Planning Commission Agenda

June 2, 2016—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: May 5, 2016

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   A. A conditional use permit for 2,328 square feet of accessory structures at 4915 Highland Road.

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

      • Recommendation to City Council (Tentative Date: June 27, 2016)
      • Project Planner: Ashley Cauley

   B. Lot-behind-lot setback variance for a garage and living space addition at 1724 Ford Road.

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

      • Final Decision Subject to Appeal
      • Project Planner: Susan Thomas
8. Public Hearings: Non-Consent Agenda Items

A. Items concerning parking lots on the Minnetonka High School campus, at 18301 State Highway 7.

   Recommendation: Recommend the city council adopt the resolution (4 votes)
   • Recommendation to City Council (Tentative Date: June 6, 2016)
   • Project Planner: Susan Thomas

B. A conditional use permit for an accessory apartment at 13800 Spring Lake Road.

   Recommendation: Adopt the resolution approving the request (4 votes)
   • Recommendation to City Council (Tentative Date: June 27, 2016)
   • Project Planner: Ashley Cauley

C. Resolution approving final site and building plans for two condominium buildings in the LEGACY OAKS development.

   Recommendation: Adopt the resolution approving the request (5 votes)
   • Final Decision Subject to Appeal
   • 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 and items scheduled for the June 16, 2016 Planning Commission meeting:

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

   Project Description: The applicant is proposing to redevelop the property at 4301 Highview Place and an adjacent unaddressed parcel. As proposed, the existing home would remain and eight new lots would be created around a newly constructed cul-de-sac. The proposal requires: (1) rezoning the property from R-1 to R-1A; (2) preliminary plat.
   Project No.: 88082.16a        Staff: Ashley Cauley
   Ward/Council Member: 1—Bob Ellingson    Section: 20

   Project Description: The applicant is requesting to subdivide the properties at 12701 and 12689 Lake Street Extension and an unaddressed parcel into three lots. The proposal requires: (1) preliminary plat.
   Project No.: 05012.16a        Staff: Susan Thomas
   Ward/Council Member: 1—Bob Ellingson    Section: 23

   Project Description: The property owners are proposing to tear down the former's Truffles and Tortes building in order to construct a new single family residential home. The proposed home requires setback variances from the south and west front property lines.
   Project No.: 16006.16a        Staff: Ashley Cauley
   Ward/Council Member: 3—Brad Wiersum    Section: 17

   Project Description: Concept plan review for a small lot subdivision at 3639 Shady Oak Rd.
   Project No.: 16006.16a        Staff: Susan Thomas
   Ward/Council Member: 1—Bob Ellingson    Section: 14

   Project Description: The applicant is requesting an expansion permit at 20 Westwood Circle.
   Project No.: 10043.1aa        Staff: Drew Ingvalson
   Ward/Council Member: 2—Tony Wagner    Section: 01
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 Hanson, Knight, Odland, Powers, and Kirk were present. Calvert and O’Connell were absent.

Staff members present: City Planner Loren Gordon, Principal Planner Susan Thomas, Senior Planner Ashley Cauley, and City Attorney Corrine Heine.

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

   Odland moved, second by Hanson, to approve the May 5, 2016 agenda with the removal of Item 8B, items concerning 14840 and 14900 Highway 7, in response to a request from the applicant.

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

4. Approval of Minutes: April 14, 2016

   Odland moved, second by Knight, to approve the April 14, 2016 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of April 25, 2016:

   • Introduced the sign ordinance.
   • Adopted a resolution approving a conditional use permit for Prestige Academy.
Gordon invited commissioners interested in serving on a small committee to help guide the city’s strategic planning to let him know.

There will be a planning commission meeting and training session at 5 p.m. on May 19, 2016 that will include a bus tour. The public is welcome to attend.

6. **Report from Planning Commission Members**

Powers stated that the boards and commissions meeting was very interesting. A futurist provided a presentation on the merits of a comprehensive guide plan. It was very informative.

Powers visited city hall and was impressed by Planner Drew Ingvalson. He was incredibly helpful.

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

8. **Public Hearings**

   **A. A conditional use permit for a school in an industrial district at 5501 Feltl 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.

Chair Kirk asked if the right of way of the SWLRT would impact the existing parcel. Cauley provided an illustration on Page 6 of the staff report that shows the right of way. Chair Kirk noted that a fairly sizable northeast piece of the parcel would be removed. The site’s size is still generous. Cauley stated that engineering staff have reviewed the proposal with the SWLRT’s 100 percent plans and found no impact.

Powers asked for the reasoning used to determine the size of the outdoor area. Cauley explained that the ordinance does not have outdoor-area-size requirements that would apply to the application. She invited the applicant to comment.

Knight asked if there would be additional parking created. Cauley explained that proof of parking was established in 2008. Staff finds that the existing parking would be sufficient with the current proof of parking.
Bruce Thomas, representing the applicant, stated that a current facility in Edina would migrate to this site. He was available for questions. The proposed playground area would probably be larger than what would be needed. The applicant would be willing to work with staff to determine the size of the playground area.

Powers thought that the playground area would be too small for 40 students. Mr. Thomas said that approximately 14 students would be outside at a time. Powers favored utilizing the area used by a couple parking stalls to add on to the playground area. Mr. Thomas stated that the playground area could be increased.

Odland agreed with Powers. She asked for the dimensions of the Burnsville play area. Mr. Thomas estimated 100 feet by 25 feet.

Mr. Thomas stated that being a part of the school is very rewarding and the program helps the students immensely.

The public hearing was opened.

Tom Rendahl, 5640 Feltl Road, asked if the entire building would be purchased and used. He asked how the students would be transported to and from the site. There should be 50 parking stalls if there would be 50 employees. He was concerned that the outside play area would not be large enough because of the drop off and the new transportation system. The area already has traffic problems.

No additional testimony was submitted and the hearing was closed.

Mr. Thomas explained that there would be staggered drop off and pick up times. The Burnsville facility has 87 parking stalls for a building 36,000 square feet in size and it works fine. Parking would not be a problem.

Chair Kirk asked if more classes could be added. Mr. Thomas answered that the five-year plan would be to add another site rather than increase the number of students at this one.

Mr. Thomas explained that vans instead of buses would be used to transport some students.
Cauley reviewed that the proposal includes 82 existing stalls and 12 additional stalls that are shown as proof of parking. There is a chart in the staff report that illustrates how the proposal meets parking ordinance requirements for schools.

Chair Kirk asked if there would be events where students and parents would be at the school at one time. Mr. Thomas said that there are annual Halloween and Christmas parties. Arrangements would be looked at for the two or three times that would occur each year.

Chair Kirk noted that the topography of the site would limit the size of the playground area more than the SWLRT would and would also provide a natural buffer.

Odland asked if the sound created by the SWLRT would impact the students. Mr. Thomas answered in the negative.

Odland likes the concept. It would be a good use of the space and it would be good to have the program available to the community.

Chair Kirk felt the program would be an amenity.

Powers agreed. The program would be a valuable addition to the city. He favored more playground area.

*Odland moved, second by Knight, to recommend that the city council adopt the resolution on pages A13-A18 of the staff report. This resolution approves a conditional use permit for Partners in Excellence at 5501 Feltl Road.*

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

This item is tentatively scheduled to be reviewed by the city council at its meeting on May 23, 2016.

**B. Items concerning 14840 and 14900 Highway 7.**

This item was removed from the agenda.

**C. Amendment to the sign ordinance.**

Chair Kirk introduced the proposal and called for the staff report.
Gordon and Heine reported. They recommended approval of the proposed ordinance.

Calvert joined the meeting.

Chair Kirk thought the proposed amendment represents a great deal of work and is very well organized.

Calvert asked how the number of dwellings was determined when establishing when to allow an identification sign. Heine explained that number had been established in 1991. During this phase of amending the sign ordinance, the goal is to reword the ordinance to use the terms that the court recognizes and organize the ordinance in a logical format to make it easier to read. During the second phase of amending the sign ordinance, content will be reviewed.

Chair Kirk asked if signs posted in windows are regulated. Gordon explained that the current ordinance does not regulate signs located inside a building seen through glass or painted on glass. The current amendment proposal would not change those types of signs. Other communities do regulate signs seen through windows. The city could review that issue.

Chair Kirk found the disposition table helpful. He thanked staff.

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

**Odland moved, second by Calvert, to recommend that the city council adopt the ordinance on pages A1-A77 of the staff report.**

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

This item is tentatively scheduled to be reviewed by the city council at its meeting on May 23, 2016.
9. Adjournment

*Odland moved, second by Powers, to adjourn the meeting at 7:38 p.m. Motion carried unanimously.*

By: ____________________________

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
June 2, 2016

Agenda Item 7

Public Hearing: Consent Agenda
MINNETONKA PLANNING COMMISSION  
June 2, 2016

Brief Description  A conditional use permit for 2,328 square feet of accessory structures at 4915 Highland Road

Recommendation  Recommend the city council adopt the resolution approving the request

Project No.  15011.16a

Property  4915 Highland Road

Applicant  Alene Haug (property owner)

Proposal  The applicant, Alene Haug, is proposing to construct a 288 square foot pool structure. As proposed, the pool structure would have a bathroom, changing area, and storage area for pool items. The proposed pool structure will expand the total area of accessory structures on the site to 2,328 square feet. (See narrative and plans on pages A1-A8.)

Proposal requirements:
This proposal requires:

• Conditional Use Permit: Accessory structures exceeding 1,000 square feet of gross floor area are conditionally permitted uses within residential districts.

Approving Body  The planning commission makes a recommendation to the city council, which has the final authority to approve or deny the request. (City Code §300.06.4)

Staff Analysis  Staff finds that the applicant’s proposal is reasonable:

1. The proposal would meet the general and specific conditional use permit standards for an accessory structures exceeding 1,000 square feet of gross floor area.

2. The proposed structure would be located adjacent to the pool area. The structure would be setback over 100 feet from the front property line (Highland Road) and over 30 feet from the side (northern) property line.
3. The proposed pool structure would be significantly screened on the side yard (northern property line) by existing vegetation. The structure would also be located at a higher elevation (10-20 feet) than traffic on Highland Road, which would promote screening in the front yard.

4. The proposed structure will be architecturally compatible with the existing structure.

Staff Recommendation

Recommend that the city council adopt the resolution on pages A9-A12. This resolution approves a conditional use permit for accessory structures with a gross floor area of 2,328 square feet.

Originator: Drew Ingvalson, Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

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

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

**Site features**
The subject property is 4.7 acres in size. The property is improved with a 1.5 story single-family home with an attached garage. The home is generally oriented toward the east; with the “rear” of the home facing the west, or Highland Road. The property also has a detached, two-story, four car garage. The garage has a gross floor area of 2,040 square feet (CUP approved in July 2007).

An in-ground pool is currently under construction on the site. The property received a variance for the pool project location (front yard) in June 2015 and was issued a building permit in August 2015.

The subject property generally slopes downward in all directions from the existing home. The slope downward increases as it nears the wetland complex on the eastern side of the property. While the existing grade is significant, it is not considered a steep slope by ordinance. There is also a wetland on the east side of the property. The wetland and associated 25-foot buffer were placed in a conservation easement in 2007.

**Proposal**
The proposed pool structure would be 288 square feet in size and would have a bathroom, changing area, and storage area for pool equipment.

The proposed pool structure would be located at the high elevation on the property, near the existing home and pool.

By ordinance, building height is measured in one of two ways. The method of measuring building height is dependent on the amount of grade change within a five foot horizontal measurement from the structure’s wall. The methods of measuring building height are as follows:

1. The midpoint of the highest roof peak to the highest grade. This method is used when the change in grade is not more than 10 feet above the lowest grade; or
2. The midpoint of the highest roof peak to an elevation 10 feet higher than the lowest grade. This method is used when the grade change exceeds 10 feet.

As the grade change does not exceed ten feet, the measurement is taken from the mid-point to the highest grade. As proposed, the building height is 11 feet 6 inches.

**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(f):

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;

   **Finding:** The proposed pool structure would be setback approximately 32 feet from the northern (side) property line.

2. No additional curb cuts to be permitted;

   **Finding:** The applicant is not proposing any additional curb cuts. Access to the property would remain at the existing curb cut at Highland Road.

3. Not to be used for commercial activities;

   **Finding:** The applicant is proposing to use the space for bathroom facilities, changing area, and pool equipment storage. The applicant does not propose to use the structure for commercial activities. Nonetheless, a condition
of approval has been included to prohibit the use of the pool structure for commercial uses.

4. Structure to be architecturally consistent with the principal structure;

**Finding:** The applicant is proposing the pool structure to have architectural features similar to the existing home.

5. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;

**Finding:** A majority of the proposed garage’s screening will be provided by existing vegetation and topography.

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

**Finding:** The proposed pool structure would meet the site and building plan standards outlined in City Code 300.27 Subd. 5 as noted below.

**SBP Standards**

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

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

**Finding:** Staff from the city’s community development, engineering, finance, fire and public works department have reviewed the proposal and found that it is consistent with the city’s comprehensive guide plan and water resource management plan.

2. Consistency with this ordinance;

**Finding:** The proposal meets all ordinance standards.

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

**Finding:** The proposed pool structure site will have minimal impacts on the natural state of the property.
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

**Finding:** The applicant is proposing the pool structure be architecturally consistent with the existing home. The proposed location for the pool structure will have significant vegetative screening from the property to the north. The proposed building is also at a higher elevation than the traffic to the west on Highland Road, which will promote screening.

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

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

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

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

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

**Finding:** The existing home is oriented with the front entrance to the east and the rear of the house, and the pool, to the west. Per city code definition, the pool structure will be located in the front yard because it is nearest the public right-of-way. However, the pool structure will be located adjacent to the existing pool (approved variance in June 2015) and will be setback over 100 feet from the front property line (50-foot setback required).

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and
**Finding:** New construction will need to meet existing energy code requirements.

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

**Finding:** There is existing vegetation in the side yard that serves as screening for the adjacent property to the north. The proposed pool structure is also setback from the front property line over twice the distance required by city code. The structure is not anticipated to impact adjacent or neighboring properties.

**Motion Options**

The planning commission has the following motion options:

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

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

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

**Pyramid of Discretion**

![Pyramid of Discretion](image)
<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 61 area property owners and received no comments to date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadline for Decision</td>
<td>June 27, 2016</td>
</tr>
</tbody>
</table>
Location Map

Project: Alene Haug
Address: 4915 Highland Rd
(15011.16a)
ICE PROTECTION
IRC R905.2.7.1
Provide ice dam protection of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet to a point at least 24 inches inside the exterior wall line.

SUBMIT ENGINEERED FLOOR & ROOF TRUSS DESIGNS TO INSPECTOR AT FRAMING INSPECTION

WEATHER RESISTIVE BARRIER
IRC 708.2
A minimum of one layer of No. 15 asphalt felt or approved weather resistive material shall be applied over exterior wall. Applied horizontally with 1" laps horizontally and 6" vertically, continuously to the bottom of rafters or truss and terminated in an approved manner or appendages and penetrations.

Exceptions: Where prohibited by sheathing or siding manufacturer.

CAULK AND FLASH ALL EXTERIOR OPENINGS AND HORIZONTAL TRIM KICK-OUT FLASH PER CODE SECT. R703.8

SCALE 1/4" = 1'
Resolution No. 2016-

Resolution approving a conditional use permit for 2,328 square feet of accessory structures at 4915 Highland Road

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

Section 1. Background.

1.01 Alene Haug, property owner, has requested a conditional use permit for 2,328 square feet of accessory structures. (Project 15011.16a).

1.02 The property is located at 4915 Highland Road. It is legally described as: The North ½ of the Southeast ½ of the Southeast ¼ of the Northwest ¼ of Section 2B, Township 117 North, Range 22 West of the Fifth Principal Meridian, according to the U.S. Government Survey thereof.

1.03 On June 2, 2016, 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 §300.16 Subd. 2 outlines the following general standards that must be met for granting a conditional use permit:

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

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

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

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

Section 3. Specific Standards.

3.01 City Code §300.16 Subd. 3(f) outlines the following specific standards that must be met for granting a conditional use permit for detached garages in excess of 1,000 square feet:

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;

2. No additional curb cuts to be permitted;

3. Not to be used for commercial activities;

4. Structure to be architecturally consistent with the principal structure;

5. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;

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

Section 4. Findings.

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

4.02 The proposal meets the specific conditional use permit standards outlined in City Code §300.16 Subd. 3(f).

1. The proposed garage would be setback approximately 32 feet from the side (northern) property line.

2. No additional curb cuts are proposed.

3. The applicant is not proposing to use the space for commercial activities. The applicant is proposing to use the space for bathroom facilities, changing area, and pool equipment storage.
4. The applicant is proposing the pool structure to have architectural features similar to the existing home.

5. Screening for the proposed pool structure will be provided by existing vegetation and topography.

6. The proposed garage would meet the site and building plan standards as outlined in City Code Section 300.27 Subd. 5. and as outlined in the staff report dated June 2, 2016.

Section 5. City Council Action.

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

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans:
   
   - Site Plan received April 15, 2016
   - Building plan and elevations received April 15, 2016

2. Prior to issuance of a building permit:
   
   a) This resolution must be recorded with Hennepin County.
   
   b) The applicant must confirm the location of the existing sewer and water service lines. The structure cannot be located over the sewer and water service lines.

3. No additional curb cuts are permitted on the property.

4. The accessory structure may not be used for commercial purposes.

5. The accessory structure cannot be converted into living space.

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

7. 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 June 27, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

**Action on this resolution:**

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

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 June 27, 2016.

David E. Maeda, City Clerk
MINNETONKA PLANNING COMMISSION
June 2, 2016

Brief Description
Lot-behind-lot setback variance for a garage and living space addition at 1724 Ford Road

Recommendation
Adopt the resolution approving the variance

Background
In 2004, the city approved the BIG SPRUCE subdivision, dividing the existing lot at 1724 Ford Road into two lots. The existing home remained on the westerly lot, considered a lot-behind-lot, and a new home was eventually constructed on the easterly lot. (See page A1.)

Proposal
The owner of the westerly lot is proposing to remove an existing garage and construct a new garage and two-story living addition. Though the addition would be located in the same general area as the existing garage, it would not meet minimum setback requirements. (See pages A2–A8.)

When the BIG SPRUCE subdivision was approved, the required structural setback on a lot-behind-lot was 25 feet from all property lines. In 2005, the setback requirement was increased to 20% of a lot’s depth/width, but in no case less than 25 feet. Based on configuration of the subject property, required setbacks are now as follows:

<table>
<thead>
<tr>
<th>Property</th>
<th>Required Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>34 feet</td>
</tr>
<tr>
<td>South</td>
<td>34 feet</td>
</tr>
<tr>
<td>East</td>
<td>32 feet</td>
</tr>
<tr>
<td>West</td>
<td>32 feet</td>
</tr>
</tbody>
</table>

The applicant’s proposal requires a lot-behind-lot setback variance from 34 feet to 25 feet.

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

- **Reasonableness.** The proposed garage and living addition would be reasonably situated given the location and internal layout of the existing home.
- **Unique Circumstance and Neighborhood Character.** The subject property and existing home are uniquely located. Though technically a lot-behind-lot on Ford Road, both the subject property and the existing home align with properties and homes on the adjacent Yorkshire Ave South. Further, though located just 25 feet from the north property line, the proposed addition would be located over 75 feet from the closest adjacent residential structure. (See page A1.) Given these unique circumstances, the proposed addition would not impact neighborhood character.

**Staff Recommendation**

Adopt the resolution approving a lot-behind-lot setback variance for a garage and living space addition at 1724 Ford Road. (See pages A10–A13.)

Originator: Susan Thomas, AICP, Assistant City Planner  
Through: Loren Gordon, AICP, City Planner
<table>
<thead>
<tr>
<th><strong>Supporting Information</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Surrounding</strong></td>
</tr>
<tr>
<td><strong>Land Uses</strong></td>
</tr>
<tr>
<td><strong>Planning</strong></td>
</tr>
<tr>
<td><strong>Zoning</strong></td>
</tr>
<tr>
<td><strong>McMansion Policy</strong></td>
</tr>
<tr>
<td><strong>Variance Standard</strong></td>
</tr>
<tr>
<td><strong>Natural Resources</strong></td>
</tr>
<tr>
<td><strong>Neighborhood</strong></td>
</tr>
<tr>
<td><strong>Comments</strong></td>
</tr>
<tr>
<td><strong>Motion Options</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
2. Disagree with staff’s recommendation. In this case, a motion should be made denying the request. This motion must include a statement as to why the request is denied.

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

Appeals

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

Deadline for Decision

August 22, 2016
Project: Jack Bolke
Address: 1724 Ford Rd
Project No. 04066.16a

This map is for illustrative purposes only.
1724 Ford Road
Side Yard Setback Variance
Practical Difficulties Attachment

Why the proposed use is reasonable:
This is simply a reasonably sized addition to one of the oldest homes in Minnetonka, a stucco farm house built in 1922 after the original farm house built in 1910 burned down. We purchased the house from the original family in 1991. As shown on our revised plans, our goal is to follow the Arts and Crafts style and make the addition match the original house. The addition will be have the same maple flooring, nine foot ceilings, doors, windows, trim and stucco. To keep the style of the house, we determined it was only appropriate to extend the living space to the west.

Circumstances unique to the property:
The existing house is not parallel to the north line of the property and any extension west brings the house closer to the property line. A two car, concrete block, flat roof garage was added to the west side of the house in 1960. That garage overlaps the old tuck-under, single car garage. The floor and flat roof of the 60's garage is 18 inches higher than the existing basement floor and main floor of the house. The drainage on the lot does not allow the new garage floor to be lower than the existing garage floor. To maintain the style and match the main floor elevation of the house the replacement garage needs to be shifted slightly to the north.

Why the need was not caused by the property owner:
The existing concrete block garage built in the 60's is unattractive, in poor condition and needs to be replaced. As the second owners, we did not determine the location of the house or the controlling elevations. The drainage patterns of the lot do not allow the garage floor elevations to be lowered. We previously obtained a building permit from the City for this addition with a 25 foot side yard setback. We were unable to build that addition due to the recession. Since then, the City increased the flag lot setbacks. We have revised the original addition plans previously approved, to lessen the footprint, but kept the 25 foot setback to maintain the integrity of the original house.

Why the need is not solely based on economic considerations:
This need is not based on any economic considerations. Our home is a small two bedroom, single bath house, with two tiny closets and a main entrance directly into the kitchen. We intend to stay in our home, but would like to add some additional conveniences and space without changing the look and feel of our existing old farm house. We are also concerned if the home was put on the market as is, the purchaser would tear down the house to build a larger home.

Why the variance would not alter the residential character of the neighborhood:
The footprint of the addition is only increasing our total square footage by 613 square feet. The neighbor's property to the north, adjacent to this setback is not affected because their house is approximately 90 feet east of our existing 1960s garage and our proposed addition. Our neighbors to the northwest are not affected due to the distance and vegetation between their house and ours. The neighbors to the west and south are similarly not affected. All the neighbors would appreciate the removal and replacement of the old, unattractive garage and an addition that keeps the original house style.
SURVEY FOR: JACK AND SUE BOLKE
PROPERTY ADDRESS: 1724 Ford Road, Minnetonka, Minnesota.
LEGAL DESCRIPTION:
Lot 1, Block 1, BIG SPRUCE ADDITION, according to the recorded plat
thereof, Hennepin County, Minnesota.
CERTIFICATION:
I hereby certify that this is a true and correct representation
of a survey of the boundaries of the land above described and
of the location of all buildings, if any, thereon, and all visible
encroachments, if any, from or on said land.
Dated: April 19, 2016
Anderson Engineering of Minnesota, LLC
by: David Anderson
Minnesota License No. 43501
NOTES:
1. The bearing system is based on north line of Lot 1 which is
   assumed to have a bearing of North 89 degrees 43 minutes 30
   seconds East.
2. The area of the property described hereon is 27,299 square
   feet or 0.6266 acres.

Anderson Engineering of Minnesota, LLC
105 Avenue North, Suite 100, Plymouth, MN 55441 Tel. (763) 362-1084
EXISTING FLOOR AREA RATIOS

Map prepared by: City of Minnetonka
Jack Bolke
1724 Ford Road
#04006.16a
Be it resolved by the Planning Commission of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 The subject property is located at 1724 Ford Road. It is legally described as: Lot 1, Block 1, BIG SPRUCE ADDITION.

1.02 The property is considered a lot-behind-lot.

1.03 By City Code §300.10, minimum setbacks for principal structures on lots-behind-lots is 40 feet or 20% of the average distance between opposite lot lines, whichever is less, but no less than 25 feet.

1.04 Based on the configuration of the existing lot, the minimum setback from north and south property lines is 34 feet and the minimum setback from east and west property lines is 32 feet.

1.05 The property owner, Jack Bolke, is proposing to remove an existing garage and construct a new garage and living space addition. The new garage and addition would be located in the same general area of the existing garage, set back 25 feet from the north property line.

1.06 A lot-behind-lot setback variance from 34 feet to 25 feet is required.

1.07 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances.
Section 2. Standards.

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

Section 3. Findings.

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

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The intent of the lot-behind-lot setback requirement is to ensure appropriate distances between structures, so as to provide a sense of privacy. The proposed setback would meet this intent. Though less than 25 feet from the north property line, the proposed addition would be over 75 feet from the closest adjacent residential structure.

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

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

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

   b) UNIQUE CIRCUMSTANCE and CHARACTER OF LOCALITY: The subject property and existing home are uniquely located. Though technically a lot-behind-lot on Ford Road, both the property and the home align with properties and homes on the adjacent Yorkshire Ave South. Further,
though located just 25 feet from the north property line, the addition would be located over 75 feet from the closest residential structure. Given these unique circumstances, the proposed addition would not impact neighborhood character.

Section 4. Planning Commission Action.

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

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Survey date-stamped April 25, 2016
   - Building elevations and floor plans dated April 13, 2016

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. The fencing must be maintained throughout the course of construction.

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

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 2, 2016.

Brian Kirk, Chairperson

Attest:

Kathy Leervig, Deputy City Clerk
Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on June 2, 2016.

Kathy Leervig, Deputy City Clerk
Minnetonka Planning Commission Meeting
June 2, 2016

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION  
June 2, 2016

Brief Description  Items concerning parking lot reconfiguration and construction on the Minnetonka High School campus, at 18301 State Highway 7:

1) Lot Division;  
2) Conditional Use Permit Amendment; and  
3) Site Plan Review

Recommendation  Adopt the resolutions approving the lot division, conditional use permit amendment, and final site plans.

Background

In September 2015, the Minnetonka Hockey Association submitted a proposal for expansion of the existing Pagel Ice Arena on the Minnetonka High School Campus. A traffic and parking study conducted at the time concluded that the proposed expansion would not impact existing parking and circulation conditions on the site. However, the study did suggest changes to the campus’ northwest and southwest parking lots to improve parking and circulation issues.

In November 2015, the city council approved the proposal. Approval included conditions related to implementing various suggestions of the traffic and parking study, including:

- Relocation of the main drive aisle through the southwest parking.
- Construction of a right-in only access and closure of an existing access to the northwest parking lot;
- Installation of a barrier in the northwest parking lot to prevent “drivers weaving through the parking lot to jump the queue at the west access on Delton Avenue”; and 
- Addition of parking spaces where possible.

Proposal

The school district has submitted plans to address the conditions of the 2015 approvals. The plans include both reconfiguration of existing parking areas and construction of new areas. (See page A2.)

1. Reconfiguration. As proposed, the main drive aisle through the southwest parking lot would be shifted to the west and the parking lot restriped to accommodate this shift. Additionally, a right-in would be constructed to access the northwest parking
lot and a decorative fence installed between two rows of parking. These changes would result in a net increase of 43 parking stalls. (See pages A5–A6.)

2. **New Parking.** As proposed, two new parking lots would be constructed. The construction of these lots, one in the northwest corner of the campus and the other on the northeast, would be facilitated by the school district’s previous purchase of property surrounding the school campus. (See pages A9–A15.)

- **Northwest:** In 2011 the district purchased and removed a home at 18401 Delton Avenue. The area has been used for snow storage and overflow parking since. Under the current proposal, a formal, 20-stall parking lot would be constructed in this area.

- **Northeast:** The northerly corners of the properties at 5252 and 5258 Michaele Lane essentially “point” towards the Arts Center. In 2012, the school district and then owners of the properties applied for an administrative lot division to incorporate the northerly corners of these residential lots into the school campus property. The division of the 5252 Michaele Lane property was recorded at Hennepin County and the area added to the school site. The division of the 5258 property was not recorded and the approval has since expired. In 2014, the district purchased the entire 5258 Michaele Lane property. As part of the current proposal, the district is requesting the same lot division/recombination as approved in 2012. Such division/recombination would incorporate the northerly corner of the 5258 Michaele Lane lot into the larger school campus. This combination would allow an existing drive aisle on the campus to be shifted south and east and a new, 38-stall parking lot to be constructed over the former drive aisle, adjacent to the Arts Center.

The applicant’s proposed parking reconfiguration and construction requires approval of the following:

1. **Lot Division.** A lot division is required to separate the northerly corner/point of the 5258 Michaele Lane property from the residential site and combine this corner/point with the larger school campus property.

2. **Conditional Use Permit Amendment.** An amendment to the school’s existing conditional use permit is required to essentially incorporate the 18401 Delton Avenue property and the corners/points of the divided 5252 and 5258 Michaele Lane properties into the conditional use permit for school campus.

3. **Site Plan Review.** Site plan review is required for the reconfiguration of existing, and construction of new, parking areas.
Staff Analysis

Staff supports the school district’s proposal as the reconfiguration and construction of parking: (1) addresses the conditions of the 2015 approvals; and (2) meets all minimum city code standards. Specific standards are outlined in the “Supporting Information” section of this report.

Staff Recommendation

Recommend the city council adopt the following:

1) Resolution approving a lot division at 5258 Michaele Lane (See pages A30–A33); 

2) Resolution amending an existing conditional use permit for an educational institution at 18301 State Highway 7 (See pages A34–A40); and 

3) Resolution approving final site plans for parking lot reconfiguration and construction on the Minnetonka High School at 18301 State Highway 7 (See pages A41–A49).

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

Surrounding Land Uses
Northerly: State Highway 7
Easterly: single-family and multi-family homes
Southerly: single-family homes
Westerly: single-family and multi-family homes

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

Grading
Grading would occur to accommodate the relocated drive aisles, on both the west and east sides of the school, as well as the new parking lots.

- Reconfigured Main Drive Aisle: One to two feet of excavation would occur to relocate the main drive aisle through the south west parking lot. (See page A7.)

- Northwest Parking: One to two feet of excavation would occur on the north side of the proposed parking lot and up to four feet of fill would be necessary on the south. (See page A10.)

- Northeast Parking: Up to six feet of excavation would be necessary to construct the parking lot and shift the drive aisle south and west. A new, three to eight foot wall would retain an existing knoll located to the east. (See page A11.)

Tree Removal
Based on the submitted grading plans, the following tree removal would occur:

- Reconfigured Main Drive Aisle: One high priority tree and two significant trees would be removed or significantly impacted. By city code, trees may be removed within the “basic tree removal area” without mitigation. The “basic tree removal area” is 10 feet from a driveway or parking lot and 20 feet from a principal structure. As the high priority and significant tree are within 10 feet of the reconfigured drive, no mitigation is required.

- Northwest Parking: One high priority tree and 17 significant trees would be removed or impacted. All but one significant tree would be located within 10 feet of the new parking lot. Mitigation, through replanting of one 2-inch tree, would be required for this significant tree.
Northeast Parking. Eight high priority trees and 13 significant trees would be removed or impacted. No mitigation would be required as all of the trees are within the “basic tree removal area.”

If final grading plans illustrate additional tree impact, further tree mitigation may be required.

**Stormwater**

The proposal triggers both the city and Riley Purgatory Bluff Creek Watershed District rules. To meet these rules – which regulate runoff volume, rate, and quality – infiltration facilities would be constructed underneath the reconfigured main drive aisle, as well as the new parking areas. The applicant’s stormwater management plan has been reviewed by city and watershed district staff and found to be generally acceptable.

**CUP Standards**

In 1997, the city approved a conditional use permit (CUP) for an educational institution at 18301 Delton Avenue – the Minnetonka High School campus. The campus area has technically expanded over the last several years as the residential property on Delton Avenue and the northerly corner of the 5252 Michaele Lane property have been incorporated into the larger campus. The current request to incorporate the northerly portion of 5258 Michaele Lane further expands the site. The CUP must be amended to incorporate these “new” areas into the existing conditional use permit. The expanded CUP area would continue to meet all general and specific CUP standards for educational institutions:

**General 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.

**Specific Standards:**
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 school campus is accessed via Delton Avenue, which is classified as a neighborhood collector street.

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

**Finding:** The existing school buildings are set back over 75 feet from all adjacent property lines. Existing and proposed drive aisles and parking areas meet the required 20 foot setback from property lines.

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:** The current proposal makes no change to bus pick-up and drop-off areas. These areas located outside of public right-of-way.

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:** The current proposal makes no changes to existing recreational areas. Existing areas appear to meet this standard.

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

**Finding:** The current proposal would add 0.79 acres of impervious surface to the 95 acre site. With this increase, 39 percent of the school campus would be covered by impervious surface.
6. Site and building plan subject to review pursuant to section 300.27 of this ordinance; and

**Finding:** See below.

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

**Finding:** The high school is not connected to, or located in, a residential dwelling.

**SBP Standards**

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

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

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

2. Consistency with this ordinance;

**Finding:** The proposal would meet all minimum standards of the zoning ordinance.

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

**Finding:** Though the proposal would result in grading and some tree removal, the proposed drive aisle reconfiguration and parking areas would be appropriately located in generally developed areas of the school campus.

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

**Finding:** The proposed site design is intuitive, would result in appropriate location of parking areas, and would improve circulation patterns for vehicular traffic.
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

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

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

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

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

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

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

**Finding:** The standard pertains primarily to structures. The proposal would not alter the existing campus buildings.

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

**Finding:** The proposed parking reconfiguration and construction are intended to improve existing parking and circulation issues on the high school campus. The proposal is not anticipated to negatively impact adjacent or neighboring properties.

**Motion Options**

The planning commission has three options:
1. Concur with the staff recommendation. In this case a motion should be made to adopt the resolutions approving a lot division, conditional use permit amendment, and final site plans.

2. Disagree with staff’s recommendation. In this case, a motion should be made directing staff to prepare a resolution for denying the proposal. This motion should include findings for denial.

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

**Neighborhood Comments**
Notice was sent to 534 area property owners. The city has received no written comments to date.

**Deadline for Action**
July 25, 2016
Location Map

Project: Minnetonka High School parking lots
Applicant: Cliff Buhman
Address: 18301 State Hwy No 7
Project No. 97001.16b

This map is for illustrative purposes only.
PROPOSED LOT DIVISION

ZONING AND SETBACKS:

According to the City of Minnetonka Zoning Map, the subject property is zoned as follows:

Zone: RT - (Low Density Residential)
Setback:
  Front Yard: 25 feet
  Side Yard: 25 feet (The sum of side and setback shall not exceed 20 feet)
  Rear Yard: 40 feet or 20 percent of depth of lot, whichever is less

LEGEND:

- Lot Line
- Road Line
- Township Line
- Section Line
- Assessment Boundary Line
- Property Line
- Utility Line
- Natural Feature Line
- Property Line
- Utilities
- Light Pole
- Decision Tree
- Contours

EXISTING PROPERTY DESCRIPTION: PID: 30-117-22-49-0004
Lot 6, Block 1, 5th Add., according to the recorded plat thereof, Hennepin County, Minnesota.

PROPOSED PARCEL DESCRIPTIONS:

PARCEL A:
Lot 6, Block 1, 5th Add., according to the recorded plat thereof, Hennepin County, Minnesota, except that parcel which lies northerly of the following described line:

Connecting the southeast corner of lot 4, Block 1, 5th Add., thereon an assumed bearing of North 90 degrees 0 minutes 13 seconds East along the northerly line of said lot 4 a distance of 70.45 feet to the point of intersection of the southerly line of said lot 4 and the northerly line of the proposed lot described as follows:

3. A line from the northern end of the aforementioned line due east to the southern corner of said lot 6, Block 1, 5th Add.

PARCEL B:
That portion of Lot 6, Block 1, 5th Add., according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of the following described line:

Connecting the northeast corner of Lot 5, Block 1, 5th Add., thereon an assumed bearing of North 90 degrees 0 minutes 13 seconds West along the northerly line of said Lot 5 a distance of 70.45 feet to the point of intersection of the southerly line of said Lot 5 and the northerly line of the proposed lot described as follows:

2. A line from the northern end of the aforementioned line due west to the southern corner of said lot 6, Block 1, 5th Add., and there terminating two (2) hundred feet west from the northerly line of said lot 6 as measured along the east line of said lot 6.

GENERAL NOTES:
1. Background information is based on a survey of the ground performed by Clark Engineering Company on 08/15/2014 and on additional site visit on 10/15/2014 exclusively for this project.
2. All observations depicted on this survey are in feet and decimals of a foot unless otherwise indicated.
3. For the purposes of this survey, the basis of bearing for the surveyed lines is to plane survey with nine north as geodetic north (HAGS) Minneapolis County Coordinate System (1983 Adjustment).
4. For the purpose of this survey, a State Plane (HAGS) public works base point No. 14842022 was provided. Private utility base points were not identified as part of this survey. The construction survey of utility locations prior to construction/development of this site will be located by the HAGS system and the surveying work shall be located 48 hours prior to excavation.
5. This survey represents an indication of the survey restrictions that may apply to the Remainder property and does not represent a zoning decision or decision. For a definitive zoning decision, you must contact the agency that issues the zoning decision.

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

[Signature]
(Scanned License No: 44520)
03/17/2016

[Address]
Minneapolis, Minnesota 55409-44520
2016 PARKING LOT ADDITIONS
MINNETONKA HIGH SCHOOL
18301 HIGHWAY 7
MINNETONKA, MINNESOTA  55345

OWNER:
MINNETONKA PUBLIC SCHOOLS
5621 COUNTY ROAD 101
MINNETONKA, MINNESOTA 55345

CIVIL ENGINEER:
INSPEC, INC.
5801 DULUTH STREET
MINNEAPOLIS, MINNESOTA 55422

SURVEYOR:
CLARK ENGINEERING CORPORATION
621 LILAC DRIVE NORTH
MINNEAPOLIS, MINNESOTA 55422

<table>
<thead>
<tr>
<th>DRAWING SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHEET NO.</td>
</tr>
<tr>
<td>C1</td>
</tr>
<tr>
<td>C2</td>
</tr>
<tr>
<td>C3</td>
</tr>
<tr>
<td>C4</td>
</tr>
<tr>
<td>C5</td>
</tr>
<tr>
<td>C6</td>
</tr>
<tr>
<td>C7</td>
</tr>
<tr>
<td>C8</td>
</tr>
<tr>
<td>C9</td>
</tr>
</tbody>
</table>
PREVIOUS APPROVALS
RESOLUTION NO. 97-026

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AN EDUCATIONAL INSTITUTION IN A R-1 DISTRICT AT 18301 DELTON AVENUE

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

Section 1. BACKGROUND.

1.01 Minnetonka Public School District #276 is requesting a conditional use permit for the Minnetonka High School.

1.02 The property is located at 18301 Delton Avenue. It is legally described in attached Exhibit A.

Section 2. GENERAL STANDARDS.

2.01 City Code Section 300.16, Subdivision 2 lists the following general standards that must be met for granting of the permit:

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

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

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

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

Section 3. SPECIFIC STANDARDS.

3.01 City Code Section 300.16, Subdivision 3 lists the following general standards that must be met for granting of the permit:

1. Located on 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 which 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 lots set back 15 feet from streets and non-residential property and 25 feet from residential property;

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 suitable landscaped; and

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

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

Section 4. FINDINGS.

4.01 On February 6, 1997, the Planning Commission held a hearing on the application. The applicant was provided the opportunity to present information to the Planning Commission. The Planning Commission considered all of the comments and the staff's report, which are incorporated by reference into this resolution. The Commission recommended that the City Council approve the permit.

4.02 The proposal meets the conditional use permit standards.

Section 5. CITY COUNCIL ACTION.

5.01 The conditional use permit described above is approved subject to the following conditions:
1. Record this resolution with the county before the City issues a building permit.

2. The City Council may reasonably add or revise conditions to address any unforseen future problems.

Adopted by the Minnetonka City Council on February 24, 1997.

ACTION ON THIS RESOLUTION:

Motion for adoption: Schneider
Seconded by: Tauer
Voted in favor of: Thomas, Callison, Schneider, Koblick, Tauer, 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 24th day of February, 1997.

Elizabeth L. Norton, City Clerk
LEGAL DESCRIPTIONS:

PARCEL 1 (Book 1841 Deeds P. 76):

That part of the S.E. 1/4 of Section 30-117-22 described as follows: Commencing at the S.W. corner of said S.E. 1/4; thence East on the South line of said S.E. 1/4, distant 853.78' more or less to the West line of the East 50 acres South of the Mpls. St. Paul & Suburban railroad, right of way line; thence North and parallel with the East line of said S.E. 1/4, distant 1246.0', to the Southerly Right of way line of the Mpls., St. Paul & Suburban railroad; thence Northwesterly on said Southerly right of way line, distant 1022.4' to the West line of said S.E. 1/4; thence South on the West line of said S.E. 1/4, distant 1584.95' to the place of beginning, containing 29.9 Acres more or less, except the following described tract of land:

Commencing at a point 746.17' North and 33.0' East of the Southwest corner of said S.E. 1/4 of Sec. 30-117-22; thence East and parallel with the South line of said S.E. 1/4, distant 267.0'; thence North and parallel with the West line of said S.E. 1/4, distant 571.03'; thence West and parallel with the South line of said S.E. 1/4, distant 267.0'; thence South and parallel with the West line of said S.E. 1/4, distant 571.03' to the place of beginning, containing 3.5 acres more or less.

NOTE: An access easement included in the above Exception has been omitted. This easement is no longer in effect because the Exception parcel (Parcel 2) has been acquired by the School District.

PARCEL 2 (Book 2477 Deeds P. 577):

The East 267 feet of the West 300 feet of the North 571.03 feet of the Southwest Quarter of the Southeast Quarter of Section 30, Township 117, Range 22, according to the map or plat thereof on file or of record in the office of the Register of Deeds of Hennepin County, Minnesota.
PARCEL 3: (Certificate of Title No. 157458):

All that part of the following described tract:

The southeast quarter (SE1/4) of section 30, township 117, north, range 22 west, as follows: Commencing at the southeast corner of said section 30; thence westerly along the south line of said section, 1623.94 feet; thence northerly and parallel with the east line of said section 1347.27 feet to the initial point of beginning of the land to be described; thence northerly along a continuation of the last named line 549 feet to center line of the Excelsior Boulevard, also known as County Road No. 7 and as State Highway No. 11; thence along said center line along the following courses: North 80 degrees 57 minutes west 165 feet; thence south 77 degrees 3 minutes west 500 feet; thence south 82 degrees 33 minutes west 312 feet to the west line of the southeast quarter of said section; thence south 0 degrees 31 minutes east along said west line 81.5 feet to the northerly line of right of way of the Minneapolis, St. Paul and Suburban Railway Company; thence south 77 degrees 38 minutes east along right of way 1022.4 feet to the point of beginning.

which lies southerly of a line run parallel with and distant 100 feet southerly of the following described line:

Beginning at a point on the easterly boundary of said section 30, distant 136.8 feet northerly of the east quarter corner thereof; thence run southerly on an angle of 84 degrees 17 minutes with said easterly boundary for a distance of 279.5 feet; thence deflect to the left on a 0 degree 30 minute curve, delta angle 1 degree 34 minutes, for a distance of 313.3 feet; thence on tangent to said curve for a distance of 1368.4 feet; thence deflect to the right on a 3 degree 30 minute curve, delta angle 47 degrees 28 minutes, for a distance of 900 feet, and there terminating.

NOTE: The first paragraph of the above description contains a mathematical closure error of approximately 128 feet. Parcel has been surveyed in accordance with adjoining calls.

PARCEL 4: (Certificate of Title No. 388168):

That part of the Southeast Quarter of Section 30, Township 117, Range 22, described as follows: Commencing at the intersection of the Southerly line of State Highway No. 7 with the Southerly line of the right-of-way of the Minneapolis and Excelsior Road, as now laid out and traveled; thence Southerly along said Southerly line of said Minneapolis and Excelsior Road, a distance of 111.34 feet; thence South parallel with the East line of said Southeast Quarter, a distance of 490.9 feet to the Northerly line of the right-of-way of the Minneapolis, St. Paul and Suburban Railway Company; thence Northwesterly along said last described right-of-way a distance of 180.39 feet to its intersection with a line drawn parallel with the East line of said Southeast Quarter from a point on the South line of said Southeast Quarter distant 1623.94 feet along said line from the Southeast corner of said Southeast Quarter; thence North along the last described parallel line a distance of 526 feet to the Southerly line of State Highway No. 7; thence Northeasternly along said Southerly line a distance of 75 feet to the point of beginning.
PARCEL 5 (Doc. No. 3935630):
That part of the South 1/2 of the Southwest 1/4 of Section 30, Township 117, North Range 22, West of the principal meridian, described as follows: Beginning at a point on the North line of said South 1/2 of the Southwest 1/4 of Section 30, distant 555.44 feet West of the Northeast corner thereof, thence East to the Northeast corner thereof, thence South along the East line of said South 1/2 of the Southwest 1/4 of Section 30 to the Southeast corner thereof, thence West along the South line of said South 1/2 of the Southwest 1/4 of Section 30, distance of 1588.81 feet, thence Northeasterly to the point of beginning. EXCEPT the North 300 feet of the East 363 feet thereof.

PARCEL 6 (Certificate of Title No. 316481):
That part of the North 1/2 of the Northwest Quarter of Section 31, Township 117, Range 22, lying East of the plat of Kingswood and North of a line drawn from the most Easterly corner of Outlet 2, said Kingswood, to a point in the East line of said Northwest 1/4 distant 800 feet South from the Northeast corner thereof, according to the survey thereof.

PARCEL 7 (no record document available):
The north 300 feet of the east 363 feet of the South Half of the Southwest Quarter of Section 30, Township 117, Range 22, Hennepin County, Minnesota.

PARCEL 8 (no record document available):
That part of the right-of-way of the Minneapolis, St. Paul and Suburban Railroad, being a part of the West Half of the Southeast Quarter of Section 30, Township 117, Range 22, Hennepin County, Minnesota, which lies westerly of the westerly line of Skyline Terrace, according to the plat thereof of record, and southerly of State Highway No. 7.

NOTE: Parcel numbers have been added for convenience of reference but are not part of the legal descriptions.
PROPERTY SKETCH:
FOR: MINNETONKA SCHOOL DISTRICT

EXISTING LOT INFORMATION:

Legal Description:
Lot 5, Block 1, SKYLINE TERRACE, Hennepin County, Minnesota

Property ID:
30-117-22-43-0003

Owner:
Kenneth and Janine Fricke
5252 Michelle Lane
Minnetonka, MN 55345

Legal Description:
Lot 6, Block 1, SKYLINE TERRACE, Hennepin County, Minnesota

Property ID:
30-117-22-43-0004

Owner:
Valli Nordstrom
5258 Michelle Lane
Minnetonka, MN 55345

PROPOSED PURCHASE AGREEMENT

LEGAL DESCRIPTIONS:

PARCEL A
9,332 Sq. Ft. (0.21 Acres)
That part of Lot 5, Block 1, SKYLINE ADDITION, Hennepin County, Minnesota lying northwesterly of the following described line:
Commencing at the northeast corner of said Lot 5; thence on an assumed bearing of North 70 degrees 14 minutes 03 seconds West along the northerly line of said Lot 5 a distance of 78.87 feet to the point of beginning of the line to be described; thence South 41 degrees 36 minutes 09 seconds West a distance of 253.59 feet to the angle point in the west line of Lot 6, said Block 1 and there terminating.
Sold angle point being 250.00 feet south from the northerly corner of said Lot 6 as measured along the west line of said Lot 6.

PARCEL B
11,678 Sq. Ft. (0.27 Acres)
That part of Lot 6, Block 1, SKYLINE ADDITION, Hennepin County, Minnesota lying northwesterly of the following described line:
Commencing at the northeast corner of Lot 5 said Block 1; thence on an assumed bearing of North 70 degrees 14 minutes 03 seconds West along the northerly line of said Lot 5 a distance of 78.87 feet to the point of beginning of the line to be described; thence South 41 degrees 36 minutes 09 seconds West a distance of 253.59 feet to the angle point in the west line of said Lot 6 and there terminating.
Sold angle point being 250.00 feet south from the northerly corner of said Lot 6 as measured along the west line of said Lot 6.

GENERAL NOTES
1. The above legal descriptions are for purchase agreement purposes and do not constitute a legal property division.
2. All dimensions subject to final survey.
3. Final survey will include easement vacations and dedications.
Resolution No. 2015-120

Resolution approving a conditional use permit for the expansion of the Pagel Activity Center at 18313 State Highway 7

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

Section 1. Background.

1.01 The Minnetonka Youth Hockey Association has requested a conditional use permit for the expansion of the Pagel Activity Center.

1.02 The Pagel Activity Center is located on the Minnetonka High School property located at 18313 State Highway 7. It is legally described on Exhibit A.

1.03 On November 5, 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 general standards that must be met for granting conditional use permits in residential districts.

2.02 City Code §300.16 Subd. 3(a) outlines the specific standards that must be met for educational institutions and facilities in a residential district. These include:

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 300.26 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 design for group outdoor activities set back 25 feet from residential property, suitable buffering provided to protect neighboring property 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 can 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 this ordinance; and

7. No connect to, or part of, any residential dwelling.

Section 3. Findings.

3.01 The proposal meets the general and specific conditional use permit standards, as outlined in City Code §300.16, Subd. 2 and City Code §300.16 Subd. 3(a).


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:
   - Site Plan and Landscaping dated September 4, 2015
   - Main Level Floor Plan dated September 4, 2015
   - Mezzanine Level Floor Plan dated September 4, 2015
   - Exterior Elevations dated September 4, 2015
   - Site Demolition Plan dated September 4, 2015
   - Civil Site Plans dated September 4, 2015
   - Site Grading Plan dated September 4, 2015
2. Prior to issuance of a building permit this resolution must be recorded with Hennepin County.

3. Prior to the issuance of a building permit, the school district must plant one conifer tree or provide an escrow in an amount determined by city staff to meet the requirements of the 2014 restoration plan.

4. Prior to the final inspection, the school district must submit a conservation easement for the review and approval by the city attorney. The easement must cover the woodland preservation area located to the south of the building, clearly establishing the area as outside of any future development areas on the campus. The easement may allow location and maintenance of stormwater facilities and removal of hazard, diseased, or invasive species. The easement must be prepared by an attorney knowledgeable in the area of real estate.

5. Ice at the Pagel Activity Center cannot be scheduled to end after 8:00 a.m. on a regularly scheduled school day or within 30 minutes of the start of school on a late-start school day. Ice at the Pagel Activity Center cannot be scheduled to start until 4:30 p.m. on a regularly scheduled school day or until 1.5 hours have elapsed from the end of school on an early-release school day. There are no limitations on when ice can be scheduled for Minnetonka High School Hockey Teams or Minnetonka Youth Hockey Association Teams where more than half of players attend Minnetonka High School. Tournaments cannot have any games scheduled to start at the Pagel Activity Center before 5:15 p.m. on a regularly scheduled school day or within 2.5 hours of an early-release school day.

6. Minnetonka School District #276 make the following improvements to the Minnetonka High School Campus by December 31, 2017:

   a) Add signs in the visitor parking lot to encourage drivers to move up so the entire drop-off area can be utilized.

   b) Revise the permitting process in the fall of 2016-2017 to include the assignment of specific lots to help drivers find and more easily navigate to available parking spaces.
c) The school district will explore having students go in the Arts Center door to help encourage drop-offs to move further up and better utilize the entire round about area. If a change is not made, the city must be provided information as to what it was not feasible.

d) During the summer of 2016 a barrier along a row of parking in the northwest parking lot will be installed to prevent drivers weaving through the parking lot to jump the queue at the west access on Delton Avenue.

e) During the summer of 2016 a right-in only access that aligns with the visitor parking lot access will be constructed and the southern access along the main drive aisle to the parking lot will be closed.

f) As enrollment increases, the school district will continue to limit the number of permits for annual and daily parking permits to available spaces. This will include reducing the number of student permits as needed to compensate for increases in staffing. The proposed increase to 3,400 students is anticipated to add about 12 staff members.

g) During the summer of 2016 the school district will relocate the main drive aisle through the southwest parking lot to align with the western aisle and restripe the drive aisle with additional parking.

h) During the summer of 2016 the school district will add additional parking spaces where possible. The number and location will be determined based on a site and building plan review process that will take into consideration traffic movement and site conditions including tree loss/mitigation, slope, and impervious surface coverage.

i) As restriping and construction projects occur, the school district will consider the use of angled parking. In general, angled parking will be used when it can improve the traffic flow while still retaining the same number of spaces.

j) During the summer of 2016 the school district will improve the design of the drop-off and pick-up area in front of the Pagel Activity Center through the use of additional concrete to improve operations and safety.

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on November 23, 2015.

Terry Schneider, Mayor

Attest: 

David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on November 23, 2015.

David E. Maeda, City Clerk
PROPOSED RESOLUTIONS
Resolution No. 2016-

Resolution approving a lot division at 5258 Michaele Lane

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

Section 1. Background.

1.01 Minnetonka Independent School District 276 has requested approval of a lot division at 5258 Michaele Lane. The proposed lot division would allow for the northerly portion of the residential lot to be incorporated into the adjacent Minnetonka High School campus.

1.02 The existing legal description of the property is:

Lot 6, Block 1, SKYLINE TERRACE, Hennepin County, Minnesota

1.03 The proposed legal descriptions are:

Parcel A:

Lot 6, Block 1, SKYLINE TERRACE, according to the recorded plat thereof, Hennepin County, Minnesota, except that part which lies northerly of the following described line.

Commencing at the northeast corner of Lot 5, Block 1, SKYLINE TERRACE; thence on an assumed bearing of North 70 degrees 14 minutes 03 seconds West along the northerly line of said Lot 5, a distance of 76.87 feet to the point of beginning of the line to be described; thence South 41 degrees 36 minutes 09 seconds West, a distance of 253.59 feet to the angle point in the west line of Lot 6, Block 1 and there terminating. Said Angle point being 250.00 feet south from the northerly corner of said Lot 6 as measured along the west line of said Lot 6.

PARCEL B:
That portion of Lot 6, Block 1, SKYLINE TERRACE, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northwesterly of the following described line.

Commencing at the northeast corner of Lot 5, Block 1, SKYLINE TERRACE; thence on an assumed bearing of North 70 degrees 14 minutes 03 seconds West along the northerly line of said Lot 5, a distance of 76.87 feet to the point of beginning of the line to be described; thence South 41 degrees 36 minutes 09 seconds West, a distance of 253.59 feet to the angle point in the west line of Lot 6, Block 1 and there terminating. Said Angle point being 250.00 feet south from the northerly corner of said Lot 6 as measured along the west line of said Lot 6.

1.04 On June 2, 2016, the planning commission held a hearing on the proposed division. 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 lot division.

Section 2. Standards.

2.01 By City Code §400.020 Subd.2, No conveyance of land shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after March 6, 1961, or to an unapproved plat made after such date. However, the ordinance allows the city council to waive this restriction.

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

Section 3. Findings.

3.01 Compliance with City Code §400.020 Subd.2 will create an unnecessary hardship and failure to comply with the restriction will not interfere with the purpose of the City’s subdivision regulations.

3.02 The proposed lot division generally meets the design requirements as outlined in City Code §400.030.


4.01 Compliance with City Code §400.020 Subd.2 is waived.
4.02 The lot division is approved as described in Section 1 and as depicted on Exhibit A of this resolution.

4.03 Approval is subject to the following conditions:

1. Prior to release of this resolution, submit title evidence that is current within thirty days for review and approval of the city attorney.

2. Parcel B must be combined with the property at 18301 State Highway 7.

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 27, 2016.

______________________________
Terry Schneider, Mayor

Attest:
______________________________
Davie 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 June 27, 2016.

______________________________
David Maeda, City Clerk
Resolution No. 2016-
Resolution amending an existing conditional use permit for an educational institution at 18301 State Highway 7

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

Section 1. Background.

1.01 On February 24, 1997 the city council adopted Resolution No. 97-026, a conditional use permit for an educational institution at 18301 Delton Avenue, now 18301 State Highway 7.

1.02 In subsequent years, Minnetonka Independent School District 276 has acquired additional property adjacent to 18301 State Highway 7 and incorporated this property into the larger Minnetonka High School campus. Though physically part of the school campus, these areas are not technically covered by the 1997 conditional use permit.

1.03 Minnetonka Independent School District 276 has requested the existing conditional use permit be amended to cover the currently configured Minnetonka High School campus property.

1.04 The property at 18301 State Highway 7, as currently configured, is legally described on EXHIBIT A of this resolution.

1.05 On June 2, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the amended conditional use 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 solution 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 educational institutions:

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 existing school campus meets the general conditional use permit standards outlined in City Code §300.16 Subd.2.

3.02 The existing school campus meets the conditional use permit standards outlined in City Code 300.16 Subd.3(a).

1. The school campus is accessed via Delton Avenue, which is classified as a neighborhood collector street.
2. The existing school buildings are set back over 75 feet from all adjacent property lines. Existing and proposed drive aisles and parking areas meet the required 20 foot setback from property lines.

3. School bus pick-up and drop-off areas are located outside of public right-of-way.

4. Recreational areas designed for group outdoor activities are set back 25 feet from residential property and suitable buffering is provided to protect neighboring properties from noise and adverse visual impacts.

5. Thirty-nine percent of the school campus is impervious surface, well under the allowable 60 percent.

6. The property is in conformance with site and building plan standards as outlined in City Code Section §300.27.

7. The existing high school is not connected to, or located in, a 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. The city council may reasonably add or revise conditions to address any future unforeseen problems.

3. This resolution repeals and replaces Resolution No. 97-026.

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 27, 2016.

_______________________________________
Terry Schneider, Mayor

Attest:

_______________________________________
David E. Maeda, City Clerk
**Action on this resolution:**

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on June 27, 2016.

__________________________________  
David E. Maeda, City Clerk
PARCEL 1 (Book 1841 Deeds P. 78)

That part of the S.E. ¼ of Section 30-117-22 described as follows: Commencing at the S.W. corner of said S.E. ¼; thence East on the South line of said S.E. ¼, distant 953.78’ more or less to the West line of the East 50 acres South of the Mpls. St. Paul & Suburban rail road, right of way line; thence North and parallel with the East line of said S.E. ¼, distant 1246.0’ to the Southerly Right of way line of the Mpls. St. Paul & Suburban rail road; thence Northwesterly on said Southerly right of way line, distant 1022.4’ to the West line of said S.E. ¼; thence South on the West line of said S.E. ¼, distant 1584.95’ to the place of beginning, containing 29.9 Acres more or less, except the following described tract of land:

Commencing at a point 746.17’ North and 33.0’ East of the Southwest corner of said S.E. ¼ of Sec. 30-117-22; thence East and parallel with the South line of said S.E. ¼, distant 267.0’; thence North and parallel with the West line of said S.E. ¼, distant 571.03’; thence West and parallel with the South line of said S.E. ¼, distant 267.0’; thence South and parallel with the West line of said S.E. ¼ distant 571.03’ to the place of beginning, containing 3.5 acres more or less.

PARCEL 2 (Book 2477 Deeds P. 577)

The East 267 feet of the West 300 feet of the North 571.03 feet of the Southwest Quarter of the Southeast Quarter of Section 30, Township 117, Range 22, according to the map or plat thereof on file or of record in the office of the Register of Deeds of Hennepin County, Minnesota.

PARCEL 3 (Certificate of Title No. 157458)

All that part of the following described tract:

The southeast quarter (SE1/4) of section 30, township 117 north, range 22 west, as follows: Commencing at the southeast corner of said section 30; thence westerly along the south line of said section, 1623.94 feet; thence northerly and parallel with the east line of said section 1347.27 feet to the initial point of beginning of the land to be described; thence northerly along a continuation of the last named line 549 feet to center line of the Excelsior Boulevard, also known as County Road No. 3 and as State Highway No. 11; thence along said center line along the following courses: North 80 degrees 57 minutes west 165 feet; thence south 77 degrees 3 minutes west 500 feet; thence south 82 degrees 33 minutes west 312 feet to the west line of the southeast quarter of said section; thence south 0 degrees 31 minutes east along said west line 81.5 feet to the northerly line of right of way of the Minneapolis, St. Paul and Suburban Railway Company; thence south 77 degrees 38 minutes [east] along said right of way 1022.4 feet to the point of beginning;
Which lies southerly of a line run parallel with and distant 100 feet southerly of the following described line:

Beginning at a point on the easterly boundary of said section 30, distant 136.8 feet northerly of the east quarter corner thereof; thence run southwesterly at an angle of 64 degrees 17 minutes with said easterly boundary for a distance of 279.5 feet; thence deflect to the left on a 0 degree 30 minute curve, delta angle 1 degree 34 minutes, for a distance of 313.3 feet; thence on tangent to said curve for a distance of 1368.4 feet; thence deflect to the right on a 3 degree 30 minute curve, delta angle 47 degrees 28 minutes, for a distance of 900 feet, and there terminating.

PARCEL 4 (Certificate of Title No. 388168)

That part of the Southeast Quarter of Section 30, Township 117, Range 22, described as follows: Commencing at the intersection of the Southeasterly line of State Highway No. 7 with the Southerly line of the right-of-way of the Minneapolis and Excelsior Road, as now laid out and travelled; thence Southeasterly along said Southerly line of said Minneapolis and Excelsior Road, a distance of 111.34 feet; thence South parallel with the East line of said Southeast Quarter a distance of 490.9 feet to the Northerly line of所述 Minneapolis, St. Paul and Suburban Railway Company; thence Northwesterly along said last described right-of-way a distance of 180.39 feet to its intersection with a line drawn parallel with the East line of said Southeast Quarter from a point on the South line of said Southeast Quarter distant 1623.94 feet along said line from the Southeast corner of said Southeast Quarter; thence North along the last described parallel line a distance of 526 feet to the Southeasterly line of State Highway No. 7; thence Northeasterly along said Southeasterly line a distance of 75 feet to the point of beginning.

PARCEL 5 (Doc No. 3935630)

That part of the South ½ of the Southwest ¼ of Section 30, Township 117, North Range 22, West of the principal meridian, described as follows: Beginning at a point on the North line of said South ½ of the Southwest ¼ of Section 30, distant 555.44 feet West of the Northeast corner thereof, thence East to the Northeast corner thereof, then South along the East line of said South ½ of the Southwest ¼ of Section 30 to the Southeast corner thereof, thence West along the South line of said South ½ of the Southwest ¼ of Section 30, distance of 1588.81 feet; thence Northeasterly to the point of beginning. EXCEPT the North 300 feet of the East 363 feet thereof.

PARCEL 6 (Certificate of Title No. 316481)

That part of the North ½ of the Northwest Quarter of Section 31, Township 117, Range 22, lying East of the plat of Kingswood and North of a line drawn from the most Easterly
corner of Outlot 2, said Kingswood, to a point in the East line of said Northwest ¼ distant 800 feet South from the Northeast corner thereof, according to the Government Survey thereof.

PARCEL 7 (Doc. No. 6753187)

The North 300 feet of the East 363 feet of Southeast ¼ of the Southwest ¼ of Section 30, Township 117, Range 22, according to the United States Government Survey thereof and situated in Hennepin County, Minnesota.

PARCEL 8 (no record document available)

That part of the right-of-way of the Minneapolis, St. Paul and Suburban Railroad, being a part of the West Half of the Southeast Quarter of Section 30, Township 117, Range 22, Hennepin County, Minnesota, which lies westerly of the westerly line of Skyline Terrace, according to the plat thereof of record, and southerly of State Highway No. 7.

PARCEL 9 (Doc. No. 9548071)

Lot 1, Dellton Second Addition, Hennepin County, Minnesota.

PARCEL 10 (Doc. No. 9761309)

That part of Lot 5, Block 1, Skyline Terrace, Hennepin County, Minnesota lying northwesterly of the following described line: Commencing at the northeast corner of said Lot 5; thence on an assumed bearing of North 70 degrees 14 minutes 03 seconds West along the northerly line of said Lot 5, a distance of 76.87 feet to the point of beginning of the line to be described; thence South 41 degrees 36 minutes 09 seconds West, a distance of 253.59 feet to the angle point in the West line of Lot 6, said Block 1 and there terminating. Said angle point being 250.00 feet south from the northerly corner of said Lot 6 as measured along the west line of said Lot 6.

PARCEL 11

That portion of Lot 6, Block 1, SKYLINE TERRACE, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northwesterly of the following described line.

Commencing at the northeast corner of Lot 5, Block 1, SKYLINE TERRACE; thence on an assumed bearing of North 70 degrees 14 minutes 03 seconds West along the northerly line of said Lot 5, a distance of 76.87 feet to the point of beginning of the line to be described; thence South 41 degrees 36 minutes 09 seconds West, a distance of 253.59 feet to the angle point in the west line of Lot 6, Block 1 and there terminating. Said Angle point being 250.00 feet south from the northerly corner of said Lot 6 as measured along the west line of said Lot 6.
Resolution No. 2016-

Resolution approving final site plans for parking lot reconfiguration and construction on the Minnetonka High School Campus at 18301 State Highway 7

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

Section 1. Background.

1.01 On November 23, 2015, the city council adopted Resolution No. 2015-120, approving a conditional use permit for expansion of the Pagel Activity Center on the Minnetonka High School campus. The approval included a variety of conditions associated with future parking reconfiguration and construction of the campus.

1.02 Minnetonka Independent School District 276 has proposed parking reconfiguration and construction to address the conditions of Resolution 2015-120 and is now requesting approval of final site plans for this reconfiguration and construction.

1.03 The Minnetonka High School campus is located at 18301 State Highway 7. It is legally described on EXHIBIT A of this resolution.

1.04 On June 2, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the final site plans.

Section 2. Standards.

2.01 City Code §300.27, Subd. 5, outlines several items that must be considered in the evaluation of site and building plans. Those items are incorporated by reference into this resolution.
Section 3. Findings

3.01 The proposed parking lot reconfiguration and construction are necessary to meet the conditions of Resolution 2015-120.

3.02 The proposal would meet site and building plan standards outlined in the City Code §300.27, Subd.5.

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

2. The proposal would meet all minimum standards of the zoning ordinance.

3. Though the proposal would result in grading and some tree removal, the proposed reconfiguration and construction would be appropriately located in generally developed areas of the school campus.

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

5. The proposal would not alter the existing campus buildings.

6. The proposed parking reconfiguration and construction are intended to improve existing parking and circulation issues on the high school campus. The proposal is not anticipated to negatively impact adjacent or neighboring properties.

City Council Action.

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

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

   • 2016 Paving Improvements plan set, dated November 13, 2015
   • 2016 Parking Lot Addition plan set, dated April 14, 2016

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

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

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

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

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

a. Final site plan must:

1. Illustrate removal of the existing knockdown curb at the location of the previous driveway entrance on Delton Avenue, west of existing parking lot entrance, and installation of full-height curb at this location.

2. Include a note to protect existing pavement surface on Delton Avenue during curb removal and reconstruction.

b. Final landscaping and tree mitigation plans must:

- Be drafted by a qualified landscape architect or designer.

- Include no more than 25 percent of any one species, as required by city code.

- Provide landscaping in the areas of the proposed improvements.

- Include a cost break down of proposed landscaping. Landscaping value must
comply with minimum values as outlined in city code.

- Include tree mitigation that must comply with minimum standards as outlined in city code.

4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct parking lot and utility improvements, comply with grading permit, tree mitigation requirements, landscaping requirements, and to restore the site. One itemized letter of credit is permissible, if approved by staff.

a. The city will not fully release the letters of credit or cash escrow until:

- A final as-built survey has been submitted;

- An electronic CAD file or certified as-built drawings for public infrastructure in microstation or DXF and PDF format have been submitted;

- Vegetated ground cover has been established; and

- Required landscaping or vegetation has survived one full growing season.

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

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

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

b) Prior to issuance of the grading permit:

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

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

4. Retaining walls over four feet in height must be engineered and must include guard rails.

5. During construction adjacent streets must be kept free of debris and sediment.

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 27, 2016.

______________________________
Terry Schneider, Mayor

Attest:

______________________________
David E. Maeda, City Clerk

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on June 27, 2016.

__________________________________________  
David E. Maeda, City Clerk
PARCEL 1 (Book 1841 Deeds P. 78)

That part of the S.E. ¼ of Section 30-117-22 described as follows: Commencing at the S.W. corner of said S.E. ¼; thence East on the South line of said S.E. ¼, distant 953.78’ more or less to the West line of the East 50 acres South of the Mpls. St. Paul & Suburban rail road, right of way line; thence North and parallel with the East line of said S.E. ¼, distant 1246.0’ to the Southerly Right of way line of the Mpls. St. Paul & Suburban rail road; thence Northwesterly on said Southerly right of way line , distant 1022.4’ to the West line of said S.E. ¼; thence South on the West line of said S.E. ¼, distant 1584.95’ to the place of beginning, containing 29.9 Acres more or less, except the following described tract of land:

Commencing at a point 746.17’ North and 33.0’ East of the Southwest corner of said S.E. ¼ of Sec. 30-117-22; thence East and parallel with the South line of said S.E. ¼, distant 267.0’; thence North and parallel with the West line of said S.E. ¼, distant 571.03’; thence West and parallel with the South line of said S.E. ¼, distant 267.0’; thence South and parallel with the West line of said S.E. ¼ distant 571.03’ to the place of beginning, containing 3.5 acres more or less.

PARCEL 2 (Book 2477 Deeds P. 577)

The East 267 feet of the West 300 feet of the North 571.03 feet of the Southwest Quarter of the Southeast Quarter of Section 30, Township 117, Range 22, according to the map or plat thereof on file or of record in the office of the Register of Deeds of Hennepin County, Minnesota.

PARCEL 3 (Certificate of Title No. 157458)

All that part of the following described tract:

The southeast quarter (SE1/4) of section 30, township 117 north, range 22 west, as follows: Commencing at the southeast corner of said section 30; thence westerly along the south line of said section, 1623.94 feet; thence northerly and parallel with the east line of said section 1347.27 feet to the initial point of beginning of the land to be described; thence northerly along a continuation of the last named line 549 feet to center line of the Excelsior Boulevard, also known as County Road No. 3 and as State Highway No. 11; thence along said center line along the following courses: North 80 degrees 57 minutes west 165 feet; thence south 77 degrees 3 minutes west 500 feet; thence south 82 degrees 33 minutes west 312 feet to the west line of the southeast quarter of said section; thence south 0 degrees 31 minutes east along said west line 81.5 feet to the northerly line of right of way of the Minneapolis, St. Paul and Suburban Railway Company; thence south 77 degrees 38 minutes [east] along said right of way 1022.4 feet to the point of beginning;
Which lies southerly of a line run parallel with and distant 100 feet southerly of the following described line:

Beginning at a point on the easterly boundary of said section 30, distant 136.8 feet northerly of the east quarter corner thereof; thence run southwesterly at an angle of 64 degrees 17 minutes with said easterly boundary for a distance of 279.5 feet; thence deflect to the left on a 0 degree 30 minute curve, delta angle 1 degree 34 minutes, for a distance of 313.3 feet; thence on tangent to said curve for a distance of 1368.4 feet; thence deflect to the right on a 3 degree 30 minute curve, delta angle 47 degrees 28 minutes, for a distance of 900 feet, and there terminating.

PARCEL 4 (Certificate of Title No. 388168)

That part of the Southeast Quarter of Section 30, Township 117, Range 22, described as follows: Commencing at the intersection of the Southeasterly line of State Highway No. 7 with the Southerly line of the right-of-way of the Minneapolis and Excelsior Road, as now laid out and travelled; thence Southeasterly along said Southerly line of said Minneapolis and Excelsior Road, a distance of 111.34 feet; thence South parallel with the East line of said Southeast Quarter a distance of 490.9 feet to the Northerly line of the right-of-way of the Minneapolis, St. Paul and Suburban Railway Company; thence Northwesterly along said last described right-of-way a distance of 180.39 feet to its intersection with a line drawn parallel with the East line of said Southeast Quarter from a point on the South line of said Southeast Quarter distant 1623.94 feet along said line from the Southeast corner of said Southeast Quarter; thence North along the last described parallel line a distance of 526 feet to the Southeasterly line of State Highway No. 7; thence Northeasterly along said Southeasterly line a distance of 75 feet to the point of beginning.

PARCEL 5 (Doc No. 3935630)

That part of the South ½ of the Southwest ¼ of Section 30, Township 117, North Range 22, West of the principal meridian, described as follows: Beginning at a point on the North line of said South ½ of the Southwest ¼ of Section 30, distant 555.44 feet West of the Northeast corner thereof, thence East to the Northeast corner thereof, then South along the East line of said South ½ of the Southwest ¼ of Section 30 to the Southeast corner thereof, thence West along the South line of said South ½ of the Southwest ¼ of Section 30, distance of 1588.81 feet; thence Northeasterly to the point of beginning. EXCEPT the North 300 feet of the East 363 feet thereof.

PARCEL 6 (Certificate of Title No. 316481)

That part of the North ½ of the Northwest Quarter of Section 31, Township 117, Range 22, lying East of the plat of Kingswood and North of a line drawn from the most Easterly
corner of Outlot 2, said Kingswood, to a point in the East line of said Northwest ¼ distant 800 feet South from the Northeast corner thereof, according to the Government Survey thereof.

PARCEL 7 (Doc. No. 6753187)

The North 300 feet of the East 363 feet of Southeast ¼ of the Southwest ¼ of Section 30, Township 117, Range 22, according to the United States Government Survey thereof and situated in Hennepin County, Minnesota.

PARCEL 8 (no record document available)

That part of the right-of-way of the Minneapolis, St. Paul and Suburban Railroad, being a part of the West Half of the Southeast Quarter of Section 30, Township 117, Range 22, Hennepin County, Minnesota, which lies westerly of the westerly line of Skyline Terrace, according to the plat thereof of record, and southerly of State Highway No. 7.

PARCEL 9 (Doc. No. 9548071)

Lot 1, Dellton Second Addition, Hennepin County, Minnesota.

PARCEL 10 (Doc. No. 9761309)

That part of Lot 5, Block 1, Skyline Terrace, Hennepin County, Minnesota lying northwesterly of the following described line: Commencing at the northeast corner of said Lot 5; thence on an assumed bearing of North 70 degrees 14 minutes 03 seconds West along the northerly line of said Lot 5, a distance of 76.87 feet to the point of beginning of the line to be described; thence South 41 degrees 36 minutes 09 seconds West, a distance of 253.59 feet to the angle point in the West line of Lot 6, said Block 1 and there terminating. Said angle point being 250.00 feet south from the northerly corner of said Lot 6 as measured along the west line of said Lot 6.

PARCEL 11

That portion of Lot 6, Block 1, SKYLINE TERRACE, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northwesterly of the following described line.

Commencing at the northeast corner of Lot 5, Block 1, SKYLINE TERRACE; thence on an assumed bearing of North 70 degrees 14 minutes 03 seconds West along the northerly line of said Lot 5, a distance of 76.87 feet to the point of beginning of the line to be described; thence South 41 degrees 36 minutes 09 seconds West, a distance of 253.59 feet to the angle point in the west line of Lot 6, Block 1 and there terminating. Said Angle point being 250.00 feet south from the northerly corner of said Lot 6 as measured along the west line of said Lot 6.
Brief Description  A conditional use permit for an accessory apartment at 13800 Spring Lake Road

Recommendation  Recommend the city council approve the request.

Project No.  05001.16a

Property  13800 Spring Lake Road

Applicant  Hammad Bajwa

Proposal  The property owner is proposing to construct an addition on the west – or rear – side of the existing home. The addition would consist of an accessory apartment. (See plans on pages A1–A4.)

Proposal Requirements
The proposal requires a conditional use permit for an accessory apartment.

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
The existing two-story home was constructed in 2000. It is 3,800 square feet in size and has an attached three car garage. The rear of the property is encumbered by Spring Lake, which is a Manage 2 wetland and with associated floodplain. More information on the wetland and floodplain can be found in the “Supporting Information” section of this report.

Proposed Addition  The applicant is proposing to construct an addition on the west – or rear – side of the existing house. As proposed, the addition would consist of a 1,150 square foot accessory apartment. The apartment would be internally connected to the main level of the existing house and the garage. The apartment would also have an exterior entrance from the rear of the home. The addition itself complies with all zoning ordinance requirements.
Staff Analysis  

Staff finds that the applicant’s proposal is reasonable.

- The accessory apartment would not adversely impact surrounding properties. The addition would be located on the west side – or rear – of the existing home. As such, the addition would be screened from the adjacent right-of-way.

- The apartment would be architecturally consistent with, and would maintain the single-family residential character of, the existing home.

- Adequate off-street parking for the accessory apartment could be accommodated within the existing garage and paved driveway. Further, the plans indicate that an optional fourth stall could be added to the existing garage without the need for a variance.

- The proposal complies with all conditional use permit standards. These specific standards are outlined in the “Supporting Information” section of this report.

Staff Recommendation

Recommend that the city council adopt the resolution on pages A5–A10. This resolution approves a conditional use permit for an accessory apartment at 13800 Spring Lake Road.

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

**Surrounding Land Uses**

- **Northerly:** Single family residential home, zoned R-1
- **Easterly:** I494
- **Southerly:** Single family residential home, zoned R-1
- **Westerly:** Single family residential home, zoned R-1

**Planning**

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

**Wetland and Floodplain**

The rear of the property is encumbered by Spring Lake. Despite its namesake, Spring Lake is not regulated as a lake by the Department of Natural Resources. As such, the properties abutting Spring Lake are not regulated by the Shoreland Ordinance and the “lake” is regulated as a wetland. Rather than requiring a formal wetland delineation, city staff met with the property owner onsite to determine the approximate and conservative wetland boundary. For purposes of this proposal, wetland setbacks are determined by this boundary.

Additionally, the property is encumbered by 100-year floodplain. The 100-year elevation associated with the wetland is 956.0 feet. Any additions to the existing home would need to maintain a 20-foot horizontal setback and 2-foot vertical separation from the established floodplain elevation. Decks and patios have lesser setback requirements and must maintain a minimum 10-foot horizontal setback and a 1.5-foot vertical separation.

Staff finds that the proposed addition and patio would comply with the city’s wetland and floodplain setbacks.

**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:

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

   **Finding:** The property is zoned R-1, single family residential, and does not currently have an 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:** The applicant has indicated that they intend to live in the main home. Nonetheless, this has been added 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 has an existing three-car, attached garage with additional parking available in the driveway. Additionally, the applicant has indicated that a fourth stall could be added onto the existing garage without the need for a variance.

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

   **Finding:** The accessory apartment would be an addition to the existing home. As such, the addition would not be created by the conversion of existing living or garage space.

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 1,150 square feet in size, which is 23-percent of the gross living area. By ordinance, the council can approve an apartment of larger size when it would not have an adverse impact on adjacent properties. Staff does not find that the proposed size would have any adverse impact on adjacent properties and would not alter the character of the neighborhood. Due to the size of the lot and the proposed location of the addition, the apartment would not be visible from adjacent rights-of-ways.

Further, the addition is designed to maintain the single-family character of the neighborhood and would meet all setback and zoning requirements. Lastly, the parking for the accessory apartment could be accommodated within the existing garage or paved driveway.

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

Finding: The proposed addition would appear residential in character and would complement the existing architectural features of the existing home. Further, the apartment would be in the rear of the 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: This has been included as a condition of approval.

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

Finding: The proposed addition would not have any adverse impacts on adjacent properties and would not alter the residential character of the neighborhood.

9. all other provisions of this ordinance relating to the single family dwelling units to be met, unless specifically amended by this subdivision.
**Finding:** The property would comply with all other ordinance requirements. Nonetheless, this has been included as a condition of approval.

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

### Neighborhood Comments
The city sent notices to 37 area property owners and received no comments to date.

### Deadline for Decision
September 10, 2016
Location Map

Applicant: Hammad Bajwa
Address: 13800 Spring Lake Rd
Project No. 05001.16a
Resolution No. 2016-

Resolution approving a conditional use permit for an accessory apartment at 13800 Spring Lake Road

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

Section 1. Background.

1.01 The property owner, Hammad Bajwa, has requested a conditional use permit for an accessory apartment. (Project 05001.16a)

1.02 The property is located at 13800 Spring Lake Road. It is legally described on EXHIBIT A of this resolution.

1.03 On June 2, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

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

1. Allowed 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 the 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 may not substantially alter the single family character of the structure;

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

8. Permitted only where it is demonstrated that the accessory unit will not have an undue adverse 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 meets the general conditional use permit standards outlined in City Code §300.16 Subd.2.

3.02 The proposal meets all of the specific conditional use permit standards outlined in City Code §300.16 Subd. 3(d).

1. The property is zoned R-1, single family residential, and does not currently have an accessory apartment.

2. The applicant has indicated that they intend to live in the main home. Nonetheless, this has been added as a condition of this resolution.
3. The property has an existing three-car, attached garage with additional parking available in the driveway. Additionally, the applicant has indicated that a fourth stall could be added onto the existing garage without the need for a variance.

4. The accessory apartment would be in addition to the existing home. As such, the addition would not be created by the conversion of living or garage space.

5. The accessory apartment would be 1,150 square feet, which is 23-percent of the gross living area. By ordinance, the council can approve an apartment of larger size when it would not have an adverse impact on adjacent properties. The proposed size would not have any adverse impact on adjacent properties and would not alter the character of the neighborhood. Due to the size of the lot and the proposed location of the addition, the apartment would not be visible from adjacent rights-of-ways. Further, the addition is designed to maintain the single-family character of the neighborhood and would meet all setback and zoning requirements. Lastly, the parking for the accessory apartment could be accommodated within the existing garage or paved driveway.

6. The proposed addition would appear residential in character and would complement the existing architectural features of the existing home. Further, the apartment would be in the rear of the home.

7. As a condition of this resolution, the apartment must be in compliance with all building, housing, electrical, plumbing, heating and related codes of the city.

8. The proposed addition would not have any adverse impacts on adjacent properties and would not alter the residential character of the neighborhood.

9. The property would comply with all other ordinance requirements. Nonetheless, this has been included as a condition of resolution.

Section 4. City Council Action.

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

1. Subject to staff approval, the property must be developed and
maintained in substantial conformance with the plans dated May 19, 2016.

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

3. The property owner must reside in either the principal 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. All other provisions of city ordinances relating to single-family dwelling units must be met.

6. The minimum low floor elevation must be 958.0 feet.

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

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

9. This resolution must be recorded with Hennepin County.

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 27, 2016.

______________________________
Terry Schneider, Mayor

Attest:

______________________________
David E. Maeda, City Clerk
Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on June 27, 2016.

David E. Maeda, City Clerk
Exhibit A

That part of the Northeast Quarter of the Northwest Quarter of Section 22, Township 117, Range 22 described as beginning at the intersection of the South line of said Northeast Quarter of the Northwest Quarter with a line run parallel with and distant 164 feet Southwesterly from a line drawn Southeasterly at an angle of 68 degrees 54 minutes 04 seconds with the North line of said Northeast Quarter of the Northwest Quarter from a point on said North line distant 913.8 feet West from the North Quarter corner (said parallel line is hereinafter called line "A"); thence West along said South line to a point 780 feet from the Southeast corner of the Northeast Quarter of the Northwest Quarter; thence Northerly deflecting to the right 94 degrees 22 minutes, a distance of 80 feet; thence westerly deflecting to the left 80 degrees 2 minutes, a distance of 80.75 feet; thence West parallel with said South line to the Northeasterly right-of-way line of the abandoned railroad right-of-way; thence Northwesterly along said right-of-way line to the West line of said Northeast Quarter of the Northwest Quarter; thence North along said West line to a point 5 feet South from the Northwest corner of the South Quarter of said Northeast Quarter of the Northwest Quarter; thence East parallel with the North line of said South Quarter of the Northeast Quarter of the Northwest Quarter to the line “A”; thence Southeasterly along said line “A” to the point of beginning.
Brief Description: Resolution approving final site and building plans for two condominium buildings in the LEGACY OAKS development.

Recommendation: Adopt the resolution approving the final site and building plans.

Background:
In June 2013, the city council approved the LEGACY OAKS development and adopted a master development plan for general build-out of the site. As approved, LEGACY OAKS will include single-family homes, twinhomes, and condominium buildings. Final site and building plans were approved for the single-family and twinhome components in 2013, with a requirement that site and building plan review be conducted before the planning commission for future construction of the condominium buildings. (See page A2.)

In January 2015, the planning commission approved final site and building plans for the first of three condominium buildings.

Proposal:
At this time, Ron Clark Construction is requesting approval of final site and building plans for the two, final condominium buildings. The proposed three-story buildings would be the same – in shape, size, and layout – as the building approved in 2015 and currently under construction. The buildings would have footprints of roughly 13,000 square feet and total habitable floor area of roughly 39,000 square feet. The buildings’ proposed 20 units would range in size from 1,325 square feet to 1,885 square feet; each would have a minimum of two bedrooms and baths. Common spaces would be located on each of the floors and would include an exercise room, club room, and library.

The buildings would be served by underground garages, which would each contain 41 parking stalls, two for each of the buildings’ units. Visitor parking would be available along the private street directly north of the buildings, as well as along a newly constructed private street located between the buildings. (See pages A1–A15.)

Staff Analysis:
The proposed site plan differs in two ways from the development site plan reviewed and approved in 2013:

1. A private street would be constructed between the two buildings. While the street would provide for vehicular connectivity, the primary purpose would be to provide additional area for visitor parking.
2. This new private street requires that the westerly building be “pushed” closer to its westerly property line. The building would be set back 12 feet from the west property line. The setback was roughly 16 feet on the full development site plan.

Even with the modifications from the overall development site plan, staff supports the proposed plans for the condominium buildings, finding:

1. The buildings would be generally consistent with the approved master development plan for the site.

2. The proposed private drive would ensure additional visitor parking within the medium-density development.

3. The 12-foot setback from the west property line, resulting from construction of the proposed private street, is consistent with other setbacks within LEGACY OAKS.

4. The buildings would increase the diversity of housing options within LEGACY OAKS, consistent with the city’s long term development goals for the site.

5. In keeping with the approved single-family and townhome plans, the buildings have been attractively designed and appropriately located.

**Staff Recommendation**

Adopt the resolution approving final site and building plans for the final two of three condominium buildings within LEGACY OAKS. (See pages A16–A19.)

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

**Surrounding Land Uses**
- Northerly: single-family homes, LEGACY OAKS
- Easterly: Parkers Lake Road, rental apartments beyond
- Southerly: condominium building, WYLDEWOOD
- Westerly: single-family and twinhomes, LEGACY OAKS

**Planning**
- Guide Plan designation: medium-density residential
- Existing Zoning: PUD

**Setbacks, Etc.**

<table>
<thead>
<tr>
<th>MEASUREMENT</th>
<th>SETBACK - North</th>
<th>SETBACK - South</th>
<th>SETBACK - East</th>
<th>SETBACK - West</th>
</tr>
</thead>
<tbody>
<tr>
<td>n/a</td>
<td>40 ft</td>
<td>25 ft</td>
<td>12 ft to foundation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>10 ft to cantilevered areas on upper floors</td>
<td></td>
</tr>
</tbody>
</table>

**Motion Options**

The planning commission has three options:

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

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

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

**Neighborhood Comments**
Notice was sent to 49 area property owners. The city has received no written comments to date.

**Deadline for Action** August 8, 2016
Location Map

Project: Legacy Oaks 3rd Addition
Applicant: Oakcroft Two, LLC
Address: 300 Parkers Lake Rd
Project No. 11003.16c

This map is for illustrative purposes only.
LEGACY OAKS 3RD ADDITION
OAKCROFT TWO, LLC
MINNETONKA, MN

STREET & STORM SEWER PLAN

SHEET NO. C3

04/08/2016

LEGEND:
1. LID = LID OUTFALL
2. QP = QP OUTFALL
3. QM = QM OUTFALL
4. ALL INFRASTRUCTURE SHALL BE CONSTRUCTED IN CONFORMITY WITH APPROPRIATE STANDARDS.
5. ALL INFRASTRUCTURE SHALL BE LOCATED SUCH THAT THE EASEL OF ACCESS IS FACILITATED.
6. ALL INFRASTRUCTURE SHALL BE LOCATED SUCH THAT THE EFFECT ON THE ADJACENT PROPERTY IS MINIMIZED.

CAMPION ENGINEERING SERVICES, INC.

ENGINEERING SERVICES, INC.

DAVID CAMPION
P.E.

CAMPION ENGINEERING SERVICES, INC.

MINNETONKA, MN

5003 SIXTH AVENUE NW

MINNETONKA, MN 55305

PHONE: 952-939-7100

FAX: 952-939-7101

www.campioneering.com

SHEETS:

1. STORM SEWER PLAN
2. LID OUTFALL
3. QP OUTFALL
4. QM OUTFALL

SCALE: 1" = 200'
Legacy Oaks 3rd Addition
Oakcroft Two, LLC
Minnetonka, MN

Oak, Northern Red
Hawthorn, Thornless
River Birch, Clump
Maple, Northwood
Serviceberry, Autumn Brilliance

Hydrangea, Little Lime
Ninebark, Diablo
Dogwood, compact
Chokeberry
Lilac, Dwarf

Grass, Karl Forester
Saliva, Viola Klose
Sedum, Autumn Fire
Mixed perennials

Landscaping Budget: $32,500
- Trees, foundation plantings, edging, rock mulch, wood mulch, pulverized soils.
- Sod
- Irrigation
- Retaining walls
Planning Commission Resolution No. 2016-

Resolution approving final site and building plans for condominium buildings within the LEGACY OAKS development

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

Section 1. Background.

1.01 Ron Clark Construction has requested approval of final site and building plans for the last two of three condominium buildings within LEGACY OAKS.

1.02 The property on which the building would be constructed is legally described as: Lot 1, Block 1, LEGACY OAKS 3rd ADDITION.

1.03 On June 2, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution.

Section 2. General Standards.

2.01 Ordinance 2014-03 established a master development plan for the LEGACY OAKS development.

2.02 City Code §300.27, Subd. 5, outlines several items that must be considered in the evaluation of the site and building plans. Those items are incorporated by reference into this resolution.
Section 3. Findings.

3.01 The proposed condominium buildings would be generally consistent with the LEGACY OAKS master development plan.

3.02 The proposal would meet site and building plan standards outlined in the City Code §300.27, Subd.5.

1. The proposal would result in a medium-density residential development consistent with the comprehensive guide plan designation for the site. Further, the proposal has been reviewed by city’s planning, engineering, natural resources staff and found to be generally consistent with the city’s development guides, including water resources management plan.

2. The larger LEGACY OAKS development altered the natural state of the site. However, the level of alteration was necessary to achieve the city’s dual goals of maintaining the site’s medium-density designation and achieving density through a variety of housing types.

3. The proposal would result in a harmonious relationship of buildings and open space. The location of housing types within LEGACY OAKS was carefully considered, with visual density of the site increasing as the development moves from northwest to southeast. The condominium buildings would be located in proximity to an existing condominium building and across the street from an existing apartment complex.

4. The larger LEGACY OAKS development would result in a functional and harmonious site design. As proposed, streets would provide not only access to new homes, but connectivity between neighborhoods. General planning principals suggest such connectivity benefits vehicle and pedestrian movement, the provision of public services, and sense of community.

5. Energy conservation will be promoted through the southerly exposure enjoyed by many of the proposed units.

6. The larger LEGACY OAKS development visually and physically altered the site. However, appropriate setback, stormwater, and connectivity provisions are in place to mitigate such alteration.
Section 4. Planning Commission Action.

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

1. Subject to staff approval the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Site plan, dated April 8, 2016
   - Street and storm sewer plan, dated April 8, 2016
   - Grading plan, dated April 8, 2016
   - Stormwater pollution prevention plan, dated April 8, 2016
   - Floor plans, as included in planning commission report dated June 2, 2016
   - Building elevations, as included in planning commission report dated June 2, 2016

2. Prior to issuance of a building permit:
   a) Submit final site, grading, and street and storm sewer plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
   b) Install a temporary rock driveway, erosion control, tree protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
   c) Submit all required hook-up fees.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 6, 2016.

__________________________________________
Brian Kirk, Chairperson
Attest:

______________________________
Kathy Leervig, Deputy City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on June 6, 2016.

______________________________
Kathy Leervig, Deputy City Clerk