1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: November 5, 2015

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda
   No Items

8. Public Hearings: Non-Consent Agenda Items

A. Conditional use permit for accessory structures with gross floor areas of 1,500 square feet.

   Recommendation: Recommend the city council approve the request (4 votes)
   - Recommendation to City Council (Tentative Date: December 3, 2015)
   - Project Planner: Ashley Cauley

B. Conditional use permit for a licensed day care facility at 13505 Excelsior Boulevard.

   Recommendation: Recommend the city council approve the request (4 votes)
   - Recommendation to City Council (Tentative Date: December 3, 2015)
   - Project Planner: Ashley Cauley
C. Variances for a blade sign at 14525 State Highway 7.

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

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

9. Adjournment
Notices

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

2. Applications scheduled for the December 3, 2015 Planning Commission meeting:

   Project Description: Buhl Investors Minnetonka I LLC is proposing to develop the existing property at 6030 Clearwater Drive into a five-story, 102-unit hotel on the west side of the site and a two-story daycare building on the east side. The proposal requires: (1) a major amendment to the existing Minnetonka Corporate Center master development plan; (2) preliminary plat; (3) conditional use permit for the proposed hotel; (4) final site and building plans for the hotel; and (5) a sign plan.
   Project No.: 15033.15a        Staff: Susan Thomas
   Ward/Council Member:  1—Bob Ellingson    Section: 35

   Project Description: Lakewest Development is proposing to redevelop the properties at 5431 and 5439 Williston Road. As proposed, two existing homes would be removed and six new single-family homes would be constructed. The proposal requires approval of: (1) a rezoning from R-1 to PUD; (2) a master development plan; and (3) final site and building plans.
   Project No.: 15028.15a        Staff: Jeff Miller
   Ward/Council Member:  4—Tim Bergstedt    Section: 33
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

2. Staff presents their report on the item.

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

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

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

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

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

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

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

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

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

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

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

2. Roll Call

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

Staff members present: Community Development Director Julie Wischnack, Principal Planner Susan Thomas, Senior Planner Ashley Cauley, Natural Resource Manager Jo Colleran, and Planning Consultant Rita Trapp.

3. Approval of Agenda: The agenda was approved as submitted with additional comments provided in the change memo dated November 5, 2015.

4. Approval of Minutes: October 15, 2015

   Odland moved, second by Magney, to approve the October 15, 2015 meeting minutes as submitted.

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

5. Report from Staff

Wischnack briefed the commission on land use applications considered by the city council at its meeting of October 26, 2015:

- Adopted a resolution approving a conditional use permit for an accessory apartment on Karen Lane.
- Adopted a resolution approving items for the Cherry Pointe project on Plymouth Road.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion or separate action.
Odland moved, second by O’Connell, to approve the item listed on the consent agenda as recommended in the respective staff report as follows:

A. A conditional use permit for an accessory apartment at 3514 Sunrise Drive West.

Recommend that the city council adopt the resolution on pages A12-A16 of the staff report. This resolution approves a conditional use permit for an accessory apartment at 3514 Sunrise Drive West.

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

8. Public Hearings

A. Items concerning Dunn Brothers Coffee at 14525 State Highway 7.

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.

Curt Fretham, Lake West Development, applicant, stated that he is excited to have Richard and Norma Gunderson operate a Dunn Brothers coffee shop in the building. It would provide an amenity and positive gathering place for the community.

Thomas explained that the commission will review the submitted sign plan for the site at its next meeting. By code requirements, Dunn Brothers would be allowed to have signage on the west and south sides of the building within the tenant space. A sign located closer to the front of the building would require a variance. The sign plan will be reviewed at the next planning commission meeting.

Richard Gunderson introduced himself and his wife, Norma, the Dunn Brothers franchise owners. He stated that he and his wife have done the research to have a successful business and meeting place which would be an amenity to the community. It would serve educational, civic, and religious organizations in the general population. Ms. Gunderson quit working as a human resources specialist to work at two Dunn Brothers’ franchises to learn the business. The business will provide jobs. He looked forward to discussing the signage at the next meeting.
Ms. Gunderson added that the business would provide jobs and opportunities.

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

**Odland moved, second by Magney, to recommend that the city council adopt the resolution approving the conditional use permit and final site and building plans for a fast food restaurant with drive-up facility at 14525 State Highway 7 (see pages A14-A19 of the staff report).**

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

The city council is tentatively scheduled to review the item at its meeting on November 23, 2015.

**B. Conditional use permit and site and building plan review for the expansion of the Pagel Activity Center for a second hockey rink with ancillary training, locker, and storage rooms.**

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

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

Magney asked if the parking and traffic circulation change the conditions of approval. Trapp answered affirmatively. The requirements are listed in the conditional use permit. Regulations related to the construction of the building are provided in the site and building plan section.

Magney asked if the conservation easement is included in the resolution. Trapp explained that it would be required as a condition of approval. The language will be revised to be more specific when it is reviewed by the city council.

Wischnack added that it is not unusual to have a conservation easement included in a resolution, but not have it executed until later. Chair Kirk asked if the location of the conservation easement is waiting to be determined until the location of the soccer fields is determined. Wischnack stated that there are storm water pipes in the area that have to have access addressed. The city attorney would write the conservation easement once those items have been resolved.
Trapp noted that the applicant was readily agreeable to including a conservation easement. There are certain issues that need to be included in the easement.

Chair Kirk was curious what the eventual final amount of tree cover would be on the east side and noise mitigation.

Trapp clarified that the notion of a soccer field expansion is a totally separate matter that would be dealt with if and when it would be wanted in the future.

Powers asked how much developable area would be left. Thomas estimated that the vast majority of usable space would have been utilized. Colleran pointed out areas of the property already included in conservation easements. There is a sloped area that could potentially be developed.

Odland asked if the traffic study was done during times when multiple events took place. Trapp explained that the traffic study primarily focused on parking demands during a school day. The weekend was not a huge focus. Wischnack added that parking requirements are not typically geared for sporadic event parking, but rather for consistent, in and out peak-time traffic.

Chair Kirk noted how juniors and seniors drive. The drive extending to the domed soccer field is busy in the winter. Students end up walking up the hill to meet their parents at the top of the hill which creates a relatively dangerous condition. Trapp stated that staff has been working with the applicant and the school district. There was a discussion regarding the dome and the challenge with that. There needs to be access to the maintenance facility. There are areas for a crane that puts the dome on the field. School district representatives could address that issue.

Chair Kirk guessed that the sheet of ice does not relate to the growth of the school. Wischnack acknowledged that the school is part of the equation. There is one entity proposing one thing. The site has had incremental changes. Staff treats it as a campus review.

Odland felt that the drive down the hill is a year-round problem. Students walk up the middle of the drive aisle. It would be beneficial to make it safer for pedestrians.

Calvert asked how the preservation would be governed. She asked if trees would be able to be removed. Colleran answered that the conservation easement would protect the remaining trees. No building, grading, or construction of any kind
would be allowed within the conservation easement area except to maintain existing infrastructure.

In response to O'Connell's question, Trapp clarified that the facility would be for practice only. There would be no games or tournaments. There would be no audience seating. O'Connell asked why a condition prohibiting games or a tournament would not be included. Trapp explained that staff wanted to restrict use during a school day, but did not feel a restriction would be needed at other times. Commissioners are welcome to consider or recommend that condition.

Chair Kirk suggested changing the wording from “during the week” to “when school is in session.” Thanksgiving break is a great example. Kids could be on the ice.

Jim VanBergen, vice president of the Minnetonka Youth Hockey Board, stated that:

- The proposal would be a practice facility.
- The program has grown by over 30 percent over the last 10 years.
- There will be over 950 kids in the program this year which is a record.
- He works closely with the high school and its program. Practices are not scheduled during varsity football games, concerts, or theater events.
- The program is currently 1,200 hours short of practice time. A standard rink usually provides 1,100 hours. The association is buying ice anywhere it can within a 20 mile radius.
- U.S.A. Hockey is the governing body. The program is 30 percent short from a development standpoint.
- He was happy to answer questions.

Powers asked what the growth of the program is expected to be. Mr. VanBergen stated that the proposal would not expand the program any more than it is currently. The rink would help catch up to where the program needs to be today. The association will continue to buy ice and rely on that heavily. Tournaments may be held at Rinks A and B. The proposal would be strictly a practice facility.

Odland asked if U.S.A. Hockey is alright with a facility that would not offer game space with 30 percent growth in 10 years. Mr. VanBergen answered affirmatively. Their recommendation is based on touches and hours on ice, not games versus practice. Practice is more valuable than games. The kids play enough games with the neighboring communities.
Calvert asked where parents would hang out during practice. Mr. VanBergen stated that most parents drop off the kids. There is a lobby and mezzanine level around the glass. Parents typically stand at the glass anyway. The attendance is quite low.

Knight asked if early-morning practices may be wanted in the future and noted that the condition prohibiting use before 5:30 p.m. during the weekday would prevent that from happening. Mr. VanBergen said that morning programs are held at the Pagel facility at 6:45 a.m. Trapp clarified that the condition applies only to non-Minnetonka High School students.

Odland asked what time school starts. It was determined that school starts at 8 a.m. and there are many programs that start at 7 a.m.

Chair Kirk asked staff how the limitations were determined. Wischnack stated that during the concept review, it was noted that this proposal is a partnership between two entities. The hockey rink works, but it has to be looked at as part of the whole campus design. The rink would impact parking, traffic, and access. Commissioners and councilmembers shared a list of concerns that led staff to include the conditions of approval. Commissioners are welcome to recommend changes to the conditions.

O’Connell feels that all of the conditions are appropriate.

Calvert noted that the applicant never included spectator seating in the proposal. She was concerned that the proposal would use up most of the campus’ limited buildable area.

Chair Kirk asked how it would be funded. Mr. VanBergen explained that it would be entirely funded by the youth hockey program paid by memberships and fund raising. No tax dollars or money from the school district would be used.

Paul Bourgeois, Minnetonka Public Schools Director of Finance and Operations, stated that:

- The school board supports the proposal. It was approved unanimously.
- He has worked with city staff and agrees with the conditions of approval.
- Ways to fund improvements to parking have been identified without using tax dollars.
- He was glad to answer questions.
• Operating costs for the rink would be paid 100 percent by the youth hockey association. The youth hockey association would own the rink and receive bills for maintenance costs.

Calvert asked what the school board discussed in relation to the limited amount of buildable space being used for a hockey rink and what would be done if more space is needed for academic programs.

Mr. Bourgeois stated that 17 additional instruction spaces were recently added. The high school has capacity for 3,400 students. Teachers move to different rooms to allow the rooms to be used every hour. Classrooms could be built above the gap between the Pagel Center and the school. There are things that could be done, but, at this time, the projections show that the school population will top out at 3,400 students. The parking lot could be restriped and additional green space made into parking to increase the number of stalls by 15 percent.

Mr. Bourgeois explained how the hockey association would fund the project and maintain it long term. The public hearing was opened.

Martin Vanderzanden, 5300 Michaele Lane, stated that:

• He has a view of the east parking lot from his home.
• He went to the meetings when Pagel I was built. There was a traffic study done back then. The school agreed to close off use of the east parking lot from 3:30 p.m. to the following morning and on weekends. Gates were installed to enforce that in the beginning, but then it stopped being enforced. Now the parking lot is open all of the time. He asked at the meeting what would happen if the school did not follow the agreement. There was no recourse for him as a neighbor. He would like the school to follow the agreement.
• He is concerned for the increase in noise.

Fred Hanus, 15801 West Oaks, stated that:

• Our community does very well raising funds when something has to be done. Fundraisers are held in the spring and fall.
• He visited the site twice at 5:30 p.m. There were 40 or 50 vehicles. The biggest parking problem is during the weekday or if there is a football game or big event. He did not see a problem if the rink would be just for practice. He knows the area very well.
• The proposal would benefit our children. His boys all played hockey. He drove all over Hennepin County to find ice time.

No additional testimony was submitted and the hearing was closed.

Powers asked why there is no enforcement mechanism. Wischnack stated that there is enforcement available. She suggested the school district address the gate issue.

Mr. Bourgeois stated that drivers kept driving through the gate and breaking it in pieces. A solid gate was recently installed on the drive on Dalton Avenue. The gate has been closed at the bus corral on the south end. The gate on the northeast end is not being closed. The agreement allows the gate to be open for evening activities and major events on weekends. Most of the year there is play practice. There are a lot of game events.

Odland asked when there is quiet time. Mr. Bourgeois said that there is quiet time occasionally. If a condition would require the gate to be shut down, then the gate would be locked.

Chair Kirk asked if the gate is to cut off drivers entirely or keep drivers from cutting through. Mr. Bourgeois said it looked like it was meant to keep anyone from parking in the area since gates at both ends were required to be closed. Teachers stay late, so a 3:30 p.m. shut time is not practical. He was not sure normal operations were taken into consideration at the time the agreement was created.

Wischnack explained that a school site management plan was issued in January of 2004. It refers to gates and said that if specific enforcement is warranted, the high school principal and supervisor of buildings and grounds should be contacted. Chair Kirk suggested she provide more details from the 10-page document to the city council. Wischnack agreed.

Powers was not sure for what purpose the trees would need to be saved by placing them in a conservation easement. There is expansion that is going to happen. The heart and soul of Minnetonka is the school system. Everyone is working very hard to make it the best it can be. It seems awkward to have a practice-only facility.

Odland said that this is an opportunity for the school district to come up with a concept of how to best use the land since it may need a soccer field at some
point. Building up may be the best use of the land and be able to maintain the trees.

O’Connell is in favor of the proposal. The gate restrictions need to be clarified before going ahead with approval. At this level, he is prepared to make a recommendation to move it on to the city council.

Chair Kirk also supports the proposal. Hockey is growing in all communities. The campus plan has site constraints. It will always be a limited and tight site. There are a lot of kids who want to play hockey. The hockey association is financing it well. Seeing the building with color helped break it up. He was concerned with setting limitations that cannot be enforced. “When school is in session” should be the qualifier instead of “Monday through Friday.” He was sympathetic to the neighbors’ concerns of traffic and noise.

Wischnack recommended the neighbor talk to school staff and said that city staff will follow up if enforcement is necessary. That will happen before the November 23, 2015 city council meeting.

*Odland moved, second by Magney, to recommend that the city council adopt the resolutions approving a conditional use permit and the site and building plans for the expansion of the Pagel Activity Center at 18313 State Highway 7 with a modification to prohibit use of the facility by non-Minnetonka students and staff “when school is in session” instead of “Monday through Friday” (see pages A34-A52 of the staff report).*

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

The city council is tentatively scheduled to review the item at its meeting on November 23, 2015.

Chair Kirk called for a short recess and reconvened the meeting.
9. Other Business

A. Concept plan for Highview Villas, a residential development of properties at 4301 Highview Place and an adjacent, unaddressed parcel.

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

Cauley reported. She recommended commissioners provide their reaction and general comments related to the contemplated density and general site design of the previous 6-lot concept and the current 10-lot concept.

Tim Whitten of Whitten Associates introduced himself, Rob Eldridge of Ridge Creek Custom Homes, and Heather Whitten of Whitten Associates. Mr. Whitten stated that:

- The site is located in the northwest corner of Interstate 494 and Highway 7.
- The view is heavily wooded from the perimeter.
- The concept last year included 6 single-family, 22,000-square-foot lots with a private street. Staff informed the applicant that a private street would not be supported.
- The 10-lots would provide advantages for the site. He provided the site plan. The perimeter edges would be the same. All of the houses would be located on a newly created cul-de-sac.
- The target demographic is empty nesters. The lots would be 55 feet wide. It would be similar to the houses in Legacy Oaks. The price point would be around $450,000 to $600,000.
- He presented the potential benefits at the neighborhood meeting.
- The choice is between the previous 6-unit plan and the current 10-unit plan.
- The 6-unit plan would have more than one builder.
- The perimeter of the site would be unchanged since all of the driveways would be located on the existing cul-de-sac.
- The new proposal would have less traffic because the buyers would be older.
- The site would be maintained by an association.
- The homes of the new proposal would be smaller and have a lower profile of a one or one-and-a-half story house rather than a two-story house.
- The price points would be similar.
• Offering an alternative housing type in Minnetonka is an advantage.
• Staff brought up issues at the neighborhood meeting including existing and anticipated traffic issues. The discussion should be focused on the difference of 6 lots and 10 lots. The empty-nest type resident would generate less traffic than a typical single family.
• The area that could be divided into 10 lots would equal 15,000 square feet per lot. The house would be 100 feet from the frontage road or 80 feet from the property line.
• The setbacks would be the same as single-family houses except for the side setbacks which would be 5 feet and 10 feet.
• The price point would be similar to existing houses in the area.
• Visually, the proposed houses would be shorter than the existing houses.
• There would be more control managing one quality builder constructing 10 homes.
• He provided street-scape and parking exhibits.
• The bigger-lot homes at this location do not seem to be the right fit.

Calvert asked for the reasoning why the 6-lot plan would not be a good fit. Mr. Whitten stated that staff did not support a private street to service the 6 lots, so a cul-de-sac was added. The cul-de-sac added $50,000 to the cost of each of the 6 lots. That would generate the need for large lots, large houses, and a high price point. It does not feel like that would be a proper fit for this location. When the existing houses were constructed, Highway 7 and Interstate 494 had fewer lanes and less traffic. This would be a nice, self-contained location and an opportunity that does not present itself very often in Minnetonka.

Powers drove to the site and agreed that it is self-contained. He noted that there is no commerce close by. He asked what the owners would be doing. Mr. Whitten said that proves that the site is more suited for empty nesters. The site does not offer large yards or play areas for kids. The residents would be active adults and their activities happen all over. That is one reason why empty nesters want an association.

Calvert visited the site and heard significant traffic noise. She asked what measures would be taken to mitigate noise pollution. Mr. Whitten said that empty nesters stay inside their houses more than families with young children and each house can be constructed to be quieter inside. He wants to protect as many trees as possible. That would help provide a sound and visual barrier. He thinks the proposal has the right product for the right buyer.
Calvert confirmed with Mr. Whitten that sound mitigation would be included in the planning of the construction of each house. Mr. Whitten stated that landscaping and berming may also be looked at. The natural vegetation would have to be protected. He is sensitive to the fact that screening of the traffic would be needed. The site sits very high which is an advantage as opposed to being at the same level as the traffic. He is confident that 10 buyers would be ready to purchase the proposed houses. There is already interest.

Calvert said that an existing driveway could become a road. She wondered what kind of protections could be done for the neighbor to protect their privacy and buffer noise. Mr. Whitten explained that the road would be the same with 6 lots. It would be located as far away from the existing home on the north as possible. The setback would be 15 feet from the neighbor which would be the same as the 6-lot plan. Protecting the trees and screening could be done. The road would be kept at the same elevation to save as many trees as possible.

Calvert asked why the road could not be constructed at the existing cul-de-sac at the end of Highview Place. Mr. Whitten answered that it is not possible because of the elevations.

Odland asked if the houses in the Oakridge golf course area that back up to Highway 169 that cost from $500,000 to $1 million are worthless because of the noise. Mr. Whitten clarified that he previously noted that empty nesters spend more time indoors typically than families with children. Odland noted that empty nesters may want to have guests outside.

Odland felt that 6 houses respected the neighborhood and kept the neighborhood intact. She did not see how 10 houses would be better.

Mr. Eldridge reviewed that the 6-lot plan would have large lots with large houses that would demand a higher price point. That would be a challenge with its proximity to the freeway. The 10-lot plan would allow a price point at or below $600,000 which would be more appropriate with the site’s proximity to the freeway. The noise factor does drive the price for buyers anywhere within the metro loop. The costs associated with the 6-lot plan would not make it work. The current proposal would fit in with the current price points in the neighborhood.

In response to Odland’s questions, Mr. Whitten clarified that he would prefer to have one quality builder construct all of the houses rather than have multiple builders. Mr. Eldridge stated that the houses would not look the same. Having one builder would provide consistency with the homes. He was willing to have his builder curb the hours of construction and multiple builders may not agree to do
that. With the 6-lot plan, the builder could clear cut trees to locate the house wherever. The 10-lot plan would give the community more control. A PUD would set restrictions to be followed by one entity.

Odland questioned where guests would park and snow would be stored. Mr. Eldridge stated that the street would be 26-feet wide, so parking could occur on both sides. There would be 2 to three 3 spaces for vehicles in the driveways as well. He calculated room for 85 vehicles. Calvert noted that the streetscape view includes two-story houses. Mr. Whitten stated that the street scape houses represent one level, one-and-a-half level, and two-story houses.

Powers grew up in an area located under the flight path of airplanes. Property values in that area are very secure. The amount of white noise in an area is only one factor in determining its value. He asked how the neighborhood character would change. He felt it would be a dramatic change. Mr. Whitten said that the trees and perimeter would be protected by keeping the cul-de-sac internalized. That has been the concern of the neighbors. Protecting the trees is the priority.

Chair Kirk invited those present to provide comments.

Marquise Watts, 4233 Maple Lane, stated that:

- The houses on six lots would match the houses in the neighborhood.
- He loves the neighborhood.
- Maple Lane cannot handle the traffic generated by 10 houses. The incline is hard to navigate in the winter.
- There is a school bus stop and no sidewalks.
- Driving on Highview Place is extremely dangerous, especially in the winter.
- He was worried about the integrity of the neighborhood.

Stephanie Huss, 4209 Maple Lane, stated that:

- She feels strongly about preserving the integrity of the neighborhood.
- She loves the property owners who sold their property. She wants the best outcome.
- She had sent a letter detailing how the proposal would impact the community, street, traffic, safety, and snow removal. Her driveway
tends to collect all of the snow removed from Maple Lane and Highview Place by the plow. She helps a lot of motorists who get stuck in front of her house.

- She provided a petition stating that the 10-lot plan would not blend with the community.
- She is building a single-level house.

Greg Carson, 4222 Maple Lane, stated that:
- Part of the 4.5 acres would not be built on.
- He asked for the required setbacks from a freeway.
- He asked if anyone could put a cul-de-sac and street on one’s property.
- The current owner advises against parking on both sides of the street.

Steve Huss, 4209 Maple Lane, asked if there would be an age limit for residents.

Michael Halley, 14801 Minnehaha Place, stated that:

- He is a former builder in Minnetonka. He has 2 clients watching on television who are 66 years of age and live in a 2-story house with 4,000 square feet. They are both tired of maintaining a half-acre lot. They spend 4 months a year in Arizona. He has been looking for over a year to build them a new house because she needs ADA facilities in the bath and kitchen for $600,000. They want an association to take care of the maintenance, 1,500 square feet, a finished lower level, and to stay close to their current residence and neighbors. They do not want to be confronted by neighbors in opposition to them moving to the neighborhood. They have lived in Minnetonka 32 years and want to stay here in a new, ADA-ready house that they do not have to remodel. He is hoping commissioners will consider them and others like them.
- The proposal would sell out in a year easy because there is nothing else similar available.
- Residents 60 to 70 years of age do not want to move into a senior rental or condominium.
- The land prices are too high. Because of the location to the freeway, the prices may stay more affordable.
- He hoped consideration would be given to the residents not in this room who want to live in the proposal.
Greg Lewis, 4230 Maple Lane, stated that:

- He lost 2 oak trees to a disease called oak blight. A lot of the trees would be removed and the noise would travel from the corridor. It would be 3 or 5 times worse than it is now.
- It is a beautiful area.
- He felt sorry for the couple represented by Mr. Halley, but hoped “people like that do not spoil our neighborhood because they are selfish and got to have new construction.”
- He preferred 4 or 5 houses. Separate builders would not “do a hack job.”
- He is selling his house. A buyer backed out when the buyer found out the property may be developed.

Bob Anderson, 4316 Highview Place, stated that:

- He hears the highway noise. He tunes it out. The proposed site would hear more of the highway noise.
- He is 69 years of age and is outside a lot.
- There would be objections to buying the proposed houses at that price point.
- Maple Lane has a slope that is dangerous in the winter until the sanding trucks get there. He has slid onto Lake Street Extension when driving down the slope and had trouble driving up the slope. Ten more vehicles would cause a pile up. That is crazy.

Mr. Halley noted that the resident who spoke and is 69 years of age wants to stay in the neighborhood.

Jenna Swenson, 4214 Maple Lane, stated that:

- She is not opposed to having 6 houses being constructed.
- She and her kids are outside a lot. There is a lot of traffic noise. Another young family moving in would not have a problem except for maybe the price point. There is a playground on Lake Street Extension.

Isaac Allen, 4244 Highview Place, stated that:

- He agreed with the other speakers.
- He preferred 5 or 6 houses.
Janet Davidson, 4217 Maple Lane, stated that:

- Seniors need housekeeping services and home-health aids that create traffic.

In response to Calvert’s question, Wischnack explained that the comprehensive plan guides the site for up to 4 units per acre. New housing is balanced with natural resources and existing neighborhood context.

O’Connell confirmed with Cauley that the site could be developed for 6 lots and meet all minimum lot standards. There would be no house-size restriction other than having to meet setback requirements. The McMansion policy would not apply. During subdivision of the site, up to 35 percent of the high-priority trees on the site could be removed and after two years of occupancy, the homeowner could remove all trees on his or her lot.

Chair Kirk noted that the community sometimes sees a PUD as a bad thing, but the PUD allows more control to save trees and other features. He asked if there was a subdivision with similar density recently approved. Wischnack stated that the current proposal is less dense than Groveland Pond.

In response to Knight’s question, Wischnack stated that there are 5 houses on the cul-de-sac in Groveland Pond and a total of 14 houses.

Knight reviewed that the street would be public. He asked where the snow would be stored. Cauley said that snow removal would be part of the review of a formal application.

Knight asked how traffic studies of seniors and families with kids compare. Cauley stated that the formal application would address that information. Thomas provided that generally a single-family house produces 10 vehicles trips per day and senior housing slightly less than that.

Chair Kirk confirmed with Cauley that the cul-de-sac would be publically maintained, but the developer would pay the cost to construct it.

Cauley provided that there is a 50-foot front yard setback to arterial roads in an R-1 district. The properties along the east side of the proposed cul-de-sac would be considered having double frontage which would have a 50-foot setback from a collector and arterial road. The setback may be different with a PUD. The
developer’s intent is to cluster the houses closer to the cul-de-sac to preserve a larger distance from the rear of the houses to Highway 7 and Interstate 494.

Chair Kirk noted that the city lacks new construction and it is a deficit in the housing stock. Wischnack said that building permits in the last year priced new houses at $700,000 not including the lot. The applicant’s figures were accurate.

Powers appreciated the articulation of the plan. The 10-house development would be too much. The developer needs to be more optimistic. The adverse pressure on the neighborhood for 10 houses is greater than 6 houses. He prefers the 6-house plan.

Magney agreed that 10 houses would be too dense for the area. Parking would be an issue and traffic would increase. He prefers the 6-house plan. It would fit better.

Knight agreed that 10 houses would be too many. He leaned between 6 and 8 houses. The street parking could be an issue.

Calvert agreed with the other commissioners. It seems dense. She appreciates the comments about the need for diversified housing stock for empty nesters at an affordable price point. There are many people who do not want to care for lawns or do general upkeep and there is not enough new construction. She shares the concerns regarding density, snow removal, access, and noise.

O’Connell does not think that 10 is appropriate, but the alternative would be $1 million, 5,000 to 6,000 square-foot houses. He was not certain there would be less traffic generated from 6 of those houses than 10 of the proposed houses. There would be more mass and more people in the 6 houses over time. There would be no control over the 6 houses and the yards that would be constructed. The proposed plan would provide control over street scape, massing, and upkeep of the property over time. Calvert shared that view. It is a very delicate balancing act to preserve homogeneous neighborhoods with the need for diversity of housing stock and the preservation of view shed. She is conflicted.

Odland thought there should be no more than 5 or 6 houses.

Chair Kirk thought PUD zoning would not be a good thing for this development. There would be too many houses around the cul-de-sac. He did not see 10 fitting on the site. He would like to see clearly identified expectations in the application to not let the house sizes get out of hand. He was not that concerned with the traffic. There are streets that have a lot more homes than this one would have all
over the city. The integrity of the current neighborhood needs to be protected, but there are some limitations when there is property that can be developed. If the application requests a PUD, then he would like conditions that maintain the tree-scape and deal with water and trees and the space between driveways.

Powers noted that the proposed houses’ residents would need to drive through another neighborhood to gain access.

The city council will review the concept plan at its November 23, 2015 meeting.

B. Concept plan for redevelopment of the TCF Bank property at 1801 Plymouth Road.

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

Thomas reported. She recommended commissioners provide their reaction and general comments related to the scale and design of the proposed buildings and site.

Steve Johnson, of Solomon Real Estate, applicant, stated that:

- He is pleased to be a partner with TCF to redevelop the property.
- The plan would construct a new building on the site and demolish the old building. The 5,400 square-foot retail building would keep the existing drive through.
- A sidewalk connection would be created to wrap the property from Wells Fargo on Plymouth Road around Cartway Lane and then back down Ridgedale Road to the TCF property.
- Given the age of the current facility done in the 1970s, there were no design standards for ponding or infiltration. Underground vaulting would be added in the center parking lot area. Everything is draining onto Plymouth Road currently.
- The proposal would complement the landscaping that is being done by Highland Bank. There would be a continuous feel between the two.
- He has met with the neighbors on 3 occasions. Their concerns were that they want a sidewalk and pedestrian access to the sidewalk, but did not want additional drive-thrus.
- It is a pretty straightforward redevelopment.
- He was available for questions.
• None of the existing access points would be changed. It is a shared access right now with Wells Fargo and U.S. Bank.
• The current footprint is 12,000 square feet between the 2 floors right now. The proposal would be 5,400 square feet and meet all setback and parking requirements.

Calvert asked if there is any latitude to modify the color scheme. Mike Kraft, architect for the concept plan, stated that he has heard comments regarding the color scheme. What he loves about the look and feel is that it is energetic, bright, and an attention getter. The building would be a fraction of the size of the existing building. To have something small and weak on the corner would be a vulnerability that needs to be avoided. To create something engaging and energetic adds a lot to the corner. There is some latitude with the color. This is a prototype that is fairly well developed, but it has not been built, so there is some latitude.

Chair Kirk said that seeing samples of the red color may be helpful. It seems that there is a tremendous amount of hard surface and paving. Mr. Johnson said that the landscape plan may be modified. There would be vaulting under the parking lot. Decreasing the amount of parking would require a variance. Chair Kirk would not ask him to do that. Having the building on the edge of the lot and parking in the back is a benefit.

Chair Kirk invited the public to provide comments.

Bob Bertelsen, 13513 Larkin Drive, stated that:

• The plan received 100 percent favorable responses from neighbors.
• He liked the scale and that the developer came to the neighborhood meeting.
• The parking lot and hard surface coverage is small in comparison to Ridgedale.
• He supports the proposal.

Wischnack suggested commissioners discuss the proposed additional use on the site, flexibility in the parking, scale and mass, and landscaping.

Calvert was not sure a single-story building would be the best use of the site.
Powers likes the project. He is color blind, so he cannot comment on the color red. TCF goes for a more youthful, smaller-footprint client. He would like to see leading-edge landscaping. Having a small building is smart business.

Chair Kirk would not object to the proposal, but felt it should be pointed out that more density would be appropriate for the site. Higher density in retail areas may save more density located closer to residential areas. The area has mixed uses that could have the proposal on the corner. Calvert would be comfortable with two stories for the transition area from lower buildings to the shopping center. The new Highland Bank building would be 6 stories tall. She liked the design of the proposed building and its layout.

O’Connell noted that the proposal is visually a two-story building. He suggested making it a two-story building above ground.

Chair Kirk heard that commissioners are relatively happy with the design and density.

Calvert noted that a pretty large apartment complex was approved across the street closer to residential housing. Highland Bank will be quite tall. The proposal is in an already built area. Having a more vertical density makes more sense, but she understood the parking issue.

Chair Kirk thought if underground parking would be done, then 5 or 6 stories would be needed to make it cost effective. He supports the proposal. Buildings at different heights keeps the area interesting. Buffering the neighborhood with townhomes may be a consideration someday. More landscaping to hide the parking and provide green space would be beneficial.

10. Adjournment

Odland moved, second by Knight, to adjourn the meeting at 10:11 p.m. Motion carried unanimously.

By: ____________________________

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
November 19, 2015

Agenda Item 7

Public Hearing: Consent Agenda
(No Items)
Minnetonka Planning Commission Meeting
November 19, 2015

Agenda Item 8

Public Hearing: Non-Consent Agenda
Conditional use permit for accessory structures with gross floor areas of 1,500 square feet.

Recommend the city council adopt the resolution approving the request.

Project No. 89085.15a
Property 3707 Farmington Road
Applicant Jayson Olson

In 1989, the city council approved a conditional use permit to allow accessory structures with a gross floor area of 1,100 square feet on the site. (See pages A12-A15.)

The current property owner recently submitted a building permit for several improvements to the existing accessory structures. The permit included a 400 square foot roof structure – or lean-to – which would “connect” the two existing, detached garages. The newly created area would be primarily used for boat storage. (See application and plans on pages A2-A10.)

The proposal requires a conditional use permit to allow 1,500 square feet of accessory structure floor area.

The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request. (City Code §300.06 Subd. 4)

Staff finds that the applicant’s proposal is reasonable.

1. The proposal would meet all general and specific conditional use permit standards for accessory structures exceeding 1,000 square feet of gross floor area.
2. The roof structure would not be visible from the adjacent right-of-way.
3. The area between the two existing structures has been “enclosed” by a tall wood privacy fence since the smaller detached garage was constructed in 1989. As such, the proposed roof structure would not significantly increase the amount of visually enclosed space on the property.

Staff Recommendation

Recommend that the city council adopt the resolution on pages A17-A20. This resolution approves a conditional use permit for accessory structures with a gross floor area of 1,500 square feet.

Originator: Ashley Cauley, Senior Planner
Through: Susan Thomas, AICP, Principal 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

**Structure**
By ordinance, a structure is “anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.”

**Site Features**
The subject property has an area of 31,660 square feet. The property is improved with a single family home constructed in 1953. Based on aerial photography, the larger – 780 square feet – detached garage was constructed prior to 1966. The smaller – 380 square feet – detached garage was constructed in 1989 following the approval of the conditional use permit.

The property is relatively flat but gently slopes downward from the right-of-way to the rear property line. But for a few mature trees in the front yard, the property has few trees.

**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: By ordinance, the roof structure would need to maintain a 15 foot setback. As proposed, the structure would maintain the existing garage’s setback to the southern property line of 18.5 feet.

2. No additional curb cuts to be permitted;

Finding: No additional curb cuts are proposed.

3. Not to be used for commercial activities;

Finding: The applicant is proposing to use the additional space for boat storage. Nonetheless, this has been added as a condition of approval.

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

Finding: While the roof structure itself would not specifically be architecturally consistent with the principal structure, the applicant is adding architectural features to the existing garages through a building permit approved in October 2015. The roof structure would not be visible from the adjacent right-of-way.

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

Finding: As part of the 1989 approval, one of two existing trees were to be preserved or relocated to ensure appropriate screening for the property to the south – 3715 Farmington Road. Since that time, it appears both trees have been removed. Despite this, staff finds that this condition would be met as: (1) the roof structure would not significantly change the visual aesthetics of the property; and (2) since the 1989 approval several additions to the house at 3715 Farmington Road have been constructed. These additions have orientated the house such that the roof structure would not be visible from the home.

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 Section 300.27 Subd. 5 as noted below.
SBP Standards

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

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

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

2. Consistency with this ordinance;

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

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

   **Finding:** The proposal would simply put a roof structure over an existing fence-enclosed space. As such, would not result in tree or soil impact.

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:** Through the previously approved building permit, the structure would become more architecturally consistent with the existing home. The roof structure would “enclose” the area previously enclosed by a tall wood fence. As such, the proposal would not significantly alter the open space and natural feature relationship on the property.

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

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

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

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

**Finding:** The roof structure would not be visible from the adjacent right-of-way. The roof structure would “enclose” an area previously enclosed by a tall wood privacy fence. As such, the visual building mass on the property would not change significantly. The structure would be constructed of similar materials to the adjacent garages.

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 roof structure is not going to significantly increase the impervious area on the property. The soil in the area to be enclosed appears compacted. As such, it is an appropriate location on the property.

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

**Finding:** The properties to the south would be appropriately screened from the roof structure by existing buildings. Further, the roof structure would not visually increase the building massing on the property as the area visually appears enclosed due to the size and the existing wood privacy fence.

**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
<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 42 area property owners and has not received any comments to date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadline for Decision</td>
<td>February 25, 2016</td>
</tr>
</tbody>
</table>

approval the applicant must submit a construction management plan detailing these management practices.
Location Map

Project: Jayson Olson
Address: 3707 Farmington Road
(89085.15a)

City of minnetonka

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

**PROPERTY INFORMATION**

<table>
<thead>
<tr>
<th>Property Address</th>
<th>3707 Farmington Road, Minnetonka, MN 55305</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel ID Number</td>
<td></td>
</tr>
</tbody>
</table>

**OWNER INFORMATION**

<table>
<thead>
<tr>
<th>Owner Name</th>
<th>Jayson and Tina Olson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Address</td>
<td>same</td>
</tr>
<tr>
<td>Owner Phone</td>
<td>Jayson mobile 612.685.0360 Tina mobile 612.685.5011 home 952.938.3363</td>
</tr>
<tr>
<td>Owner Email</td>
<td>Jayson: <a href="mailto:jaysonolson@gmail.com">jaysonolson@gmail.com</a></td>
</tr>
</tbody>
</table>

**APPLICANT INFORMATION**

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Jayson Olson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Address</td>
<td>same</td>
</tr>
<tr>
<td>Applicant Phone</td>
<td>Jayson mobile 612.685.0360</td>
</tr>
<tr>
<td>Applicant Email</td>
<td>Jayson, same: <a href="mailto:jaysonolson@gmail.com">jaysonolson@gmail.com</a></td>
</tr>
</tbody>
</table>

**CONDITIONAL USE PERMIT REQUEST**

We request to transfer the 32' x 13' lean-to roof extension portion of our project, (roof extension to the east off our 30'x24' garage) from the previously submitted Residential Building Permit Application to this Conditional Use Permit Application.

**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]

10.27.15

**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 and correct.

![Signature]

Date: 10.27.15

Jayson Olson
3707 Farmington Road
89085.15a
Existing garages

Proposed overhang
2x6 TRUSSES

ROOF CONSTRUCTION
ASPHALT SHINGLE
15# FELT
1/2" OSB W/ CLIPS
ICE SHIELD TO 24" ABOVE TOP PLATE

PG. 12

(2) 2x12 TREATED BEAMS WITH METAL STRAPS TO RAFTERS & POST
2x4 STUDS 16" O.C.
6"x6" TREATED POST / SECURED TO CONCRETE SONO-TUBE & BEAM WITH METAL STRAPS.

PG. 12

EXISTING FOUNDATION WALL
EXISTING FOOTING

12" CONCRETE SONO-TUBE FOUNDATIONS

4" CONC. FLR.

REMODELED SECTION 2
SCALE: 3/16" = 1'-0"
Plans and meeting minutes from the December 4, 1989 city council meeting
2"x4" studs 16" oc

1x6 cedar face

235SF RMR shingles

1/2" OSB board

2 existing walls

West
CONSENT AGENDA (CONTINUED)

12. ITEMS REQUIRING 5 VOTES (CONTINUED):

A. RESOLUTION GRANTING FINAL APPROVAL OF 89075,8 LOT DIVISION WITH VARIANCE FOR STEVE MUMMA AT 208 CITY VIEW DRIVE (CONTINUED):

2. 982’ minimum basement elevation for Parcel B.
3. Dedication of the following easements:
   a. standard 7’ drainage and utility around the perimeter of both lots.
   b. 20’ driveway/utility easements across Parcel A to Parcel B. This easement to also run in favor of 200 City View Drive. The driveway easement shall expire if and when a public street is constructed adjacent to Parcel B.
   c. sump easement to the 979.5’ elevation.
   d. A 60’ easement for right-of-way purposes along the west portion of Parcel B shall be dedicated to the City.
4. The applicant enter into a permit agreement for portions of the Parcel A detached garage which would be located in the easement. The permit will specify that the City retains the right to require removal of the structure from the easement if use of the easement is needed.
5. Payment of a $400 park dedication fee.

Hanus, Bergstedt, Anderson, DeGhetto, Renneke, and Gordon voted "aye," Donlin voted "no." Motion carried.

B. 89085.4 CONDITIONAL USE PERMIT WITH VARIANCE FOR JAMES EWERT FOR TWO ACCESSORY STRUCTURES TOTALLING OVER 1,000 SQUARE FEET AT 3707 FARMINGTON ROAD

Hanus asked if staff has seen the plans for the building and is comfortable that it meets setbacks. Ann Perry, Director of Planning replied that staff does have the plans and everything meets the ordinance requirements.
12. ITEMS REQUIRING 5 VOTES (CONTINUED):

B. 89085.4 CONDITIONAL USE PERMIT WITH VARIANCE FOR JAMES EWERT FOR TWO ACCESSORY STRUCTURES TOTALING OVER 1,000 SQUARE FEET AT 3707 FARMINGTON ROAD (CONTINUED):

Anderson moved, Bergstedt seconded a motion that 89085.4 Conditional Use Permit with variance for James Ewert for two accessory structures totaling over 1,000 square feet at 3707 Farmington Road, is hereby approved with the following variance:

1. Variance from the ordinance requirements to provide a landscape buffer for accessory structures over 1,000 square feet.

subject to the following stipulations:

1. The proposed garage be architecturally consistent with the principal structure.

2. The existing and proposed garage not be used for commercial purposes.

3. No additional curb cuts be permitted.

4. One of the two trees south of the proposed garage be preserved or relocated along the south lot line to act as a buffer for the adjacent property.

Hanus, Bergstedt, Anderson, DeGhetto, Renneke, Gordon and Donlin voted "aye." Motion carried.

PUBLIC HEARINGS
This page intentionally left blank
Resolution No. 2015-

Resolution approving a conditional use permit for accessory structures with gross floor area of 1,500 square feet at 3707 Farmington Road

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

Section 1. Background.

1.01 On December 4, 1989, the city council approved a conditional use permit to allow two accessory structures with a gross floor area of 1,100 square feet on the subject property.

1.02 The current property owner, Jayson Olson, has requested a conditional use permit to increase the amount of gross floor area to 1,500 square feet. The increase would result from construction of a roof structure between the two existing, detached garages. (Project 89085.15a).

1.03 The subject property is located at 3707 Farmington Road. It is legally described as:

Lot 26, “Smith’s Minnetonka First Addition Hennepin County Minnesota”.

1.04 On November 19, 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. By ordinance, the roof structure would need to maintain a 15 foot setback. As proposed, the structure would maintain the existing garage’s setback to the southern property line of 18.5 feet.

2. No additional curb cuts are proposed.
3. The applicant is proposing to use the additional space for boat storage. Nonetheless, this is included as a condition of this resolution.

4. While the roof structure itself would not specifically be architecturally consistent with the principal structure, the applicant is adding architectural features to the existing garages through a building permit approved in October 2015. The roof structure would not be visible from the adjacent right-of-way.

5. As part of the 1989 approval, one of two existing trees were to be preserved or relocated to ensure appropriate screening for the property to the south – 3715 Farmington Road. Since that time, it appears both trees have been removed. Despite this: (1) the roof structure would not significantly change the visual aesthetics of the property; and (2) since the 1989 approval several additions to the house at 3715 Farmington Road have been constructed. These additions have orientated the house such that the roof structure would not be visible from the home.

6. The proposed garage would meet the site and building plan standards outlined in City Code Section 300.27 Subd. 5.

Section 5. City Council Action.

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

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

   • Site plan date stamped October 27, 2015
   • Building plan and elevations dated October 20, 2015.

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

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 may 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 December 7, 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 December 7, 2015.

David E. Maeda, City Clerk
Brief Description: Conditional use permit for a licensed day care facility at 13505 Excelsior Boulevard

Recommendation: Recommend the city council approve the request.

Introduction

Immaculate Heart of Mary of Glen Lake parish and school began operating in its current location at 13505 Excelsior Boulevard in the early 1950s. Despite several operational changes since the school’s inception it has continued to operate with 100 students. The current school, Notre Dame Academy, operates a Kindergarten through 8th grade program.

The parish currently serves approximately 3,000 people. The new worship space was completed in December 2000 and can seat 900 people. In addition to weekend services, weekday services are held Monday through Friday at 9:15 a.m.

The administration building addition was constructed in 1985. Currently, the building is comprised of a mix of office and classroom space; storage and mechanical rooms. However, the lower level of the building is underutilized and is primarily used for additional storage space.

Proposal

The administration building – including the lower level – is ADA compliant and has direct access to the outdoor amenities on the property. As such, the applicant is proposing to operate a licensed day care facility in the lower level of the administration building.

While the parish has not yet partnered with a day care provider, they have had several conversations with prospective tenants. Based on these conversations, the parish is comfortable pursuing the required conditional use permit to operate a licensed day care. The facility at full capacity could serve up to 88 children, Monday through Friday from 6:00 a.m. to 6:00 p.m. At this time, no exterior changes to the building or property are proposed. The proposal does require interior remodeling to the lower level of the administration building. (See narrative and plans on pages A2-A10.)

Primary Questions and Analysis

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

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

  Yes. Day care facilities are conditionally-permitted uses in residential zoning districts. Further, there are several licensed day cares operating within religious buildings in the city.

  As proposed the proposal would meet the conditional use permit standards associated with licensed day cares. These standards are outlined in the “Supporting Information” section of this report.

- **Would the proposed use negatively impact the surrounding area?**

  No. Staff does not anticipate that the day care would negatively impact the surround area. In fact:

  - The day care use would result in no immediate changes to the exterior of the building or property.
  
  - The day care would allow for a use that is complimentary to the religious and educational uses of the property. Further it would allow the use of a currently underutilized space within the church facility.
  
  - The day care’s parking needs could be accommodated within the existing parking lots.

**Staff Recommendation**

Recommend that the city council adopt the resolution approving a conditional use permit for a licensed day care at 13505 Excelsior Boulevard. (See pages A11-A15.)

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

**Surrounding Land Uses**
- Northerly: Excelsior Blvd and single family homes, zoned R-1
- Easterly: I-494
- Southerly: Single family homes, zoned R-1
- Westerly: Single family homes, zoned R-1

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

**Existing site Features**
The property is relatively flat, with a depression in the southern part of the property. Approximately half of the 9.5 acre property is occupied by buildings, drives, parking lots and constructed play areas.

**Parking**
Generally, city code parking requirements are based on land use and the size of building in which that land use is occurring. However, this is not the case for day cares and church facilities. Rather, city code requirements are related to the amount of users not the overall size of the building. Parking requirements for schools are related to the number of classrooms in the facility. The chart below summarizes the parking needs of the property:

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking requirements by ordinance</th>
<th>Parking calculation</th>
<th>Parking stalls required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religious institutions</td>
<td>1 space per 2.5 seats</td>
<td>900 seats / 2.5</td>
<td>360 stalls</td>
</tr>
<tr>
<td>School</td>
<td>2 spaces per classroom</td>
<td>25 classrooms *2 parking spaces</td>
<td>50 stalls</td>
</tr>
<tr>
<td>Licensed day care</td>
<td>1 space per 6 children</td>
<td>88 children / 6</td>
<td>15 stalls</td>
</tr>
</tbody>
</table>

**Total stalls required by ordinance**

<table>
<thead>
<tr>
<th>Total stalls required by ordinance</th>
<th>425 stalls</th>
</tr>
</thead>
</table>

**Total stalls available onsite**

<table>
<thead>
<tr>
<th>Total stalls available onsite</th>
<th>320 stalls</th>
</tr>
</thead>
</table>

By literal interpretation of the ordinance, the property has a 100-stall deficit on the site. This is largely in part because of the number of stalls required for the worship space. Based on conversations with the applicant, while the seating capacity is for 900 people, typically 250-300 attend each weekend mass. As such, the peak parking demand occurs on the weekend with approximately 100 cars in the parking lot and the ordinance
requirements for parking far exceed the actual parking needs onsite.

Attendance at weekday mass is significantly less. As such, staff finds the parking needs of the day care, school and weekday mass can easily be accommodated within the existing parking lot. Further, additional parking stalls could be created onsite by re-stripping the lots.

**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(e):

1. Located only on a collector or arterial roadway as designated in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

   **Finding:** The property would be directly accessed by Excelsior Boulevard and Mayview Road. Excelsior Boulevard is classified as an arterial roadway.

2. Building setback 50 feet from all property lines and parking lot setback 15 feet from streets and non-residential property and 25 feet from residential property;

   **Finding:** The proposal does not include an exterior building or site improvements. Nonetheless, the administration building far exceeds the required setback.

3. Pick-up and drop-off areas located outside of parking setback area;
Finding: As proposed, children would be picked-up and dropped-off on the northwest side of the administration wing. Nonetheless, this has been added as a condition of approval.

4. Outdoor recreational areas to be setback 15 feet from all property lines and screening provided to mitigate noise and adverse visual impacts on neighboring properties;

Finding: Under the current proposal, the existing playground and recreational field areas would be used by the day care. The existing southern playground area is set back 150 feet from the residential properties to the south. At its closest point, the recreational field is 25 feet from the southern property line. Further, existing vegetation and Maywood Lane separate the field from the southern properties.

5. One parking space provided for each six children based upon the licensed capacity of the center;

Finding: As proposed, the day care would serve up to 88 children. With up to 88 children, the ordinance requires 15 parking stalls. Based on the average number of people attending weekday mass, staff finds the parking needs for the religious, educational and day care uses could easily be accommodated on site. The uses are complimentary and have varying times of peak demands.

6. Site and building plan of all free standing centers subject to review pursuant to section 300.327 of this ordinance, with particular attention to compatibility of facility with surrounding neighborhood; and

Finding: The day care use would be within an existing building connected to the existing church building. Further, no exterior site work is proposed. Therefore, site and building plan review is not required.

7. Review by the director of planning [city planner] of facilities in common areas to determine whether externally visible modifications are significant enough to require formal site and building plan review.

Finding: The proposal does not require any modifications to the exterior building. As such, formal site and building plan is not required.
**Natural Resources**

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

**Neighborhood Comments**

The city sent notices to 63 area property owners and has not received any comments to date.

**Deadline for Decision**

February 25, 2015
Location Map

Project: IHM of Glen Lake Daycare
Address: 13505 Excelsior Blvd
(00013.15a)
**Conditional Use Permit**

**PROPERTY INFORMATION**
- Property Address: 13505 Excelsior Blvd.
- Parcel ID Number: 27-117-22-42-0032

**OWNER INFORMATION**
- Owner Name: Immaculate Heart of Mary of Glen Lake
- Owner Address/Zip: 13505 Excelsior Blvd
- Owner Phone: 952/935-1432
- Owner Email: dostrowski@ihm-cc.org

**APPLICANT INFORMATION**
- Applicant Name: Immaculate Heart of Mary of Glen Lake
- Applicant Address/Zip: 13505 Excelsior Blvd.
- Applicant Phone: 952/935-1432
- Applicant Email: truttger@ihm-cc.org

**CONDITIONAL USE PERMIT REQUEST**
Lower Level build out of Parish Administration Wing for infant and toddler daycare.

**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.)

**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.

---

Immaculate Heart of Mary
13505 Excelsior Boulevard
00003.15a
Written Statement

Immaculate Heart of Mary Parish, located at 13505 Excelsior Boulevard, Minnetonka, Minnesota 55345, is requesting a Conditional Use Permit (CUP) from the City of Minnetonka to utilize the Lower Level of its Parish Administration Wing for infant and toddler daycare.

Parish History
The first Mass at Immaculate Heart of Mary Parish (IHM) was celebrated over 65 years ago in the gymnasium of Glen Lake Public School. Monsignor Thomas R. Jude presided, and about 90 people attended that first liturgy in June 1946. Archbishop John Gregory Murray of St. Paul and Minneapolis dedicated the new parish the following month.

Before the year was out, IHM's first church - a Quonset hut seating 250 - was constructed near Woodhill and Excelsior Boulevard, at the site of the current baseball fields. Appropriately, the first Mass in the new building was celebrated on the Feast of the Immaculate Conception.

In 1951, the Archbishop assigned Father Francis J. Fleming to IHM, and authorized purchase of our current site at Excelsior Boulevard and Mayview Road to accommodate the growing parish. A tavern on the site known as “Jack's Place” was renamed "Immaculate Heart of Mary Social Center" and was used for social gatherings.

A six-classroom, two-story building was constructed the following year. The garden level served as a temporary church, and in the fall of 1952 almost 100 pupils in six grades filled the classrooms above. Four sisters from Servants of the Immaculate Heart of Mary of Monroe, Michigan came to IHM, and the order operated the school for the next 50 years. A convent was constructed in 1953, as well as a six-classroom addition known as the East Wing.

By 1960, the parish continued to grow and construction of a new church was undertaken. The first Mass in this new location was offered on Easter Sunday. The next four decades saw many changes. Under Father Thomas P. Hunstinger’s ministry in the 1970’s, updates responding to changes from the Second Vatican Council were completed. Father Rinaldo B. Custodio served IHM from 1976 to 1994, and the Fireside Room and business administration offices were added in 1985.

In 1994 Father Patrick Hipwell was assigned as Pastor of IHM. The following year he led the parish in a full consolidation of IHM School with the parishes of St. Joseph and St. John the Evangelist in Hopkins. The new consolidation was given the name of John Ireland School. The IHM campus and St. John’s campus served preschool through fourth grades; fifth through eighth grades were located on the St. Joseph campus in Hopkins.
In 2003, after much discussion with interested parties, the decision was made to dissolve the John Ireland School system. The de-consolidation gave IHM parish the opportunity to re-establish a pre-K through 8th grade Catholic school program at the IHM location in the fall of 2004. To accommodate the increase in student population, the IHM Catholic School renovated and expanded the existing school facility.

Beginning in 1991 discussion began about renovating the church which was built in 1960. After the conclusion was reached that a renovation would not be practical, plans were begun for a new church. The present worship space was completed in December 2000 and dedicated by Auxiliary Bishop Frederick Campbell on February 25, 2001. The church seats 950 people and includes a beautiful gathering space, excellent natural light and acoustical quality.

In December of 2007 Father Patrick Hipwell, after 13 years as Pastor, was transferred. Archbishop Harry Flynn assigned Father David Ostrowski in June of 2008 as Pastor. Prior to his arrival the rectory was completely renovated and brought up to code. A beautiful cross and a digital bell system were added to the church. In September of 2013, IHM School merged with St. John the Evangelist in Hopkins to form Notre Dame Academy (a regional Catholic school). The school is located on the IHM campus.

IHM continues today with a commitment to quality liturgy, strong Faith Formation and outreach. From its humble beginnings to the present, IHM parishioners continue to live and pass on the Catholic faith.

**Immaculate Heart of Mary Today**

IHM serves 1,040 households and approximately 3,000 parishioners from the City of Minnetonka and surrounding communities. Weekday liturgies are held Monday through Friday at 9:15 a.m. Weekend liturgies are held Saturdays at 4:30 p.m. and Sundays at 8:30 a.m. and 10:30 a.m. In addition to mass, IHM offers Adult Enrichment, Faith Formation, Sacramental Preparation, RCIA and Youth Ministry to its parishioners.

The IHM Parish Staff occupy administrative office space on the main level of the Parish Administration wing. Parish office hours are Monday through Friday from 8:30 a.m. to 4:30 p.m. Monday through Friday. There are approximately 8 staff members.

Notre Dame Academy operates in the Education wing and is served by a separate entrance and parking lot. Notre Dame Academy is a Pre K – 8th grade regional Catholic school serving families in the western suburbs of Minneapolis, MN which fosters an education rooted in Catholic tradition. School hours are Monday through Friday from 9:00 a.m. to 3:55 p.m. and school is in session from late August through early June. There are approximately 100 students and 25 full-time staff members.
Lower Level - Current Use
The Lower Level is approximately 6,000 square feet and is comprised of a mix of administrative office space, classroom, storage and mechanical rooms. It also has two ADA compliant restrooms. (See attached Existing Floor Plan.) The Lower Level of the Parish Administration wing is accessible by interior stairs and an ADA compliant elevator that is inspected on an annual basis and currently up to code. In addition, the Lower Level has two entrances at grade that exit out to the playground and soccer field.

The majority of the Lower Level space is vacant. The remainder is used for storage by the Parish and Notre Dame Academy.

The IHM Parish Staff occupy administrative office space on the main level of the Parish Administration wing. Parish office hours are Monday through Friday from 8:30 a.m. to 4:30 p.m. Monday through Friday. There are approximately 8 staff members.

Notre Dame Academy operates in the Education wing and is served by a separate entrance and parking lot. Notre Dame Academy is a Pre K – 8th grade regional Catholic school serving families in the western suburbs of Minneapolis, MN which fosters an education rooted in Catholic tradition. School hours are Monday through Friday from 9:00 a.m. to 3:55 p.m. and school is in session from late August through early June. There are approximately 100 students and 25 full-time staff members.

Lower Level - Proposed Use
With a focus on good stewardship, IHM is requesting a conditional use permit to utilize the Lower Level space for infant and toddler daycare. The Lower Level is underutilized and IHM believes that a daycare program would be the highest and best use for the space and would be a valuable asset to both the Parish and the larger community in the City of Minnetonka.

Specific Conditional Use Permit Standards
According to the City Code, licensed day care facilities are permitted in common areas or in structures which are not also used for residential purposes:

1.) Located only on a collector or arterial roadway as designated in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
2.) Buildings set back 50 feet from all property lines and parking lots set back 15 feet from streets and non-residential property and 25 feet from residential property;
3.) Pick-up and drop-off areas located outside of parking setback area;
4.) Outdoor recreational areas to be set back 15 feet from all property lines and screening provided to mitigate noise and adverse visual impacts on neighboring properties;
5.) One parking space provided for each six children based upon the licensed capacity of the center;
6.) Site and building plan of all free standing centers subject to review pursuant to section 300.27 of this ordinance, with particular attention to compatibility of facility with surrounding neighborhood; and
7.) Review by director of planning of facilities in common areas to determine whether externally visible modifications are significant enough to require formal site and building plan review.

Immaculate Heart of Mary Parish meets the above outlined specific conditional use permit standards:

1.) IHM is located at 13505 Excelsior Boulevard in Minnetonka. According to Chapter VIII: Transportation Plan, Section 1B of Minnetonka’s 2030 Comprehensive Guide Plan, Excelsior Boulevard (CSAH 3) is defined as an example of an existing “A” minor arterial.

2.) The building meets all setback requirements.

3.) A designated pick-up and drop-off area will be located outside of parking setback area.

4.) The existing outdoor recreational areas meet setback requirements and are screened to mitigate noise and adverse visual impacts on neighboring properties.

5.) The main parking lot that will be utilized by daycare staff and visitors has over 200 stalls. The secondary parking lot has approximately 80 stalls. Collectively, this will more than suffice the requirement based upon the licensed capacity of the center, which we anticipate to be fewer than 100 children. Further, IHM will provide designated parking for staff.

6.) The Lower Level will be renovated to meet all code and licensing requirements. (See attached Proposed Floor Plan.)

7.) No exterior changes to the building are planned or required to accommodate a daycare use on the Lower Level.

Additional Requirements
In addition to the Specific Conditional Use Permit Standards outlined by the City of Minnetonka, IHM will require any daycare provider that leases the Lower Level space to meet all the primary child care center licensing requirements defined by the Minnesota Department of Human Services (DHS).

This includes all the following facility requirements:

- Zoning. Must meet applicable local zoning codes.
- Building code. Applicant must comply with applicable building code standards.
- Fire code. Center must be inspected by a fire marshal within 12 months before initial licensure.
- Health code. Must meet applicable health department code standards.
- Floor plan and designated areas. Indoor and outdoor space to be used for child care must be designated on facility floor plan.

In addition, the outdoor activity area will meet all the specified requirements:

- Will include 1,500 square feet and at least 75 square feet per child
- Will be located within 2,000 feet of the center
- Will be enclosed if adjacent to traffic and other hazards
- Will be free of litter and other hazards
- Will contain the required outdoor large muscle equipment.

Immaculate Heart of Mary
13505 Excelsior Boulevard
00003.15a
Proposed lower level floor plan

Immaculate Heart of Mary
Lower Level - Proposed

Lower Level Day Care Concept

SCALE: 1/4" = 70"
Resolution No. 2015-
Resolution approving a conditional use permit for a licensed day care at 13505 Excelsior Boulevard

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

Section 1. Background.

1.01 Immaculate Heart of Mary of Glen Lake has requested a conditional use permit for a licensed day care to occupy space within the lower level of the church’s administration building.

1.02 The property is located at 13505 Excelsior Boulevard. It is legally described on Exhibit A of this resolution.

1.03 On November 19, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

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

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

1. Located only on a collector or arterial roadway as designated in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
2. Building setback 50 feet from all property lines and parking lot setback 15 feet from streets and non-residential property and 25 feet from residential property;

3. Pick-up and drop-off areas located outside of parking setback area;

4. Outdoor recreational areas to be setback 15 feet from all property lines and screening provided to mitigate noise and adverse visual impacts on neighboring properties;

5. One parking space provided for each six children based upon the licensed capacity of the center;

6. Site and building plan of all free standing centers subject to review pursuant to section 300.327 of this ordinance, with particular attention to compatibility of facility with surrounding neighborhood; and

7. Review by the director of planning [city planner] of facilities in common areas to determine whether externally visible modifications are significant enough to require formal site and building plan review.

Section 3. Findings.

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

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

1. The property would be directly accessed by Excelsior Boulevard and Mayview Road. Excelsior Boulevard is classified as an arterial roadway.

2. The proposal does not include an exterior building or site improvements. Nonetheless, the administration building far exceeds the required setback.

3. As proposed, children would be picked-up and dropped-off on the northwest side of the administration wing. Nonetheless, this has been added as a condition of this resolution.

4. Under the current proposal, the existing playground and recreational field area would be used by the day care. The existing southern
playground area is set back 150 feet from the residential properties to the south. At its closest point, the recreational field is 25 feet from the southern property line. Further, existing vegetation and Maywood Lane separate the field from the residential properties to the south.

5. As proposed, the day care would serve up to 88 children. With up to 88 children, the ordinance requires 15 parking stalls. Based on the average number of people attending weekday mass, staff finds the parking needs for the religious, educational and day care uses could easily be accommodated on site. The uses are complimentary and have varying times of peak demands.

6. The day care use would be within an existing building connected to the existing church building. Further, no exterior site work is proposed. Therefore, site and building plan review is not required.

7. The proposal does not require any modifications to the exterior building. As such, formal site and building plan is not required.

Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.

2. Prior to a certificate of occupancy, all applicable state, county, and city licenses must be obtained and copies submitted to the city. These include but are not limited to:
   a) Approval of the plans by the State Fire Marshal.
   b) Food license if food and beverages are provided.

3. Pick-up and drop-off areas must occur outside of the parking lot setback area.

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

5. Any change to the approved use – including an increase in total enrollment or total building area occupied – that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
Adopted by the City Council of the City of Minnetonka, Minnesota, on December 7, 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 December 7, 2015.

David E. Maeda, City Clerk
EXHIBIT A

LOTS 2 3 AND THAT PART OF LOT 4 LYING W OF STATE HWY NO 494 ALSO ALL OF REG LAND SURVEY NO 393 ALSO TRACT C AND SWLY 296 FT OF TRACT B REG LAND SURVEY NO 274 INCL ADJ 1/2 OF ROAD VAC EX STATE HWY ALSO THAT PART OF SW 1/4 OF NE 1/4 LYING SELY OF ABANDONED R/W OF MPLS AND ST PAUL SUBURBAN RY AND WLY OF INTERSTATE HWY NO 494
Brief Description  
Variances for a blade sign at 14525 State Highway 7

Recommendation  
Adopt the resolution approving the variances

Project No.  
06054.15a

Property  
14525 State Highway 7

Background  
Dunn Brothers Coffee is proposing to occupy a first floor tenant space in the existing three-story, office/retail/service building. The coffee shop, with associated drive-up window, is a conditionally-permitted use. The planning commission considered the proposal at its meeting of November 5, 2015 and recommended approval of the conditional use permit. The city council will consider the proposal at its meeting of November 23, 2015.

Request  
Landmark Architectural Signs, on behalf of Dunn Brothers Coffee, has submitted a proposal for installation of three wall signs on the subject property: (1) one sign located on a small awning over the entry to the coffee shop; (2) one, horizontally-oriented sign located within the tenant space at the southwest corner of the building; and (3) one vertically-oriented or blade sign located at the northwest corner of the building, outside of the coffee shop’s lease space. (See pages A1–A7.)

The awning and horizontally-oriented sign would meet the city’s sign ordinance. However, the blade sign requires three variances:

- By City Code §300.30 Subd. 5(b)(1)(d), within a multi-tenant building each tenant sign must be installed within a 26-inch high designated horizontal band. The proposed blade sign would be vertically-oriented.

- By City Code §300.30 Subd 5(b)(1)(f), within a multi-tenant building each tenant sign must not extend closer than two feet from the tenants lease line. The proposed blade sign would be located outside of the Dunn Brothers lease space.

- City Code §300.30 Subd.10 (d), wall signs must be mounted parallel to the building and must not project more than 18
inches from the face of the building. The proposed blade sign would be mounted perpendicular to the building

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

**Staff Analysis**
Staff finds that the proposed blade sign is consistent with other similar signs recently approved in the community and meets the variance standard outlined in city code:

- **Intent of the Ordinance.** The intent and primary goal of the city’s sign ordinance is to provide for effective identification, while promoting signs that are aesthetically compatible with their surroundings. The proposed sign would provide reasonable identification at an appropriate scale to the existing building.

- **Consistency with Comprehensive Plan.** The proposed Dunn Brothers would be located in the Highway 7/Williston/Highwood Drive “special purpose” village center. The comprehensive guide plan notes that “special purpose” village centers are intended to offer limited commercial uses to neighborhoods and drive-by traffic, rather than attracting customers from a larger area. The proposed sign would provide reasonable identification and appropriate visibility to the traveling public.

- **Reasonableness and Unique Circumstances:** The location of the tenant lease space presents a unique circumstance. Though located in a “special purpose” village center, and though intended to offer goods to drive-by traffic, the tenant space is not visible from the adjacent right-of-way. The proposed sign would provide reasonable identification and appropriate visibility to the traveling public.

- **Neighborhood Character:** There are a variety of freestanding and wall signs on sites and buildings adjacent to the subject property. Given this variety, the proposed sign would not negatively impact the character of the surrounding area.

**Staff Recommendation**

Adopt the resolution approving variances for a blade sign at 14525 State Highway 7. (See pages A8–A11.)
Supporting Information

**Surrounding Land Uses**
- Northerly: State Highway 7
- Easterly: Famous Dave’s, guided commercial
- Southerly: city-owned property, guided parks
- Westerly: Edina Realty building, guided commercial

**Planning**
- Guide Plan designation: commercial
- Zoning: B-3/General Business

**Signs Allowed**
The existing building includes a variety of retail/service uses on the first floor and office uses on the upper floors. As is the case for mixed use buildings throughout the community, the first floor is regulated by commercial sign standards and the upper floors by office sign standards. Essentially, individual commercial tenants are allowed individual tenant identification, while only one sign – total – is allowed for the office space.

**Signs Approved**
In recent years, staff has supported the use of blade signs when:
1. a site has a unique visibility need; or
2. such signs would add visual interest to “flat” façades. Blade signs have been approved at: The Ridge (apartment building), Boulevard (restaurant), Bar Louie (restaurant), and Mandarin Yang (restaurant.)

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

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

**Neighborhood Comments**
The city sent notices to 10 area property owners and received no responses to date.

**Deadline for Decision**
February 23, 2016
Location Map

Project: Dunn Brothers Signage
Applicant: Landmark Architectural Signs, LLC
Address: 14525 State Hwy No 7
(06054.15b)
ONE NON-ILLUMINATED AWNING
PER DBC CORPORATE STANDARDS

- ALUMINUM FRAME FABRICATION
- BLACK SUNBRELLA
- COPY: 3M 220-20 WHITE VINYL FIRST SURFACE
  CLIENT-SUPPLIED ART

CODE COMPLIANT SIGN

Dunn Bros Sign Variance
14525 ST HWY 7
MINNETONKA, MN
CODE COMPLIANT SIGN

DUNN BROTHERS COFFEE

INDIVIDUAL LETTERS - STUD MOUNTED

SCALE: 3/8" = 1'-0"

ONE NON-ILLUMINATED REVERSE CHANNEL LETTERS
PER DBC CORPORATE STANDARDS

- ALUMINUM FABRICATION
- RETURNS AND FACE PAINTED WHITE SATIN FINISH
- MOUNTED TO WOOD SIDING WITH APPROPRIATE HARDWARE

SECTION: PAN SIGN

SCALE: 1/2" = 1'-0"

PROJECT
DUNN BROTHERS COFFEE
14525 HIGHWAY 7 A3
MINNETONKA, MN

SALES: SS
DATE: 09.24.15
REV: 

DESIGN: BJ

SIGN TYPE: 3-LINE VERSION

NON-ILLUMINATED

PAN SIGN

LANDMARK
Architectural Signs

Dunn Bros Sign Variance
14525 ST HWY

06054.15b
VARIANCES REQUESTED

Dunn Bros Sign Variance
14525 ST HWY 7
06054.15b

FABRICATED ILLUMINATED CABINET PAINTED BLACK
LED ILLUMINATION, WHITE POLYCARBONATED
FACES WITH BLACK VINYL, BKGD AND ILLUMINATED
WHITE FACES, WHITE VINYL, NON-ILLUMINATED BORDER

LANDMARK Architectural Signs

PROJECT
DUNN BROTHERS COFFEE
14525 HIGHWAY 7 A4
MINNETONKA, MN

SALES: SS
DESIGN: BJ
SIGN TYPE: 2-LINE

DATE: 09.24.15
REV: 4.1

ILLUMINATED DF DIRECTIONAL
Dunn Bros Sign Variance
14525 ST HWY 7 A4
Lake West Building – Drive Through Stacking and Signage Exhibit

Proposed Dunn Brothers Sign

Dunn Brothers

BLADE SIGN

WALL SIGN

AWNING

Dunn Bros Sign Variance

14525 ST HWY 7

06054.15b
Highway 7 Frontage Road – Retail Signage Exhibit
To Scale

Proposed Dunn Brothers Sign  Famous Dave’s Sign  Mid Country Bank Sign

Highway 7 Frontage Road

Highway 7 East
10/21/2015

Re: Dunn Brothers Signage Variance

PRACTICAL DIFFICULTIES

1. **Describe why the proposed use is reasonable.**
   a. We believe the proposed signage variance to allow for a single blade sign on the northwest corner of the site is reasonable given the position of the Dunn Brothers within the building required to accommodate a drive thru lane stacking requirements as well as the set-back of the building from Highway 7. Without a variance to allow for a blade sign, there would be no visibility of the Dunn Brothers store to Highway 7 and very limited visibility on the frontage road as the current code only allows for signage immediately adjacent to the leased premises. In addition, the sign itself is of an appropriate size and proportion to match the existing retail signage and character of the frontage road. See included Exhibit.

2. **Describe:**
   a. **Circumstances unique to the property.**
      i. The current zoning for the property (B-3) allows for certain retail and other uses, such as a “Fast-Food Restaurant with a Drive Thru” with a conditional use permit. However strict compliance with code places unique vehicle stacking requirements on the tenant which has caused them to be placed further south within the building, thereby causing them to not be able to have adequate visible legal signage as allowed by city code. The tenant desires to comply with code and guest stacking needs; however this in turn causes their store front to be located away from traffic on the Frontage Road and Highway 7, which is critical for a retail use. See included Exhibit.
   b. **Why the need for variance was not caused by the property owner.**
      i. In order to meet the city vehicle stacking requirements for a drive through use, the tenant has been positioned on the south side of the existing building. Complying with this stacking requirement puts the tenant at a unique disadvantage with respect to adequate signage facing Highway 7.
   c. **Why the need is not solely based on economic considerations.**
      i. The blade sign on the northwest corner is critical wayfinding signage helping guests and passersby on Highway 7 to easily identify and locate the Dunn Brothers store. In conversations with city staff the blade sign on the corner of the building was a recommended/preferred alternative since it is similar to other Dunn Brothers concepts in the southwest metro and will assist travelers with site identification.

3. **Describe why the variance would not alter the essential character of the neighborhood.**
   a. The signage variance for a blade sign on the northwest corner of the building would not alter the essential character of the neighborhood because the area is zoned for B-1 and B-3 which allows for certain retail uses which are assumed to include appropriate signage to necessary to facilitate their business. In addition, there are already several other retail uses with significant signage along the frontage road, including Mid Country Bank and Famous Dave’s in addition to Snap Fitness, Sakada, and the General Store.
Planning Commission Resolution No. 2015-

Resolution approving a variances for a blade sign at
14525 State Highway 7

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

Section 1. Background.

1.01 Landmark Architectural Signs, on behalf of Dunn Brothers Coffee, has requested variances from the city code for installation of a blade sign on the northwest corner of the existing office/retail/service building.

1.02 The property is located at 14525 State Highway 7. It is legally described as:

The East 397.00 feet of the West 442.00 feet of Lot 3, Block 1, TOWER HILL, according to the plat thereof on file or of record in the office of Registrar of Titles in and for Hennepin County, Minnesota.

1.03 By City Code §300.30 Subd 5(b)(1)(d), within a multi-tenant building each tenant sign must be installed within a 26-inch high designated horizontal band. The proposed sign would be vertically-oriented.

1.04 By City Code §300.30 Subd 5(b)(1)(f), within a multi-tenant building each tenant sign must not extend closer than two feet from the tenants lease line. The proposed sign would be located outside of the Dunn Brothers lease space.

1.05 City Code §300.30 Subd.10 (d), wall signs must be mounted parallel to the building and shall not project more than 18 inches from the face of the building. The proposed sign would be mounted perpendicular to the building.

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

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

Section 3. Findings.

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

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The intent and primary goal of the city’s sign ordinance is to provide for effective identification, while promoting signs that are aesthetically compatible with their surroundings. The proposed sign would provide reasonable identification at an appropriate scale to the existing building.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The proposed Dunn Brothers would be located in the Highway 7/Williston/Highwood Drive “special purpose” village center. The comprehensive guide plan notes that “special purpose” village centers are intended to offer limited commercial uses to neighborhoods and drive-by traffic, rather than attracting customers from a larger area. The proposed sign would provide reasonable identification and appropriate visibility to the traveling public.

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

   a) REASONABLENESS and UNIQUE CIRCUMSTANCE: The location of the Dunn Brothers tenant lease space presents a unique circumstance. Though located in a "special purpose" village center, and though intended to offer goods to drive-by traffic, the tenant space is not visible from the adjacent right-of-way. The proposed sign would provide reasonable identification
b) CHARACTER OF LOCALITY: There are a variety of freestanding and wall signs on sites and buildings adjacent to the subject property. Given this variety, the proposed sign would not negatively impact the character of the surrounding area.

Section 4. Planning Commission Action.

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

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, excepted as modified by the conditions below:
   - Sign design and location plan dated 09/24/15

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

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

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on November 19, 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 November 19, 2015.

Kathy Leervig, Deputy City Clerk