Planning Commission Agenda

May 7, 2015—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: March 19, 2015 and April 9, 2015

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   A. Expansion permit for an addition to the house at 3146 Shores Boulevard.

      Recommendation: Adopt the resolution approving the request. (4 votes)

      • Final Decision Subject to Appeal
      • Project Planner: Jeff Thomson

8. Public Hearings: Non-Consent Agenda Items

   A. Conditional use permit for a 2,200 square foot accessory structure at 1721 Oakland Road.

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

      • Recommendation to City Council (Tentative Date: May 18, 2015)
      • Project Planner: Ashley Cauley
B. Conditional use permit, with lot area variance, for a twelve-resident licensed residential care facility at 2401 Minnetonka Boulevard.

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

- Recommendation to City Council (Tentative Date: May 18, 2015)
- Project Planner: Susan Thomas

C. Items concerning the Music Barn Apartments, at 5740 and 5750 Shady Oak Road.

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

- Recommendation to City Council (Tentative Date: May 18, 2015)
- Project Planner: Susan Thomas

9. Adjournment
Notices

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

2. Applications scheduled for the May 28, 2015 Planning Commission meeting:

   Project Description: City of Minnetonka is proposing an ordinance amendment regarding accessory structures
   Project No.: NA                                         Staff: Jeff Thomson
   Ward/Council Member: NA                                  Section: NA

   Project Description: In 2014, the planning commission approved a sign plan for signs to allow signs on the north and east sides of the existing building at 12800 Whitewater Drive. The current applicant is proposing to amend the sign plan to move the approved sign on the north elevation to the west elevation. As currently proposed, the building would have tenant identification signs on the east and west elevations.
   Project No.: 89006.15a                                      Staff: Ashley Cauley
   Ward/Council Member: 1—Bob Ellingson                        Section: 34

   Presentation: Nonpoint source pollution Education for Municipal Officials (NEMO)
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.
Minnetonka Planning Commission
Minutes
March 19, 2015

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

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

Staff members present: City Planner Loren Gordon and Planning Technician Ashley Cauley.

3. Approval of Agenda: The agenda was approved as submitted with modifications and a comment provided in the change memo dated March 19, 2015.

4. Approval of Minutes: March 5, 2015

Odland moved, second by Rettew, to approve the March 5, 2015 meeting minutes as submitted.

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

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

- Adopted a resolution approving changes to the zoning ordinances relating to the natural resources.
- Adopted a resolution approving an ordinance change to rezone parcels on Excelsior Boulevard from R-1 to R-1A.
- Reviewed a concept plan for a proposed Cherrywood assisted living project.

The next planning commission meeting will be April 9, 2015.

6. Report from Planning Commission Members
Chair Kirk reported that the Southwest Light Rail Station Design Group will have an open house April 4, 2015 from 5:30 p.m. to 7:30 p.m. at city hall. Options for the Minnetonka and Hopkins stations will be reviewed.

7. Public Hearings: Consent Agenda

No items were removed from the consent agenda for discussion or separate action.

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

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

Adopt the resolution on pages A52-A55 of the staff report which reaffirms the previous site and building plan approval.

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

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

8. Public Hearings

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

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

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

Chair Kirk confirmed with Cauley that the existing house met setback requirements at the time it was built.

Jeremy Rudd, applicant, stated that staff did a very good job. He was present to answer questions.

The public hearing was opened.
Alfred Rashid, 3525 Meadow Lane, stated that he is thrilled that the house will be replaced by something new. He was wondering whether there would be a basement. The area has a problem with the water table. The street turns from Meadow Lane to river road. He requested that there be “no parking” signs on his side of the road when construction starts. He was concerned with contamination getting in the air when it would be torn down. He was happy a new house would be built.

Jeff Voigt, 3518 Druid Lane, stated that the design has great architectural features on the front of the house. He requested that the architectural features continue to the back of the house. He is thrilled a new house will be built. Parking is an issue for the area. The water table is at street level. He would appreciate a good view of the proposed house from all sides.

No additional testimony was submitted and the hearing was closed.

Cauley explained that the city’s water resources engineer reviewed the proposed plans. She will also review the building permit. Chair Kirk appreciated the neighbors mentioning the issue. He suggested the neighbors meet with the developer to discuss the issue.

Chair Kirk confirmed with Mr. Rashid that the house would have a basement.

Chair Kirk asked how the city would deal with traffic issues. Cauley explained that a condition of approval would require a construction management plan that would address issues including traffic. “No parking” signs could be used.

Cauley explained that the demolition permit process would include an inspection of the site to make sure it would be done in compliance with the building code.

Chair Kirk asked if commissioners have the authority to influence building design. Cauley answered in the negative. Commissioners may provide comments.

Calvert visited the site. The proposed house would fit well into the character of the neighborhood. She appreciated that the house would be located in the center of the lot. That would be an improvement.

**Odland moved, second by O’Connell, to adopt the resolution on pages A24-A28 of the staff report which approves an expansion permit and variance for a new home at 3520 Meadow Lane.**
Knight, O'Connell, Odland, Rettew, Calvert, and Kirk voted yes. Magney was absent. Motion carried.

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

B. A conditional use permit for a 100-foot wireless telecommunication tower at 15001 Minnetonka Industrial 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 trees that would be removed are included in the “after” photo. Cauley explained that the “after” photo reflects the removal of the trees.

Chair Kirk asked where the trees that were already removed were located. Cauley answered that the trees removed in 2011 were further west on the property. The site location has been moved to get the tower and ground equipment out of an existing easement. Cauley explained that landscaping and mitigation plans would require the trees to be replaced inch for inch based on tree diameter. For example, if a removed tree has a diameter of 20 inches, then 10 trees with 2-inch diameters could mitigate the loss. Natural resources staff would work with applicants to ensure adequate mitigation. There is a record of the trees removed in 2011.

Rettew confirmed with Gordon that there are antennae towers on the water tower at Lake Street Extension and Tonkawood Road. Most of the city’s water towers are at capacity for antennae.

Rettew asked if there are towers at Minnetonka Middle School East. Gordon answered in the negative.

Rettew asked if one of the requirements of approval require that a new antennae cover a certain amount of new area. Cauley explained that the staff report’s findings include the ordinance standards that require an applicant to prove that the proposal would reasonably close a coverage gap.

Brent Cabbott, of Verizon Wireless, applicant, thanked staff for the assistance with the process. Cauley summarized the proposal well. He was available for questions.
Knight asked how the site was selected. Mr. Cabbott answered that is based on what coverage area the network needs and zoning requirements. The carrier makes the final decision based on the candidates he provides.

Knight assumed that locating a tower on a high piece of ground would be advantageous. Mr. Cabbott said that it depends on the location of other towers and so forth. The topography plays a role, but not a significant role.

Calvert asked about waiving the landscape requirement because it would be in an industrial area. Mr. Cabbott spoke with staff who found additional landscaping somewhat unnecessary due to the existing tree coverage and screening.

Odland asked how the tower would be designed to fall. Mr. Cabbott answered that it would be designed to collapse to itself. It would be designed to handle a large wind load, but in the event of a severe tornado, there could be a detachment of the tower.

Rettew noted that 50 percent of the area is already covered. He wondered why the location was selected. Mr. Cobbott answered that the specific objective is to improve the coverage to the west and help the towers on the northeast and southeast keep up with demand. Those towers are at capacity.

Rettew mentioned that he is a Verizon customer. He asked if the water tower at Lake Street Extension and Tonkawood Road had been considered. It is located in the center of the white, non-covered area. Mr. Cabbott had looked at it. He spoke to staff and learned that it is at capacity. It would be too far away to help the existing towers. The proposed location would improve local coverage and help two existing tower areas.

Rettew asked if the middle school property had been considered. Mr. Cabbott answered that location would not help the existing two towers.

Rettew questioned if it is typical to overlap coverage. Mr. Cabbott answered affirmatively. The antennae can only provide a certain amount of signal and the demand keeps growing. It is typical to see overlap in coverage areas.

Rettew asked if there is technology to allow a smaller antennae. Mr. Cabbott said there are options, but an R.F. engineer would know.

Calvert asked for the reason why the tower would be 100 feet tall instead of 150 feet tall. Mr. Cabbott answered that the zoning ordinance requests that the minimum height be used, the tower would still meet coverage demands, and the
decreased height would minimize the visual impact. Calvert questioned if there would be a long-term benefit, considering the increase in the demand of the system, to increase the tower’s height to 150 feet now. Mr. Cabbott explained that the antennae are interchangeable. The proposed height of the tower would provide the best coverage.

Rettew asked if capacity could be added to existing towers. Mr. Cabbott answered in the negative. The structure of the tower and technology would not allow it.

The public hearing was opened.

Ingrid Berkholtz, 15403 Robinwood Drive, stated that she would object to a 150-foot tower. She asked what other locations had been considered. She questioned how the trees planted to mitigate the removed ones would fit on the site. Removing mature trees would impact the screening for some time. Her biggest concern is with stormwater management. The area is naturally depressed. There are already problems at the southwest corner of the park. It would be wise to look at that.

No additional testimony was submitted and the hearing was closed.

Cauley explained that natural resources staff would work with the applicant to find an appropriate balance for landscaping of the site. A landscape plan was done in 2011. Chair Kirk asked if the mitigated trees would have to be planted on the site or if they could be planted at a nearby park. Gordon answered that most of the time mitigated trees are planted on the site. If it would not be possible, then that could be an option. Mitigation of tree loss from 2011 and the present proposal is a condition of approval.

Cauley explained the stormwater drainage pattern for the site. The water would travel north. Chair Kirk suggested staff look at the neighbors’ water concerns regarding Victoria Evergreen Park.

James Reese, consultant for the applicant, explained that the towers work with radio frequency waves. The high frequencies cannot travel as far when carrying a lot of data. The center of the white, uncovered area is not the best location for the tower. The issue deals with demand. More people are telecommuting and streaming from tablets which creates a big demand on data. This is the solution that carriers are using. He was happy to answer questions.
Chair Kirk asked what other locations had been considered if this one did not work out. Mr. Cabbott said that this site was the specific target. The site was identified and a plan had been worked out in 2011.

Rettew asked what is unique about the proposed site that generates the need for data coverage. Mr. Cabbott explained that the need is generated by population density and traffic. It is a high-demand area. Mr. Reese added that the carriers encourage collocating of antennae. Existing structures are considered first.

In response to Rettew’s question, Mr. Reese made it clear that he is not an R.F. engineer, but explained that the antennae needs to be within a certain distance from the base station. Adding another antennae on an existing tower would not solve the problem because the FCC provides a license to operate as a licensed carrier and there are power limits that must be met.

Odland asked where the next tower would be needed. Mr. Reese had not considered those variables yet. There is no incentive for a carrier to build more towers because that costs money. The end game is to minimize the amount of capital expense.

Odland asked if a site with higher elevation would be better. Mr. Reese answered that it would in certain situations, but not in this case.

Cauley reviewed that staff supports the use of this location since it was found to meet all condition use permit standards for a 150-foot telecommunications tower location in 2011. The engineering report provided by the applicant in the staff report shows the FAA report that found that there is no tower that would provide gap coverage within one mile of the proposed tower location. Those findings have been confirmed by the city’s telecommunications engineer.

Chair Kirk appreciated the applicant’s patience. He found that the tower is necessary.

Calvert noted that screening and water runoff may be an issue since removal of trees would decrease the number of trees absorbing water.

Rettew stated that this proposal is better than the 2011 plan because it would decrease the height of the tower to 100 feet, have internal antennae, and be an unassuming color. The tower would be located in an industrial park. He was not sure if the water tower is at capacity. He questioned what is driving the demand. He was concerned another tower may be needed in the future. He questioned if
the current towers could be “better used” with stronger antennae. He did not feel he had enough information to approve the application.

Odland asked if emergency equipment would have priority over commercial equipment for location on a water tower. Gordon answered affirmatively. The water tower is full. The proposed site provides the best coverage needed right now. There are limited areas that would provide the coverage needs for the carrier. Location of a stealth monopole in an industrial park is a prime opportunity. This industrial park is a better alternative than residential neighborhoods in the area.

**Odland moved, second by O’Connell, to recommend that the city council adopt the resolution on pages A29-A36 of the staff report with changes provided in the change memo dated March 19, 2015. This resolution approves a conditional use permit for a 100-foot telecommunications tower on the property at 15001 Minnetonka Industrial Road.**

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

The city council is tentatively scheduled to review this item at its April 6, 2015 meeting.

9. **Adjournment**

**Odland moved, second by Knight, to adjourn the meeting at 8 p.m. Motion carried unanimously.**

By: __________________________

Lois T. Mason
Planning Secretary
1. **Call to Order**

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

2. **Roll Call**

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

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Principal Planner Susan Thomas, Planner Jeff Thomson, Water Resources Engineer Liz Stout, and Natural Resource Manager Jo Colleran.

3. **Approval of Agenda**: The agenda was approved as submitted with items provided in the change memo dated April 9, 2015.

4. **Approval of Minutes**

Postponed until the next planning commission meeting.

5. **Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of April 6, 2015:

- Adopted a resolution approving a telecommunications tower in an industrial district.
- Tabled action regarding items for At Home Apartments.

There will be an open house to review the design of SWLRT stations April 14, 2015 at Hopkins City Hall from 5:30 p.m. to 7:30 p.m.

There will be a joint city council and commissions meeting on April 29, 2015 in the community center from 6:30 p.m. to 8:30 p.m.

The April 23, 2015 planning commission meeting has been cancelled. The next one will be May 7, 2015.
6. **Report from Planning Commission Members**: None

7. **Public Hearings: Consent Agenda**

   The item was not removed from the consent agenda for discussion or separate action.

   *Odland moved, second by Calvert, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:*

   A. **Expansion permit for additions to the existing home at 3315 Frear Drive.**

   Adopt the resolution on pages A13-A17 of the staff report which approves an expansion permit for additions to the existing home at 3315 Frear Drive.

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

8. **Public Hearings**

   A. **Preliminary and final plat for Congregation Hill, a three-lot subdivision, at 2051 Meeting Street.**

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

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

   In response to Calvert’s question, Thomson explained that tree removal would not impact the woodland preservation area number. Colleran added that once the final plan would be submitted, then staff would learn the total amount of tree loss. There could be 7 additional high-priority trees that could be saved. As it is now, the proposal would remove 22 high-priority trees.

   Bill Coffman, of Gonyea Homes and representative of the land owner, Frank Donaldson, concurred with staff’s recommendation. He was available to answer questions.

   The public hearing was opened.
Gang Zhange, 14780 Summer Oaks Drive, asked staff to point out his residence on the map in relation to the proposed development. He learned that his residence is much further away from the proposed site than he previously thought.

Bill Baron, 2081 Meeting Street, was happy with the way the proposal would be laid out with the high-priority trees. He is happy with the proposed plan.

Calvert stated that there are great trees on the property, so please save as many trees as possible.

No additional testimony was submitted and the hearing was closed.

Calvert moved, second by Knight, to recommend that the city council adopt the resolution on pages A11-A18 of the staff report with modifications provided in the change memo dated April 9, 2015 which grants preliminary and final plat approvals to Congregation Hill, a three-lot subdivision, at 2051 Meeting Street.

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

Chair Kirk stated that the item is tentatively scheduled to be reviewed by the city council at its April 20, 2015 meeting.

B. Items concerning construction of a new convenience store/gas station at 3864 Hopkins Crossroad including a conditional use permit, final site and building plans with setback variance, and monument sign variance.

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

Thomas reported. She recommended approval of the application for a conditional use permit, approval of the final site and building plans with setback variance, and denial of the sign variance based on the findings and subject to the conditions listed in the staff report.

Knight asked if the common access between Perkins and the gas station would stay as it is now. Thomas answered affirmatively. There would be no changes to the curb line of the existing station property. There would still be free flow of traffic between the Perkins site and the subject property.
Knight agreed that the sign variance should be denied. The property owner could decide to sell the car wash in the future which would then make it necessary to tear down the new, big sign to provide a sign appropriate for one business.

Magney asked why the application is for a setback variance rather than an expansion permit. Thomas explained that staff found that the request could have gone either way. Staff determined that it would be better to establish a variance for the site, thereby eliminating “non-conforming” rights.

Chair Kirk asked if the two lots were combined, would that then change the sign-size requirements. Thomas answered that one monument sign with a maximum of up to 60 square feet of copy and graphic area and 90 square feet of total size would be allowed.

Mark Ogren, president of Croix Oil Company, applicant, has owned the property for 15 years. It is a tired facility that does not properly utilize the site. It needs to be improved in order to compete as a retail business. Remodeling the interior of the building was considered and found to be cost prohibitive. Staff’s report was well stated. The existing building would be torn down. The only part that would remain would be the exterior of the carwash building. He was excited. This would be his first opportunity to do a rebuild. It would be good for the city and the developer because it would be a show piece he could show perspective franchisees. He was fine with two signs instead of one large one.

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 following for 3864 Hopkins Crossroad:

1. Resolution approving a conditional use permit for a non-service station retail facility having gasoline pumps (see pages A29-A34 of the staff report).

2. Resolution approving final site and building plans with setback variance for a non-service station retail facility having gasoline pumps (see pages A35-A43 of the staff report).

3. Resolution denying variance to allow for copy and graphic, dynamic display, and monument areas exceeding city code allowances on a monument sign (see pages A44-A47 of the staff report).
Magney, Odland, Calvert, Knight, and Kirk voted yes. O’Connell and Rettew were absent. Motion carried.

Chair Kirk stated that the item is tentatively scheduled to be reviewed by the city council at its April 20, 2015 meeting.

C. Items concerning reconstruction of County Road 101 from Highway 62 to Hutchins Drive and associated new construction at 5735 County Road 101.

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

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

Calvert confirmed with Thomas the floodplain alteration/mitigation amounts.

Chair Kirk asked how closely the city’s projects follow wetland mitigation and tree preservation ordinances. Thomas explained that the city’s ordinances provide allowances to replace public infrastructure. The proposal is being reviewed by the planning commission and city council because a developer would be required to go through the same review process. Colleran agreed. Additionally, the city does a good job of meeting the standards. The state law allows road credits to mitigate for impacts created by a roadway. It is up to the city council to agree that the wetlands could be replaced somewhere else as allowed by banking credits. That would be true of any applicant. She provided Cantera Woods as an example. The applicant purchased wetland bank credits and mitigated wetland alteration with a previously created wetland. The city holds itself to the same standard, but recognizes that public infrastructure and facilities have more constraints, so flexibility is built into the ordinances.

Chair Kirk noted that the state and watershed district are two regulatory agencies that make sure that the city is following the rules. Colleran answered affirmatively. The Wetland Conservation Act is state law. The Board of Water and Soil Resources oversees that enforcement. There are also checks and balances done by the watershed districts.

Chair Kirk attested that curb and gutter improvements positively impact the control of an area’s runoff. He supports all of it.

Colleran explained that city ordinance allows private property owners to remove trees within a basic tree-removal area within the structure pad, 20 feet from a
structure, and 10 feet from a parking lot or driveway. The same is true for a city application. Anything beyond that tree loss requires mitigation. That would be true for any applicant.

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

**Odland moved, second by Knight, to recommend that the city council:**

1. Adopt a resolution approving a floodplain alteration in conjunction with the County Road 101 reconstruction project at 6016 and 5609 County Road 101 (see page A6-A10).

2. Adopt the ordinance removing areas from the wetland overlay district at 5735 County Road 101 for relocation of the Clear Spring Elementary School bus access (see pages A11-A13).

3. Approve by motion use of BWSR Road Replacement Program Credits for wetland fill at 5735 County Road 101 relocation of the Clear Spring Elementary School bus access.

4. Approve by motion road reconstruction project landscaping in lieu of tree mitigation for the required stormwater ponding and relocated bus access.

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

Chair Kirk stated that the item is tentatively scheduled to be reviewed by the city council at its April 20, 2015 meeting.

9. **Adjournment**

**Odland moved, second by Knight, to adjourn the meeting at 7:28 p.m. Motion carried unanimously.**

By: _______________________________________
Lois T. Mason
Planning Secretary
Brief Description
Expansion permit for an addition to the house at 3146 Shores Boulevard.

Recommendation
Adopt the resolution approving the proposed expansion permit

Project No. 15015.15a

Property 3146 Shores Blvd.

Applicant Building Arts Sustainable Architecture & Construction

Background
The property is 13,000 square feet in size. In 1977, the city and approved side yard setback variances from 15 feet to 12 feet in for construction of a house on the then vacant property. At that time, the zoning ordinance required a minimum side yard setback of 15 feet, and did not have an aggregate side yard setback requirement. In 1982, the existing home was constructed; the house is 2,400 gross square feet in size, with a two-car attached garage. (See pages A1-A3.) The current zoning ordinance includes a lesser side yard setback of 10 feet, but also includes a minimum aggregate side yard setback of 30 feet. Therefore, the house was built in compliance with the setback requirements approved in 1977, and the subsequent adoption of an aggregate side yard setback requirement of 30 feet made the existing house a non-conforming use. (See pages A11-A13.)

Proposal
The applicant is proposing to construct an addition to the back of the house. The addition would be two stories in height, and would have a footprint of 280 square feet. The proposal also includes a 16-foot by 12-foot deck on the back of the addition. The addition would maintain the same side yard setbacks as the existing house, 11 feet from the north and south side property lines, and would have the same 22-foot aggregate side yard setback. Due to the non-conforming aggregate sideyard setback of the existing house, the proposal requires an expansion permit. The proposed deck would independently meet all setback requirements. (See plans on pages A4-A10.)

Proposal Requirements
The proposal requires:
- Expansion Permit. By City Code §300.29 Subd. 3(g) an expansion permit is required for any proposed expansion of a non-conforming structure when that expansion would not intrude into required setback areas beyond that of the existing non-conforming structure.

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

Staff Analysis
Staff finds that the proposed expansion meets the expansion permit provisions of the non-conforming use ordinance.

(1) REASONABLENESS: It is reasonable to construct an addition that maintains the same setbacks as the existing house, and does not extend any closer to the side property lines.

(2) UNIQUE CIRCUMSTANCE: The width of the lot is a circumstance unique to the property. The lot is only 50 feet wide, compared to the city’s standard lot width of 110 feet. The aggregate side yard setback requirement would leave a buildable area that is only 20 feet wide. This is not common to other single-family residential properties in the community.

(3) NEIGHBORHOOD CHARACTER: The proposed addition would not adversely impact the character of the neighborhood. The addition would maintain the same setbacks and height as the existing house, and would be located on the back of the house. This minimizes any visual impact on surrounding properties.

Staff Recommendation
Adopt the resolution on pages A14-A17, which approves an expansion permit for an addition to the house at 3146 Shores Boulevard.

Originator: Jeff Thomson, Associate Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

**Surrounding Land Uses**
- Northerly: Single-family home, zoned R-1 and guided for low density residential uses.
- Easterly: Single-family home, zoned R-1 and guided for low density residential uses.
- Southerly: Single-family home, zoned R-1 and guided for low density residential uses.
- Westerly: GroTonka Park, zoned R-1 and guided for park uses

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

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

1. The proposed expansion is reasonable use of the property, considering such things as:
   - Functional and aesthetic justifications for the expansions;
   - Adequacy of off-street parking for the expansion;
   - Absence of adverse off-site impacts from such things as traffic, noise, dust odors, and parking;
   - Improvement to the appearance and stability of the property and neighborhood.

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

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

**Natural Resources**
Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval the applicant must submit a construction management plan detailing these management practices.
| **Appeals** | Any person aggrieved by the planning commission’s decision about the requested permit may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision. |
| **Neighborhood Comments** | The city sent notices to 40 area property owners and received no comments. |
| **Deadline for Decision** | June 21, 2015 |
Location Map

Project: Building Arts Sustainable Architecture & Cons.
Address: 3146 Shores Blvd
(15015.15a)

This map is for illustrative purposes only.
Building Arts Sustainable Architecture
3146 Shores Blvd.
Lundgren Olsen Residence
MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

Building Arts Sustainable Architecture
3146 Shores Blvd.

January 12, 2015

RELOCATE EXISTING KITCHEN WINDOW

VERIFIED

NAILS TO BE DEPOLISHED SHOWN DASHED

LINE OF SOFFIT ABOVE, NEW ROOF TO EXISTING ROOF TRANSITION REFER TO SECTION

280 s.f.
ADDITION

- KITCHEN
- DINING
- LIVING
- DECK
- 280 s.f. ADDITION

Existing House
Addition
APPLICATION FOR CERTIFICATE OF OCCUPANCY  

and  

APPLICATION FOR BUILDING PERMIT  

CITY OF MINNETONKA  

APPLICANT TO FILL IN BETWEEN HEAVY LINES (PLEASE PRINT OR TYPE)  

<table>
<thead>
<tr>
<th>SITE ADDRESS</th>
<th>3146 SHORES BLVD.</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME OWNER</td>
<td>ALICIA GEBRIN</td>
</tr>
<tr>
<td>MAIL ADDRESS</td>
<td>4842 WEST LN</td>
</tr>
<tr>
<td>CITY</td>
<td>MINNETONKA</td>
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<tr>
<td>MAIL ADDRESS</td>
<td>PARKWOOD BUILDER INC.</td>
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<td>CITY</td>
<td>WAYZATA</td>
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<td>LOT NO.</td>
<td>5</td>
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<tr>
<td>13</td>
<td></td>
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<tr>
<td>SUBDIVISION</td>
<td>THORPE BROS.</td>
</tr>
<tr>
<td>PARCEL NO.</td>
<td>SECTION NO.</td>
</tr>
</tbody>
</table>

SURVEY | SETBACKS | ASSESSMENTS | ESCROW | SEWER DEPTH AT PROPERTY LINE

Variance granted

Zoning Dept. approval/date = 10.22.82

Note: Variances granted — specify the proper setbacks:

SERV CO & WATER Service Will Be Provided by MN.

Engineering Dept. approval/date = 10.22.82

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the ordinances of the City of Minnetonka and the laws of the State of Minnesota regulating building construction.

Signature of Permission

ALL INSTALLATIONS INVOLVING PLUMBING, HEATING, ELECTRICAL, GAS, PREFABRICATED FIREPLACES, APPLIANCES, ETC. MUST HAVE INDIVIDUAL PERMITS ISSUED.

APPROVED  

CHIEF BUILDING INSPECTOR  

INSPECTOR
Board of Zoning Adjustment  
September 22, 1977  
age 2

2. Public hearing for National City Bank, 1809 Plymouth Road, Lot 4, Ridgedale Center, 4th Addition, Section 3, for a variance to construct a 10 square foot pylon sign in a 1-2 zone.

Mr. Donald Jerpbak, Vice President of the National City Bank, was present and came forward to present his case. He pointed out that he felt the variance request was in keeping with the Development Plan that has been adopted by the Twin City Federal facility and Hirschfields. The Board questioned whether or not the proposed sign would be a ground type sign and also questioned whether or not he would remove the temporary sign he has now. The proponent stated that he intended to use ground signs as directional signs and would remove the temporary sign. The Board pointed out that the City is in the process of adopting a new sign ordinance. Member Penning asked the proponent if he would be willing to accept the variance to add ground signs instead. The proponent stated he felt this was too small a loss. The Board considered this loss to be too small to accept the variance. The proponent stated that he could not really answer the question, not knowing what the provisions for the pylon signs were in the new ordinance. Mr. Penning asked the proponent if he would use a temporary sign until the sign ordinance was adopted. The proponent stated he did not want to spend a large sum of money for a temporary sign. The Board considered the question of whether or not the proponent would be satisfied with signs on the building, and further acquired whether or not the sign would be lighted. The proponent stated the sign would be lighted and controlled by a time clock. Also, stated he would like a pylon sign rather than signs on a building. Mr. Penning made a motion to deny the request. Borscheit seconded. Rischard, Vogt, Borscheit, Penning, Smith voted "aye". Motion carried. Variance denied.

F. Public hearing for Continental Oil Company, 17516 Highway #7, R.L.S. #89, Tract B, Section 29 for a variance to reduce front setback from 30 feet to 12 feet for a 14 foot high canopy.

Kenneth Engram, Real Estate Manager for Continental Oil Company, in this area came forward. Continental Oil Company is asking to reduce the front yard setback from 30 feet to 12 feet, to construct two canopies over the gas pump islands. The Board Members were shown pictures of the proposed canopies and improvements for the service station. Traffic will be entering the station going West on Highway 7. Mr. Engram, also stated he has been working with the City Engineer in planning the entrance and exit lanes. The old pump lines will be replaced with new pumps. Bill Strandquist from the Minnesota National Bank came forward in opposition to this variance. He felt there was some visibility lost with installing the canopies going on Highway 7. He also was concerned with signs on this site. Mr. Engram stated there will be no signs on the canopy. Vogt made a motion to grant the variance as requested. Rischard added to this motion that no signs be installed on the canopy. Mr. Penning added to the motion all other signs will be removed except for the logo sign. Rischard, Vogt, Penning, Smith, voted "aye". Borscheit abstained. Motion carried. Variance approved.

G. Public hearing for Aloys J. Rudolph, Rice, Minnesota for: 3146 Shores Boulevard, Lot 3, Block 15, Thome Bros., Groveland Addition, Section 17, for a variance to reduce minimum lot size from 13,000 square feet to 13,700 square feet. Reduce side yard setback from 15 feet to 10 feet.

Tom Brown from Streeter Andrus, representing Mr. Rudolph. He stated there is a very tall, narrow lot and in order to build a single family dwelling, he is asking to reduce the lot area, width, and side yard setback. Helen Tuchill came forward opposing this variance, and owns the property next to Mr. Tuchill feels that a house of 2620 square feet would be too small to build on, she is interested in buying, but feels the price is too high. The proponent plans to build a house 26 feet wide with a garage along side of the house. No one else came forward. Board Members Penning moved to grant the variance as requested, with side yard setback from 15 feet to 12 feet on either side, to build a 26 foot wide house. Prior to the building, the proponent presented a plan for the proposed building, and the property was assessed for the proposed building. Motion carried. Variance approved.

H. Public hearing for Ted Ruther, 3500 St. Croix, Golden Valley, for: 16312 Moorland Circle, Lot 1, Block 1, Section 17, Ruther's Addition, for a variance to reduce setback from wetlands from 35 feet to 2 feet to construct a single family dwelling.

Ted Ruther came forward. The proponent stated, he felt that by building this house 2 feet from the wetlands, it would not create a drainage problem and water would not run into the house, and the area would be cleaned up. William Greenwood, 3612 E. Moorland Road, came forward in opposition to this variance. He presented to the Board Members petition signed by 26 property owners that are taken place along both sides of this lot. It is also felt that a building on this lot, would be subject to flooding when the pond fills up in the spring. Vogt and Penning also felt there would be additional cost for a storm sewer. Mr. Joe Fleischbaker came forward in opposition to this variance. He questioned the filling in this area, and water running off into his property. It was noted that the designated wetlands could not be filled. Mr. Rutherford continued to point out that he plans on starting to build sometime next year. Board Members Penning stated that the variance was granted and he also wanted to note the water in storm sewer when building permit is issued.
Planning Commission Resolution No. 2015-

Resolution approving an expansion permit for an addition to the house at 3146 Shores Boulevard

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

Section 1. Background.

1.01 David and Rhonda Lundgren own the property located at 3146 Shores Boulevard. The property is legally described as:

Lot 5, Block 13, THORPE BROS. GROVELAND SHORES according to the recorded plat thereof, Hennepin County, MN

1.02 The existing house has an aggregate side yard setback of 22 feet, which does not meet the minimum setback requirement of 30 feet.

1.03 The existing house was constructed in 1982, which was prior to adoption of an aggregate side yard setback requirement. Therefore, the existing house has a non-conforming aggregate side yard setback.

1.04 The property owners are proposing to construct an addition to the back of the house. The addition would have an aggregate side yard setback of 22 feet, which is the same as the existing house. The addition would not extend any closer to the side property lines.

1.05 Minnesota Statute §462.357 Subd. 1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.

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

1.07 City Code §300.29 Subd. 7(c) authorizes the planning commission to grant expansion permits.
Section 2. Standards.

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

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

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

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

Section 3. Findings.

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

1. REASONABLENESS: It is reasonable to construct an addition that maintains the same setbacks as the existing house, and does not extend any closer to the side property lines.

2. UNIQUE CIRCUMSTANCE: The width of the lot is a circumstance unique to the property. The lot is only 50 feet wide, compared to the city's standard lot width of 110 feet. The aggregate side yard setback requirement would leave a buildable area that is only 20 feet wide. This is not common to other single-family residential properties in the community.

3. NEIGHBORHOOD CHARACTER: The proposed addition would not adversely impact the character of the neighborhood. The addition would maintain the same setbacks and height as the existing house, and would be located on the back of the house. This minimizes any visual impact on surrounding properties.

Section 4. Planning Commission Action.
4.01 The planning commission approves the above-described expansion permit based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the property must be developed in substantial conformance with the following plans, except as modified by conditions below.
   - Survey dated April 22, 2015
   - Floor plans dated January 12, 2015
   - Building elevations dated January 12, 2015

2. Prior to issuance of a building permit:
   a) This resolution must be recorded with Hennepin County.
   b) Install a temporary erosion control and tree protection fencing for staff inspection. These items must be maintained throughout the course of construction

3. This expansion permit approval will end on December 31, 2016, unless the city has issued a building permit for the project covered by this expansion permit approval or approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on May 7, 2015.

__________________________
Brian Kirk, Chairperson

Attest:

__________________________
Kathy Leervig, Deputy City Clerk

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on May 7, 2015.

________________________________________
Kathy Leervig, Deputy City Clerk
Minnetonka Planning Commission Meeting
May 7, 2015

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION  
May 7, 2015

**Brief Description**  
A conditional use permit for a 2,200 square foot accessory structure at 1721 Oakland Road

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

---

**Project No.**  
15008.15a

**Property**  
1721 Oakland Road

**Applicant**  
Arnold Zachman

**Proposal**  
The applicant Arnold Zachman, on behalf of the property owner, is proposing to construct a 2,200 square foot detached garage. As proposed, the detached garage would be used to store the property owner’s extensive wine and classic car collection. (See narrative and plans on pages A1-A7.)

**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 structure exceeding 1,000 square feet of gross floor area.

2. By ordinance, one detached garage is permitted as an accessory structure on residential properties.

3. The property is a lot-behind-lot and has access via a driveway off of a private road. As such, the proposed
The proposed garage would be "cut" into an existing knoll. As such, the structure would be screened from surrounding properties through existing topography and proposed landscaping.

**Staff Recommendation**

Recommend that the city council adopt the resolution on pages A8-A11. This resolution approves a conditional use permit for an accessory structure with a gross floor area of 2,200 square feet.

Originator: Ashley Cauley, Planning Technician
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 has a property area of 53,614 square feet. The property is improved with a two-story home with an attached garage. According to city assessing records, the existing home has approximately 4,000 square feet of living area. Currently, no accessory structures exist on the property.

The property owner has landscaped a significant amount of the property. In addition to plantings, the landscaping includes several large stone retaining walls and sculptures. (See survey and grading plans on page A3.)

The highest point on the property is a knoll located in the northwest corner of the property. The property generally slopes downwards in all directions from the knoll. The property south of the knoll slopes towards a Manage 1 wetland complex. The proposed garage would comply with wetland and floodplain setback requirements.

Proposal
The proposed garage would be 2,200 square feet in size and would be used to store the property owner’s collections of automobiles, motorcycles and wine.

The proposed garage would be “cut” into the existing knoll. By doing so, the proposed garage would be primarily screened from adjacent properties by existing topography. Per the applicant, additional screening would be provided by proposed landscaping. To accommodate the proposed garage, 984 cubic yards of soil would be removed from the property. Based on the amount of disturbance, stormwater management would be required at the time of construction. This has been included as a condition of approval.

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 four feet.

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 garage would be setback 53 feet from the north property line and 22 feet from the east property line.

2. No additional curb cuts to be permitted;

   **Finding:** The applicant is not proposing any additional curb cuts. Access to the property is via a shared driveway extension from Oakland Road, a private drive.

3. Not to be used for commercial activities;
Finding: The applicant is proposing to use the space to store his collections. Nonetheless, a condition of approval has been included to prohibit the use of the garage for commercial use.

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

Finding: The applicant is proposing the garage 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 topography. The applicant is proposing landscaping to provide additional screening.

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

Finding: The proposed garage 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: When selecting the most appropriate location for the detached garage, the applicant considered the wetland complex to the south and opportunities to “naturally” screen the proposed garage from adjacent properties.

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 detached garage be architecturally consistent with the existing home on the property. Additionally, the applicant is proposing to “cut” the garage into the knoll to allow for screening to adjacent properties. Additional landscaping is proposed for additional 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 property is a lot-behind-lot and is accessed via a shared driveway extension off of a private road. Internal to the property, the applicant is proposing access to the garage via an extension of the existing driveway. Additional landscaping is proposed to provide additional screening.

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 applicant is proposing additional landscaping for screening. The proposed grading is sensitive to the wetland complex to the south.

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:** Screening is provided to the adjacent property through existing topography and proposed landscaping. The proposed structure would not be visible from a public roadway.

**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.

**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

The city sent notices to 40 area property owners and received no comments to date.

Deadline for Decision: August 1, 2015
Location Map

Project: Zachman, Arnold
Address: 1721 Oakland Rd
(15008.15a)

This map is for illustrative purposes only.
### Conditional Use Permit

**Property Information**

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<thead>
<tr>
<th>Property Address</th>
<th>1721 Oakland Rd. M114</th>
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<tr>
<td>Parcel ID Number</td>
<td>03-117-22-33-0021</td>
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**Owner Information**

<table>
<thead>
<tr>
<th>Owner Name</th>
<th>Randy Koch</th>
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<tr>
<td>Owner Address</td>
<td>1721 Oakland Rd. M114, 55305</td>
</tr>
<tr>
<td>Owner Phone</td>
<td>(612) 889-7074</td>
</tr>
<tr>
<td>Owner Email</td>
<td><a href="mailto:Randy.Koch@kochcompanies.com">Randy.Koch@kochcompanies.com</a></td>
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**Applicant Information**

<table>
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<tr>
<th>Applicant Name</th>
<th>Arnold Zachman</th>
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</thead>
<tbody>
<tr>
<td>Applicant Address</td>
<td>P.O. Box 365 Hopkins MN 55343</td>
</tr>
<tr>
<td>Applicant Phone</td>
<td>952-240-9468</td>
</tr>
<tr>
<td>Applicant Email</td>
<td>genesis remodeling <a href="mailto:LLC@AOL.com">LLC@AOL.com</a></td>
</tr>
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</table>

**Conditional Use Permit Request**

- In large Detach Garage to 2200 sq ft from City Code of 1000 sq ft

**Owner's Statement**

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

**Date**

4/2/2015

**Applicant's Statement**

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

**Date**

4/3/15

Arnold Zachman
1721 Oakland Road
15007.15a
LEGAL DESCRIPTION:
Lot 3, Block 1, Oakland Woods, Hennepin County, Minnesota.

GENERAL NOTES:
1. The bearing system used is assumed.
2. The location of the underground utilities shown herein, if any, are approximate only. PURSUANT TO MSA 2160 CONTACT Gopher STATE ONE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION.
3. Site area = 53,614 square feet = 1.231 acres.
4. This survey was made on the ground.
5. No current title work was furnished for the preparation of this survey, legal description, recorded or unrecorded easements and encumbrances are subject to revision upon receipt of current title work.
6. Elevation datum is based on assumed data. MSL benchmark mark is located Top of Wall. Elevation = 100.00.
7. Verify dimensions and elevations per latest plan prior to construction, this survey relied upon plans from Living Space, Residential Planning and Design, last revision date March 05, 2015.
8. Computed volume (Composite Calculations) of material to be removed from site is 984 Cu Yds. (Includes area under garage and driveway).

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

Date: April 28, 2015

Thomas E. Moodie
Minn. Reg. No. 23677

Redline History

30 15 30
SCALE IN FEET

LOT CERTIFICATION SURVEY
SITE: 721 OAKLAND ROAD
MINNETONKA, MINNESOTA

HARRY S. JOHNSON CO., INC.
LAND SURVEYORS & CONSULTANTS
Bloomington, Minn 55420
(612) 884-3341
Fax: 651-874-0784
Email: info@hsjsurveys.com
Web: www.hsjsurveys.com
Resolution No. 2015-

Resolution approving a conditional use permit for a 2,200 square foot detached garage at 1721 Oakland Road

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

Section 1. Background.

1.01 Arnold Zachman, on behalf of the property owner, has requested a conditional use permit for a 2,200 square foot detached garage. (Project 15008.15a).

1.02 The property is located at 1721 Oakland Road. It is legally described as:

Lot 3, Block 1, Oakland Woods, Hennepin County, Minnesota

1.03 On May 7, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. General Standards.

2.01 City Code §300.16 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 53 feet from the north property line and 22 feet from the east property line.

2. No additional curb cuts are proposed.

3. The applicant is not proposing to use the space for commercial activities. The property owner is proposing to use the detached structure to store his collections.
4. The applicant is proposing the garage have architectural features similar to the existing home.

5. A majority of the proposed garage would be screened by existing topography. The applicant is proposing landscaping to provide additional screening.

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 associated staff report.

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:
   - Survey dated April 28, 2015
   - Building plan and elevations March 5, 2015

2. Prior to issuance of a building permit:
   a) This resolution must be recorded with Hennepin County.
   b) Submit for staff review a stormwater management plan. This plan must provide for one-inch of infiltration off of all new impervious surface on the property.
   c) The applicant must confirm the location of the existing utility lines. The structure cannot be located over the utility lines.

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

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

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 May 18, 2015.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on May 18, 2015.

David E. Maeda, City Clerk
Brief Description  
Conditional use permit, with lot area variance, for a twelve-resident licensed residential care facility at 12401 Minnetonka Boulevard

Recommendation  
Recommend the city council adopt the resolution approving the permit

Background

By state law, licensed care facilities that serve six or fewer residents are permitted uses in all residential zoning districts. The city cannot place restrictions on such facilities above or beyond the restrictions placed on any other single-family home in the community. Further, as permitted uses, no special city zoning review or approval is required.

The state law is silent on licensed care facilities serving more than six residents. As such, individual communities have the authority to allow and regulate these larger facilities. Historically, the city of Minnetonka has held the view that licensed care facilities provide a valuable service to community residents and their family members. The city has chosen to allow, as conditional uses, facilities that serve between seven and twelve residents.

Proposal

One Twelve currently operates three chemical dependency treatment facilities in Minnetonka. Each serves six, male residents; all are permitted. The organization is requesting to increase the number of residents at its 12401 Minnetonka Boulevard facility from six to twelve. Any increase to over six residents requires a conditional use permit. (See pages A1–A7.)

Staff Analysis

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

- **Are minimum conditional use permit standards met?**

  No. The applicant’s proposal does not meet one of the eleven conditional use permit standards outlined in the city code. Specifically the proposal does not meet the standard requiring “3,000 square feet of lot area for each overnight resident,
based on proposed capacity." Based on the proposed 12 residents 36,000 square feet is required; the subject property is 16,500 square feet in size.

- **Is a variance to the lot area requirement reasonable?**

Yes. By state law and city code, a variance “may be granted when an applicant establishes that there are practical difficulties in complying with [the] ordinance." Practical difficulties mean that:

1) *Reasonable Use:* The applicant proposes to use the property in a reasonable manner is not permitted by the ordinance.

2) *Unique Circumstance:* The circumstances justifying the variance are unique to the property, are not caused by the landowner, and are not solely because of economic considerations; and

3) *Character of Neighborhood:* The variance would not adversely affect or alter the essential character of the surrounding area.

The One Twelve proposal meets the practical difficulties “test.”

1) There is a general presumption that the more people who occupy a residence the higher the level of activity and exterior evidence of that occupancy. The intent of the lot area requirement for conditionally permitted residential care facilities is to ensure that larger facilities are located on larger sites that can accommodate or buffer the facilities' presumed higher levels of activity and exterior evidence of occupancy. The subject property meets this intent. Though smaller than required, the facility would be located with a building originally designed and constructed as an office building, served by a parking lot with ample parking spaces, and situated on a major arterial roadway.

2) The subject property is unique. It is oddly-shaped, bordered on three sides by public rights-of-way. Further, it is located over 600 feet from the closest single-family home and screened from the residential area by significant topography and vegetation.

3) The requested variance would not alter the essential character of the area. Rather, it would allow for reasonable use of a long vacant building.

**Summary Comment**

The city’s residential care facility ordinance was re-written in 2013. The primary purpose of the re-write was to provide conditional use permit standards under which the valuable service care facilities provide are appropriately balance with the real and perceived impact such facilities may have on surrounding residential properties. The proposed One Twelve
facility does not meet one of the conditional use permit standards. However, in staff’s professional opinion the facility would achieve the purpose of the larger ordinance: a valuable service would be provided in a long vacant building, located on a major arterial roadway, over 600 feet away from the closest single-family home.

**Recommendation**

Recommend the city council adopt the resolution approving a conditional use permit for a licensed residential care facility serving 12 residents at 12401 Minnetonka Boulevard. See pages A8–A14.

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

<table>
<thead>
<tr>
<th>Surrounding Land Uses</th>
<th>The subject property is surrounded by single-family homes; zoned R-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>Guide Plan designation: low-density residential R-1</td>
</tr>
<tr>
<td>Existing Building</td>
<td>The existing, roughly 4,375 square foot building was constructed in 1963 as an “office building.” The upper level was converted to living space in 1973.</td>
</tr>
<tr>
<td>Zoning</td>
<td>A series of historical, hand-colored zoning maps indicate that the subject property was zoned B-1 at the time the existing building was constructed. In 1998, the city began using an “electronic” zoning map. This map draws information – zoning, lot size, ownership, etc. – from a large database. The electronic map indicates that the property is zoned R-1. Staff can find no record that the property was ever formally rezoned from B-1 to R-1, leading staff to believe the zoning information for this property was inaccurately entered into the database. Staff only discovered the difference between the historical and current zoning maps while doing research for the current application. As such, for over 10 years, city staff, potential buyers, and the current owner have been operating under the assumption that the property was zoned for residential development and that the office building and use were non-conforming. Further, this “electronic” map has been displayed on the city’s website and was published in 2008 as part of the Comprehensive Guide Plan. Though the property was not rezoned from B-1 to R-1 through adoption of a rezoning ordinance, the long standing publication of the R-1 zoning served to technically rezone the site. Under State Statute §599.13, the publication of any “book, pamphlet, or other form … which purport to be published by the authority of the council” serves as evidence of the adoption of that “book, pamphlet or other form”. After three years, the publication serves as conclusive proof of adoption. In other words, because the city previously published – online and in the comprehensive guide plan – the R-1 zoning of the property, and that publication was well over three years ago, the property is zoned R-1.</td>
</tr>
</tbody>
</table>
Conditional Uses

A conditional use is use that is permitted so long as certain conditions – which are clearly outlined in city code – are met. A conditional use permit (CUP) is both the city’s acknowledgement that the code-defined conditions have been met and mechanism to outline various regulations to ensure the conditions continue to be met into the future. A conditional use permit “attaches” to the property for which it has been approved, not to the property owner who applied for the permit.

CUPs may be granted to general land uses. In other words, the city may grant a CUP for a fast food restaurant, but not a CUP for McDonalds. The city may grant a CUP for non-service station having gasoline pumps, not a CUP for Super America. This distinction between general and specific uses is because the conditions outlined in the zoning ordinance cover generalities of the land use. For instance, the conditions require a certain amount of parking for fast food restaurants and certain vehicle stacking area for gas stations. The zoning ordinance does not, and should not, concern itself with a whether a restaurant serves burgers or tacos or what type of gasoline is offered for sale at a station.

It is the same for residential care facilities. The conditions outlined in code look at building square-footage, on-street parking, and the like. The conditions do not distinguish between the type of care provided at a facility, the population residing at the facility, or the owner of the property on which the facility is located.

CUP Standards

By City Code §300.16 Subd.3(g) licensed residential care facilities or community based residential care facilities serving more than six residents must meet the following standards:

1) 3,000 square feet of lot area for each overnight resident, based on proposed capacity;

   **Finding:** The subject property is 16,500 square feet in size. As such a variance is required.

2) 300 square feet of residential building area for each overnight resident, based on proposed capacity;

   **Finding:** The existing building is 4,375 square feet in size, exceeding the 3,600 square feet required for 12 residents.

3) in R-1 and R-2 districts, for new construction including additions, a floor area ratio (FAR) that is no more than
100% of the highest FAR of the homes within 400 feet of the lot lines and within 1,000 feet of the lot along the street where it is located, including both sides of the street. The FAR applies to an existing structure only if it seeks to expand. The city may exclude a property that the city determines is not visually part of the applicant's neighborhood and may add a property that the city determines is visually part of the applicant's neighborhood. The city may waive or modify the floor area requirement where:

a. the proposed use would be relatively isolated from the rest of the neighborhood by slopes, trees, wetlands, undevelopable land, or other physical features; or

b. the applicant submits a specific building design and site plan, and the city determines that the proposed design would not adversely impact the neighborhood character because of such things as setbacks, building orientation, building height, or building mass. In this case, the approval is contingent upon implementation of the specific site and building plan.

Finding: No new construction is proposed.

4) no external building improvements undertaken in R-1 and R-2 districts which alter the original character of the home unless approved by the city council. In R-1 and R-2 districts, there must be no exterior evidence of any use or activity that is not customary for typical residential use, including no exterior storage, signs, and garbage and recycling containers;

Finding: No external building improvements are proposed.

5) traffic generation: a detailed documentation of anticipated traffic generation must be provided. In order to avoid unreasonable traffic impacts to a residential neighborhood, traffic limitations are established as follows:

a. in R-1 and R-2 districts, the use is not permitted on properties that gain access by private roads or driveways that are used by more than one lot;
b. the use must be located on, and have access only to, a collector or arterial roadway as identified in the comprehensive plan;

c. the use must prepare, and abide by, a plan for handling traffic and parking on high traffic days, such as holidays, that has been reviewed and approved by city staff.

Finding: The property is located on an arterial road and includes an 18-space parking lot. One Twelve indicates that no family gatherings, holidays, or parties take place on site. The only visitors allowed are those dropping off or picking up clients, guest speakers, and spiritual advisors.

6) no on-street parking to be allowed. Adequate off-street parking will be required by the city based on the staff and resident needs of each specific facility. In R-1 and R-2 districts, the parking area must be screened from the view from other R-1 and R-2 residential properties. Private driveways must be of adequate width to accommodate effective vehicle circulation and be equipped with a turnaround area to prevent backing maneuvers onto public streets. Driveways must be maintained in an open manner at all times and be wide enough for emergency vehicle access. Driveway slope must not exceed 8 percent unless the city determines that site characteristics or mitigative measures to ensure safe vehicular circulation are present. Adequate sight distance at the access point must be available;

Finding: The property includes an 18-space parking lot. The applicant indicates that drivers/parkers at the proposed twelve-resident facility would include:

- three day time staff members,
- one staff member during the evening/night,
- six to seven residents,
- an occasional guest speakers, and
- an occasional spiritual advisor.

The existing parking lot could accommodate all of these drivers/parkers even were all to be on site at the same time, which is not anticipated.
7) all facilities to conform to the requirements of the Minnesota state building code, fire code, health code, and all other applicable codes and city ordinances;

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

8) landscape buffering from surrounding residential uses to be provided consistent with the requirements contained in section 300.27 of this ordinance. A privacy fence of appropriate residential design may be required to limit off-site impacts. Landscape screening from surrounding residential uses may be required by the city depending on the type, location and proximity of residential areas to a specific facility;

**Finding:** The subject property is bordered on three sides by public rights-of-way. Further, it is located over 600 feet from the closest single-family home and screened from the residential area by significant topography and vegetation.

9) submission of detailed program information including goals, policies, activity schedule, staffing patterns and targeted capacity which may result in the imposition of reasonable conditions to limit the off-site impacts;

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

10) submission of a formal site and building plan review if a new building is being constructed, an existing building is being modified, or the city otherwise determines that there is a need for such review; and

**Finding:** No new construction or exterior building/site changes are proposed.

11) additional conditions may be required by the city in order to address the specific impacts of a proposed facility.

**Variance Standard**

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

1) **Purpose and Intent:** The intent of the lot area requirement for conditionally permitted residential care facilities is to ensure that larger facilities are located on larger sites that can accommodate or buffer the facilities’ presumed higher levels of activity and exterior evidence of occupancy. The subject property meets this intent. Though smaller than required, the facility would be located with a building originally designed and constructed as an office building, served by a parking lot that has ample parking spaces, and situated on a major arterial roadway.

2) **Consistency with Comprehensive Plan:** The subject property is guided for mixed-use development. The requested lot size variance would not result in a land use contrary to this designation.

3) **Practical Difficulties:**

   - **Reasonableness.** The requested variance is reasonable, as the intent of the ordinance standard is still met. Though smaller than required, the facility would be located with a building originally designed and constructed as an office building, served by a parking lot has ample parking spaces, and situated on a major arterial roadway.

   - **Unique Circumstance.** The subject property is unique. It is oddly-shaped, bordered on three sides by public rights-of-way. Further, it is located over 600 feet from the closest single-family home and screened from the residential area by significant topography and vegetation.

   - **Character of Locality.** The requested variance would not alter the essential character of the area. Rather, it would reasonable use of a long vacant building

**Motion Options** The planning commission has three options:
Meeting of May 7, 2015
Subject: One Twelve, 12401 Minnetonka Boulevard

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

2) Disagree with staff’s variance analysis, and find that the proposal does meet the variance standard. In this case, a motion should be made recommending the city council deny the request. This motion must include findings outlining how the variance standard is met.

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.

<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 78 area property owners and received no comments attached to date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadline for Decision</td>
<td><strong>July 13, 2015</strong></td>
</tr>
</tbody>
</table>
Location Map

Project: One Twelve
Address: 12401 Minnetonka Blvd
(15006.15a)

This map is for illustrative purposes only.
# Conditional Use Permit

## Property Information

<table>
<thead>
<tr>
<th>Property Address</th>
<th>12401 Minnetonka Boulevard, Minnetonka, MN 55305</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel ID Number</td>
<td>1411722230009</td>
</tr>
</tbody>
</table>

## Owner Information

<table>
<thead>
<tr>
<th>Owner Name</th>
<th>Michael C. Holmes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Address</td>
<td>4199 Terrace Lane, Minnetonka, MN 55305</td>
</tr>
<tr>
<td>Owner Phone</td>
<td>612.209.3060</td>
</tr>
<tr>
<td>Owner Email</td>
<td><a href="mailto:mikeholmes@comcast.net">mikeholmes@comcast.net</a></td>
</tr>
</tbody>
</table>

## Applicant Information

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>One Twelve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Address</td>
<td>12218 Lake Street Extension, Minnetonka MN 55305</td>
</tr>
<tr>
<td>Applicant Phone</td>
<td>952.513.7475</td>
</tr>
<tr>
<td>Applicant Email</td>
<td><a href="mailto:ben@onetwelve.org">ben@onetwelve.org</a></td>
</tr>
</tbody>
</table>

## Conditional Use Permit Request

We are currently operating a long term six bed drug and alcohol recovery facility for clients in recovery from past addiction issues at this location. Our request is to add six more clients to this facility which is in compliance with the current guidelines set forth by the city of Minnetonka. The facility sits directly on a main arterial roadway (Minnetonka Boulevard) with 18 parking spaces for clients and staff. We do not accept clients with a history of sex or arson crimes. Neighborhood meeting was held on 1/2/2015 with a total of 5 in attendance.

## Owner's Statement

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

```
[Signature]
3-25-15
```

## Applicant's Statement

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

```
[Signature]
MAR 25 2015
```

Submitted by Applicant

One Twelve
12401 Minnetonka Boulevard
#15006.15a
12401 Minnetonka Boulevard (LOWER LEVEL)
Minnetonka, MN 55305
Parcel ID: 1411722230009

Total SF: 4376
Year Built 1963
Initial Build Use: Apartment Dwelling
Most Recent Use: Vacant
Current Use: 6 Resident Med. Intensity MN Rule 31 Licensed Treatment Facility

- = 1st Floor Shower
= 1st Floor Stove(s)
= 2 1st Floor Fridge(s)
@ = 1st Floor Kitchen Sink
= 1st Floor Sink
= 2 1st Floor Fridge(s)
= 1st Floor Toilet

- Office
= Triple Bedroom
12' 3"
20' 10"
Dining
Kichen
Dry Storage
Counter
4'
3'8"
9'6"
14'4"
10'6"
10'2"
22'1"
14'1"
10'3"
9'6"
6'8"
11'2"
7'6"
18'5"
10'6"
Resolution No. 2015-

Resolution approving a conditional use permit for a licensed residential care facility serving 12 residents at 12401 Minnetonka Boulevard

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

Section 1. Background.

1.01 One Twelve has requested a conditional use permit to operate a twelve resident licensed residential care facility at 12401 Minnetonka Boulevard.

1.02 The property is legally described as:

(to be inserted)

1.03 On May 7, 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 a conditional use permit. These standards are incorporated into this resolution by reference.

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

1. 3,000 square feet of lot area for each overnight resident, based on proposed capacity;
2. 300 square feet of residential building area for each overnight resident, based on proposed capacity;

3. in R-1 and R-2 districts, for new construction including additions, a floor area ratio (FAR) that is no more than 100% of the highest FAR of the homes within 400 feet of the lot lines and within 1,000 feet of the lot along the street where it is located, including both sides of the street. The FAR applies to an existing structure only if it seeks to expand. The city may exclude a property that the city determines is not visually part of the applicant's neighborhood and may add a property that the city determines is visually part of the applicant's neighborhood. The city may waive or modify the floor area requirement where:
   a) the proposed use would be relatively isolated from the rest of the neighborhood by slopes, trees, wetlands, undevelopable land, or other physical features; or
   b) the applicant submits a specific building design and site plan, and the city determines that the proposed design would not adversely impact the neighborhood character because of such things as setbacks, building orientation, building height, or building mass. In this case, the approval is contingent upon implementation of the specific site and building plan.

4. no external building improvements undertaken in R-1 and R-2 districts which alter the original character of the home unless approved by the city council. In R-1 and R-2 districts, there must be no exterior evidence of any use or activity that is not customary for typical residential use, including no exterior storage, signs, and garbage and recycling containers;

5. traffic generation: a detailed documentation of anticipated traffic generation must be provided. In order to avoid unreasonable traffic impacts to a residential neighborhood, traffic limitations are established as follows:
   a) in R-1 and R-2 districts, the use is not be permitted on properties that gain access by private roads or driveways that are used by more than one lot;
   b) the use must be located on, and have access only to, a collector or arterial roadway as identified in the comprehensive plan;
c) the use must prepare, and abide by, a plan for handling traffic and parking on high traffic days, such as holidays, that has been reviewed and approved by city staff.

6. no on-street parking to be allowed. Adequate off-street parking will be required by the city based on the staff and resident needs of each specific facility. In R-1 and R-2 districts, the parking area must be screened from the view from other R-1 and R-2 residential properties. Private driveways must be of adequate width to accommodate effective vehicle circulation and be equipped with a turnaround area to prevent backing maneuvers onto public streets. Driveways must be maintained in an open manner at all times and be wide enough for emergency vehicle access. Driveway slope must not exceed 8 percent unless the city determines that site characteristics or mitigative measures to ensure safe vehicular circulation are present. Adequate sight distance at the access point must be available;

7. all facilities to conform to the requirements of the Minnesota state building code, fire code, health code, and all other applicable codes and city ordinances;

8. landscape buffering from surrounding residential uses to be provided consistent with the requirements contained in section 300.27 of this ordinance. A privacy fence of appropriate residential design may be required to limit off-site impacts. Landscape screening from surrounding residential uses may be required by the city depending on the type, location and proximity of residential areas to a specific facility;

9. submission of detailed program information including goals, policies, activity schedule, staffing patterns and targeted capacity which may result in the imposition of reasonable conditions to limit the off-site impacts;

10. submission of a formal site and building plan review if a new building is being constructed, an existing building is being modified, or the city otherwise determines that there is a need for such review; and

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

Section 3. Findings.

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

3.02 The proposal meet all but one of the specific conditional use permit standards outlined in City Code 300.16 Subd.3(g)

1. The subject property is 16,500 square feet in size. As such a variance is required.

2. The existing building is 4,375 square feet in size, exceeding the 3,600 square feet required for 12 residents.

3. No new construction is proposed.

4. No external building improvements are proposed.

5. The property is located on an arterial road and includes an 18 space parking lot. One Twelve indicates that no family gatherings, holidays, or parties take place on site. The only visitors allowed are those dropping off or picking up clients, guest speakers, and spiritual advisors.

6. The property includes an 18 space parking lot. The applicant indicates that drivers/parkers at the proposed twelve-resident facility would include:

- three day time staff members,
- one staff member during the evening/night,
- six to seven residents,
- an occasional guest speakers, and
- an occasional spiritual advisor.
The existing parking lot could accommodate all of these drivers/parkers even were all to be on site at the same time, which is no anticipated.

7. Per a condition of this resolution, the facility must conform to the requirements of the Minnesota state building code, fire code, health code, and all other applicable codes and city ordinances;

8. The subject property is bordered on three sides by public rights-of-way. Further, it is located over 600 feet from the closest single-family home and screened from the residential area by significant topography and vegetation.

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

1. Purpose and Intent of the Ordinance: The intent of the lot area requirement for conditionally permitted residential care facilities is to ensure that larger facilities are located on larger sites that can accommodate or buffer the facilities' presumed higher levels of activity and exterior evidence of occupancy. The subject property meets this intent. Though smaller than required, the facility would be located with a building originally designed and constructed as an office building, served by a parking lot has ample parking spaces, and situated on a major arterial roadway.

2. Consistency with Comprehensive Plan: The subject property is guided for mixed-use development. The requested lot size variance would not result in a land use contrary to this designation.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance:

   a. Reasonableness. The requested variance is reasonable, as the intent of the ordinance standard is still met. Though smaller than required, the facility would be located with a building originally designed and constructed as an office building, served by a parking lot has ample parking spaces, and situated on a major arterial roadway.

   b. Unique Circumstance. The subject property is unique. It is oddly-shaped, bordered on three sides by public rights-of-way. Further, it is located over 600 feet from the closest
single-family home and screened from the residential area by significant topography and vegetation.

c. Character of Locality. The requested variance would not alter the essential character of the area. Rather, it would reasonable use of a long vacant building

Section 4. City Council Action.

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

1. Prior to occupancy by more than six residents:
   
a) This resolution must be recorded with Hennepin County.

b) The facility must be brought into compliance with all requirements of the Minnesota state building code, fire code, and health code.

c) Submit detailed program information including goals, policies, activity schedule, and staffing patterns.

2. The existing planters adjacent to Minnetonka Boulevard must be landscaped.

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

4. 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 May 18, 2015.

_______________________________________
Terry Schneider, Mayor

Attest:
Resolution No. 2015-

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 May 18, 2015.

David E. Maeda, City Clerk
Brief Description

Items concerning the Music Barn Apartments, at 5740 and 5750 Shady Oak Road:

1) Ordinance rezoning properties from R-1 to PUD;
2) Master development plan; and
3) Site and building plan review.

Recommendation

Recommend the city council adopt the ordinance and resolution approving the proposal.

Introduction

Community Housing Corporation of America/Shelter Corporation has submitted formal applications and plans for redevelopment of the two properties at 5740 and 5750 Shady Oak Road. The properties are collectively known as the Music Barn properties. As submitted, the existing barn building would remain on the property and would be integrated into a new, three-story, 27-unit apartment building. The building would be served by both surface parking lots and underground parking. All of the building units would meet the Metropolitan Council's affordable housing guidelines. At 11.8-units per acre, the proposed development would be classified as medium-density residential. (See pages A1–A16.)

Proposal Summary

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

• Existing Site Conditions.

The combined redevelopment site has a total area of 2.29-acres. The property contains five structures: a barn – which is currently occupied as both living and business space, a vacant farm home, a shed, and two smaller out buildings.

Aside from the existing barn, the primary feature of the site is a wooded slope that runs its north/south length. The slope rises upward from Shady Oak Road to the southwest corner of the property; there is a 45-foot change in elevation over the property. Portions of the slope are classified as “steep” by city code definition.
Mature trees on the slope include predominately oak and maple. (See the Supporting Information section of this report.)

- **Proposed Use.**

The proposed building would have a footprint of roughly 12,700 square feet and a total floor area of 37,000 square feet, excluding the underground parking area. The building would contain 27 apartments; 18 two-bedroom units and 9 three-bedroom units. All of the units would have two bathrooms and would include washers and dryers. An enclosed connection would be constructed between the apartment building and the existing barn, which would be converted to accommodate apartment offices, community rooms, and exercise facilities. The exterior of the proposed building would include front porches, vertical siding, and a white/gray color palette. These features are intended to break up the building façade, complement the barn, and evoke the historical farm-use of the property. Parking would be provided within an underground garage and surface lots on the north and south sides of the building. (See pages A4–A10.)

- **Site impacts.**

Construction of the building, driveways, and parking lot, would require grading and some tree removal. Fill would be required along the east property line to accommodate the underground garage, while excavation would be necessary on the west side. This grading would result in removal or significant impact to some of the site’s high-priority and significant trees. (See pages A13 and A20–A22.)

**Primary Questions and Analysis**

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

- **Is the use of PUD zoning appropriate?**

Yes. Under the recently adopted PUD ordinance, the city may consider the use of PUD zoning when it would result in a defined public benefit. One such benefit is provision of affordable housing. The proposed Music Barn Apartments would result in provision of 27 new, affordable apartment units. As proposed, two-bedroom apartments would rent for $725-$825 per month and the three-bedroom units for $950.

- **Is the proposed medium-density residential land use appropriate?**
Yes. The subject properties – as well as other area properties along Shady Oak Road – are guided for medium-density residential development. The existing designation is appropriate for several transportation-related reasons:

1) The area is primarily accessed by Shady Oak Road, a designated major arterial street, and is within a very short commute to Highways 62 and 169.

2) The area is served by a bus line with local service to downtown Hopkins. From Hopkins, riders can connect to several bus routes to Ridgedale, the Uptown Transit Center, and downtown Minneapolis. (See pages A23–A27.)

3) The area is just over 0.5 miles to the future light rail transit station in OPUS.

In addition to easy access to transportation options, the proximity to Lone Lake Park and Shady Oak Beach would provide “built-in” amenities to residents.

- Are the proposed site impacts reasonable?

Yes. The proposed building and associated parking would be situated at the base of the site’s significant wooded slope. This location would result in little encroachment into the steepest portions of the slope and, correspondingly, removal of just 19% of the site’s high-priority trees. (See pages A20–A22.)

Summary Comments

The proposed Music Barn Apartments would result in significant visual change to the subject properties and would, therefore, visually alter the immediate area along Shady Oak Road. However, it does not follow that visual change is unreasonable. In designing the proposal, the applicant has given consideration to natural resources and has taken visual “cues” from the existing site. In staff’s opinion, the result is a thoughtfully designed development, which contributes to the city’s affordable housing goals and expectations.

Staff Recommendation

Recommend that the city council adopt:

1. Ordinance rezoning the existing property from R-1, low-density residential, to PUD, planned unit development, and adopting a master development plan for Music Barn Apartments. (See pages A53–A56.)

2. Resolution approving final site and building plans for the Music Barn Apartments. (See pages A57–A66.)

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

Surrounding Land Uses
Northerly: Shady Oak Lake Cemetery; city-owned property
Easterly: Multi-family residential; zoned R-3, PURD
Southerly: vacant property; zoned R-1
Westerly: Lone Lake Park; city-owned property

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

By state law, the guide plan and zoning designations of a property must be consistent. In the case of the Music Barn properties, there is an inconsistency. As such, either the guide plan designation or zoning should be changed.

City Actions
The proposal necessitates the following applications:

- **Rezoning.** The subject sites are currently zoned R-1, low-density residential. The applicant requests that the site be rezoned to PUD, planned unit development. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the rezoning.

- **Master Development Plan.** By city code, review and approval of a master development plan is required in conjunction with a rezoning to PUD. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the master development plan.

- **Site and Building Plan Review.** By city code, site and building plan review is required in conjunction with construction in a PUD. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the site and building plan.

- **TIF Pooling.** The applicant has requested use of tax increment financing (TIF) pooling dollars in the amount of $500,000. TIF pooling is essentially the use of captured tax increment dollars in areas outside of the tax increment district in which they were created/collected. The city has approximately $6 million in TIF pooling funds for tax-credit eligible affordable housing developments. The Economic Development Advisory Committee (EDAC) has reviewed the applicant's proposal on two separate occasions and
has generally supported the use of TIF pooling dollars. The use of TIF or TIF pooling dollars is not the purview of the planning commission.

**Concept Plans**

In 2014 the city council conducted concept plan review for redevelopment of the Music Barn properties. The plan contemplated construction of a four-story, rental apartment building. The building’s 38 affordable units, were to be served by both surface and underground parking. Given the combined size of the properties, the concept development would have been classified as high-density residential. (See pages A29–A36.) During review of the concept, the council generally expressed:

- A medium-density development consistent with the existing medium-density designation would be preferred to the concept high-density.
- If the barn were to remain, the apartment building should be designed in a complimentary style.
- The site’s natural resources should be carefully considered.
- The proposed affordability was appropriate.

**Ordinance Intro**

The proposal was introduced at the city council’s April 15, 2015 meeting. The council asked that nature resource preservation be carefully evaluated and that the barn, if it remained, be a functional piece of the development. (See page A37.)

**Affordable Housing**

The city of Minnetonka has historically supported and promoted the construction of affordable housing. A large section of the Comprehensive Guide Plan outlines both the goals the city has established for itself and the expectations established by the Metropolitan Council. The plan notes: “The city recognizes that there is a need for quality housing in Minnetonka for residents of all income levels and ages. Further, the city recognizes its role in the metropolitan region and needs to participate as a partner to facilitate regional economic growth. One way to achieve regional economic growth is to provide opportunities for a variety of housing, including affordable housing, to complement the growth of jobs that will occur in all parts of the region.”

**Setbacks, Etc.**

The recently adopted PUD ordinance contains no specific development standards relating to setbacks, lot coverage, etc.
However, the following chart outlines these items for the proposed Music Barn Apartments:

<table>
<thead>
<tr>
<th>Measurement</th>
<th>Building Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>North property line</td>
<td>245 feet</td>
</tr>
<tr>
<td>South property line</td>
<td>110 feet</td>
</tr>
<tr>
<td>East property line</td>
<td>28 feet</td>
</tr>
<tr>
<td>West property line</td>
<td>75 feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Lot Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>North property line</td>
</tr>
<tr>
<td>South property line</td>
</tr>
<tr>
<td>East property line</td>
</tr>
<tr>
<td>West property line</td>
</tr>
</tbody>
</table>

| Floor Area Ratio                    | 0.4                 |
| Impervious Surface                  | 37%                 |

**Natural Resources:** Changes to the site would be necessary to accommodate a medium-density residential project.

- **Steep Slope and Grading**

  By city code, a steep slope is one that: (1) has an average grade of 20% or greater; (2) covers an area at least 100 feet in width; and (3) rises at least 25 feet. If a slope does not meet all three of these standards it is not considered “steep” for the purposes of development and construction regulation. The slope on the Music Barn site is considered steep by definition. The grade ranges from 21% to 30%. The proposed Music Barn Apartments would generally be located at the base of this slope, with little encroachment into the steepest portions. (See page A20.)

- **Trees.** Based on the proposed grading plan, the majority of high-priority and significant trees would be preserved.
### Existing Removal

<table>
<thead>
<tr>
<th>Category</th>
<th>Existing</th>
<th>Removal</th>
<th>% Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority</td>
<td>16</td>
<td>3</td>
<td>19%</td>
</tr>
<tr>
<td>Significant</td>
<td>77</td>
<td>25</td>
<td>33%</td>
</tr>
</tbody>
</table>

The proposed level of tree removal would be permitted under the tree protection ordinance.

### Stormwater

The city’s water resources engineer has reviewed the plans associated with Music Barn Apartments and finds them to be generally acceptable. The plans would meet the standards of the city’s Water Resources Management Plan, incorporating rate control, volume control, and water quality treatment.

Stormwater runoff would be directed to several catch basins and routed via pipe to an underground facility located within the southerly parking lot. The facility would ultimately outlet to the city’s stormwater system. (See page A14.)

### Traffic

Several residents have raised concerns regarding traffic volumes on Shady Oak Road and the impact the proposed development would have on the existing situation. Traffic volume on Shady Oak Road north of Bren Road is roughly 10,200 average daily trips; south of Bren Road is 18,700 trips. The Institute of Transportation Engineers (ITE) suggests on average an apartment unit generates 6.65 trips each weekday, and between 5.86-6.39 Saturday and Sundays. Based on these rates, the proposed 27 apartment units are anticipated to generate 153 to 180 vehicle strips per day. As this would amount to less than 1% increase in traffic on Shady Oak Road, staff did not require that a formal traffic study be conducted for the Music Barn Apartments proposal.

The Hennepin County Engineer conducted a preliminary review of the project and made no comment on traffic volume implications. The County noted that the proposed driveway locations were acceptable, but that a left turn lane would be required for northbound Shady Oak Road. This turn lane, similar to the one existing at the Shady Oak Road/Lone Lake Ridge intersection to the north, would alleviate northbound stoppage due to vehicles trying to enter the property. If the proposal is approved, appropriate access and roadway work permits must be obtained from Hennepin County.
Parking
Within a traditional zoning district, a parking ratio of two parking stalls per living unit is required. Within a PUD this is not a standard, but can serve as a guideline. Recently, the city has approved various parking ratios for PUD rental apartment buildings, ranging from 1 parking stall per bedroom to 2 parking stalls per unit.

The Music Barn Apartments proposal would meet the ratio of two parking stalls per unit; 28 stalls would be located underground and 26 stalls in surface parking lots.

Area Amenities
The site has convenient access to a number of area amenities. Lone Lake Park is immediately adjacent to the site with just a one minute bike ride and less than 3 minute walk. Off-road trails along Shady Oak Road also provide direct routes to commercial services at Sundial Center and Minnetonka Crossings. The future Opus light rail station is also accessible from the site. Walk and bike times to these amenities are listed below.

<table>
<thead>
<tr>
<th>Music Barn to:</th>
<th>Distance</th>
<th>Bike Time (@ 10 MPH)</th>
<th>Walk Time (@ 3 MPH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lone Lake Park</td>
<td>700 ft.</td>
<td>1 min.</td>
<td>2 min. 39 sec.</td>
</tr>
<tr>
<td>Sundial Center</td>
<td>700 ft.</td>
<td>1 min.</td>
<td>2 min. 39 sec.</td>
</tr>
<tr>
<td>Minnetonka Crossings</td>
<td>1/2 mi. (2900 ft.)</td>
<td>2 min. 39 sec.</td>
<td>11 min.</td>
</tr>
<tr>
<td>Opus Station</td>
<td>3/4 mi. (4000 ft.)</td>
<td>4 min.</td>
<td>15 min.</td>
</tr>
</tbody>
</table>

Outside Agencies
The applicant’s proposal has been submitted to various outside agencies for review, including Hennepin County and the Nine Mile Creek Watershed District.

Motion Options
The planning commission has four options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the rezoning ordinance and various resolutions.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the requested preliminary plat, rezoning, master development plan, and final site and building plans. This motion must include a statement as to why denial is recommended.

3. Concur with some of staff’s recommendations and disagree with the others. In this case a motion should be made recommending approval of the some and denial of the
others. This motion must include a statement as to why denial is recommended.

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

**Neighborhood Comments**

In addition to comments received during the concept plan review phase, the city received four comments regarding the formal application. (See pages A39–51.) Notices were sent to 448 area property owners.

**Deadline for Action**

May 18, 2015
Location Map

Project: Music Barn Apartments
Applicant: Community Housing Corp of America, Shelter Corp.
Address: 5740 & 5750 Shady Oak Rd
(09002.15a)
January 29, 2015

Julie Wischnack  
Community Development Director  
City of Minnetonka  
14600 Minnetonka Boulevard  
Minnetonka, Minnesota 55345

Subject: Music Barn rezoning

Dear Julie,

Since we presented our concept plan last spring to our neighbors, the Planning Commission and the City Council, we have refined our plan based upon many of the comments that we received into a specific proposal. The changes that have been made are as follows:

- Reduced the number of units from 38 to 27 (a reduction of almost 30%) to be consistent with the Comprehensive Plan  
- Reduced the number of stories from four to three  
- Created an exterior design that complements the barn and fits well within the neighborhood  
- Worked to preserve as many trees as possible including the 22 inch wide walnut tree located near the current Music Barn sign.  
- Have 2 parking spaces per unit, half of them underground  
- Moved the Shady Oak Road garage access north to allow access from both directions and to keep the small amount of traffic on Shady Oak Road

Our request is to rezone the property from R-1 zoning to a PUD. Attached are all of the design and engineering items that are required for a rezoning and a master development plan.

The 27 apartment units consist of the following unit composition:

<table>
<thead>
<tr>
<th>Bedrooms</th>
<th># of units</th>
<th>Size (sq. ft.)</th>
<th>Bathrooms</th>
<th>Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>18</td>
<td>1036 to 1100</td>
<td>2</td>
<td>$725 to $825</td>
</tr>
<tr>
<td>3</td>
<td>9</td>
<td>1292 to 1346</td>
<td>2</td>
<td>$950</td>
</tr>
</tbody>
</table>
The units will feature full kitchens, large closets and washer/dryers. An underground parking space is included with each unit.

The Music Barn will be an asset for Minnetonka providing more affordable housing to Minnetonka residents. We will be marketing the units to adjacent businesses for their employees and, have already talked to United Health Care who is moving thousands of jobs to the neighborhood.

Thank you for your consideration of this application.

Sincerely,

Jay Jensen
Principal
The property depicted on this survey and the easements of record shown hereon are the same as the property and the easements described in the Commitment for Title Insurance issued by Commercial Partners Title, LLC as agent for Old Republic National Title Insurance Company, File No. 38949, dated August 12, 2014.

The following items and references are located on or adjacent to the Surveyed Property:

a) Item no.'s 1-9 are not survey related.
b) Item no. 10: Easement for highway purposes, in favor of the County of Hennepin, a body politic and corporate, as created in document dated March 15, 1983, filed April 23, 1983, as Document No. 4511270. (Parcels 1 and 2)
d) Item no. 12: Covenants, conditions and restrictions contained in Notice of City Action dated December 27, 1989, filed December 29, 1989, as Document No. 5611214. (Parcels 1 and 2)
e) Item no. 13: Terms and conditions of Planning Commission Resolution No. 2009-03 approving a variance, adopted April 23, 2009, filed May 1, 2009, as Document No. 8035582. (Parcel 1)
f) Item no. 14: Easement for stormwater purposes, in favor of the Metropolitan Council, as created in document dated May 21, 2002, filed May 23, 2002, as Document No. 5611190. (Parcel 2)
g) Item no. 15: Life estate in Gladys L. Dvorak and Olga E. Dvorak, also known as E. Olga Dvorak, reserved in Warranty Deed dated May 2, 1994, filed May 3, 1994, as Document No. 5611115. (Parcel 2)

The property is located on Shady Oak Road in the Township of Hopkins, County of Hennepin, State of Minnesota.
Revisions:
S14420-MASTER.DWG/TREE
9-5-14
9-18-14
Drawing Issued
Updated Tree Labels
Henry D. Nelson - PLS
17255
License No.
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Vicinity Map:
Sheet 1 of 1
SFH
HDN
Sheet No.
Project No.
Sheet Title:
Checked By: Review Date:
Quality Control:
Project Lead: Drawn By:
Professional Signature:
Landscape Architecture     Environmental
Planning     Civil Engineering     Land Surveying
for use solely with respect to this project. These CADD files are instruments of the Consultant professional services. CADD files prepared by the Consultant for this project by the Consultant. With the Consultant's approval, others may be permitted to obtain copies of the CADD drawing or for completion of this project by others without written approval shall not be used on other projects, for additions to this project, deletions and that party shall hold harmless and indemnify the at the full risk of that party making such revisions, additions or revisions, additions, or deletions to these CADD files shall be made. All intentional or unintentional may be permitted to obtain copies of the CADD drawing or for completion of this project by others without written approval shall not be used on other projects, for additions to this project, deletions and that party shall hold harmless and indemnify the at the full risk of that party making such revisions, additions or revisions, additions, or deletions to these CADD files shall be made. All intentional or unintentional

Minnetonka, Minnesota
Music Barn
5740 & 5750
Shady Oak Road

Minnesota, Minnesota
Community Housing Corporation of America, Inc.
6100 Hopkins Crossroad
Minnetonka, MN 55305
Telephone: (763) 424-5505
www.LoucksAssociates.com

Music Barn Apartments
5740/5750 Shady Oak Road
#09002.15a

W:\2014\14420\CADD DATA\SURVEY
Plotted: 09 /18 / 2014   8:34 AM
Revisions:
Professional Services:
Project Name:
GRADING, DRAINAGE & EROSION CONTROL NOTES

1. ALL DISTURBED UNPAVED AREAS ARE TO RECEIVE MINIMUM OF 4 INCHES OF TOP SOIL AND SOD OR SEED. THESE AREAS MUST BE COVERED BY THE CONTRACTOR. THE COST OF MATERIALS IS INCLUDED IN THE CONTRACT TERMS.

2. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASE OF THIS PROJECT. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY DAMAGES TO ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASE OF THIS PROJECT.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC. TRAFFIC CONTROL DEVICES SHALL BE APPROVED BY THE ENGINEER PRIOR TO USE. TRAFFIC CONTROL DEVICES SHALL BE REMOVABLE, REGULARLY MAINTAINED AND IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES.

4. BEFORE BEGINNING CONSTRUCTION THE CONTRACTOR SHALL INSTALL A TEMPORARY ROCK ENTRANCE PAD AT ALL POINTS OF VEHICLE EXIT FROM THE PROJECT SITE. SAID ROCK ENTRANCE PAD SHALL BE MAINTAINED BY THE CONTRACTOR FOR THE DURATION OF THE PROJECT. SEE DETAILS SHOWN ON SHEET C3-2 FOR THE PROJECT PLANS.

5. THE DUTY OF THE ENGINEER OF THE DEVELOPER TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTORS PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTORS SAFETY MEASURES, OR MAKE THE CONTRACTOR SAFETY REPORTS.

6. PERIODIC INSPECTIONS OF THE CONTRACTOR'S WORK IS TO BE PERFORMED BY THE CONTRACTOR. IT IS TO BE PERFORMED AT ALL POINTS OF VEHICLE EXIT FROM THE PROJECT SITE, AND MUST BE PERFORMED BY THE CONTRACTOR AS REQUIRED BY THE CITY.

7. EROSION AND DEPOSITION CONTROL AIR DROPS SHALL BE BROADCAST AND FALL WITHIN 24 HOURS OF THE INITIAL AIR DROPS. THEY SHALL BE PERFORMED IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES.

8. BEFORE BEGINNING CONSTRUCTION THE CONTRACTOR SHALL REMOVE ALL EXISTING STRUCTURES, BOTH PUBLIC AND PRIVATE TO THE PROPOSED GRADES WHERE DISTURBED AND COMPLY WITH ALL REQUIREMENTS OF THE UTILITY OWNERS. STRUCTURES MUST BE REMOVED AT THE FULL RISK OF THE CONTRACTOR.

9. ADJACENT STREETS AND ALLEYS MUST BE SWEPT TO KEEP THEM FREE OF SEDIMENT. CONTRACTOR MUST MONITOR CONDITIONS AND SWEEP AS NEEDED OR WITHIN 24 HOURS OF NOTICE BY THE CITY.

10. STREETS MUST BE CLEANED AND SWEPT WHENEVER TRACKING OF SEDIMENTS OCCURS AND BEFORE SITES ARE LEFT IDLE FOR WEEKENDS AND HOLIDAYS. A REGULAR SWEEPING SCHEDULE MUST BE ESTABLISHED.

11. ADJUST ALL EXISTING STRUCTURES, BOTH PUBLIC AND PRIVATE TO THE PROPOSED GRADES WHERE DISTURBED AND COMPLY WITH ALL REQUIREMENTS OF THE UTILITY OWNERS. STRUCTURES MUST BE REMOVED AT THE FULL RISK OF THE CONTRACTOR.

12. SHOULDER SIDEWALKS MUST BE COMPLETE AND FREE OF DEPOSITS OF SEDIMENTS GROWING IN A HEALTHY MANNER.

13. SPOT ELEVATIONS REPRESENT FINISHED SURFACE GRADES AT CURB LINE, FACE OF BUILDING, OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.

14. EXISTING TOPOGRAPHY PROVIDED BY LOUCKS ASSOCIATES PARTIAL TOPOGRAPHIC SURVEY DATED 09/05/14.

15. SPOT ELEVATIONS ARE TO BE DETERMINED FOR ALL PRIMARY STRUCTURES AND UTILITIES AND FOR THE CURB AND BITUMINOUS TAPER LOCATIONS.

16. SEE SITE PLAN FOR CURB AND BITUMINOUS TAPER LOCATIONS.
TERMINATION OF COVERAGE — PERMITTEE(S) WISHING TO TERMINATE COVERAGE MUST SUBMIT A...  

SWPPP NOTES:

1. INSTALL VEHICLE TRACKING BMP
2. INSTALL VEHICLE TRACKING BMP
3. INSTALL VEHICLE TRACKING BMP
4. CLEAR AND GRUB SITE
5. ALL DISTURBED GROUND LEFT INACTIVE FOR FOURTEEN (14) OR MORE DAYS SHALL BE
6. REMOVE PAVEMENTS AND UTILITIES
7. ALL STORM DRAINS AND INLETS MUST BE PROTECTED UNTIL ALL SOURCES OF POTENTIAL
8. INSTALL SILT FENCE AROUND BASINS
9. SEDIMENT LADEN WATER MUST BE DISCHARGED TO A SEDIMENTATION BASIN WHENEVER
10. INSPECTIONS
11. EXTERNAL WASHING OF CONSTRUCTION VEHICLES MUST BE LIMITED TO A DEFINED AREA OF THE
12. CONSTRUCT INFILTRATION BASIN
13. INSTALL CURB AND GUTTER
14. INSTALL PAVEMENTS AND WALKS
15. INSPECTIONS
16. REMOVE ACCUMULATED SEDIMENT FROM BASINS
17. CONSTRUCT STORMWATER MANAGEMENT BASINS
18. SEED AND MULCH
19. WHEN ALL CONSTRUCTION ACTIVITY IS COMPLETE AND THE SITE IS STABILIZED, REMOVE SILT
20. SAME DRAINS AND INLETS PLUS Erosion Basins and Basin Inlets
21. PIPE OUTLETS MUST BE PROVIDED WITH TEMPORARY OR PERMANENT ENERGY DISSIPATION
22. FINAL STABILIZATION
23. CONCRETE WASHOUT AREA
24. THE WATERSHED DISTRICT OR THE CITY MAY HAVE REQUIREMENTS FOR INSPECTIONS OR
25.orno must be financially and physically stabilized by the end of the construction activity. The
26. THE OWNER MUST IDENTIFY A PERSON WHO WILL OVERSEE THE SWPPP IMPLEMENTATION
27. THE SWPPP, INCLUDING ALL CHANGES TO IT, AND INSPECTIONS AND MAINTENANCE RECORDS
28. CONSTRUCTION ACTIVITY... THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT
29. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
30. THE OWNER MUST IDENTIFY THE A PERSON WHO WILL BE RESPONSIBLE FOR LONG TERM
31. VEHICLES
32. DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
33. THE OWNER MUST IDENTIFY A PERSON WHO WILL BE RESPONSIBLE FOR LONG TERM
34. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
35. VEHICLES
36. DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
37. THE OWNER MUST IDENTIFY A PERSON WHO WILL BE RESPONSIBLE FOR LONG TERM
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44. DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
45. THE OWNER MUST IDENTIFY A PERSON WHO WILL BE RESPONSIBLE FOR LONG TERM
46. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
47. VEHICLES
48. DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
49. THE OWNER MUST IDENTIFY A PERSON WHO WILL BE RESPONSIBLE FOR LONG TERM
50. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
51. VEHICLES
52. DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
53. THE OWNER MUST IDENTIFY A PERSON WHO WILL BE RESPONSIBLE FOR LONG TERM
54. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
55. VEHICLES
56. DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
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61. THE OWNER MUST IDENTIFY A PERSON WHO WILL BE RESPONSIBLE FOR LONG TERM
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63. VEHICLES
64. DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
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67. VEHICLES
68. DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
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71. VEHICLES
72. DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
73. THE OWNER MUST IDENTIFY A PERSON WHO WILL BE RESPONSIBLE FOR LONG TERM
74. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
75. VEHICLES
76. DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
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78. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
79. VEHICLES
80. DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
81. THE OWNER MUST IDENTIFY A PERSON WHO WILL BE RESPONSIBLE FOR LONG TERM
82. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
83. VEHICLES
84. DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
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125. THE OWNER MUST IDENTIFY A PERSON WHO WILL BE RESPONSIBLE FOR LONG TERM
126. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED
127. VEHICLES
WARNING: THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES. THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

UTILITY PLAN NOTES


2. SEE DETAIL SHEET AND THE CONTRACT SPECIFICATIONS FOR SPECIFIC UTILITY DETAILS.

3. ALL CONSTRUCTION WORK RELATED TO UTILITIES SHALL BE PERFORMED PREFER TO THE REQUIREMENTS OF THE CITY. ALL TRAFFIC CONFLICTS MUST BE RESOLVED PRIOR TO ANY WORK. WORK WITH THE RIGHT OF WAY, OR WORK IMPACTING PUBLIC UTILITY LOCATIONS.

4. THE CONTRACTOR SHALL NOTIFY GOPHER STATE ONE CALL AT LEAST 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION OR UNDERGROUND WORK.

5. THE CONTRACTOR SHALL NOTIFY GOPHER STATE ONE CALL AT LEAST 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION OR UNDERGROUND WORK.

6. ALL UTILITIES MUST BE PROTECTED PRIOR TO THE REQUIREMENTS OF THE CITY. ALL TRAFFIC CONFLICTS MUST BE RESOLVED PRIOR TO ANY WORK. WORK WITH THE RIGHT OF WAY, OR WORK IMPACTING PUBLIC UTILITY LOCATIONS.

7. THE CONTRACTOR SHALL FIELD ADJUST WATERMAIN TO AVOID CONFLICTS WITH SANITARY SEWER, STORM SEWER, AND SERVICES AS REQUIRED.

8. ALL STREET REPAIRS AND PATCHING SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CITY. ALL TRAFFIC CONFLICTS MUST BE RESOLVED PRIOR TO ANY WORK. WORK WITH THE RIGHT OF WAY, OR WORK IMPACTING PUBLIC UTILITY LOCATIONS.

9. ALL UTILITY PIPE BEDDING SHALL BE COMPACTED SAND OR FINE GRANULAR MATERIAL PER THE REQUIREMENTS OF THE CITY. ALL TRAFFIC CONFLICTS MUST BE RESOLVED PRIOR TO ANY WORK. WORK WITH THE RIGHT OF WAY, OR WORK IMPACTING PUBLIC UTILITY LOCATIONS.

10. ALL EXISTING STRUCTURES, BOTH PUBLIC AND PRIVATE TO THE PROPOSED GRADES WHERE DISTURBED AND COMPLY WITH ALL REQUIREMENTS OF THE UTILITY OWNERS. STRUCTURES BEING RESET TO PAVED AREAS MUST MEET OWNERS REQUIREMENTS FOR TRAFFIC LOADING.

11. MAINTAIN 8 FEET OF COVER OVER ALL WATERMAINS AND SERVICES.

12. ALL UNUSED EXISTING WATER SERVICES TO BE CUT OFF BY SPRWS, EXCAVATION AND RESTORATION BY CONTRACTOR.

13. PROPOSED PIPE MATERIALS:
   - STORM SEWER: ALUMINIZED CSP 36" DIAMETER
   - STORM SEWER: ALUMINIZED CSP 6" TO 12" DIAMETER OR DUAL WALL HDPE
   - STORM SEWER: RCP 12" DIAMETER
   - WATER SERVICE: DIPS CAL. 53 8" DIAMETER
   - SANITARY SERVICE: PVC SDR 26 8" DIAMETER

WARNING: THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL CONFLICT PRIOR TO ANY WORK. WORK WITH THE RIGHT OF WAY, OR WORK IMPACTING PUBLIC UTILITY LOCATIONS.
WARNING:
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SANIBEL DR
SHADY OAK RD
FELTL LN
BIMINIDR

EXISTING
NATURAL CONDITIONS

Legend

- Streets
- Parcels
- Natural Communities

DESCRIPTION

- Floodplain forest
- Lowland hardwood forest
- Maple-basswood forest
- Oak forest mesic subtype
- Oak woodland-brushland
- Willow swamp
- Contours

SUBJECT PROPERTIES

Music Barn Apartments
5740/5750 Shady Oak Road
#09002.15a
ZONING

Legend
- Streets
- Parcels

Zoning
- B-1
- B-2
- B-3
- I-1
- PID
- PURD
- PUD
- R-1
- R-1 PURD
- R-2
- R-2 PURD
- R-3
- R-3 PURD
- R-4
- R-4 PURD
- R-5
SANIBEL DR
SHADY OAK RD
FELTL LN
BIMINI DR
COMPREHENSIVE PLAN DESIGNATION

Legend
- Streets
- Parcels
2030 Land Use
2030_LU
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Office
- Commercial
- Service Commercial
- Mixed Use
- Industrial
- Institutional
- Open Space
- Parks
- Right of Way
- Lakes

SUBJECT PROPERTIES
Music Barn Apartments
5740/5750 Shady Oak Road

City of Minnetonka
Where quality is our nature

Music Barn Apartments
5740/5750 Shady Oak Road
#09002.15a
GRADING, DRAINAGE & EROSION CONTROL NOTES

1. All disturbed areas, the greatest amount of coverage of top soil and sod or bios, shall be used. Soil, areas shall be covered by the contractor under the proposed grading in a manner consistent with the Utility Owners.

2. All disturbed areas of top soil and sod or bios, shall be used by the contractor under the proposed grading in a manner consistent with the Utility Owners.

3. The contractor shall be responsible for provision and maintenance of traffic control devices such as barriers, signs, directional signs, flags, and lights to control the movement of traffic. This responsibility shall be by the engineer for the contractor. Traffic control devices shall be approved by the engineer prior to placement. Traffic control devices shall not be installed in the right-of-way without the prior approval of the property owner, including rights-of-way of adjacent properties and the property owner. The responsibility shall be shared with the owner, including rights-of-way of adjacent properties and the property owner.

4. Spot elevations represent finished surface grades at gutter line, face of building, or edge of pavement unless otherwise noted.

5. The contractor shall be responsible for the installation of temporary rock entrance pads at all points of vehicle exiting from the project site. Said rock entrance pads shall be maintained by the contractor for the duration of the project. See details shown on sheet C3-2 for the project plans.

6. All entrances and connections to city streets shall be performed in accordance with the requirements of the city. The contractor shall be responsible for all permits and notifications as required by the city.

7. Erosion and sedimentation control areas shall be established and maintained in accordance with the utility owner's requirements. Erosion and sedimentation control areas shall be maintained in accordance with the utility owner's requirements.

8. Dust must be adequately controlled.

9. All disturbed areas shall be maintained in accordance with generally accepted construction practices, the contractor will be solely and completely responsible for conditions on the job site, including grading, drainage, and erosion control measures.

10. All existing topography provided by the developer shall be maintained in a healthy manner.

11. The consultant shall be responsible for providing and maintaining traffic control devices such as barriers, signs, directional signs, flags, and lights to control the movement of traffic. Traffic control devices shall be approved by the engineer prior to placement. Traffic control devices shall not be installed in the right-of-way without the prior approval of the property owner, including rights-of-way of adjacent properties and the property owner.

12. The consultant shall contact Gopher State One Call at 651-454-0002 at least 48 hours prior to the performance of any work. The contractor shall be responsible for any damages to adjacent properties occurring during the construction phase of this project.

13. The contractor shall contact Gopher State One Call at 651-454-0002 at least 48 hours prior to the performance of any work. The contractor shall be responsible for any damages to adjacent properties occurring during the construction phase of this project.

14. Adjust all existing streets, all points of vehicle exiting from the project site. Said rock entrance pads shall be maintained by the contractor for the duration of the project. See details shown on sheet C3-2 for the project plans.

15. The contractor shall be responsible for providing and maintaining traffic control devices such as barriers, signs, directional signs, flags, and lights to control the movement of traffic. Traffic control devices shall be approved by the engineer prior to placement. Traffic control devices shall not be installed in the right-of-way without the prior approval of the property owner, including rights-of-way of adjacent properties and the property owner.

16. The contractor shall be responsible for providing and maintaining traffic control devices such as barriers, signs, directional signs, flags, and lights to control the movement of traffic. Traffic control devices shall be approved by the engineer prior to placement. Traffic control devices shall not be installed in the right-of-way without the prior approval of the property owner, including rights-of-way of adjacent properties and the property owner.

17. All disturbed areas shall be maintained in accordance with generally accepted construction practices, the contractor will be solely and completely responsible for conditions on the job site, including grading, drainage, and erosion control measures.

18. The contractor shall be responsible for providing and maintaining traffic control devices such as barriers, signs, directional signs, flags, and lights to control the movement of traffic. Traffic control devices shall be approved by the engineer prior to placement. Traffic control devices shall not be installed in the right-of-way without the prior approval of the property owner, including rights-of-way of adjacent properties and the property owner.

19. The contractor shall be responsible for providing and maintaining traffic control devices such as barriers, signs, directional signs, flags, and lights to control the movement of traffic. Traffic control devices shall be approved by the engineer prior to placement. Traffic control devices shall not be installed in the right-of-way without the prior approval of the property owner, including rights-of-way of adjacent properties and the property owner.

20. All disturbed areas shall be maintained in accordance with generally accepted construction practices, the contractor will be solely and completely responsible for conditions on the job site, including grading, drainage, and erosion control measures.
Revisions:
S14420-MASTER.DWG/TREE
9-5-14
9-18-14
Drawing Issued
Updated Tree Labels

Henry D. Nelson - PLS
17255
License No.

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

SFH
HDN

Sheet No.:
Project No.:
Sheet Title:

Checked By: Review Date:
Quality Control:
Project Lead: Drawn By:

Professional Signature:

Landscape Architecture     Environmental Planning     Civil Engineering     Land Surveying

Professional Services:

Owner/Developer:
7200 Hemlock Lane - Suite 300
Maple Grove, MN 55369
Telephone: (763) 424-5505
www.LoucksAssociates.com

Minneapolis, Minnesota
Community Housing Corporation of America, Inc.

Map 1 of 1

Revisions:

Music Barn Apartments
5740 & 5750
Shady Oak Road

© 2014

W:\2014\14420\CADD DATA\SURVEY
Plotted: 09 /18 / 2014   8:34 AM

Revisions:
GRADING, DRAINAGE & EROSION CONTROL NOTES

1. All disturbed areas are to be covered with a minimum of 4" of topsoil and sod or grass. Areas may be sodded by the Contractor at the cost of all materials and labor.

2. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASE OF THIS PROJECT. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY DAMAGES TO ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASE OF THE PROJECT.

3. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS. NUMBERS, AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC. WORK DIRES TO BE APPOINTED BY THE ENGINEER PRIOR TO CONSTRUCTION. TRAFFIC CONTROL DEVICES SHALL BE APPROPRIATE TO THE SOURCE OF TRAFFIC FROM WHICH THEY ARE OCCURRING. TRAFFIC CONTROL DEVICES SHALL BE PLACED IN A LOCATION TO ENSURE SAFETY OF ALL TRAFFIC. TRAFFIC CONTROL DEVICES SHALL BE REMOVED UPON COMPLETION OF THE WORK.

4. ALL DOWNSPOUTS AND DRAINS MUST BE CONNECTED TO THE DRAINAGE SYSTEMS OF THE PROPERTY. THE DRAINAGE SYSTEMS MUST BE RECONNECTED TO THE APPROPRIATE DRAINAGE SYSTEMS OF THE PROJECT.

5. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR PROVIDING AND MAINTAINING ALL MATERIALS AND LABOR TO COMPLETE THE SOIL STABILITY OF THE PROPERTY. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR THE COMPLETION OF THE WORK.

6. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE ESTABLISHED AROUND THE ENTIRE SITE PERIMETER AND IN ACCORDANCE WITH NPDES PERMIT REQUIREMENTS, BEST MANAGEMENT PRACTICES, CITY REQUIREMENTS AND THE DETAILS SHOWN ON SHEET C8-1 OF THE PROJECT PLANS.

7. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR PROVIDING AND MAINTAINING ALL MATERIALS AND LABOR TO COMPLETE THE SOIL STABILITY OF THE PROPERTY.

8. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR PROVIDING AND MAINTAINING ALL MATERIALS AND LABOR TO COMPLETE THE SOIL STABILITY OF THE PROPERTY.

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14. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR PROVIDING AND MAINTAINING ALL MATERIALS AND LABOR TO COMPLETE THE SOIL STABILITY OF THE PROPERTY.
Buy a Go-To Card or add value to an existing card at these locations.

**Downtown Minneapolis**
Commuter Connection, 220 6th St S (US Bank Plaza)
Metro Transit Store, 719 Marquette Ave
Unbank, 727 Hennepin Ave

**Minneapolis - South**
Cub Foods, 1104 Lagoon Ave
The Wedge, 2105 Lyndale Ave S

**Retail Locations**

**Buses and trains have free storage racks so you can bring your bicycle along.**

Look for instructions on the rack or visit metrotransit.org/bike

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**Special Note:**
For rush hour express service on Excelsior Blvd, please refer to a Route 664 schedule. For express service to Hopkins, please refer to a Route 670 schedule.


Metro Transit may operate reduced service on days before or after Independence Day, Thanksgiving, Christmas or New Year’s Day. Look for details at metrotransit.org or in Connect on buses and trains prior to these holidays.

Schedule subject to change. Traffic and weather conditions may delay buses. Please have exact fare ready. Bus fareboxes and drivers do not make change. This document is available in alternate formats to individuals with disabilities by calling 612-349-7365 (TTY 612-341-0140).

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**Timepoint on schedule**
Find the timepoint nearest your stop, and use that column of the schedule. Your stop may be between timepoints.

**Regular Route**
Bus will pick up or drop off customers at any bus stop along this route.

**METRO Line(s)**
METRO trains will pick up or drop off customers at any station along this line.

**Northstar Line**
Transfers from Northstar to light rail are free. Transfers from light rail to Northstar require an additional fare.

**Limited Service**
Only certain trips take this route.

**Route Ending Point**

**Route Letter**
Indicates which trips travel on this section of the route. Letter is found in schedules and on bus destination signs.

**Connecting Routes to transfer to/from**
See those route schedules for details.

**Bike Locker**
These sites have weatherproof bike storage for rent.

**Go-To Card Retail Locations**
Buy a Go-To Card or add value to an existing card at these locations.

**Transfer Point**
Several routes serve this stop.
Special Notes:
Extra time has been added to this schedule for delays that will occur when Hwy 100 construction begins this spring. Get updates at: metrotransit.org/Hwy100

For other service to this area:
• Excelsior Blvd and Hopkins are also served by Route 12.
• Hopkins is also served by 667H and 670 express bus routes, and local Route 615.


Metro Transit may operate reduced service on days before or after Independence Day, Thanksgiving, Christmas or New Year’s Day. Look for details at metrotransit.org or in Connect on buses and trains prior to these holidays.

Schedule subject to change. Traffic and weather conditions may delay buses. Please have exact fare ready.

Bus fareboxes and drivers do not make change.
This is a Pay Exit route. On trips leaving downtown or the U of M, pay your fare at your destination. The time you exit the bus determines the fare amount.

Retail Locations
Buy a Go-To Card or add value to an existing card at these locations.

Downtown Minneapolis
Commuter Connection, 220 6th St S (US Bank Plaza)
Metro Transit Store, 719 Marquette Ave
Towers Convenience, 150 5th St S (skyway)
Unbank, 727 Hennepin Ave

Park & Ride Lot Locations
Park free at these lots while you commute. No overnight parking.

Excelsior
Excelsior Park & Ride - North side of Water St, 100 ft southwest of 3rd St.

Shorewood
Hwy 7 and Vine Hill Rd - South side of Hwy 7.

Hopkins
Hopkins Park & Ride - Excelsior Blvd and 8th Ave, south side of Excelsior Blvd.

Timepoint on schedule
Find the timepoint nearest your stop, and use that column of the schedule. Your stop may be between timepoints.

Regular Route
Bus will pick up or drop off customers at any bus stop along this route.

Light Rail
Trains will pick up or drop off customers at any station along this route.

Northstar Line
Transfers from Northstar to light rail are free. Transfers from light rail to Northstar require an additional fare.

Express Route Service
Bus does not pick up or drop off customers on these route segments.

Route Ending Point
Trips with the indicated number/letter end at this point. Number/letter is found in schedules and on bus destination signs.

Connecting Routes to transfer to/from
See those route schedules for details.

Go-To Card Retail Location
Buy a Go-To Card or add value to an existing card at these locations.

Park & Ride Lot
Park free at these lots while you commute.

Map continued on page 2
Special Notes:
- Excelsior is also served by Route 671.
- Minnetonka is also served by Route 667.
- Hopkins is also served by Routes 12 and 664.

Customers not using the express portion of the route pay only the local fare.

Service operates Monday through Friday except on the following holidays:
Metro Transit may operate reduced service on days before or after Independence Day, Thanksgiving, Christmas or New Year’s Day. Look for details at metrotransit.org or in Connect on buses and trains prior to these holidays.

Schedule subject to change. Traffic and weather conditions may delay buses.
Please have exact fare ready. Bus fareboxes and drivers do not make change.
This document is available in alternate formats to individuals with disabilities by calling 612-349-7365 (TTY 612-341-0140).

Funded by: Metropolitan Council
Operated by: First Transit, Inc.

Map continued on page 1
2014 CONCEPT PLAN and INTRODUCTION
Wiersum clarified that Lucid Brewing currently was not proposing being open on Sunday. Wischnack indicated that was correct.

Schneider opened the public hearing at 7:04 p.m. No one spoke.

Wagner moved, Acomb seconded a motion to continue the public hearing to May 19, 2014. All voted “yes.” Motion carried.

14. Other Business:

A. Concept plan for redevelopment of the properties located at 5740 and 5750 Shady Oak Road, commonly referred to as “The Music Barn”

Wischnack gave the staff report.

Wiersum noted that some of the residents’ letters referenced Section 8 housing. He asked if this would be a Section 8 property and for basic information about Section 8 properties. Wischnack said it was a difficult program to describe. There was a voucher program, where a certain number of vouchers would be accepted for the project site. In this case the developer indicated they would accept vouchers but not for every unit. Wiersum said some of the communications had a certain tone. He asked what the median value was for a typical home in Minnetonka. Wischnack said the median value was $224,000. Wiersum said this meant half of the homes in Minnetonka were above that value and half were below.

Jay Jensen with Shelter Corporation said his company was working on trying to come up with a project that best fit with the neighborhood and retained the character of the barn. He showed a project the company did in Oakdale where there were neighbor concerns about their property values being ruined. What happened was across the street from the project single family homes that went for more than $300,000 were built. Those homes quickly sold. Shelter Corporation had done a lot of affordable housing around the metropolitan area. It also does senior housing. Neighbors often voice concerns before the project is built but afterward they comment about how nice the project turned out. He said a fear of change caused concerns.

Jensen said there would be about 38 units with one underground parking stall per unit. The rents would run between $850 and $1,000 per month. His company own some project based Section 8 housing that requires a specific HUD contract. Those contracts haven’t been available since the late 1980’s. The cost per unit would be $240,000. He said they were trying to build something that fits in well with the community that years from now
people would say it was good the barn was preserved. The timing was an application would be submitted to the Minnesota Housing Finance Agency in June. If everything went well construction would begin about a year from now and would take about a year to build. A traffic study would be conducted to show people there would not be any detriment to traffic on Shady Oak Road.

Julia Landa, 5632 Sanibel Drive, said a lot of information presented was different than the information Jensen provided previously. She looked at other buildings Shelter Corporation had built. If past practice was followed the parking would not be totally underneath the building. This would add an additional 10 feet to the height of the building. Living across the street, this would block the skyline. She said the associations in the area had spent a lot of money to maintain and beautify their property. The space across the street was used. The current traffic was bad enough and adding any additional would be a problem. She believed there were site issues including no northbound access, the shallow setback, and the impact on the wetland. There was no public transportation in the immediate area. There were also no crosswalks in the immediate area. The closest access to Lone Lake Park from the proposed building would be through the cemetery. The closest shopping area was a bar and restaurant, a liquor store, a doughnut shop, and a hair salon. She showed pictures of another Shelter Corporation development and said no one would consider the development a well-managed or well cared for property. She said the project didn’t meet the criteria for the area in the comprehensive guide plan. She hoped the project was not a done deal given the city’s relationship with Shelter Corporation.

Jacque Carlson, 5602 Bimini Drive, said there was a discussion of the plan at the last association meeting on March 31. Pretty much everyone in attendance was strongly opposed to the plan. She said she was most concerned about the historic value of the property. The house had been left in the condition it was when the Dvorak sisters left the house. A boutique organization had used the property for a couple of sales. She noted all the gravestones were historic and along with the old farm it was all part of the historic area. The Minnesota Historic Society had been contacted about the property and was not interested. She said the property should be of local value historically. There was not a lack of apartments in the area. Downtown Hopkins was composed of mostly antique stores and apartment buildings. She was concerned about the added traffic. She wasn’t sure who owned Lone Lake Park located behind the property. She questioned why the property couldn’t be added to the recreation area.
Matthew Rubel, 5630 Sanibel Drive, asked the city and developer consider a building plan similar in structure and organization as the Beachside one and two neighborhoods.

Kris Soleta, 5656 Sanibel Drive, said her biggest concern was the size of the building and the density. Thirty-eight units was way out of line with the rest of the neighborhood. A four story building would not fit in with the neighborhood. She also had a concern that the units would be rental compared to home ownership. There was no other rental in the area. The neighbors were not afraid of development or change but would like good development and change. The plan would not enhance the neighborhood or property values. There were other options like townhome developments. She agreed with Carlson that there was a lot of historic value to the property. Low income housing was not the only possibility for the site.

Mary Armstrong, 5634 Sanibel Drive, said the building was like a whale with minnows all around it. She said everything in the area fit in well together. This building would be like a cactus in the middle of a bunch of daisies. The building would block out the trees on the hill behind it. She knew something would go on the property but hopefully it would be something that fit in with the neighborhood.

Michelle Desaulniers, 5603 Sanibel Drive, said she looked through the comp plan that said “...make sure affordable housing is distributed throughout the entire community to prevent concentration in one particular area of the city.” She realized Hopkins was not Minnetonka but this area of the city was practically in Hopkins where there were other affordable housing units in the vicinity. She differed with the developer’s comment that there wasn’t a lot of workforce housing in the southwest corridor. She would like new housing to be owner occupied. She said the building would either need to be set into the hill or close to the street. Lone Lake Park would be a long way away so there would be safety issues for any children that wanted to play in the park. She questioned how close the city was in reaching the Met Council’s affordable housing goals.

David Kirsch, 5664 Sanibel Drive, said he was a landscape architect in business for over 40 years. He said it was an injustice for Shelter Corporation to show something that didn’t really show anything. For the city to even consider a project of this nature the developer should at least show schematic grading plans to indicate the elevations of the buildings and what would remain of the existing site. He questioned where any green space would be as well as any onsite on grade parking. He questioned if a building of this size would be able to accommodate one
parking space per unit underground. Something of much less density would be more appropriate.

Schneider said the lack of detail was not unusual for a concept plan review although this plan had a little less detail than usual.

Ellingson asked what use would be made of the barn. Jensen said on a preliminary basis the thought was to have a community room in the barn as well as an office for the onsite manager, and maybe a unit. The barn had unique characteristics inside and was something worth preserving and incorporating into the project. Ellingson said there was concern about the height of the building. He asked if a three story building could be built and still allow the project work. Jensen said that would be looked at. One idea was extending one end of the building further. Ellingson asked how much tree loss might occur. Jensen said he was meeting with the architect and civil engineer after getting comments about the concept. Topographical studies had been done so the challenges with the elevation were known.

Schneider said there was a difference between a four story building and a four and a half story building. Most of the underground parking garages were not fully recessed. He asked if the assumption should be some elevation of the first level to accommodate a semi-recessed garage. Jensen said the thought was to have the garage be fully underground. He agreed the elevations are such that the slope going away would present a challenge. Work was being done to try to get the height to be no taller than the barn. If this meant a three story building had to be done, then that would be what would be brought back. Schneider said the city usually requires for a one underground parking space per unit arrangement that there also be some parking for guests and deliveries. The most units that could be built for mid-density zoning would be 27. He said a potential discussion point was whether the city would want to deviate from that number. Preserving the barn was a great idea but he would shy away from getting the whole area designated as a historic area. This barn had been renovated a number of times and had probably lost a lot of its historic value. He noted the city owned Lone Lake Park and the cemetery. He encouraged Shelter Corporation to look at some reduction to determine if the proposal would get to mid-density. He was generally supportive of the affordable housing element.

Wagner said the mass of the building should be looked at. He was concerned with parking on the site if the ratio was one space per unit. He noted one of the comments was there was no real bus service on the road but that would change in four years if the light rail goes through. There likely be a lot of feeder buses but there was a gap in the interim
associated with transit in the area. The council would have to discuss this. The council tended to want to put affordable housing into transit corridor areas so there was access. This had to be considered. In general he was not adverse to the concept and there was some benefit to keeping the barn. He didn’t want to see the barn be an afterthought to the development that looked like it was accidentally leftover. As far as the comments about affordable housing goals for both Hopkins and Minnetonka he noted planning exercises had been done for many years to identify targets and where the affordable housing would be located. The areas usually were around village centers and areas that had transit potential.

Acomb said when she first looked at the plan there were a few things that caught her attention. One was there are not a lot of services, including transit, in the area. Things could change but she was nervous that they weren’t currently available. She was concerned about the impacts to the woodland preservation area. The number of units likely would not have a huge impact on traffic but she thought it would be somewhat cumbersome not to be able to turn north and this could lead to problems on the nearby streets. She also was concerned with the size of the building.

Allendorf said the term neighborhood was one the council tried to stay away from because it becomes controversial. He said Beachside was a neighborhood and he thought the plan clashed with the neighborhood. A lot of work needed to be done with the architecture to make sure it didn’t scream at the neighbors to the east how different it was. It didn’t need to match but it also didn’t have to clash. The architecture also had to respect the barn. The barn was unique and almost out of place with anything new but this didn’t mean the architecture couldn’t respect the barn. Several people said they weren’t against development but they were against this development. He said people needed to realize whatever would go on the site when it was developed would create some traffic. A traffic study would be used to determine that a development would not adversely affect the neighbors. Whatever traffic from this project would not be to the north. He thought the massing was too great and if something went on the site it had to have good architecture. He said affordability was wonderful and was what the city wanted to do. This wasn’t necessarily a “Section 8” project but rather a project that fit in with other areas of the city and he wasn’t concerned this was an apartment project rather than a homeownership project.

Wiersum agreed with Allendorf about respecting the barn. He didn’t think retaining the barn would make a bad project good. The barn was incidental to the project. There had to be a good project and then saving the barn would be the icing on the cake. The site was challenging. It was not
a big site. The plan would require a zoning change and that was always more challenging than if a zoning change was not required. He suggested the developer look at if he could make the project fit with the existing zoning. This would make the path for approval easier. This would mean the size and the density would go down. Wiersum also agreed with Allendorf that architectural creativity would be needed to ensure the project didn’t clash with the area. He didn’t think he could support the plan as drawn but the developer was not proposing it as drawn. He said people spend a lot of time thinking about where they live, next and past houses, and where their kids were going to live. The number of younger people interested in owning homes has decreased. Renting is a different ballgame than it was ten years ago. A quality rental project made a lot of sense for the city, potentially at this site. This could fill a niche.

Bergstedt said he heard general agreement that something would be done on the site. It likely would never be a park. There was no historical designation for the barn. With the current traffic amounts on Shady Oak Road, whatever went on the property would not impact the overall traffic. Site specific issues would have to be addressed but to not approve a project based on traffic did not make sense. Whatever was built whether it was owner occupied or rental housing, affordable housing, the key thing was a quality development. If the barn could be maintained and tied in with everything that would make sense but a quality development trumped everything else. He was concerned about having children living in the site because it was not easily accessible to Lone Lake Park and there was a lot of traffic. Potentially senior housing or something that wouldn’t have a bunch of young people running around might make sense. He agreed it was a very sensitive site representing what was best about Minnetonka. There were slopes, trees and a close proximity to park land. When he looked at the proposed intensity to try to figure out parking, grading, tree preservation and all the things that make the city special he was concerned if this density could allow that to happen. He said at first look 36 units looked way too intense and he didn’t want to see a typical four story apartment building. The type of architecture and creativity would make the difference.

Ellingson asked the maximum number of units possible on the site under the comprehensive guide plan. Wischnack said the maximum was 27 units. Ellingson noted this would then require not just a zoning change but a guide plan change as well.

Schneider agreed not having the ability to turn north was a challenge for the site. There was the potential with the removal of trees that an access road north of the median could happen. He wasn’t sure if this was good or
bad but was worth looking at. He said having an appropriately designed project that fit better in the area was a higher priority than saving the barn.

Ellingson asked what percentage of the units would be considered affordable. Jensen said all the units would be in the $800 to $1,000 per month range so all would be technically affordable but not low income. Ellingson asked if there was a limit to the number eligible for Section 8 vouchers. Jensen said the company generally tried to keep the number between 10 percent to 20 percent for any building.

Schneider said one of the comments was about a cozy relationship existing between Shelter Corporation and the city. He said there were Shelter owned projects in the city but there was no special relationship. He noted the company had a good reputation for doing this type of project.

Schneider called a recess at 8:16 p.m.

C. **Ordinance amending the city charter regarding purchasing**

Schneider called the meeting back to order at 8:24 p.m.

City Attorney Corrine Heine gave the staff report.

**Wagner moved, Bergstedt seconded a motion to adopt Ordinance No. 2014-12. All voted “yes.” Motion carried.**

Allendorf was excused at 8:27 p.m.

B. **Preliminary plat, with lot width at right-of-way variance, at 12701 and 12689 Lake Street Extension and an unaddressed parcel**

Wischnack gave the staff report.

Wagner asked for confirmation that the three lots directly to the west were off of a private drive and not a public street. Wischnack indicated that was correct.

Wiersum said the staff report noted the city had a lot of property that fronts major thoroughfares. He asked if the city had ever enabled frontage along one of the major thoroughfares where there was no access to the roads as was being proposed for this development for the basis for a setback measurement. Wischnack said there were situations where they might be frontage on two different roads and maybe one road was not accessible because it was in a slope area or wetland or something like that. As far as a freeway she was not aware of a similar situation. She pointed to the
12. Introduction of Ordinances:

A. Ordinance rezoning the “Music Barn” properties at 5740 and 5750 Shady Oak Road from R-1, low density residential, to PUD, planned unit development

Planner Susan Thomas and Community Development Director Julie Wischnack gave the staff report.

Wagner said the pictures indicated the aesthetics of the barn would be reflected. He said there was a town home look to the design. He indicated he would prefer something that blended in better with the barn. He suggested the notification area be expanded to include all of the Beachside neighborhood south of Smetana Road.

Bergstedt said during the concept plan review the council asked the applicant to continue to look very carefully at tree preservation, steep slopes and the other natural resources. He said if the applicant chose to keep the barn he agreed with Wagner it would be best to tie the project in to that. He hoped the barn would be a functional useable piece of the development. He didn’t want the barn kept as an add on.

Schneider said the barn was one of the few that was in good condition. There was some benefit to trying to keep the character. He would be cautious about trying to make the apartment building look like the barn or vice versa. He commended the designer on fitting a fairly good size building into the hill with minimal disruption. He also commended the affordable piece.

Wagner moved, Allendorf seconded a motion to introduce the ordinance and refer it to the planning commission with an extended notification area. All voted “yes.” Motion carried.

13. Public Hearings:

A. Items concerning At Home Apartments at 5709 Rowland Road

Thomas and Wischnack gave the staff report.

Mike Cashill with At Home Apartments said originally a market rate project was brought forward and it was indicated that affordable housing was a very important aspect to multi-family housing in the community. With the TIF, rent caps for a one bedroom apartment would be around $750. A market rate apartment would be around $1,400. The rent cap for a two
Dear Susan and Bob,
I recently received a flyer in the mail informing me of the proposed apartment building located at 5740 and 5750 Shady Oak Rd. This is particularly concerning given the article I read in the Star Tribune this past weekend about the Met Council's desire to expand Section 8 housing. The Met Council's plan is modeled after a program in the Baltimore area and I think it is obvious that Baltimore is not a city we wish to become. As a homeowner in the area I think you can understand why I would be concerned with Section 8 housing moving next door. Admittedly my apprehension is based on circumstantial observations of other neighborhoods and the affect on adjacent property values.
Can you please confirm or deny that this property will not be used for Section 8 housing and if you confirm that it will, can you please provide evidence as to why a current homeowner would benefit from this addition to the neighborhood. Thank you for your time and attention to this matter and forgiving my closed minded attitude. I would just like to know whether or not I need to divest myself of property located in that area.
Hi Susan,
As I told you over the phone that I realise that I am late and the project has been in the process for long time. But It was not intentional. For the last few years I have been very busy and I believe that even at this stage my comments may be of value.
We own about 4.4 Acres of land adjacent to the subject property. There is a proposal in front of Planning Commission to build 27 unit apartment building on the subject property. I would like to submit my comments for your kind consideration.
The subject site and our site has some challenging issues such as steep slopes, close frontage to the very busy road, adjacent to cemetery etc.
I was told by the city officials in the past that all the above said properties should be developed as PUD. As such, it should be of significant value to develop all these properties (subject properties plus our 4.4 acre parcel) under ONE Comprehenssive plan. It will make much more effective use of buildable area, cut down the number of entrances from the busy road and may eliminate some of the concerns of the neighborhood. It will also provide a uniform flow of structure.
I am very willing to work with Shelter Corporation to come up and submit a Comprehenssive plan to City. I intend to call and discuss it with Shelter Corporation As such, I am recommending that additional time (60 to 90 days) be given to us to work together for a comprehanssive plan.
Thanks.
Sohan Uppal
For Fudosan Toshi LLC

Sent from my iPad
In my opinion, this revised project still has many short-comings. It just doesn’t make sense to “stuff” an apartment complex on a postage stamp sized piece of property. The property bordered by a significant back hill slope and trees, the need for minimum front setback from a 40+mph county roadway, and squeezed ends of the property, make the building and parking “fit” not compatible with the rest of the neighborhood. All neighborhood properties are well planned with appropriate setbacks and distribution of the buildings. This proposal stuffs everything on the limited sized property.

Other concerns I have include:

1) The grading for entry/exits off Shady Oak Road onto the property is a concern. Vehicles entering the properties will have to really slow down to right turn into the property. If someone is exiting the property at the same time, the turn in will be more difficult. The right turn exiting from the property could be a real problem when slippery, trying to hold on the hill and then quickly turning onto Shady Oak Road during rush hour.

2) There are a limited number of parking spaces, two spaces per unit, and there are no plans for providing visitor or service vehicle spaces. Oversized tenant vehicles or trailers will not have spaces to park. We have such problems from time to time in our Beachside neighborhood, but via rules of the associations we can control this problem. It also doesn’t make sense in these current times, that an allocation of two parking spaces per unit is sufficient for the three bedroom units.

3) There is a definite need for water retention and control. Currently the property has gravel drive spaces and grass. With all the proposed hard surfaces, (the roof and hard surface parking and drive space) the water will run-off somewhere and a sufficient plan needs to control that run off. The run-off should not include the pond on Shady Oak Road @ Sanibel Drive. That pond level remains high normally and fills up during our current rains.

4) The open space planning really needs some attention from the initial meeting I attended. There will potentially be children of all ages residing there. Where do these children play outside and being so close to Shady Oak Road, how safe is that space? In another conversation, I was told the kids could play at Lone Oak Park. In these days, at what age do you send these kids to Lone Oak Park by themselves? There is a must to have on site child play space, a separate space for outside dog activities, and then too where does the snow from the parking areas get stored. In Beachside we have numerous problems with the dog feces on our townhouse properties. Our associations have to deal with this issue weekly, and we have rules and fines for violators. Who polices such on this property? Snow storage is a must and utilizing parking spaces should not be an option. Remember, this is a postage stamp sized piece of property.

5) With the Sundial Center across Shady Oak Road, tenants and the children will be crossing the roadway to utilize the retail outlets in the Center. I can see Yo-Yo, the Popping Corn store, and Scoreboard as businesses that everyone enjoys. How are we protecting people crossing Shady Oak Road? This is a real accident looking for a place to happen. Many vehicles are NOT obeying the speed limit. There is not a protected walk area to cross the street without going down to Bren Road, and that’s not going to happen.

I trust the County will provide the current projections of traffic on Shady Oak Road that include the fully occupied OPTUM complex and the new development on Shady Oak Road @ Rowland Road. The current build up of traffic has significantly increased and the OPTUM development is NOT yet 50% occupied I’m told. I am super concerned about the safety of pedestrians trying to cross Shady Oak Road.

Once these 5 major concerns get properly addressed, we need discuss the architectural design, landscaping and the expected operational details.
Due to prior commitments, I cannot attend the Planning Commission Meeting. David Kidscht from our neighborhood, has conducted quite an extensive study on the complex "fit" on the property. David has said he plans to attend the scheduled meetings. His vast experience on such projects is valuable for everyone.

If you have any questions or comments on my concerns, please contact me.

Larry Rose  
5651 Sanibel Drive  
Minnetonka, MN  
55343
April 30, 2015

Ms. Susan Thomas, AICP
Principal Planner
City of Minnetonka
RE: MUSIC BARN PROPOSAL

A revision to the 2014 submission for the Music Barn Site, Shelter Corporation now proposes a reduction from 38 to 27 apartment units in what remains a massive multi-family structure on a site with severe development constraints.

I feel obligated to point out that this latest submission was dictated by the site constraints and when the ‘math’ did not work out the decision to revise became apparent. This is illustrated by:

1) The 38 unit plan would have been a total site imposition and rezoning from R-1 to the requirements of Median Density Zoning, even PUD, could not have been satisfied.

2) The revised 27 unit plan barely fits the site even with inherent variances granted by PUD approval. It remains both a site and neighborhood imposition.

Unit access by tenants is proposed primarily through the garage space, otherwise guests and tenants enter through the Barn, with exception that five units have porches to provide additional outside access on the east side.
This proposed apartment is a 204 foot long structure, replacing one small house and garage, on a site with severe horizontal and vertical grades. The apartment and parking are located on what appears to be level ground attempting to avoid a large percentage of existing trees, primarily on severe slopes.

Plans submitted for the project are prepared by licensed Professionals. Nevertheless they require close scrutiny by all the departments of the regulatory agencies to ensure health, safety and welfare of the tenants and the general public, regardless of meeting ordinance requirements.

Regardless of what appears to be a compromise, *this site dictated the change*, and it would be a gross misuse of the Minnetonka PUD Ordinance requirements. *Satisfying one or more of the PUD Ordinance requirements must also address concerns and ensure safety.*

The following two (2) primary areas of concern regarding this Proposed Development list items [Not necessarily in order of importance] that the City of Minnetonka approval process needs to thoroughly consider.

1. **GENERAL CONCERNS and QUESTIONS:**
   - Massive structure (VISUALLY INAPPROPRIATE) for this tight site requiring the building to be 10-12’ closer to Shady Oak Road than the existing house, and a retaining wall 8 feet from the sidewalk.
- Virtually little or no open outdoor space for tenant use, ie, supervised children play, grilling, walking pets, etc. The undeveloped balance of the site is comprised of the existing Barn and steep wooded slopes.

- Plans for the Barn renovation for contemplated use. Is the Barn structurally sound, and if not what is proposed to capitalize on the Barn ‘theme’?

- Trash removal vehicular access and movements?

- Snow removal and storage? Hennepin County plows Shady Oak with snow pushed on the walk and beyond potentially blocking the driveways.

- Site lighting and signage, and what will be the visual impact?

- Exterior underground parking ventilation?

- On site security and general building maintenance?

- What will be the landscape guarantee together with routine site/landscape maintenance? The 3:1 slope from retaining wall to Shady Oak walk will be very difficult to maintain.
- Landscaping along west side of building will be high maintenance, probably not necessary particularly since it won’t be visible.

- Storm drainage on west side of building is likely to be compromised during heavy rains with the predictable heavy leaf litter, not to mention potentially high maintenance.

- Vehicles parking over sidewalk reducing useable dimensions.

- Where is the property line along Shady Oak and how does it relate to the proposed structure and retaining walls?

- Is it not normal to require screening of parking from adjacent property regardless if it is developed as exists at the south property line?

2. SAFETY CONCERNS and QUESTIONS:

- Shady Oak Road traffic volumes and speed limit rarely observed, relating to tenant driving patterns. Turning movements will not doubt be an issue.

- ‘Fitting’ about all that is physically possible on this unique site concerns me relating to the proposed grading that I will discuss at the Public Hearing.
- Tenants, children in particular, attempting to cross Shady Oak under varying road and traffic conditions.

- Are railings required to be located at the top of various retaining walls?

- Flagrant abuse of setbacks appears to be a key ingredient of a PUD zoning proposal.

Thank you for reviewing this information. I hope it will assist you in your review process.

Respectfully submitted,
David Kirscht
5664 Sanibel Drive
Minnetonka MN 55343
APPROX TOP CURB ALONG FRONTAGE GRADE CHANGE = 13.18' (567.93' @ NORTH - 554.80 @ SOUTH)
ORDINANCE AND RESOLUTION
Ordinance No. 2015-

Ordinance rezoning the existing properties at 5740 and 5750 Shady Oak Road from R-1 to PUD and adopting a master development plan

The City Of Minnetonka Ordains:

Section 1.

1.01 The properties at 5740 and 5750 Shady Oak Road are hereby rezoned from R-1, low-density residential, to PUD, planned unit development.

1.02 The properties are legally described in EXHIBIT A.

Section 2.

2.01 This ordinance is based on the following findings:

1. The rezoning would result in the provision of affordable housing, providing a public benefit.

2. The rezoning would be consistent with the intent of the zoning ordinance and of the comprehensive guide plan.

3. The rezoning would be consistent with the public health, safety, and welfare.

Section 3.

3.01 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans:

   a) Grading plan dated September 26, 2014
   b) Utility plan dated September 26, 2014
c) Landscape plan dated September 26, 2014
d) Building elevations received March 31, 2015

The above plans are hereby adopted as the master development plan for The Music Barn Apartments.

2. Development must further comply with all conditions as outlined in City Council Resolution No. 2015-XXX, adopted by the Minnetonka City Council on May 18, 2015.

Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on May 18, 2015.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: April 20, 2015
Date of adoption: May 18, 2015
Motion for adoption: 
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.
Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on May 18, 2015

______________________________
David E. Maeda, City Clerk

Date:
EXHIBIT A

Parcel 1:
That part of the East 30.00 acres of the Southeast Quarter of the Northeast Quarter of Section 35, Township 117, Range 22, Hennepin County, Minnesota, described as follows:

Commencing at the Southeast corner of said Southeast Quarter of the Northeast Quarter, thence on an assumed bearing of South 87 degrees 06 minutes 28 seconds West along the South line of said Southeast Quarter of the Northeast Quarter a distance of 972.80 feet; thence North 2 degrees 53 minutes 49 seconds West a distance of 438.99 feet; said last described line if extended would intersect the North line of said Southeast Quarter of the Northeast Quarter at a point 1006.63 feet West of the Northeast corner of said Southeast Quarter of the Northeast Quarter; thence North 97 degrees 06 minutes 28 seconds East a distance of 97.56 feet to the point of beginning of the land to be described; thence South 29 degrees 34 minutes 09 seconds East a distance of 160.00 feet; thence North 63 degrees 25 minutes 51 seconds East a distance of 238.69 feet to the Southwesterly right of way line of County Road Number 61; thence Northwesterly along said right of way line to its intersection with a line bearing North 63 degrees 55 minutes 51 seconds East to the point of beginning; thence South 63 degrees 25 minutes 51 seconds West to the point of beginning.

Hennepin County, Minnesota
Abstract Property.

Parcel 2:
That part of the East 30 acres of the Southeast Quarter of the Northeast Quarter of Section 35, Township 117, Range 22, Hennepin County, Minnesota, described as follows:

Commencing at the East corner of Section 35, thence South 87 degrees 06 minutes 28 seconds West, assumed bearing, along the South line of said Southeast Quarter of the Northeast Quarter, 566.01 feet; thence North 1 degree 19 minutes 39 seconds West 398.02 feet; thence North 86 degrees 20 minutes 14 seconds East 12.59 feet, which point is marked by a Judicial Landmark, thence South 2 degrees 03 minutes 46 seconds West 466.27 feet to the point of beginning of the land to be described, which point is marked by a Judicial Landmark; thence South 2 degrees 53 minutes 46 seconds East, along the last described line, 466.27 feet; thence North 87 degrees 06 minutes 28 seconds East 97.56 feet; thence North 63 degrees 25 minutes 51 seconds East 186.14 feet to the Southwesterly right of way line of County Road 61 (also known as Shady Oak Road), thence North 34 degrees 36 minutes 25 seconds West, along said right of way, 248.72 feet; thence North 56 degrees 23 minutes 15 seconds West, along said right of way, 173.67 feet, to its intersection with a line which bears North 50 degrees 06 minutes 52 seconds East from the point of beginning; thence South 60 degrees 09 minutes 52 seconds West, along said line, 42.72 feet to the point of beginning.

Hennepin County, Minnesota
Abstract Property.
Resolution No. 2015-

Resolution approving final site and building plans for Music Barn Apartments at 5740 and 5750 Shady Oak Road

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

Section 1. Background.

1.01 Community Housing Corporation of America/Shelter Corporation has requested approval of final site and building plans for the Music Barn Apartments.

1.02 The properties are located at 5740 and 5750 Shady Oak Road. They are legally described on EXHIBIT A of this resolution.

1.03 On May 7, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the final site and building plans.

Section 2. Site Plan Standards and Findings.

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.

2.02 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 site’s comprehensive guide plan designation. Further, the proposal has been reviewed by city planning, engineering, and natural resources staff and found to be
generally consistent with the city’s development guides, including the water resources management plan.

2. The proposal is consistent with zoning ordinance standards.

3. The proposal would preserve much of the site in its natural state. The proposed building and associated parking would be appropriately situated at the base of the significant wooded slope on the site. There would be little encroachment into the steepest portions of the slope and, correspondingly, removal of just 19% of the site’s high-priority trees.

4. The proposal would result in a harmonious relationship of buildings and open space. Much of the site’s open space would be preserved.

5. The proposal has been designed to complement the site’s existing barn and to evoke the historical farm-use of the property.

6. As new construction, the building code would require use of energy saving features.

7. The proposal would visually and physically alter the site and the immediate area. However, it does not follow that visual change is unreasonable. In designing the proposal, the applicant has given consideration to natural resources and has taken visual “cues” from the existing site. The result is a thoughtfully designed development, which would contribute to the city’s affordable housing goals and expectations.


3.01 City Code §300.28, Subd. 20, outlines several standards for construction within code-defined steep slopes. Those standards are incorporated by reference into this resolution.

2.02 The proposal would meet the standards outlined in the City Code §300.28, Subd.20.

1. The property is physically suitable for the design and siting of the proposed development. The proposal will preserve significant natural features by minimizing disturbance to existing topographical forms.

a) The proposal includes little grading outside of the building footprint and parking and driveway areas.
b) Retaining walls would be used as an alternative to banks of cut-and-fill.

c) The proposal would concentrate development on the least sensitive portion of the site to maximize the preservation of significant trees and natural features.

2. The development would not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

a) Impervious surface would be minimized.

b) Construction would occur at the base of the slope.

c) The proposal would avoid building on areas of the existing slope that has an average grade of 30 percent or more.

3. The proposed development provides adequate measures to protect public safety.

a) The slope of the private driveway would be less than 10 percent.

Section 4. City Council Action.

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

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

a) Grading plan dated September 26, 2014
b) Utility plan dated September 26, 2014
c) Landscape plan dated September 26, 2014
d) Building elevations received March 31, 2015

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 stormwater management plan must meet the requirements of the city’s Water Resources Management Plan, Appendix A. Design.

   b. Final utility plan must:

      1. Provide evidence of connection to an 8-inch watermain.

      2. Provide evidence of connection to an 8-inch sanitary sewer stub.

      3. Illustrate location of a new hydrant to the site. The gate valve controlling service to the building must be located beyond the hydrant so the hydrant can remain operational in the event that water to the building is shut off.

      4. Include an 18-inch gate valve on the south side of connection point for isolation purposes.

      5. Confirm acceptance of storm casing under the building.

      6. Replace CSP pipe within the proposed stormwater facility with a city-approved material.

      7. Include a SAFL baffle or similar device used in conjunction with the proposed sump.
c. Final landscaping and tree mitigation plans must:

1. Meet minimum landscaping and mitigation requirements as outlined in city code. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.

2. Include an itemized plant material list to illustrate that the landscape value will meet city code requirement.

3. Any deciduous trees must be planted at least 15 feet behind the edge of trail or curb and evergreen trees at least 20 feet behind the edge of trail or curb.

4) A stormwater maintenance agreement for the review and approval of the city attorney.

5) 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 showing floodplain alteration;

- 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.
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.

7) A copy of the approved MPCA NPDES and MDH permits.

8) Evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.

9) All required administration and engineering fees.

10) Evidence that an erosion control inspector has been hired to monitor the site through the course of construction. This inspector must provide weekly reports to natural resource staff in a format acceptable to the city. At its sole discretion, the city may accept escrow dollars, in amount to be determined by natural resources staff, to contract with an erosion control inspector to monitor the site throughout the course of construction.

11) 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.

b) Prior to issuance of the grading permit:

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

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

c) Permits may be required from other outside agencies including, Hennepin County, the Nine-Mile Creek Watershed District, and the MPCA. It is the applicant's responsibility to obtain any necessary permits.

3. Prior to issuance of a building permit:

a) Submit the following documents:

1) Proof of subdivision registration and transfer of NPDES permit.

2) A snow removal and salting application rate plan.

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

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

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

- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.

c) Submit all required new hook-up fees and any outstanding hook-up fees.

4. Retaining walls on the site must be engineered.

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

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

7. The site plan term of approval outlined in City Code §300.27 Subd.10 is waived. The approval will expire on December 31, 2016.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 18, 2015.

______________________________

Terry Schneider, Mayor

ATTEST:

______________________________

David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on May 18, 2015.

________________________________________
David E. Maeda, City Clerk
EXHIBIT A

Parcel 1:
That part of the East 30.00 acres of the Southeast Quarter of the Northeast Quarter of Section 35, Township 117, Range 22, Hennepin County, Minnesota, described as follows:
Commencing at the Southeast corner of said Southeast Quarter of the Northeast Quarter, thence on an assumed bearing of South 87 degrees 06 minutes 20 seconds West along the South line of said Southeast Quarter of the Northeast Quarter a distance of 972.90 feet; thence North 2 degrees 55 minutes 46 seconds West a distance of 448.09 feet, said last described line if extended would intersect the North line of said Southeast Quarter of the Northeast Quarter at a point 1004.65 feet West of the Northeast corner of said Southeast Quarter of the Northeast Quarter; thence North 87 degrees 06 minutes 28 seconds East a distance of 975.56 feet to the point of beginning of the land to be described; thence South 26 degrees 34 minutes 09 seconds East a distance of 156.00 feet; thence North 63 degrees 25 minutes 51 seconds East a distance of 208.69 feet to the Southwesterly right of way line of County Road Number 61; thence Northwesterly along said right of way line to its intersection with a line bearing North 63 degrees 25 minutes 51 seconds East to the point of beginning; thence South 63 degrees 25 minutes 51 seconds West to the point of beginning.

Hennepin County, Minnesota
Abstract Property.

Parcel 2:
That part of the East 30 acres of the Southeast Quarter of the Northeast Quarter of Section 35, Township 117, Range 22, Hennepin County, Minnesota, described as follows:
Commencing at the East Quarter corner of Section 35; thence South 87 degrees 06 minutes 28 seconds West, assumed bearing, along the South line of said Southeast Quarter of the Northeast Quarter, 996.01 feet; thence North 1 degree 19 minutes 39 seconds West 398.02 feet; thence North 86 degrees 20 minutes 14 seconds East 12.59 feet, which point is marked by a Judicial Landmark; thence North 2 degrees 53 minutes 46 seconds West 400.77 feet to the point of beginning of the land to be described, which point is marked by a Judicial Landmark; thence South 2 degrees 53 minutes 46 seconds East, along the last described line, 430.23 feet; thence North 87 degrees 06 minutes 28 seconds East 97.56 feet; thence North 63 degrees 25 minutes 51 seconds East 168.14 feet to the Southwesterly right-of-way line of County Road 61 (also known as Shady Oak Road); thence North 86 degrees 34 minutes 25 seconds West, along said right of way, 246.72 feet; thence North 36 degrees 23 minutes 15 seconds West, along said right of way, 173.67 feet, to its intersection with a line which bears North 56 degrees 09 minutes 52 seconds East from the point of beginning; thence South 50 degrees 09 minutes 52 seconds West, along said line, 42.72 feet to the point of beginning.

Hennepin County, Minnesota
Abstract Property.