and is substandard in both lot area and width requirements. The property has a lot area of 8,200 square feet and a lot width of 53 feet. The property was improved with a 1,000 square foot one-story home in 1924. The home was constructed prior to the adoption of the city’s first zoning ordinance and has a non-conforming side setback of two-feet.</td>
</tr>
</tbody>
</table>
In 2003, the city approved a front yard setback variance of 17-feet for the construction of a two-car garage.

**Proposed**

The applicant is proposing to construct a 650 square foot addition onto the existing home. The addition would allow for a new kitchen area, living room, and an expanded bathroom.

While the existing home and garage are primarily located outside of the property’s buildable area, the addition would be located almost entirely within the property’s small buildable area. (See page A6.) Additionally, the addition would maintain the minimum 10-foot side yard setback. The existing and proposed setbacks would be as follows:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard setback</td>
<td>35 ft</td>
<td>60 ft</td>
<td>40 ft</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>10 ft</td>
<td>2 ft</td>
<td>2 ft</td>
</tr>
<tr>
<td>Aggregate side yard setback</td>
<td>30 ft</td>
<td>22 ft</td>
<td>13 ft *</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>30 ft</td>
<td>35 ft</td>
<td>35 ft</td>
</tr>
</tbody>
</table>

* Requires a variance

**Staff Analysis**

Staff finds that the applicant's proposal meets the variance standard outlined in city code:

- **REASONABLENESS**: The existing home has a non-conforming side yard setback of two-feet. Coupled with the amount of buildable area on the property, it is unlikely that an addition could be constructed without an expansion permit or variance. The proposal was designed such that it would be located within the property’s buildable area and would maintain the required 10-foot setback. Further, the addition would be screened, in part, from the adjacent right-of-way by the existing detached garage.

- **CIRCUMSTANCES UNIQUE TO THE PROPERTY**: The subject property was platted in 1916 and is notably substandard in both lot area and lot width under the current ordinance. This, coupled with the home’s existing non-conforming setbacks, presents a circumstance that is not common to single family residential properties.

- **NEIGHBORHOOD CHARACTER**: The Grays Bay area is comprised of smaller, narrow lots. Much like the subject
property, many of the properties have non-conforming side yard setbacks. To allow for reasonable reconstruction and additions, the city has approved a number of setback variances for properties within the neighborhood. (See page A8.) Staff finds the proposed setback would be similar to, or in some cases less obtrusive than, existing setbacks within the neighborhood.

Staff Recommendation

Adopt the resolution on pages A9–A12, which approves an aggregate side yard setback variance for an addition at 16924 Cottage Grove Avenue.

Originator: Ashley Cauley, Planning Technician
Through: Susan Thomas, AICP, Principal Planner
Supporting Information

**Surrounding Land Uses**

All properties to the north, east, south and west are zoned R-1 and guided for low density residential.

**Planning**

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

**Small lot**

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

The average lot size in the neighborhood exceeds the 15,000 square foot threshold. As such, despite the “smaller” lot size, the lot is not currently considered a small lot.

**Existing Lot**

The subject property was platted in its current configuration in 1916 as part of the Thorpe Bros. Groveland Shores subdivision. By current ordinance, the property is notably substandard in lot area and lot width requirements. The following table summarizes the existing lot’s characteristics:

<table>
<thead>
<tr>
<th>Required</th>
<th>Existing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>22,000 sf</td>
</tr>
<tr>
<td>Minimum lot width at ROW</td>
<td>80 ft</td>
</tr>
<tr>
<td>Minimum lot width at the building setback line</td>
<td>110 ft</td>
</tr>
<tr>
<td>Minimum buildable area</td>
<td>3,500 sf</td>
</tr>
</tbody>
</table>

**Impervious Surface**

The zoning ordinance restricts the amount of impervious surface on properties located within the shoreland overlay district. By ordinance, the maximum impervious surface coverage for the subject property is 75-percent. The proposal would increase in impervious surface on the property but would result in a total coverage of 39-percent.

**McMansion**

The McMansion policy is a tool the city can use to ensure that new homes requiring a variance are consistent with the character
of the existing homes in the neighborhood. By policy, the floor area ratio (FAR) of the proposed home cannot exceed the largest FAR of the properties within 1,000 feet on the same street or a distance of 400 feet from the subject property. The FAR of the proposed home would be 0.27. The highest FAR in the existing neighborhood is adjacent to the subject property and is 0.69 (See page A7.)

**Variance Standard**

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

**Natural Resources**

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance erosion control fencing.

**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.

**Neighborhood Comments**

The city sent notices to 65 area property owners and received no comments to date.

**Deadline for Decision**

October 10, 2015
Location Map

Applicant: Farhad Hakim
Address: 16924 Cottage Grove Ave
(15021.15a)
Variance Application for:

Farhad Hakim
16924 Cottage Grove Avenue
Minnetonka, MN. 55391

PRACTICAL DIFFICULTIES

1. Why proposed use is reasonable:

The proposed use is reasonable because the existing house is 1,020 S.F. with three extremely small bedrooms, a very small kitchen and living area that is not functional. We are adding on to provide a reasonable and workable area that allows for today's living standards.

The addition is 657 S.F. brings the total area to less then 1700 S.F. which is reasonable for a 3 bedroom house. This is still small but creates a much better and functional space in plan.

2. Circumstances unique to the property.

We cannot extend to the back due to set backs, there are also bedrooms on the back and an already small yard. On the front we are confined by the existing detached garage and the front yard setback. We are going within three feet of the back of the garage since it is much lower in elevation then the front of the house. The windows at the front are above the garage roof so the fact we are this close should not be an issue. The variance is relative to the side where the kitchen is located.

The need for a variance is caused by the fact it is a very-narrow lot, 51.85 feet. The northeast side bump-out at the kitchen area does not comply with the aggregate side yard setback required. The existing structures also limit what we can do relative adding on and creating a usable floor plan.

The need is strictly based on the ability to create a usable and functional floor plan.

3. The variance will not alter the existing character of the neighborhood. The exterior design is in character with the existing house. New siding will also update the appearance. The adjacent house to the southeast is considerably larger and higher. Extending the house addition forward should also bring it slightly more in scale with the existing streetscape.
LEGAL DESCRIPTION OF PREMISES SURVEYED:
Lot 20, Block 6, THORPE BROS. GROVELAND SHORES

This survey shows the boundaries and topography of the above described property, and the location of an existing house, garage, driveway, and all other visible "hardcover" thereon. It does not purport to show any other improvements or encroachments.

- □ Iron marker found
- □ Iron marker set
- Existing contour line
- " Denotes distance shown on plat of THORPE BROS. GROVELAND SHORES

EXISTING HARDCOVER CALCULATIONS
LOT AREA 8241+ S.F.
HOUSE 1041+ S.F.
GARAGE 546+.
CONCRETE DRIVE & WALK 540+.
SOUTH PAVER WALK 69+.
NORTH PAVER WALK 142+.
EAST STOOP 97+.
NORTH STOOP 65+.
NORTH WALL 14+.
CENTER WALL 17+.
SOUTH WALL 66+.
SOUTH BORDER 9+.
NORTH BORDER 10+.
FIRE RING 11+.
TOTAL 2631/8241 X 100= 31.93%.

PROPOSED HARDCOVER CALCULATIONS
LOT AREA 8241+ S.F.
HOUSE 1041+ S.F.
GARAGE 546+.
CONCRETE DRIVE & WALK 515+.
ADDITION 657+.
Porch 48+.
NORTH PAVER WALK 142+.
EAST STOOP 97+.
NORTH STOOP 65+.
NORTH WALL 14+.
SOUTH WALL 66+.
SOUTH BORDER 5+.
NORTH BORDER 6+.
FIRE RING 11+.
TOTAL 3214/8241 X 100= 39.00%.

GRONBERG & ASSOCIATES, INC.
CONSULTING ENGINEERS, LAND SURVEYORS
SITE PLANNERS
445 N. WILLOW DR. LONG LAKE, MN. 55356
952-473-4141

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

DESIGNER
REVISION
DATE
DESCRIPTION
DRAWN
CHECKED

15-169A

A3

Farhad Hakim
15924 Cottage Grove Avenue
15921.15a
Buildable Area

For illustrative purposes only

ows the boundaries and topography of the
ed property, and the location of an existing house,
ay, and all other visible "hardcover" thereon. It
ort to show any other improvements or encroach-

er found
er set
ontour line
istance shown on plat of THORPE BROS. GROVELAND SHORES
Largest FAR 0.69

Proposed FAR of subject property is 0.27
Planning Commission Resolution No. 2015-

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

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

Section 1. Background.

1.01 Farhad Hakim has requested a variance from the city code to construct an addition onto the existing home. (Project #15021.15a)

1.02 The property is located at 16924 Cottage Grove Avenue. It is legally described as:

   Lot 20, Block 6, Thorpe Bros. Groveland Shores, Hennepin County, Minnesota

1.03 City Code §300.10, Subd. 5(c) requires an aggregate side yard setback of 30 feet. The applicant is proposing an aggregate side yard setback of 13 feet.

1.04 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 proposal meets the purpose and intent of the zoning ordinance. The intent of the setback requirements is to identify the buildable area on properties and to provide for adequate separation between structures. Unlike the existing garage and home, the proposed addition would primarily be located within the property’s buildable area.

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

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

   a) REASONABLENESS: The existing home has a non-conforming side yard setback of two-feet. Coupled with the amount of buildable area on the property, it is unlikely that an addition could be constructed without an expansion permit or variance. The proposal was designed such that it would be located within the property’s buildable area and would maintain the required 10-foot setback. Further, the addition would be screened, in part, from the adjacent right-of-way by the existing detached garage.

   b) CIRCUMSTANCES UNIQUE TO THE PROPERTY: The subject property was platted in 1916 and is notably substandard in both lot area and lot width under the current ordinance. This, coupled with the home’s existing non-conforming setbacks, presents a circumstance that is not common to single family residential properties.
c) NEIGHBORHOOD CHARACTER: The Grays Bay area is comprised of smaller, narrow lots. Much like the subject property, many of the properties have non-conforming side yard setbacks. To allow for reasonable reconstruction and additions, the city has approved a number of setback variances for properties within the neighborhood. (See page A8.) Staff finds the proposed setback would be similar to, or in some cases less obtrusive than, existing setbacks within the neighborhood.

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:
   - Survey dated June 11, 2015
   - Floor plans and elevations dated June 10, 2015

2. Prior to issuance of a building permit:
   a) A copy of this resolution must be recorded with Hennepin County.
   b) Install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.

3. Mitigation is required for removal of trees outside of the basic tree removal area. The basic tree removal area is defined in City Code Section 300.28, Subd. 19(b).

4. 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 July 20, 2015.
Planning Commission Resolution No. 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 July 20, 2015.

Kathy Leervig, Deputy City Clerk
Minnetonka Planning Commission Meeting
July 20, 2015

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION
July 20, 2015

Brief Description
A conditional use permit for Redstone American Grill at 12401 Wayzata Boulevard

Recommendation
Recommend the city council approve the request

Proposal

Redstone American Grill is proposing to operate a restaurant within Ridgedale mall; the existing Redstone restaurant located on the south side of Ridgedale Drive would be relocated to the proposed site. The restaurant would be located on the north side of the mall expansion that is currently under construction. The proposal includes a new exterior entrance, updates to the exterior of the mall, and a new outdoor patio. The proposal requires a conditional use permit. (See pages A1-A6.)

Background Information

On March 7, 2013, the city council approved the master development plan for Ridgedale Mall. The master development plan consists of three phases:

- **Phase 1:** The first phase included construction of an 80,000 square foot addition to Macy’s, updating the exterior of the Macy’s store, as well as parking lot, stormwater and landscaping improvements on the north side of the site. Phase 1 was approved by the city in 2013 and construction is complete.

- **Phase 2:** The second phase consisted of demolishing the existing Macy’s Men’s and Home store, and constructing an addition to the mall and a new 140,000 square foot anchor department store. Phase 2 also includes parking lot, stormwater, and landscaping improvements along the south side of the mall property. Phase 2 is currently under construction.

- **Phase 3:** Phase 3 consists of three new freestanding restaurants on the northwest side of the mall, as well as the final parking lot and landscaping improvements. Phase 3 continues to be a future phase of the master development plan.

The plans for the Phase 2 expansion to the mall included two new sit-down restaurants to be located on the north side of the mall, adjacent to the new north entrance. One restaurant would be located within the existing mall space, and the second would be located within the new mall addition. The city included the restaurant uses in the analysis of parking, traffic, and overall site design. However, the city council did not approve the conditional use permits for the restaurants as it was anticipated that each of
the restaurants were going to provide separate “trade dress” design on the exterior of
the mall which would be unique to the actual restaurant tenant. The city determined that
the conditional use permits would be reviewed at a later time once the restaurants were
identified.

Ridgedale Center has now identified that Kona Grill and Redstone American Grill would
be the tenants occupying the restaurant spaces. The planning commission reviewed the
CUP for Kona Grill at its previous meeting on June 25th. Redstone has now applied for a
conditional use permit for its restaurant, and submitted detailed information.

Proposed Restaurant

Redstone American Grill is a full service, sit down restaurant. The proposed restaurant
at Ridgedale would be 8,500 square feet in size, and would be located entirely within
the mall. The proposal does not include any additions to the building. The proposal
includes the following items:

- **Exterior entrance:** The applicant is proposing to construct a new exterior
  entrance, which would be used as the main entrance into the restaurant. A
  secondary entrance would be provided from the interior of the mall. The
  proposed design includes a new tower feature above the entrance. The tower
  would not add square feet to the restaurant space. It functions as a covered
  entryway and visual element for the restaurant façade. (See page A4.)

- **Exterior architecture:** The applicant is proposing to provide “trade dress” design
  on the exterior so that the restaurant has a visual presence on the outside of the
  mall. The tower features would consist of glass and stone panels with a natural
  stone veneer along the base. The balance of the exterior storefront consists of
  metal panels along the top, with predominantly glass doors and natural stone
  veneer along the bottom. The glass doors are designed to open up on to the
  outdoor patio to connect with the interior dining room. (See pages A4-A5.)

- **Outdoor patio:** The proposal includes an outdoor dining patio on the north side of
  the restaurant, which would be used for seasonal dining. The patio would be
  surrounded by landscaping, and would be enclosed with a combination of fencing
  and natural boulders. The outdoor patio would also include a large outdoor
  fireplace. (See page A5.)

Staff Analysis

(1) **Conditional use Permit**

Staff finds that the proposed restaurant is reasonable:

- The master development plan for the mall, and the larger vision outlined in
  the city’s Ridgedale village center study, have always anticipated adding
  additional restaurants to the mall property. The restaurants increase the
vitality of the mall as a regional attraction, and continue the adaptation and reinvestment in Ridgedale Center.

- The parking demands and traffic associated with the restaurant can be accommodated within the existing site without the need for additional parking or traffic improvements. The restaurants were included in the parking and traffic analysis that were conducted in 2014 for the mall expansion project, and there have been no changes that would adversely impact parking and traffic on the site.

- The proposed exterior design maintains the high quality design and materials that are being used in the other improvements at the mall, including the new Macy’s, Nordstrom, and update of the mall entrances. The materials used – glass, stone, and metal panels – are all used extensively within the current mall updates.

(2) Pedestrian Accommodations
During the review of the Kona Grill, staff noted concerns about the sidewalk width along the edge of the restaurants. The proposed plans for Redstone also include a reduced sidewalk width of six feet along the north side of the patio. Staff is concerned about the reduced width given the goals of the Ridgedale village center study to increase pedestrian accommodations within the larger Ridgedale area. City staff has discussed this concern with the applicant, and the applicant indicated that they would be amenable to revising the patio plans to provide a better pedestrian experience. The tower feature would limit the sidewalk width to six feet at that point, but there is room to decrease the size of the landscape area to increase the width of the sidewalk. This would also allow for additional pedestrian amenities near the mall entrance, such as benches, plantings, and a passenger waiting area. Staff finds that this would be an acceptable solution to address the issue. The sidewalk width is included as a condition of approval, and staff will continue to work with the applicant and the mall to finalize the plans.

Staff Recommendation

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

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

<table>
<thead>
<tr>
<th><strong>Project No.</strong></th>
<th>03046.15c</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property</strong></td>
<td>Ridgedale Center, 12401 Wayzata Blvd.</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Wilkus Architects</td>
</tr>
<tr>
<td><strong>Property Owner</strong></td>
<td>Ridgedale Anchor Acquisition, LLC</td>
</tr>
<tr>
<td><strong>Approving Body</strong></td>
<td>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)</td>
</tr>
</tbody>
</table>

### Surrounding Land Uses
- **Northerly:** I-394
- **Easterly:** Crane Lake, zoned PID/Planned I-394 District and guided for open space
- **Southerly:** Mix of institutional, office, residential and hospitality uses, zoned PID and guided for mixed use
- **Westerly:** Mix of bank, retail, restaurant and commercial uses, zoned PID and guided for mixed use

### Planning
- **Guide Plan designation:** Mixed Use
- **Zoning:** PID/Planned I-394 District

### 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 §300.31 Subd. 4(b)2(o) for restaurants located on property designated for retail use:

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

   **Finding:** The proposed restaurant would be located in Ridgedale Center, a multiple tenant regional shopping center. The exterior design of the restaurant is incorporated into the design of the mall, and maintains the high quality design and materials that are being used in the other improvements at the mall.

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

   **Finding:** The traffic associated with the restaurant can be accommodated within the existing roadway system and on-site access and parking areas.

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

   **Finding:** The outdoor dining area would be fully enclosed by the building, decorative fence, and larger boulders. The only interruption to the enclosure would be a gate within the fence that is required by the building code for fire access.

   b) must be set back at least 200 feet and screened from any adjacent property designated in the comprehensive plan for residential use;

   **Finding:** The proposed outdoor patio is not located near any residential properties.
c) must be located and designed so as not to interfere with pedestrian and vehicular circulation;

**Finding:** The outdoor dining patio would not interfere with pedestrian or vehicular circulation.

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

**Finding:** The outdoor dining patio would be located adjacent to the main entrance to the restaurant.

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

**Finding:** This is included as a condition of approval.

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

**Finding:** The proposed outdoor patio is not located near any residential properties.

g) must meet building setback requirements.

**Finding:** The proposed outdoor patio would meet all setback requirements from property lines.

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

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

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

Finding: The proposed restaurant would exceed 1,200 square feet, so the requirements of the section would apply to the proposal.

Neighborhood Comments
The city sent notices to 234 area property owners and received no comments.

Deadline for Decision
August 11, 2015
Location Map

Project: Redstone
Applicant: Duane Perry
Address: 12401 Wayzata Blvd
(03046.15c)

City of minnetonka

This map is for illustrative purposes only.
CONDITIONAL USE PERMIT STATEMENT

DATE: 12 June 2015

TO: Jeffrey R. Thomson
CITY OF MINNETONKA
14600 Minnetonka Blvd.
Minnetonka, MN 55345

REFERENCE: REDSTONE AMERICAN GRILL, TENANT SPACE AT RIDGEDALE CENTER

FROM: Duane L. Perry AIA
WILKUS ARCHITECTS, P.A.
15 Ninth Avenue North
Hopkins, MN 55343
952-941-8660

Redstone will be a new 8,500 sf tenant on the northeast side of Ridgedale Center next to the new Nordstrom store. Following the guidelines of the mall, Redstone will be creating a storefront between Nordstrom and the new entry to the mall. General Growth Properties, owner of the mall, has encouraged Redstone to let their brand be expressed on the exterior with an entry element, signage, outdoor patio and landscaping.

The entry element and façade materials are signature elements of Redstone’s brand. The entry element is not an enclosed space or leased space; it is an element for the purpose of identifying and enhancing the entry to create ambiance that reflects the character of Redstone. The patio and landscaping is another essential element of Redstone’s character. A pergola and fireplace help extend the interior finishes and elements to the exterior making the eating experience as rich as the interior. Redstone has developed a standard for extensive landscaping with the use of trees, shrubs and boulders to help extend Redstone’s character and creating a comfortable private experience. Exterior materials are important too. Redstone’s use of natural stone and other finishes are important in portraying quality of materials and attention to detail that is a reflection of the food they serve.
**EXISTING MALL FINISHES**

- **NORDSTROM'S FACADE**
- **PRE-FINISHED ALUMINUM STOREFRONT SYSTEM**
- **5' X 5' DARK FINISHED METAL MEDALLION**
- **CAST STONE PANELS**
  - With integral banding and reveals
- **PRE-FINISHED METAL PANEL**
  - With 2" relief
- **PRE-FINISHED STEEL Pergola**
- **NATURAL STONE VENEER**
- **BLACK BURNISHED CONCRETE BLOCK**

**EXISTING MALL ENTRANCE**

- **1'-8" X 1'-8" DARK FINISHED METAL MEDALLIONS - BACK-LIT**

**NATURAL BOULDERS FOR PATIO ENCLOSURE**

**BACK-LIT SIGNAGE**

- **BLACK METAL STANDING SEAM ROOFING AND FASCIA**

**1'-8" X 6'-0" BACK-LIT SIGNAGE**

**SCALE:** 3/16" = 1'-0"

**1080, 2nd Floor**

**Ridgedale Center**

**12401 Wayzata Boulevard**

**Minnetonka, MN 55305**
RESTAURANT SPACE - 8,600 SF
OUTDOOR PATIO - 1,351 SF
TRASH - 892 SF

SEATING:
- MAIN DINING - 136
- MAIN BAR - 31
- CAFE DINING - 48
- CAFE BAR - 17
- PATIO - 54

CAPABILITIES:
- RAMP: 0'
- STAIRS: 17'
- TRASH & RECYCLING: 892 SF
- LINENS: 24' x 42'
- GALLERIES: 24' x 42'
- LOCKERS: 24' x 36'
- ICE MACHINE: 0'
- COOLER: 24' x 48'
- CONVEYOR BELT: 18' x 24'
- LINENS: 24' x 42'
- LINENS: 24' x 42'

EQUIPMENT:
- FREEZERS: 24' x 48'
- DISH WASHING: 18' x 36'
- LAVATORY: 18' x 36'
- COFFEE MACHINES: 0'
- ICE MACHINES: 0'
- WINE DISPLAY: 0'
- BEER COOLER: 0'
- BOULDERS: 0'
- FENCE: 0'
- TRASH ENCLOSURE: 0'

SEATING:
- MAIN DINING: 136
- MAIN BAR: 31
- CAFE DINING: 48
- CAFE BAR: 17
- PATIO: 54

Note: All dimensions are in feet.
Resolution No. 2015-

Resolution approving a conditional use permit for a restaurant at Ridgedale Center at 12401 Wayzata Boulevard

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

Section 1. Background.

1.01 Redstone American Grill and Wilkus Architects have requested a conditional use permit for a restaurant. (Project 03046.15b)

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

1.03 On July 20, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. General Standards.

2.01 City Code §300.21 Subd. 2 lists the following general standards that must be met for granting a conditional use permit:

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

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

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

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

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

Section 3. Specific Standards.

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

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

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

3. Outdoor seating areas will be approved only subject to the following:

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

   b) must be set back at least 200 feet and screened from any adjacent property designated in the comprehensive plan for residential use;

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

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

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

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

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

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

Section 4. Findings.

4.01 The proposal meets the general conditional use permit standards as outlined in City Code §300.21 Subd. 2.

4.02 The proposal meets the specific conditional use permit standards as outlined in City Code §300.31 Subd. 4(b)2(o).

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, except as modified below.
   - Floor plan dated June 12, 2015
   - Building elevations dated June 12, 2015

2. Prior to issuance of a building permit:
   a) This resolution must be recorded with Hennepin County.
b) The site plan must be revised. The sidewalk along the north side of the restaurant must be increased in width. The revised plan should include additional pedestrian amenities near the north entrance to the mall.

3. The outdoor patio must be equipped with refuse containers and periodically patrolled for litter pick-up.

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

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 27, 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 July 27, 2015.

David E. Maeda, City Clerk
MINNETONKA PLANNING COMMISSION  
July 20, 2015

Brief Description  
Sign plan amendment for Ridgedale Center

Recommendation  
Recommend the city council approve the staff-drafted amendment

Proposal

Kona Grill and Redstone American Grill have submitted applications to open restaurants in Ridgedale Center. As part of each of the applications, the applicants are requesting exterior signage that does not comply with the requirements of the sign plan for Ridgedale Center. The planning commission reviewed the conditional use permit and sign plan amendment for Kona Grill at its last meeting on June 25th. At the meeting, the planning commission recommended approval of the CUP. However, the planning commission tabled action on the sign plan amendment. The planning commission wanted to review the sign proposals for both of the restaurants together. Redstone American Grill has now submitted their proposed signs. Both the Kona Grill and Redstone American Grill applications require an amendment to the existing sign plan for Ridgedale Center. (See pages A1-A6.)

Existing Sign Plan

The original sign plan for Ridgedale Center was approved by the planning commission in June 1986. In March 2015, the planning commission approved a new sign plan for the mall. The new sign plan rescinded the previous requirements, and adopted new standards for exterior signs based on the new exterior signs related to the expansion and remodeling of the mall.

The existing sign plan allows for exterior signs to identify the mall and three types of tenants: anchor department stores, restaurants located adjacent to an exterior entrance, and freestanding tenants. Tenants that are interior to the mall are not allowed exterior signs. The current sign plan allows restaurants with exterior frontage to have one exterior wall sign per building elevation with a maximum height of 30 inches.

Proposed Signs

Kona Grill is proposing to have two exterior signs. The first would be a wall-mounted sign that would be 42 inches in height. The proposed sign has been reduced in size from the previous proposal that the planning commission reviewed. The size has been reduced to be consistent with the size of the proposed Redstone wall sign. The second sign would be located at the base of the tower, and would include “Kona Grill” in a vertical alignment. (See pages A3-A4.)
Redstone is proposing one exterior wall sign. The proposed sign would consist of the Redstone American Grill in a stacked configuration. The sign would have a total height of 42 inches. Redstone was originally proposing a taller sign, but they reduced the size of the sign based on feedback from city staff. (See page A5–A6.)

The Kona Grill and Redstone signs would both be mounted above each of the restaurant’s tenant space, and on the exterior of the mall rather than to the restaurant façade. The applicants have revised the signs from the previous proposals. The signs would be located lower on the mall than the previous proposal. The signs would be placed at the same height on the building elevation, and the top of the signs would align with the tower features of each of the restaurant’s exterior. (See page A3.)

**Staff Analysis**

Staff recognizes that Ridgedale Center is a unique destination in the community and has a need to provide varying signs beyond what the standard sign ordinance would allow. These unique visibility needs are recognized in the existing sign plan that was reviewed and approved by the planning commission earlier this year. Under the existing sign plan, the anchor department stores and restaurants with exterior frontage are the only tenants that are allowed signs on the exterior of the mall. Staff continues to find that allowing exterior signs for Kona Grill and Redstone is reasonable, and staff supports an increased size of the signs from 30 inches to 42 inches.

However, staff is concerned about the location of the proposed signs. It is standard practice throughout the community, and also at Ridgedale Center, that exterior signs for a tenant must be located within the leased space of that tenant. The reason for this requirement is based on the purpose of the sign ordinance – to allow signs which provide tenant identification and wayfinding. Signs that are located within the tenant space and are integrated into the design of the tenant space provide more instinctive identification. The proposed signs are not integrated into the tenant’s exterior façade, and would be unnecessarily high on the building.

In addition, staff does not support the second wall sign for Kona Grill. The current sign plan does not allow any tenant to have more than one wall sign on a building elevation. Tenants that have more than one elevation are allowed one sign on each elevation. Restaurant tenants that have only one exterior building elevation are, therefore, only allowed one sign. Staff does not support the expansion of the sign plan to allow tenants more than one sign per elevation.

As such, staff is recommending that the sign plan for Ridgedale Center be amended to increase the maximum height for restaurant signs from 30 inches to 42 inches. The staff recommended changes would not allow the Kona Grill and Redstone signs in the proposed location. Rather, they would need to be placed within the restaurant’s exterior building façade.
Staff Recommendation

Recommend that the city council adopt the resolution on pages A7-A10 which approves a staff-drafted amendment to the sign plan for Ridgedale Center at 12401 Wayzata Boulevard.

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

<table>
<thead>
<tr>
<th>Project No.</th>
<th>03046.15c</th>
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<tr>
<td>Property</td>
<td>Ridgedale Center, 12401 Wayzata Blvd.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Wilkus Architects</td>
</tr>
<tr>
<td>Property Owner</td>
<td>Ridgedale Anchor Acquisition, LLC</td>
</tr>
</tbody>
</table>

**Approving Body**

Typically the planning commission makes a final decision on sign plan requests. However, in the case of a sign plan review that is part of an application that is reviewed by the city council, the planning commission makes a recommendation and the city council makes the final decision. Since Kona Grill and Redstone American Grill have both applied for conditional use permits, the planning commission makes a recommendation to the city council, which has final authority to approve or deny the request.

**Surrounding Land Uses**

Northerly: I-394  
Easterly: Crane Lake, zoned PID/Planned I-394 District and guided for open space  
Southerly: Mix of institutional, office, residential and hospitality uses, zoned PID and guided for mixed use  
Westerly: Mix of bank, retail, restaurant and commercial uses, zoned PID and guided for mixed use

**Planning**

Guide Plan designation: Mixed Use  
Zoning: PID/Planned I-394 District

**Sign Plan Review Standards**

City Code Section 300.30 Subd. 9(h) states that the city may approve a sign plan with differing requirements. Factors which will be used in determining if an individual sign plan will be considered include the following:

1) The development includes a high rise (greater than 3 story) structure;

2) The development includes multiple structures and/or substantial site area;
3) The development includes mixed uses;

4) A sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and

5) The sign plan includes permanent sign covenants which can be enforced by the city.

**Motion Options**

The planning commission has three options:

(1) Concur with staff’s recommendation. In this case a motion should be made to approve the staff-drafted sign plan amendment.

(2) Disagree with staff’s recommendation. In this case a motion should be made either: (1) denying the staff drafted amendment; or (2) approving the applicants’ preferred amendment. In either motion should include findings for associated with the action.

(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 sent notices to 234 area property owners and received no comments.

**Deadline for Decision**

August 11, 2015
Location Map

Project: Redstone
Applicant: Duane Perry
Address: 12401 Wayzata Blvd
(03046.15c)

This map is for illustrative purposes only.
37'-8"  34'-8"
3'-6" x 38'-0"
BACK-LIT SIGNAGE
BLACK METAL STANDING SEAM ROOFING AND FASCIA
EXISTING MALL FINISHES
NORDSTROM'S FACADE
PRE-FINISHED ALUMINUM STOREFRONT SYSTEM
5' X 5' DARK FINISHED METAL MEDALLION
CAST STONE PANELS WITH INTEGRAL BANDING AND REVEALS
PRE-FINISHED METAL PANEL WITH 2" RELIEF
PRE-FINISHED STEEL PERGOLA
NATURAL STONE VENEER
BLACK BURNISHED CONCRETE BLOCK
EXISTING MALL FINISHES
EXISTING MALL ENTRANCE
3'-6" x 22'-4" SIGNAGE
1'-8" X 1'-8" DARK FINISHED METAL MEDALLIONS - BACK-LIT
NATURAL BOULDERS FOR PATIO ENCLOSURE

RIDGDALE SIGN PLAN
12401 WAYZATA BLVD

RIDGDALE SIGN PLAN
12401 WAYZATA BLVD
This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed.
SIGN PLAN REVIEW STATEMENT

DATE: 12 June 2015

TO: Jeffrey R. Thomson
CITY OF MINNETONKA
14600 Minnetonka Blvd.
Minnetonka, MN 55345

REFERENCE: REDSTONE AMERICAN GRILL, TENANT SPACE AT RIDGEDALE CENTER

FROM: Duane L. Perry AIA
WILKUS ARCHITECTS, P.A.
15 Ninth Avenue North
Hopkins, MN 55343
952-941-8660

Redstone will be a new 8,500sf tenant on the northeast side of Ridgedale Center next to the new Nordstrom store. Following the guidelines of the mall, Redstone will be creating a storefront between Nordstrom and the new entry to the mall. General Growth Properties, owner of the mall, has encouraged Redstone to let their brand be expressed on the exterior with an entry element, signage, outdoor patio and landscaping.

Redstone, at all their locations, use signage to inform people who they are. Their approach to signage is to be tasteful and to be seen. There will be small make lit medallions at each side of the entry and a larger medallion above the entry. The main sign on the exterior is positioned for balance and visibility. In the context of the overall mall façade, from Nordstrom to Macy’s, Redstone is a small storefront. Redstone needs to be seen from the distance of the edge of the property to even to the highway beyond. From those distances the signage needs to be positioned in a high enough to not get lost from all other lighting along the building. During the day the signage will be a silver color to be in contrast to the material behind it. At night the signage would be back-lit with halo lighting. In either case the signage will be proportioned to look correct in the over all composition of the mall’s façade.
Resolution No. 2015-

Resolution amending the existing sign plan for Ridgedale Center at 12401 Wayzata Boulevard

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

Section 1. Background.

1.01 Kona Sushi Inc. and Wilkus Architects have requested an amendment to the existing sign plan for Ridgedale Center at 12401 Wayzata Boulevard.

1.02 Under the existing sign plan, restaurants with frontage on the mall exterior are allowed wall signs not exceeding 30 inches in height. The requested amendment would increase the maximum height to 42 inches.

1.03 On July 20, 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 the city council approve the sign plan amendment.

Section 2. Findings.

2.01 Ridgedale Center includes a mix of commercial uses, including retail, restaurant, automotive, and anchor department stores.

2.02 The site has unique visibility needs compared to other commercial properties. Ridgedale abuts three major streets, Wayzata Boulevard, Ridgedale Drive, and Plymouth Road, and has visual frontage from I-394. The site also has seven separate vehicle access points from these public streets. In addition, the site is a regional destination which anchors the larger Ridgedale area regional center.

Section 3. City Council Action.
3.01 The requested sign plan amendment is hereby approved. The amended sign plan is outlined in EXHIBIT A of this resolution.

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 27, 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 July 27, 2015.

David E. Maeda, City Clerk
EXHIBIT A

RIDGDALE SIGN PLAN

Exterior signs for Ridgedale Center must meet all of the requirements of the city’s sign ordinance, except for the following:

1. The mall is allowed exterior signs according to the following standards:
   a) The signs must not exceed the following number, height, and size:

<table>
<thead>
<tr>
<th></th>
<th>Quantity (max.)</th>
<th>Height (max.)</th>
<th>Copy and graphic area (max.)</th>
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<tbody>
<tr>
<td>pylon sign</td>
<td>1</td>
<td>85 ft.</td>
<td>480 sq. ft.</td>
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<td>monument signs</td>
<td>4</td>
<td>8 ft.</td>
<td>40 sq. ft.</td>
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<td>directional signs</td>
<td>9</td>
<td>8 ft.</td>
<td>20 sq. ft.</td>
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<tr>
<td>entrance towers</td>
<td>4</td>
<td>N/A</td>
<td>225 sq. ft.</td>
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</table>

   b) There may be no additional freestanding or pylon signs than identified above. All freestanding signs must include the name of the shopping center only, and must not include individual tenant identification. Directional signs must include only directional messages.

2. Anchor department stores that exceed 100,000 square feet in size are allowed exterior signs according to the following standards:
   a) Maximum of one wall sign per exterior elevation.
   b) The total height of the sign must not exceed 8 feet.
   c) The total length of the sign must not exceed 25% of the lineal footage of the surface to which it is affixed.

3. Restaurants that have frontage on the mall exterior are allowed exterior signs according to the following standards:
   a) Maximum of one wall sign per exterior elevation.
   b) The total height of the sign must not exceed 42 inches.

4. Freestanding buildings are allowed exterior signs according to the following standards:
a) Maximum of one wall sign per exterior elevation.

b) The total height of the sign must not exceed 5 feet.

c) The total length of the sign must not exceed 75% of the lineal footage of the surface to which it is affixed.

5. All other tenants are not allowed exterior signs, including temporary business signs.
MINNETONKA PLANNING COMMISSION  
July 20, 2015

Brief Description  
Items concerning Salsa a la Salsa at 11390 Wayzata Boulevard:

1) Conditional use permit for an outdoor dining patio; and

2) Minor amendment to West Ridge Market master development plan

Recommendation  
Recommend the city council approve the request

Project No.  
15022.15a

Property  
West Ridge Market, 11390 Wayzata Boulevard

Applicant  
Alliant Engineering

Property Owner  
CSM West Ridge, Inc.

Proposal  
The applicant is proposing to locate a new restaurant, Salsa a la Salsa, within the former Macaroni Grill space at West Ridge Market. The proposal includes interior and exterior remodeling of the existing building. In addition, the applicant is proposing to add an outdoor dining patio on the west side of the building. (See narrative and plans on pages A1-A12.)

Proposal Requirements  
The proposal requires:

- Conditional use permit: Restaurants with outdoor dining patios are a conditional use in the PID zoning district. Therefore, a conditional use permit is required.

- Minor amendment to the master development plan: The site improvements associated with the outdoor dining patio require an amendment to the existing master development plan. The proposed improvements meet the definition of a minor amendment.

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)
### Site Features

West Ridge Market is part of the Boulevard Gardens development, which was approved by the city in December 1995. The development consists of 63 acres and includes six major parts: retail, senior housing, apartments, condominiums, town houses and the relocation of Oak Knoll Church.

In December 1995, the city council approved a conditional use permit and site and building plans for the construction of the freestanding restaurant at West Ridge Market. Macaroni Grill occupied the restaurant space until it closed last year. (See pages A13-A14.)

### Proposed Restaurant

Salsa a La Salsa is proposing to locate a restaurant within the existing building. Salsa a La Salsa is a full-service, sit-down restaurant that currently has three other locations in the Twin Cities area. The menu consists of traditional Mexican dishes, and the restaurant would include a full bar. The applicant has applied for a liquor license that will be reviewed separately by the city council.

The existing building is 7,500 square feet in size, and the applicant is not proposing to expand the size of the building. The applicant is proposing minor updates to the building exterior, such as painting, but the existing materials – clay tile roof, stucco, and stone – would remain the same. (See page A12.)

### Proposed Outdoor Patio

The applicant is proposing to construct an outdoor patio on the west side of the building. The patio would be approximately 2,000 square feet, and access to the patio would be from inside the building. The proposed patio would be located within the existing parking lot, and 10 parking stalls would be removed for the proposed patio. The existing drive aisle along the west side of the building would be retained. The proposed patio would not be covered, except for a trellis over the north side, and the patio would be fully enclosed with a four-foot tall fence, as required by the city ordinance when a liquor license is involved. (See pages A10-A12.)

### Staff Analysis

Staff finds that the applicant’s proposal is reasonable.

- There would be no adverse noise or visual impacts associated with the outdoor patio. The proposed patio
would be located internal to the commercial development, and would be located over 600 feet from the nearest residential property.

- There is adequate parking to meet the parking requirements for the restaurant. The proposal does not include expansion of the existing building, and the city code does not require additional parking for a seasonal outdoor dining patio. The removal of 10 parking stalls would not adversely impact the parking on the site, as the site currently exceeds the city’s minimum parking requirements.

- The proposal meets all of the conditional use permit standards.

**Staff Recommendation**

Recommend that the city council adopt the resolution on pages A15-A18. 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.

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

**Surrounding Land Uses**

Northerly: Residential developments including Crown Ridge, Apartments, Boulevard Gardens Senior Housing, and Westridge Senior Housing, zoned PID/Planned I-394 District and guided for high density residential uses

Easterly: Hopkins Crossroad, and Crescent Ridge Corporate Center beyond

Southerly: I-394, and Crane Lake beyond

Westerly: Marsh Run office building, zoned PID/Planned I-394 District, and guided for service commercial use

**Planning**

Guide Plan designation: Commercial
Zoning: PID/Planned I-394 District

**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 §300.31 Subd. 4(b)(2)(o):

1. Must be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access must be only through the principal building;
Finding: The outdoor dining area would be fully enclosed by the building and four-foot tall fence. The only interruption to the enclosure would be a gate within the fence that is required by the building code for fire egress.

2. Must be set back at least 200 feet and screened from any adjacent property designated in the comprehensive plan for residential use;

Finding: The proposed patio would be located internal to the commercial development, and would be over 600 feet from the nearest residential property. The proposed patio would not be visible from any residential properties.

3. Must be located and designed so as not to interfere with pedestrian and vehicular circulation;

Finding: The proposed patio would not interfere with pedestrian or vehicle circulation. The vehicle circulation within the site would be maintained as it exists today, and a sidewalk would be provided along the perimeter of the patio for pedestrian access to the building and parking lot.

4. Must be located next to an entrance to the main use;

Finding: The only access to the outdoor dining patio would be from the building.

5. Must be equipped with refuse containers and periodically patrolled for litter pick-up;

Finding: This is included as a condition of approval.

6. Must not have speakers or audio equipment that is audible from adjacent residential parcels; and

Finding: This is included as a condition of approval.

7. Must meet building setback requirements.

Finding: The proposed patio would be located more than 100 feet from the closest property line, and complies with the building setback requirements.
<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 99 area property owners and received no comments.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadline for Decision</td>
<td>August 22, 2015</td>
</tr>
</tbody>
</table>
Location Map

Project: Salsa a La Salsa
Applicant: Mark Kronbeck, Alliant Engineering
Address: 11390 Wayzata Blvd
(15022.15a)
COMPREHENSIVE GUIDE PLAN DESIGNATION

The approximately 14.1 acre Westridge Market area currently has a 2030 Land Use designation of Commercial. No Land Use designation change is requested.

ZONING CLASSIFICATION

The property has a current Zoning of PID, Planned I-394 District. No Zoning designation change is requested.

LAND USE

EXISTING CONDITIONS

The Westridge Market was constructed by CSM Properties in 1997 and is still owned and managed by CSM Properties. The Westridge Market is located in the northwest quadrant of Interstate 394 and Hopkins Crossroad. There are five existing buildings included in the Master Development Plan area. The following is a list of the existing buildings and their areas:

<table>
<thead>
<tr>
<th>Building Description</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>11220 – 11260 (Dick’s and Trader Joe’s)</td>
<td>174,064 S.F.</td>
</tr>
<tr>
<td>11544 (BLVD)</td>
<td>7,810 SF.</td>
</tr>
<tr>
<td>11450 – 11522 (Fidelity, Staples, Michael’s)</td>
<td>49,351 S.F.</td>
</tr>
<tr>
<td>11390 (Macaroni Grill Restaurant)</td>
<td>7,487 S.F.</td>
</tr>
<tr>
<td>11300 (Shane Jewelry, Schmidt Music and Leann Chin)</td>
<td>23,102 S.F.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>261,814 S.F.</strong></td>
</tr>
</tbody>
</table>

The site is currently drains to storm water ponds in the northwest portion of the site.

PROPOSED PLAN

The proposed redevelopment includes remodeling the existing “Macaroni Grill Restaurant” building to accommodate a new Salsa a La Salsa Restaurant. A portion of the parking, sidewalk and landscaping will be removed to provide new patio on the west side of the building. The proposed building will remain the same size at 7,487 sf +/- with an outdoor patio approximately 1,894 sf. The drive aisles and pavement will remain the same.
Salsa a La Salsa

Salsa a la Salsa proposes to remodel the existing “Macaroni Grill Restaurant” building. The existing structure of the building will remain and the exterior will be modified slightly with new signage, new shutters, and new paint(s) throughout the exterior facade. A fenced patio will be provided on the west side of the building.

Salsa a la Salsa is proud to be a family owned and operated restaurant. Their first location opened in the Loring Park neighborhood, and within walking distance of the Convention Center. When they first opened their doors in 2003, their goal was to bring traditional Mexican dishes to the Twin Cities, with a new twist. They had such great response from the community, that in 2006 they decided to open another restaurant at the Midtown Global Market, A La Salsa. In 2014 they opened their third location in the Uptown neighborhood of Minneapolis. They also have a strong catering background, and are able to provide catering needs, from corporate lunches to wedding receptions.

Deliveries to the restaurant will be scheduled for off-peak hours and trucks will enter and circulate through the retail center to the rear of the restaurant.

TIMING/PHASING

Construction is anticipated to begin immediately upon receiving necessary City approval (estimated to begin 9/1/15) starting with the remodeling of the building interior as well as the instillation of the new patio. The total construction time is planned to take approximately 3-4 months and allow for an opening date in January 2016.

SURROUNDING PROPERTY DESIGNATIONS

LAND USE

The property is currently surrounded with numerous Land Use designations, which are as follows:

North and Northwest – High Density Residential
West – Service Commercial
East – Office
South – I-394, Open Space and Crane Lake

ZONING

The property is currently surrounded with property that is zoned PID, Planned I-394 District
CONCLUSION

CSM Properties seeks to provide a highly desirable retailer, Salsa a La Salsa at their existing Westridge Market development. They have used thoughtful consideration and reuse of an existing structure to better utilize an existing successful mixed-use destination in Minnetonka.
RESOLUTION NO. 95-10006B

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A
RESTAURANT IN AN AREA DESIGNATED FOR SERVICE COMMERCIAL
WITHIN THE I-394 CORRIDOR

Section 1. Background

1.01 Chili’s of Minnesota is requesting a conditional use permit for a
restaurant in an area designated for service commercial within the I-
394 corridor. The property is legally described as follows:

Boulevard Gardens, Second Addition, Block 1, Lots 1 and 4

1.02 City Code Section 300.31, subdivision 2(n) lists the standards that
must be met for granting of the permit:

1) shall have minimum seating capacity of 150;

2) shall be part of an overall master development plan consisting of
more than one structure;

3) shall be architecturally consistent and compatible with other
structures in the master development plan;

4) shall have parking in compliance with the requirements of section
300.28 of this code;

5) shall be permitted only when it can be demonstrated that operation
will not lower significantly the existing level of service as defined
by the Institute of Traffic Engineers on the roadway system;

6) shall not include a drive-up window; and,

7) shall not be located within 100 feet of any low density residential
parcel or adjacent to medium or high density residential parcels.
The City may reduce separation requirements if the following are
provided:

a. landscaping and berming to shield the restaurant use.

b. parking lots not located in proximity to residential uses.

c. lighting plans which are unobtrusive to surrounding uses.
Section 2. Findings

2.01 The proposed site plan meets the criteria for granting of the conditional use permit.

Section 3. City Council Action

Adopted by the Minnetonka City Council on December 11, 1995.

Signature

KAREN J. ANDERSON, MAYOR

ATTEST

Elizabeth L. Norton, City Clerk

Action on this resolution

Motion for adoption: Tauer
Seconded by: Countryman
Voted in favor of: Callison, Schneider, Hanus, Tauer, Countryman, Allendorf, Anderson
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 the 11th day of December, 1995.

Signature

Elizabeth L. Norton, City Clerk
Resolution No. 2015-

Resolution approving a conditional use permit and minor amendment to the West Ridge Market master development plan for an outdoor dining patio at 11390 Wayzata Boulevard

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

Section 1. Background.

1.01 Alliant Engineering and CSM West Ridge, Inc. have requested a conditional use permit and minor amendment to the master development plan for West Ridge Market for an outdoor dining patio. (Project 03046.15b)

1.02 The property is located at 11390 Wayzata Boulevard. It is legally described as: Lot 4, Block 1, Boulevard Gardens Second Addition

1.03 On July 20, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit and amendment.

Section 2. General Standards.

2.01 City Code §300.21 Subd. 2 lists the following general standards that must be met for granting a conditional use permit:

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

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

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
4. The use is consistent with the city's water resources management plan;

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

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

Section 3. Specific Standards.

3.01 City Code §300.31 Subd. 4(b)2(o) lists the following specific standards that must be met for granting a conditional use permit for an outdoor dining patio:

1. must be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access must be only through the principal building;

2. must be set back at least 200 feet and screened from any adjacent property designated in the comprehensive plan for residential use;

3. must be located and designed so as not to interfere with pedestrian and vehicular circulation;

4. must be located next to an entrance to the main use;

5. must be equipped with refuse containers and periodically patrolled for litter pick-up;

6. must not have speakers or audio equipment that is audible from adjacent residential parcels; and

7. must meet building setback requirements.

Section 4. Findings.

4.01 The proposal meets the general conditional use permit standards as outlined in City Code §300.21 Subd. 2.

4.02 The proposal meets the specific conditional use permit standards as outlined in City Code §300.31 Subd. 4(b)2(o).
Section 5. Council Action.

5.01 The above-described conditional use permit and minor amendment to the master development plan are approved, subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans, except as modified below.
   - Demolition plan dated June 23, 2015
   - Site plan dated June 23, 2015
   - Grading, drainage, and erosion control plan dated June 23, 2015
   - Floor plan dated June 23, 2015
   - Building elevations dated June 23, 2015

2. Prior to issuance of a building permit:
   a) This resolution must be recorded with Hennepin County.
   b) The plans must be revised to include the following:
      1) The rim elevations of the catch basins within the patio must be adjusted to maintain existing storm water drainage.
      2) Provide a landscaping plan which provides mitigation for removal of two trees, and meets minimum landscaping requirements of the ordinance.
      3) Provide an underground grease separator on the sanitary sewer service line.

3. The outdoor patio must be equipped with refuse containers and periodically patrolled for litter pick-up.

4. Outdoor speakers must not be audible from adjacent residential properties.

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

6. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
Adopted by the City Council of the City of Minnetonka, Minnesota, on August 17, 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 August 17, 2015.

__________________________________
David E. Maeda, City Clerk
Items concerning 500 Milbert Road:

1) Amendment to a maximum floor area ratio condition; and
2) Conditional use permit for an accessory apartment.

Recommend the city council adopt the resolutions

Project No. 15020.15a
Property 500 Milbert Road
Applicant Daniel Maki

In 2007 the city was in a temporary development moratorium as staff drafted several ordinances related to natural resource protection. During the moratorium, only planned unit developments (PUD) were considered. One PUD reviewed during that time was a two-lot subdivision of the property at 506 Milbert Road. As proposed by the then owner, the existing home would remain on the lot at 506 Milbert Road and a new home would be constructed at 500 Milbert Road. (See page A2.)

As the subdivision would result in lots slightly under 22,000 square feet, the city chose to apply the "mcmansion policy," limiting new homes on the lots to a maximum 0.17 floor area ratio (FAR). This FAR corresponded to the highest FAR in the area at that time.

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>LOT AREA</th>
<th>FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>506 Milbert Rd</td>
<td>21,995 sq.ft.</td>
<td>3,739 sq.ft.</td>
</tr>
<tr>
<td>500 Milbert Rd</td>
<td>21,970 sq.ft.</td>
<td>3,735 sq.ft.</td>
</tr>
</tbody>
</table>

Since the 2007 approval, the existing home has remained on the 506 Milbert Road property and the 500 Milbert Road property has remained vacant. While these lots have remained the same over the last eight years, the maximum FAR of the neighborhood as risen to 0.24, likely due to additions and new home construction in the area.
Proposal

The applicant is proposing to construct a new home on the 506 Milbert Road property. The home would include a 950 square foot accessory apartment, which could be accessed both by an exterior door to the home’s front porch and by an interior door to the home’s foyer. The home would meet all minimum setback requirements. However, at just over 5,780 square feet in size – including a four car garage and accessory apartment – the home would have a FAR of 0.26. (See pages A1–A8.) The applicant’s proposal requires:

1) An amendment to the 2007 maximum FAR condition; and

2) A conditional use permit for the accessory apartment.

Staff Analysis

Staff finds the requests to be reasonable:

FAR. Given the situation of lots in the Milbert Road area, and of the subject property itself, two different types of amendments could be considered:

1. CURRENT FAR. Applying specific FARs under the “mcmansion policy” has proven to be problematic. The highest FAR in an area/neighborhood can change over time through code-compliant additions and new home construction. In recognizing the dynamic nature of area FAR calculations, staff has recently stopped quoting specific FARs in suggested conditions of approval. Rather, a general condition is included limiting FAR to the maximum of the area at the time of construction.

   In the case of the subject property, the highest FAR in the area is currently 0.24. (See page A9.) As such, it would be fair and reasonable to reestablish the maximum FAR for the property at this 0.24 ratio. This would require that the applicant reduce the total size of the proposed home from 5,780 square feet to 5,340 square feet.

2. ELIMINATE FAR. As approved, the subject property is just 30 square feet below the required 22,000 square foot R-1 minimum lot size. A simple lot line shift at the time of the subdivision would have essentially eliminated the application of the “mcmansion policy.” Given this, and that several properties in the surrounding area are smaller than the subject property and do not have FAR restrictions, it would be fair and reasonable to eliminate the FAR restriction on the property. (See page A10.)
APARTMENT: Generally, accessory apartments are consistent with the housing goals of the Comprehensive Guide Plan. They add to the diversity of housing types, sizes, and prices in the community. Specifically, the proposed accessory apartment would meet all minimum conditional use permit standards. These specific standards are outlined in the "Supporting Information" section of this report.

Staff Recommendation

Recommend the city council adopt the following resolutions associated with the property at 500 Milbert Road:

1. Either:
   - Resolution reestablishing a maximum floor area ratio; (See page A12–A13.) OR
   - Resolution eliminating the maximum floor area ration requirement. (See page A14–A15.)

2. Resolution approving a conditional use permit for an accessory apartment. (See page A16–A20.)

Originator: Susan Thomas, AICP, Principal Planner
Supporting Information

Surrounding Land Uses

All properties to the north, east, south and west are zoned R-1, and guided for low density residential.

Planning

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

CUP Standards

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

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
4. The use does not have an undue adverse impact on the public health, safety or welfare.

The proposal would meet the specific conditional use permit standards for accessory apartments as outlined in City Code §300.16, Subd. 3(d):

1. to be created only on property zoned for single family detached dwellings and no more than one apartment to be created in any dwelling;

   Finding: The property is zoned R-1, single family residential. The proposed home would contain just one accessory apartment.

2. structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;

   Finding: This is included as a condition of approval.

3. adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a
paved area specifically intended for that purpose but not within a required turnaround;

**Finding:** The property would have a four-car attached garage and a driveway area that would allow for adequate on-site parking for the both the primary dwelling unit and accessory apartment.

4. may be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two-car garage on the lot without the need for a variance;

**Finding:** The apartment would be constructed in conjunction with, and integrated into, a new home.

5. an accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.

**Finding:** The accessory apartment would be 950 square feet in size, which would represent 22 percent of the living area of the home.

6. exterior changes to the house must not substantially alter the single family character of the structure;

**Finding:** The apartment would be constructed in conjunction with, and integrated into, a new home.

7. no apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;

**Finding:** As the apartment would be constructed in conjunction with the new home, appropriate permits must be submitted and approved to ensure compliance with current construction codes.

8. to be permitted only where it is demonstrated that the accessory unit will not have an undue impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and
Finding: Many of the homes on Milbert Road are single-story ramblers constructed several decades ago. As such, the applicant’s new home will be different than many in the area. However, the accessory apartment itself would have no impact on the area, visual or otherwise.

9. all other provisions of this ordinance relating to single family dwelling units to be met, unless specifically amended by this subdivision.

Finding: This condition is met.

<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 43 area property owners and received no comments to date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approving Body</td>
<td>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)</td>
</tr>
<tr>
<td>Motion Options</td>
<td>The planning commission has the following motion options:</td>
</tr>
<tr>
<td></td>
<td>1. Concur with staff’s recommendation. In this case, a motion should be made recommending the city council approve the FAR amendment and conditional use permit based on the findings outlined in the staff-drafted resolution.</td>
</tr>
<tr>
<td></td>
<td>2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny FAR amendment and/or the conditional use permit. The motion should include findings for denial.</td>
</tr>
<tr>
<td></td>
<td>3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant or both.</td>
</tr>
</tbody>
</table>

Pyramid of Discretion

![Pyramid of Discretion](image-url)
Deadline for Decision  September 28, 2015
Location Map

Applicant: Daniel & Elizabeth Maki
Address: 500 Milbert Rd
(15020.15a)
Conditional Use Permit for 500 Milbert Rd

The scope of our project is to construct a home on our half acre lot (22,000 sq. ft.). We are constructing a home with a 950 sq. ft. accessory apartment (mother in law apt) on the first floor because we are having my wife’s retired parents live with us. In addition, we have five children who are high school/college age. Our home will have 2056 sq. ft. (inside dimensions) on the main floor (including the apt) and 2235 sq. ft. on the second floor. Our main floor in addition to the apartment will be quite typical with a kitchen, living area and a half bath. The second floor will have our four bedrooms and an office along with a family room. The foundation will be on a slab with a 184 sq. ft. unfinished basement to be used as a utility room and storm shelter. Our home will look like an attractive single family home from the exterior and will include a four-car garage (1049 sq. ft.) with living space above two of the garage stalls.

Enclosed with our permit application is a survey with an outline of our intended construction along with our building floor plans and a rendering of all exposures.

We need this space to accommodate our large family and my wife’s parents and we will need the garage space so we can shelter our vehicles as well. We would like to allow Liz’s parents to maintain their independence and privacy as they age while still being available to help if needed. We wanted as few stairs as possible and more natural light in our home so we decided to build mainly up instead of having a large basement area.
LEGAL DESCRIPTION:
Lot 1, Block 1, Ylitalo Acres, Heimepin Cooniy, Minnesota.

SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the legal description which we are furnished.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or re-setting existing monuments to mark the corners of the property.
4. Showing existing grade elevations and/or contours necessary to show elevation differences on the site.
5. While we show a proposed location for this home, we are not as familiar with your house plans as you and your architect or builder are. Check our proposed location and siting of the home and yard grades carefully to see that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building official and zoning official in this community are. Be sure to show this survey to these officials, or any other officials that may have jurisdiction over the home and its proposed location, and obtain their approvals before beginning construction or planning improvements to the property.
6. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
7. The utilities shown are based on observations from surveys, plans and/or markings and have been combined with observed relations to develop a view of those underground utilities. However, noting observations, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Some law requires underground utilities to be located 48 hours prior to any excavation.

STANDARD SYMBOLS & CONVENTIONS:
- Denotes 1/2' ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

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

Signature: James H. Parker  Typed Name: James H. Parker  Reg. No.: 9235
Date: June 9, 2015

500 Milbert Road
FAR and CUP
Submitted by Applicant

NOTE: ALL DIMENSIONING IS TO THE EXTERIOR OF 1/2" SHEATHING

Daniel Maki
500 Milbert Road
FAR and CUP
NOTE: ALL DIMENSIONS IS TO THE EXTERIOR OF 1/2" SHEATHING.
FAR within 400 FT perimeter and 1000 FT frontage
Resolution No. 2015-

Resolution reestablishing maximum floor area ratio on the property at 500 Milbert Road

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

Section 1. Background.

1.01 By the city’s written “mcmansion policy” the city may choose to restrict the size of new homes on subdivisions needing a variance. This restriction is a floor area ratio (FAR) that is no greater than the highest FAR of the homes within 400 feet of the lot on which the new home is to be constructed and within 1,000 feet of the lot on both sides of the same street.

1.02 In 2007, the city council approved YLITALO ACRES, creating the property at 500 Milbert Road. As the new property was undersized, at 21,970 square feet, the city chose to use the “mcmansion policy” and included a condition of approval restricting the FAR on the new lot to 0.17. This was the largest FAR in the area at that time.

1.03 Since the 2007 approval, the property at 500 Milbert Road has remained vacant and the highest FAR in the area has risen to 0.24.

1.04 The current owner of 500 Milbert Road, Daniel Maki, is proposing to construct a new house on the vacant lot. The proposed structure, including an attached garage and accessory apartment, would have a total floor area of roughly 5,780 square feet and a FAR of 0.26.

Section 2. Findings.

2.01 The intent of the “mcmansion policy” is to ensure homes that require a variance – or homes constructed on a lot that requires a variance – do not have a mass significantly larger than other existing homes in the neighborhood.
2.02 The highest FAR in an area can change over time as code-compliant additions are made or new homes are constructed.

2.03 The highest FAR in the Milbert Road area has risen to 0.24.

Section 3 City Council Action.

3.01 Based on the findings outlined in section 3 of this resolution, the maximum floor area ratio on the property at 500 Milbert Road is limited to the highest FAR of the homes within 400 feet of the property and within 1,000 feet of the property on both sides Milbert Road.

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 27, 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 July 27, 2015.

__________________________________
David E. Maeda, City Clerk
Resolution No. 2015-
Resolution removing the maximum floor area ratio restriction on the property at 500 Milbert Road

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

Section 1. Background.

1.01 By the city’s written “mcmansion policy” the city may choose to restrict the size of new homes on subdivisions needing a variance. This restriction is a floor area ratio (FAR) that is no greater than the highest FAR of the homes within 400 feet of the lot on which the new home is to be constructed and within 1,000 feet of the lot on both sides the same street.

1.02 In 2007, the city council approved YLITALO ACRES, creating the property at 500 Milbert Road. As the new property was undersized, at 21,970 square feet, the city chose to apply the “mcmansion policy” and included a condition of approval restricting the FAR on the new lot to 0.17. This was the largest FAR in the area at that time.

1.03 Since the 2007 approval, the property at 500 Milbert Road has remained vacant and the highest FAR in the area has risen to 0.24.

1.04 The current owner of 500 Milbert Road, Daniel Maki, is proposing to construct a new house on the vacant lot. The proposed structure, including an attached garage and accessory apartment, would have a total floor area of roughly 5,780 square feet and a FAR of 0.26.

Section 2 Findings.

2.01 The intent of the “mcmansion policy” is to ensure homes that require a variance – or homes constructed on a lot that requires a variance – do not have a mass significantly larger than other existing homes in the neighborhood.
2.02 The property at 500 Milbert Road is just 30 square feet under the city's minimum R-1 lot size of 22,000 square feet.

2.03 There are several properties in the surrounding area that are smaller than the 500 Milbert Road. However, these properties are not subject to a FAR restriction.

Section 3 City Council Action.

3.01 Based on the findings outlined in section 3 of this resolution, the maximum floor area ratio restriction for 500 Milbert Road is removed.

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 27, 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 July 27, 2015.

________________________
David E. Maeda, City Clerk
Resolution No. 2015-

Resolution approving a conditional use permit for an accessory apartment at 500 Milbert Road

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

Section 1. Background.

1.01 The property owner, Daniel Maki, is proposing to construct a home containing a 950 square foot accessory apartment.

1.02 The property is located at 500 Milbert Road Chase Drive. It is legally described as: Lot 1, Block 1, YLITALO ACRES.

1.03 By City Code §300.10 Subd. 4, accessory apartments are conditionally permitted uses within the R-1 zoning district.

1.04 On July 20, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 City Code §300.16 Subd. 2 outlines the following general conditional use permit standards:

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

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

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

2.02 City Code §300.16, Subd. 3(d) outlines the following specific conditional use permit standards for accessory apartments:

1. To be created only on property zoned for single family detached dwellings and no more than one apartment to be created in any dwelling;

2. Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;

3. Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose but not within a required turnaround;

4. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two-car garage on the lot without the need for a variance;

5. An accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.

6. Exterior changes to the house must not substantially alter the single family character of the structure;

7. No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;

8. To be permitted only where it is demonstrated that the accessory unit will not have an undue impact on adjacent properties and where there will not be a substantial alteration of the character of the
neighborhood; and

9. All other provisions of this ordinance relating to single family dwelling units to be met, unless specifically amended by this subdivision.

Section 3. Findings:

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

3.02 The proposal would meet the general specific conditional use permit standards as outlined in City Code §300.16, Subd. 3(d):

1. The subject property is zoned R-1, single family residential. The proposed home would contain just one accessory apartment.

2. As a condition of this resolution, the property owner must reside in either the primary dwelling unit or accessory apartment on a continuous basis except for temporary absences throughout the period during which the permit is valid.

3. The property would include a four-car garage and a driveway area that would allow for adequate on-site parking for both the primary dwelling unit and accessory apartment.

4. The accessory apartment would be constructed in conjunction with, and integrated into, a new home.

5. The accessory apartment would be 950 square feet in size, which would represent 22 percent of the living area of the home.

6. As a condition of this resolution, the accessory apartment must comply with all applicable building, housing, electrical, plumbing, heating and related codes of the city.

7. Many of the homes on Milbert Road are single-story ramblers constructed several decades ago. As such, the applicant’s new home will be different than many in the area. However, the accessory apartment itself would have no impact on the area, visual or otherwise.


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

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans:
   - Floor plans and elevations dated June 9, 2015

2. This resolution must be recorded with Hennepin County prior to issuance of a building permit.

3. The property owner must reside in either the primary dwelling unit or accessory apartment on a continuous basis except for temporary absences.

4. The accessory apartment must comply with all applicable building, housing, electrical, plumbing, heating and related codes of the city.

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

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 27, 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 July 27, 2015.

David E. Maeda, City Clerk
MINNETONKA PLANNING COMMISSION
July 20, 2015

Brief Description  A conditional use permit for an educational institution at St. Paul’s Lutheran Church, 13207 Lake Street Extension

Recommendation  Recommend the city council adopt the resolution approving the request.

Proposal  St. Paul’s Lutheran Church, on behalf of Mes Amis, is requesting a conditional use permit to allow an educational institution to operate within the existing church building at 13207 Lake Street Extension. (See pages A1–A8.)

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)

School Information  Mes Amis is a French immersion school that provides instruction to students of all ages, from preschool to adults. For the last ten years the school has operated within the Church of the Cross in the city of Hopkins. Upon relocating to St. Paul’s Lutheran Church, the following school schedule and enrollment are anticipated:

<table>
<thead>
<tr>
<th>School</th>
<th>DAYS</th>
<th>TIMES</th>
<th>ENROLLMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preschool/Kindergarten</td>
<td>5 days a week</td>
<td>8:30 a.m. – 4:00 p.m.</td>
<td>10 students</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Half or full day options</td>
<td></td>
</tr>
<tr>
<td>Elementary</td>
<td>3 days per week and Saturdays</td>
<td>4:00 p.m. – 6:00 p.m.</td>
<td>20 students</td>
</tr>
<tr>
<td>Secondary</td>
<td>1 day per week</td>
<td>4:20 p.m. – 6:00 p.m.</td>
<td>5 students</td>
</tr>
<tr>
<td>Adult</td>
<td>2 days per week</td>
<td>6:30 p.m. – 8:30 p.m.</td>
<td>10 students</td>
</tr>
</tbody>
</table>

Facility Use  As proposed, Mes Amis would occupy roughly 1,000 square feet of the lower level of the St. Paul’s building. Staff, students, and parents/guardians would access the area via a main door on the east side of the building. This door is adjacent to the parking area that would be used by the school. All students would be dropped-off/picked-up or drive to the school; no bus transportation would be provided.
In addition to building and parking space, the school would have access to an outside play area. This area is generally located on the southwest of the church building. Specific details associated with the area – play equipment, fencing, landscaping – have not been determined, but would be based on state and county licensing requirements. (See pages A7–A8.)

**Staff Analysis**

Staff finds that the applicant’s proposal is reasonable.

- Educational uses are complimentary to church uses. Whereas schools generally operate during weekdays and daytime hours, church facilities are primarily used for religious and social gatherings on weekends and evenings.

- The proposed school would be consistent with the property’s “institutional” comprehensive guide plan designation.

- The proposed school would meet all conditional use permit standards, as outlined in the “Supporting Information” section of this report.

**Staff Recommendation**

Recommend that the city council adopt the resolution approving an educational institution at 13207 Lake Street Extension. (See pages A9–A13.)

Originator: Susan Thomas, AICP, Principal Planner
Supporting Information

**Surrounding Land Uses**
- Northerly: Lake Street Extension; single-family homes
- Easterly: Baker Road; single-family homes
- Southerly: Highway 7
- Westerly: two-family homes

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

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

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

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

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

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

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.3(a):

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets; the use is not permitted on property that has access only by way of a private road or driveway that is used by more than one lot;

   **Finding:** The existing church and proposed school would be directly accessed by Lake Street Extension and Baker Road. Baker Road is classified as an arterial roadway.

2. Buildings set back 50 feet from all property lines and parking setbacks subject to section 300.28 of this ordinance;

   **Finding:** The existing building meets required setbacks, while the existing parking lot received setback variances in 2004. No new building or parking areas are proposed.
3. School bus pick-up and drop-off areas located outside of the public right-of-way and designed to enhance vehicular and pedestrian safety;

**Finding:** School bus transportation is not anticipated. Rather, students will be dropped-off and picked-up by parents or guardians. Appropriate parking areas have been designated. (See page A7.)

4. Recreational areas designed for group outdoor activities set back 25 feet from residential property, suitable buffering provided to protect neighboring properties from noise and adverse visual impacts, and lighted playing fields permitted only upon demonstration that off-site impacts can be mitigated substantially;

**Finding:** A general play area has been designated on the site. The specifics of this area – play equipment, fencing, landscaping – have not been determined, but will be based on state child care licensing requirements. Given the relatively low number of students, staff does not believe any significant buffering would be needed. However, a condition has been included requiring that any play equipment be located at least 25 feet from the west property line.

5. No more than 60 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped;

**Finding:** Under existing conditions, just 40 percent of the site is impervious.

6. Site and building plan subject to review pursuant to section 300.27 of this ordinance; and

**Finding:** This finding is met.

7. Not connected to, or part of, any residential dwelling.

**Finding:** This finding is met.

**Traffic/Parking**

The Institute of Transportation Engineers suggests that a private school generates 2.8 daily vehicles trips per student. Based on projected enrollment, Mes Amis would generate roughly 28 daytime trips and 28 to 70 afternoon/evening trips. As Baker Road is an arterial roadway with an existing 6,250 and 15,700
vehicle trips per day, traffic generated by Mes Amis would have little if any impact on the adjacent roadway system.

Based on projected enrollment, Mes Amis requires 11 parking stalls. This number can easily be accommodated on the site.

**Neighborhood Comments**

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

**Deadline for Decision**

October 12, 2015
Location Map

Project: St. Paul's Lutheran Church
Address: 13207 Lake St Ext
(99029.15a)
Summary

St. Paul's Lutheran Church is seeking a conditional use permit from the City of Minnetonka that will enable the church's tenant, Mes Amis, LLC, to operate a French Immersion School in approximately 1,000 square feet of classroom space on the lower level of St. Paul's facility. The school has been operating since 2005 at the Church of the Cross in Hopkins.

St. Paul's is supportive of the Mes Amis program and this conditional use permit application as Mes Amis' programs will more fully utilize church facilities for a positive community benefit for children and families that complements the church's mission and ministries.

St. Paul's believes the proposed conditional use by Mes Amis satisfies the General and Specific Standards for Conditional Use Permits in the city code. Specifically, we believe the proposed use is consistent with the intent of city code and ordinance and with the goals, policies and objectives of the comprehensive plan; the proposed use does not have an adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and the proposed use does not have an adverse impact on public health, safety or welfare.

In addition, with regard to Specific Standards for religious institutions and facilities, we believe the proposed use at our facility provides direct access to a collector or arterial roadway as identified in the comprehensive plan so that access can be provided without conducting significant traffic on local residential streets and our facility meets building and parking setback requirements as well as impervious surface and landscaping requirements.

Site Plan Narrative (reference figure 1)

Mes Amis will utilize leased space on the lower level of St. Paul's as illustrated in the floor plan (figure 2). Access to the leased program space for families and children will be through the lower level door on the northeast side of the building identified as point A. Staff parking and short term parent parking for drop off and pick up will be on the southeast side of the building facing Baker Road identified as area B.

Mes Amis will also establish an outside play area of up to 1,500 square feet on the western side of the property within the approximately 4,500 square foot area identified
on the site plan as area C. Details of the location, configuration, play equipment and fencing or other boundary treatment will be determined based on state child care licensing requirements and in consultation with Hennepin County licensing staff. Mes Amis is presently in the licensing process.

Floor Plan Narrative (reference figure 2)

Mes Amis is leasing three classrooms, hallway space and a portion of a fourth classroom for its programs and classes as depicted in figure 2. All leased area, exclusive of the outside recreation space, is on the lower level. Parents, children and staff will access program space from the parking lot through the northeast door identified as point A. Mes Amis will also have use and access to the lower level rest rooms.

Operations Plan

Mes Amis is in the licensure process as a child care facility with a maximum capacity of 24 children. Mes Amis offers small class, french immersion education for a broad range of children including pre-school, kindergarten, elementary and secondary school aged children as well as classes for families and adults.

Pre-school and kindergarten aged children may attend half-day or full day programs. The half-day classes will be offered on Monday thru Friday from 8:30 - 11:30 am and from 1:00 - 4:00 pm. The full day program is offered Monday thru Friday from 8:30 am - 4:00 pm. Fall classes in 2015 will begin on September 8, 2015 and it is expected that 5 students will participate in half-day sessions and 5 students will participate in the full day program.

Classes for elementary education students will be offered after school 3 days per week from 4:00 - 6:00 pm and on Saturdays from 10:30 - 12:30 pm. It is expected that 20 students will be participating in elementary level classes.

Classes for secondary education students (middle school and high school) will be offered 1 day per week from 4:20 - 6:00 pm. It is expected that up to 5 students will be participating in secondary level classes.

Adult classes, offered at different levels of French language proficiency, will be conducted on one or two evenings each week from 6:30 - 8:30 pm. It is expected that 10 adults, on average, will participate in these sessions.

Finally, Mes Amis also provides an Early Childhood Family Education (ECFE) program in French called “Mommy and Me.” This program has a capacity of 5 families with children aged 18 - 36 months. The program is offered in fall, winter and spring
sessions, each lasting two months and scheduled for about an hour on one weekday morning each week.

Program Highlights

Mes Amis is a French immersion school that supports healthy growth, learning and development in an environment focused on French language and culture. Though serving many different age and proficiency levels, Mes Amis structures its curriculum and teaching to incorporate many diverse areas including:

**Conversation:** Phrases / expressions / short or long dialogue that will help students to communicate in French speaking countries.

**Phonetics:** Ages 4 and up will cover sounds of letters which will help and reinforce beginning reading.

**Reading & Grammar:** Ages 7 and up will cover reading oral / comprehension and sentence structure / verb conjugation in the French grammar.

**Writing / Spelling:** Ages 7 and up covers French rules grammar to reinforce writing and spelling.

**Geography:** Exploring different French speaking countries for culture awareness.

**Vocabulary:** Each month students will cover some fun vocabulary words and phrases related to the theme through games and hands-on activities.

**Worksheets:** "La critique" is a tool given to students to practice the language at home. A list of age appropriate learning sites will be handed out to encourage at home practice.

**Arts & Crafts:** Allows students to show their creativity and talent for better understanding of the daily lesson. This is a picture study on some famous French impressionists such as Monet, Renoir just to name a few.

**Theater / Plays/skits (not required):** From ages 4 and up students will be given the opportunity to show off their language skills through acting. The plays/skits are directed and written by experienced and well-spoken French students. There may be a small fee to cover costs and play expenses. Two plays/skits will be performed each year in December and in May.
Science & Math: Colors, time, and numbers will be taught at the student's level and capacity.

Etiquette & Food: Instructing basic etiquette and food vocabulary which are imperative in the French culture. A healthy French snack is offered. This doesn't apply at the high school and adult classes. For the preschool program, parents must provide a healthy lunch for students who are in all day.

Music & Culture: Dance, learn, and sing to various traditional French songs.

Field trip: Ages 4 and up if weather permitted, will be going to a nearby park/library. Selected students ages 12-17 will participate at A Vous La Parole French poetry recitation contest and will be going to Chez Daniel Bistro to practice ordering in French. Students will also go to the MIA (Minnesota Institute of Arts), students K-12 to study some French impressionists. Please check the permission section on registration form. Please refer to the curriculum or site calendar for dates and details.

French celebrations: To embrace culture and diversity, we will have celebrations such as: Noël, et le carnaval. This gives the children the opportunity to show their talents in French through singing and acting. Please refer to the site calendar for these dates. Dates are subject to change. Preschool graduation/distribution of certificates: This is an event to honor the students' hard work and dedication. Please refer to the site calendar for dates.

Mes Amis Professional Staff

Rose Mingo-Holtz

Rose Mingo-Holtz, owner and teacher, came from the islands of Haiti where French and Creole are the official languages. She speaks four different languages: French, Creole, English and Spanish. She has been teaching for many years in different school districts in the metro area and local preschools. Rose established Mes Amis in 2005 and has been operating the program since then at Church of the Cross in Hopkins (201 Ninth Avenue North).

In addition to Mes Amis French School, Rose teaches for different school districts and Montessori schools within the Richfield, Sunrise International and Montessori metro areas.
Elise Lindell

Elise Lindell graduated from North Park University (Chicago) in 2008 with a double major in Global Studies and French. Since graduation, she has worked as an English Language Assistant in a public French high school and traveled extensively in Europe. She has also worked for various non-profits in Minneapolis doing fundraising.

For the past year, Elise has been working in various youth development roles with the YMCA, most recently as a day camp counselor.

Cindy Schmickle

Cindy Schmickle grew up in Minneapolis but has lived 25 years overseas working for a nonprofit organization. Twenty years were spent in Lyon, France, where she worked, among other activities, with children in a variety of capacities.

Cindy also served as the organization’s “Language Coach” for 19 years. From 1972-1975 Cindy worked at the “Little Friends Day Care Center” in Minneapolis with 3-6 year olds. She is a graduate of Multnomah University in Portland, Oregon.
FIGURE 2
FLOOR PLAN

Mes Amis Lease Area

LOWER LEVEL PLAN
BASE PROJECT WITH ALTERNATES
Resolution No. 2015-

Resolution approving a conditional use permit for an educational institution at 13207 Lake Street Extension

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

Section 1. Background.

1.01 St. Paul’s Lutheran Church has requested a conditional use permit for an educational institution to occupy space within the existing church building.

1.02 The property is located at 13207 Lake Street Extension. It is legally described on EXHIBIT A of this resolution.

1.03 On July 20, 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 permit.

Section 2. Standards.

2.01 City Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

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

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets; the use is not permitted on property that has access only by way of a private road or driveway that is used by more than one lot;
2. Buildings set back 50 feet from all property lines and parking setbacks subject to section 300.28 of this ordinance;

3. School bus pick-up and drop-off areas located outside of the public right-of-way and designed to enhance vehicular and pedestrian safety;

4. Recreational areas designed for group outdoor activities set back 25 feet from residential property, suitable buffering provided to protect neighboring properties from noise and adverse visual impacts, and lighted playing fields permitted only upon demonstration that off-site impacts can be mitigated substantially;

5. No more than 60 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped;

6. Site and building plan subject to review pursuant to section 300.27 of the zoning ordinance; and

7. Not connected to, or part of, any residential dwelling.

Section 3. Findings.

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

3.02 The proposal would meet all the specific conditional use permit standards outlined in City Code 300.16 Subd.3(a).

1. The existing church and proposed school would be directly accessed by Lake Street Extension and Baker Road. Baker Road is classified as an arterial roadway.

2. The existing building meets required setbacks, while the existing parking lot received setback variances in 2004.

3. School bus transportation is not anticipated. Rather, students would be dropped-off and picked-up by parents or guardians. Appropriate parking areas have been designated.

4. As a condition of this resolution, any outdoor play equipment must be located at least 25 feet from the west property line.

5. Under existing conditions, just 40 percent of the site is impervious.
6. The proposed educational institution would meet site and building plan standards as outlined in section 300.27 of the zoning ordinance.

7. The proposed educational institution would not be connected to, or part of, any residential dwelling.

Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.

2. Outdoor play areas must comply with state and county licensure requirements and any play equipment must be located at least 25 feet from the west property line.

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

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

5. Any change to the approved use – including an increase in total enrollment or total building area occupied – that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 17, 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 August 17, 2015.

__________________________________
David E. Maeda, City Clerk
EXHIBIT A

That part of the Northwest Quarter of the Southeast Quarter of Section 22, Township 117 North, Range 22 West of the 5th Principal Meridian lying east of a line which is perpendicular to the north line of said Northwest Quarter of the Southeast Quarter and which intersects said north line a distance of 356.23 feet west from the northeast corner thereof. Except the west 46.00 feet thereof. And except that part lying southerly of the northerly right-of-way line of State Highway No. 7 and that part lying easterly of the westerly right-of-way line of County Road No. 60.

Subject to a public road easement over the north 33.00 feet thereof.