Planning Commission Agenda

September 22, 2016—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: September 8, 2016

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   A. Expansion permit for additions on a home at 12815 Linde Lane.

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

      • Final Decision Subject to Appeal
      • Project Planner: Drew Ingvalson

8. Public Hearings: Non-Consent Agenda Items

   A. Preliminary plat, with lot width at setback variances, for TONKAWOOD FARMS
      FIRST ADDITION, a 3-lot subdivision at 15014 Highwood Drive.

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

      • Recommendation to City Council (Tentative Date: October 10, 2016)
      • Project Planner: Ashley Cauley
B. Items concerning Ridgedale Corner Shoppes at 1801 Plymouth Road.

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

- Recommendation to City Council (Tentative Date: October 10, 2016)
- Project Planner: Susan Thomas

9. Other Business

A. Concept plan review Williston water tower monopole.

Recommendation: No formal action. Discuss proposal with developer and provide feedback.

- Recommendation to City Council (Tentative Date: October 10, 2016)
- Project Planner: Loren Gordon

10. Adjournment
Notices

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

2. Applications and items scheduled for the October 6, 2016 Planning Commission meeting:

   Project Description: LeCesse Development Corporation is proposing to redevelop the property at 10101 Bren Road East. The project consists of removing the existing buildings in order to construct a six story, 322 unit apartment building with underground parking. The proposal requires approval of: (1) rezoning to PUD; (2) preliminary and final plats; (3) master development plan; (4) site and building plans and (5) easement vacations.
   Project No.: 88095.16b        Staff: Ashley Cauley
   Ward/Council Member: 1—Bob Ellingson   Section: 36

   Project Description: Unmapped Brewing Company is proposing to open a microbrewery and taproom at 14624 Excelsior Boulevard. The proposal requires: (1) conditional use permit.
   Project No.: 91043.16a        Staff: Susan Thomas
   Ward/Council Member: 4—Tim Bergstedt   Section: 33

   Project Description: The applicant is proposing to divide the existing property at 14700 Copperfield Place into three, single-family lots. The proposal requires: (1) preliminary plat approval.
   Project No.: 16023.16a        Staff: Susan Thomas
   Ward/Council Member: 1—Bob Ellingson   Section: 14

   Project Description: The applicant is proposing to subdivide the properties at 3639 Shady Oak Road and 3627 Regal Oak into five lots. The home at 3639 Shady Oak Road would be removed, the home at 3627 Regal Oak would remain, and four new homes would be constructed. The proposal requires approval of: (1) rezoning from R-1 to PUD; (2) a master development plan; and (3) preliminary and final plats.
   Project No.: 16007.16a        Staff: Susan Thomas
   Ward/Council Member: 1—Bob Ellingson   Section: 14

   Project Description: The applicant is proposing a self-storage facility at 6031 Culligan Way. The proposal requires approval of: (1) parking variance.
   Project No.: 16024.16a        Staff: Drew Ingvalson
   Ward/Council Member: 1—Bob Ellingson   Section: 34
Project Description: Federal Emergency Management Agency (FEMA) has updated flood insurance maps which will become effective on November 1, 2016. As a result, the Minnesota Department of Resources (MNDNR) has mandatory ordinance updates for local governments and water management agencies. Floodplain ordinance updates to the city’s floodplain ordinance are required to reflect the federally and state mandated changes in order to remain a participant in the National Flood Insurance Program.

Project No.: NA

Staff: Ashley Cauley
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

2. Staff presents their report on the item.

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

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

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

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

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

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

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

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

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

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

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

2. Roll Call

Commissioners Hanson, Knight, O'Connell, Odland, Powers, and Kirk were present. Calvert was absent.

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, and Planner Drew Ingvalson.

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

4. Approval of Minutes: August 18, 2016

   Odland moved, second by Hanson, to approve the August 18, 2016 meeting minutes as submitted with a correction on Page 8 to change “garage” to “garbage.”

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of August 22, 2016:

   • Adopted a resolution approving a daycare at 6030 Clearwater Drive.
   • Adopted a resolution approving a 12-month extension of the final plat for Saville West.
   • Adopted a resolution approving a 12-month extension of the preliminary plat for Oakhaven Acres 2nd Addition at 13929 Spring Lake Road.
   • Adopted a resolution approving the items Station Pizzeria. The amount of seating was reduced and a parking variance was no longer needed.
• Adopted a resolution approving the environmental pieces of the SWLRT.
• Adopted an ordinance opting out of the state’s Temporary Family Health Care Dwellings statute.
• Reviewed the concept plan for Crest Ridge Senior Living at 10955 Wayzata Boulevard.
• Overturned the planning commission’s denial of a variance for a blade sign at 1700 Plymouth Road.

There will be three meetings for commissioners in September. There is a joint meeting with the EDAC on September 15, 2016 at 5:30 p.m. The next planning commission meeting will be September 22, 2016.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Side yard setback variance for an entry and living space addition at 3133 Shores Boulevard.

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.

The applicant was present for questions.

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

Odland moved, second by Knight, to adopt the resolution approving an aggregate side yard setback variance for an entry and living space addition at 3133 Shores Boulevard (see pages A10-A13 of the staff report).

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

Chair Kirk stated that an appeal of the planning commission’s decision must be made in writing to the planning division within 10 days.
B. Expansion permit for a second story addition on a home at 3177 Lake Shore Boulevard.

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

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

The applicant was available for questions.

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

*Odland moved, second by Powers, to adopt the resolution on pages A11-A14 of the staff report. This resolution approves an aggregate side yard setback expansion permit for a second-story addition at 3177 Lake Shore Boulevard.*

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

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

9. Adjournment

*Odland moved, second by Knight, to adjourn the meeting at 6:53 p.m. Motion carried unanimously.*

By: __________________________

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
September 22, 2016

Agenda Item 7

Public Hearing: Consent Agenda
Brief Description  Expansion permit for additions on a home at 12815 Linde Lane

Recommendation  Adopt the resolution approving the expansion permit

Project No.  16022.16a

Property  12815 Linde Lane

Applicant  Jeff Robinson, Murphy Bros. Designers & Remodelers

Proposal  The applicant, on behalf of the property owners, is proposing to construct:

  • a storage attic (19-foot by 20-foot);
  • an entry addition (6-foot by 12-foot); and
  • a covered porch (6-foot by 12-foot).

The existing home was constructed in 1953, prior to adoption of Minnetonka City Ordinances. The home has non-conforming front yard, side yard, and aggregate side yard setbacks. The proposed additions would maintain the established, non-conforming setbacks of the structure. (See plans on pages A1-A8).

This proposal requires:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed/Existing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard setback</td>
<td>35 ft.</td>
<td>8.5 ft.*</td>
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<td>2 ft.*</td>
</tr>
<tr>
<td>Aggregate side yard setback</td>
<td>30 ft.</td>
<td>15.9 ft.*</td>
</tr>
</tbody>
</table>

* requires expansion permit

Approving Body
The planning commission action will be final action subject to the right of appeal. (City Code §300.07.4)

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

1.  Reasonableness:
The request for a storage attic, entry addition, and covered porch are reasonable and the additions would enhance the existing single-story home. The proposed addition would maintain the existing front yard and side yard setbacks. Also, the height of the proposed addition would be approximately 18 feet shorter than what would be allowed if the structure met the front yard, side yard, and aggregate side yard setback requirements.

2. Circumstance Unique to the Property:

The current non-conformity of the structure, lot size, and lot shape are unique characteristics of the property.

The subject home was originally constructed in 1953, prior to adoption of Minnetonka City Ordinances. The structure was built without a storage attic, front entry, or covered porch. The home currently encroaches into the front, side and aggregate side yard setbacks. (See page A2). There are limited building expansion options due to the home’s proximity to property lines.

The subject lot was platted in 1952. The lot is approximately 8,150 square feet in area, which is 13,850 square feet smaller than what is required for lots within the R-1 district (22,000 square feet). The small area of the lot has limited the property owners’ ability to add additions. Further, the subject lot is approximately 63 feet in width at the front setback of the home. Current R-1 district standards require properties to have at least 110 feet in width at the front yard setback line. These property characteristics create a practical difficulty for the property owner when attempting to achieve their reasonable goal of constructing a storage attic, entry addition, and covered porch.

3. Neighborhood Character:

The area has a long history of variances due to the early platting of the land (1952). The city has approved variance requests for four out of the eight properties on Linde Lane. Variance requests have been for front, side, and rear yard setbacks. (See pages A9-A10).

The area also has a long history of non-conformities. All eight of the properties on Linde Lane appear to have non-
conforming front yard and/or side yard structure setbacks. (See pages A9).

If the applicant’s variance request is approved, the proposed project would not alter the essential character of the neighborhood.

**Staff Recommendation**

Adopt the resolution on pages A11-A14. This resolution approves a front yard, side yard and aggregate side yard setback expansion permit for a storage attic, entry addition, and covered porch at 12815 Linde Lane.

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

**Surrounding Land Uses**
- Northerly: Low density residential
- Easterly: Low density residential
- Southerly: Low density residential
- Westerly: Low density residential

**Planning**
- Guide Plan designation: Low Density Residential
- Zoning: R-1 Single Family Residential

**Small lot**

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

Despite the property’s “smaller” lot size and old lot of record standing, it does not qualify as a small lot. The average lot size of properties in the surrounding neighborhood (properties within 400 feet of the subject lot) is approximately 26,700 square feet, exceeding the maximum average lot area to be considered a small lot.

**Expansion Permit**

By city code (City Code §300.29), an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

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

2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner’s convenience, and are not solely because of economic considerations; and
3. The expansion would not adversely affect or alter the essential character of the neighborhood.

Neighborhood Comments
The city sent notices to 37 area property owners and received zero comments.

Pyramid of Discretion

Motion Options
The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made to adopt the resolution approving the expansion permit.

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

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

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

Deadline for Decision
September 22, 2016
Project: Murphy Bros. Designers & Remodelers
Address: 12815 Linde Lane
Project No. 16022.16a

This map is for illustrative purposes only.
Fence ties are shown on the side of the boundary line that the fence is located on.

Property Description:
Lot 6, Block 1, MADSEN'S FIRST ADDITION, HENNEPIN COUNTY, MINNESOTA.

1. Address: 12815 Linde Ln, Minnesota, MN 55305
2. Existing utilities shown are shown in an approximate way only. The contractor shall determine the exact location of any and all existing utilities before commencing work. He agrees to be fully responsible for any and all damages arising out of his failure to exactly locate and preserve any and all existing utilities.
3. A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted hereon.
4. Benchmark: Elevations are based on MN/DOT Geodetic Station Name: GAGING STA which has an elevation of 933.545 feet (NGVD29).
5. Lot Area: 8,124 s.f. or 0.187 acres

Setbacks (R-1)
- Min. Front Yard Setback = 35'
- Min. Side Yard Setback = 30' total, 10' minimum
- Min. Rear Yard Setback = 40' or 20% of lot depth (27')
- Building Height = 35'

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

Dated this 15th day of August, 2016.

Jaerick Averbeck, PLS
Minnesota License No. 53642
javerebeck@sathre.com

SURVEY LEGEND
- STORM DRAIN
- WATER MAIN
- SANITARY SEWER
- OVERHEAD UTILITY LINE
- FENCE
- BUILDING SETBACK LINE
- 3 BITUMINOUS
- 1 CONCRETE
- PROPOSED SILT FENCE

SETBACKS
- MIN. FRONT YARD SETBACK = 35'
- MIN. SIDE YARD SETBACK = 30' TOTAL, 10' MINIMUM
- MIN. REAR YARD SETBACK = 40' OR 20% OF LOT DEPTH (27')
- BUILDING HEIGHT = 35'

Proposed Additions
GARAGE TO BE REBUILT
IN PLACE OF EX. GARAGE

Section 15 - Township 117 - Range 22
GABE SOJKA
PREPARED FOR
CERTIFICATE OF SURVEY
SATHRE-BERGQUIST, INC.
100 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000
PREPARED FOR
GABE SOJKA
CERTIFICATE OF SURVEY
PREPARED FOR
GABE SOJKA
JOB #: 84955-001
REVISIONS
FIELD CREW: SR, DM
GARAGE TO BE REBUILT 8-15-16 JJA
DRAWN BY: JJA
CHECKED BY: JJA
DATE: 08-11-2016

REVISED: GARAGE TO BE REBUILT 8-15-16 JJA
Proposed Additions
Proposed Additions

PLAN VIEW

MURPHY BROS.
12815 LINDE LANE
MINNETONKA, MN
55343

1615 93rd LANE BLANE, MN 55444

12815 LINDE LANE MINNETONKA, MN
55343

1613 43rd LANE BLANE, MN 55444

PROPOSED FLOOR PLAN
SCALE: 1/8" = 1'-0"
ENTRY

CROSS SECTION
SCALE: 1/4" = 1'-0"

STORAGE ATTIC

GARAGE

ENTRY

PRELIMINARY DRAWING
ALL ITEMS ARE SUBJECT TO CHANGE.
ATTIC TRUSSES WILL BE DESIGN BY TRUSS COMPANY.
CEILING HEIGHTS CAN VARY W/ CHANGE IN FLOOR OR TRUSS DIMS.

DATE DRAWSBY: AUG 9, 2016 AS-BUILT
MDJ
JOB #: 1S65
DATE: AUGUST 9, 2016
DRAWS BY: M. JOHNSON
APPROVED: SCALE AS NOTED
FILE: MURPHY BROS.
12615 Linde Lane
#16022.16a
55449

MURPHY BROS.
Non-Conforming Structures and Variances on Linde Lane

VAR: 8.7 ft. Side Yard Setback
VAR: 32.5 ft. Front Yard, 6 ft. Side Yard, and 7 ft. Rear Yard Setback
VAR: 29 ft. Front Yard and 7.5 ft. Side Yard Setback
VAR: 10 ft. Front Yard Setback

Non-conforming Structure
Subject Property

Murphy Bros.
12815 Linde Lane
#16022.16a
# Variance and Expansion Permit Requests on Linde Lane

<table>
<thead>
<tr>
<th>Year</th>
<th>Property</th>
<th>Request</th>
<th>Type of Request</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>1989</td>
<td>12809 Linde Lane</td>
<td>Reduce east sideyard setback from 13 ft. to 7.5 ft. to construct double car garage</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>1989</td>
<td>12814 Linde Lane</td>
<td>Reduce west side yard setback from 16.5 ft. to 8.7 ft.</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>1999</td>
<td>12802 Linde Lane</td>
<td>Reduce front yard setback from 25 ft. to 10 ft. for new garage</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>2006</td>
<td>12809 Linde Lane</td>
<td>Reduce front yard setback from 35 ft. to 29 ft. for addition</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>2015</td>
<td>12821 Linde Lane</td>
<td>Reduce front yard setback to 32.5 ft., side yard setback to 6 ft., and rear yard setback to 7 ft. for detached garage</td>
<td>Variance</td>
<td>Approved</td>
</tr>
</tbody>
</table>

3 side yard, 3 front yard, 1 rear yard | 5 variances | 5 approved
Planning Commission Resolution No. 2016-

Resolution approving an expansion permit for construction of a storage attic, entry addition, and covered porch at 12815 Linde Lane

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

Section 1. Background

1.01 Jeff Robinson of Murphy Bros. Designers & Remodelers, on behalf of the property owners, is proposing to construct a storage attic, entry addition, and covered porch on an existing home.

1.02 The property is located at 12815 Linde Lane. It is legally described as: Lot 6, Block 1, Madsen’s First Addition, Hennepin County, Minnesota.

1.03 The existing house was built in 1953, prior to adoption of Minnetonka City Ordinances. The existing structure has non-conforming front yard, side yard, and aggregate side yard setbacks.

1.04 The proposed additions would not extend beyond the established setbacks of the structure.

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

1.06 City Code §300.29 Subd. 3(g) allows expansion of a nonconformity only by variance or expansion permit.
City Code §300.29 Subd. 7(c) authorizes the city to grant expansion permits.

On September 22, 2016, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments and the staff report, which are incorporated by reference into this resolution.

Section 2. Standards

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

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

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

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

Section 3. Findings

The proposal would meet the expansion permit standards as outlined in City Code §300.29 Subd. 7(c):

1. REASONABLE USE:

a) The proposed construction of a storage attic, entry addition, and covered porch are reasonable and would enhance the existing single-family home.

b) The proposed addition would maintain the existing non-conforming setbacks and would not intrude into the required setbacks beyond the distance of the existing structure.
c) The proposed height of the structure would be less than the maximum height allowed by city ordinance.

2. CIRCUMSTANCES UNIQUE TO THE PROPERTY:

a) The subject property has a non-conforming lot area of 8,150 square feet. This is significantly less than the required 22,000 square foot minimum lot size for R-1 properties. Further, the property has a non-conforming lot width of 65 feet at building setback. This is significantly less than the required 110 feet. The lot size and width limit home expansion opportunities.

b) The existing house was built in 1953, prior to adoption of the front yard, side yard, and aggregate side yard setback requirements.

c) The existing house has non-conforming front yard, side yard, and aggregate side yard setbacks.

3. NEIGHBORHOOD CHARACTER:

a) The proposed addition would maintain the essential character of the surrounding neighborhood, which is characterized by homes with reduced front and side yard setbacks.

Section 4. Planning Commission Action

4.01 The above-described expansion permit and variance are hereby approved. Approval is subject to the following conditions:

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

   • Survey date stamped August 19, 2016
   • Building elevations date stamped August 19, 2016
   • Floor plans date stamped August 19, 2016

2. This resolution must be recorded with the county prior to issuance of a building permit.

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

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on September 22, 2016.

__________________________________________
Brian Kirk, Chairperson

Attest:

__________________________________________
Kathy Leervig, Deputy City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on September 22, 2016.

__________________________________________
Kathy Leervig, Deputy City Clerk
Minnetonka Planning Commission Meeting
September 22, 2016

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION
August 18, 2016

Brief Description
Preliminary plat, with lot width at setback variances, for TONKAWOOD FARMS FIRST ADDITION, a 3-lot subdivision at 15014 Highwood Drive

Recommendation
Recommend the city council approve the proposal

Introduction

The applicant, R&R Construction of Minneapolis, Inc. has submitted an application to subdivide the subject property into three lots. The existing home and detached structures would be removed to accommodate three new homes. The proposal requires approval of preliminary plat with three lot width at setback variances. (See pages A1-A6.)

Proposal Summary

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

- **Existing site features.** The subject property is located north of Highwood Drive and Highway 7 and west of Williston Road. The property is approximately 1.7 acres in size and is improved with a single family home and several detached accessory structures. The existing property generally slopes “downward” from Highwood drive to the north. The grade change is quite minimal until the northern third of the property, where a 15-foot grade change occurs within 40 feet. While this area of the property has significant topography change, it is not regulated as a “steep slope” by city ordinance. There are 22 high priority trees on site. Other large existing trees are excluded from the high priority classification due to their condition or species.

- **Proposal.** The existing home and accessory structures would be removed in order to construct three new homes. The site would be graded to accommodate the homes and to accommodate an infiltration basin on the north side of the property. The applicant is proposing to remove 9 - or 41 percent – of the high priority trees on site. However, minor grading adjustments could be made to preserve a minimum of two additional high priority trees and would bring the proposal into compliance with the city’s tree protection ordinance.

The three lots would meet minimum lot area requirements as outlined in the subdivision ordinance. However, a variance is required to reduce the lot width at the building setback line from 110 feet to 104 feet on all three lots.
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 preliminary plat and staff’s findings.

- **Are the proposed lots and requested variances reasonable?**

  Yes. The city’s subdivision ordinance outlines minimum area and dimensional standards for single-family residential lots. While the proposed lots would meet and exceed minimum R-1 requirements for lot area, the lots require lot width at setback variances. Staff finds that the requested lot width at setbacks are reasonable.

  When a subdivision requires a variance, the city has a broad discretion in the approval or denial of the proposal. The subdivision ordinance states that variances “may be granted but not mandated,” when an applicant meets the burden of proof proving that:

  **Reasonableness and Unique Circumstance:** The existing property is 1.7 acres in size and has a lot depth of over 240 feet. These existing conditions far exceed what is required by ordinance. In fact, the lot is the largest residential lot within the Highwood Drive and Highland Road neighborhood. (See page A7.) The requested lot width variances would allow for three new lots that have lot areas more similar to those within the existing neighborhood. Further, the Highwood Drive and Highland Road neighborhood have a number of lots with varying degrees of non-conforming lot widths at the building setback line or at the right-of-way.

  The ordinance allows the city to consider variances to lots with substandard lot widths when the property could be developed in a manner that would meet all minimum lot requirements. At the request of staff, the developer prepared two exhibits for consideration. These exhibits illustrate how the property could be subdivided without the need for a variance. While the “conforming” exhibits

---

<table>
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<th></th>
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<th>Lot 1</th>
<th>Lot 2</th>
<th>Lot 3</th>
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<tbody>
<tr>
<td><strong>Total area</strong></td>
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<td>24,865 sf</td>
<td>25,050 sf</td>
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<td><strong>Buildable area</strong></td>
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<tr>
<td><strong>Width at setback</strong></td>
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<td>104 ft *</td>
<td>104 ft *</td>
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<td><strong>Depth</strong></td>
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<td>240 ft</td>
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</table>

* Requires a lot width at setback variance
would meet all ordinance standards without the need for variances, the cul-de-sac construction and utility installation would result in an increased amount of disturbance and future city maintenance. (See pages A9-A10.)

Character of the Neighborhood: The variances would not adversely affect or alter the essential character of the neighborhood. The Highwood Drive and Highland Road neighborhood have a number of properties which have substandard lot widths at setback and at the right-of-way. The proposed lot width variances would allow for lots that are more similar in size to the existing lots within the neighborhood.

- **Would the proposal meet the tree ordinance?**

  Generally, yes. As proposed, nine high priority trees would be removed. While this would exceed the maximum allowed by ordinance, staff finds that minor changes to the proposed grading could preserve a minimum of two additional high priority trees. By doing so, the proposal would be in compliance with the city’s tree protection ordinance.

- **Would the proposal negatively impact existing drainage patterns of the surrounding area?**

  No. The city is aware that a number of drainage concerns exist within the Highwood Drive and Highland Road area, particularly within the neighborhood directly north of the subject property. Staff has reviewed the plans and has determined that the proposal would not exacerbate any pre-existing drainage conditions. Rather, the proposal would likely improve the drainage conditions of the area by adequately containing runoff generated onsite with the inclusion of sufficient stormwater management practices.

**Staff Recommendation**

Recommend the city council adopt the resolution on pages A13-A23, approving a preliminary plat with lot width at setback variances at 15014 Highwood Drive.

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

<table>
<thead>
<tr>
<th>Project No.</th>
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<tbody>
<tr>
<td>Property</td>
<td>15014 Highwood Drive</td>
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<tr>
<td>Applicant</td>
<td>Ben Wikstrom, on behalf of R&amp;R Construction of Minneapolis, Inc</td>
</tr>
<tr>
<td>Surrounding</td>
<td>Northerly: single family homes, zoned R-1</td>
</tr>
<tr>
<td>Land Uses</td>
<td>Easterly: single family homes, zoned R-1</td>
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<tr>
<td></td>
<td>Southerly: offices and a service garage, zoned B-2 and PUD respectively.</td>
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<tr>
<td></td>
<td>Westerly: single family homes, zoned R-1</td>
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<td>Planning</td>
<td>Guide Plan designation: low density residential</td>
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<td>Zoning</td>
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**R-1A Rezoning**

In 2014, the city adopted an ordinance establishing a new zoning district. The R-1A, residential alternative, zoning district allows opportunities for smaller lots while establishing clear development expectations.

By ordinance an R-1A zoning district can only occur when the development would be appropriately integrated into its surroundings and would meet one of the following conditions:

1. Be located in an area where at least 60 percent of the lots within 400 feet of the development, and along 1000 feet of the same street, have lot areas less than the R-1 standards outlined in city code; or

2. When all lots within the development would be served by a new street.

While the proposed lots themselves would meet the design standards outlined in city code, the proposal would not be eligible for an R-1A rezoning as:

1. Of the 34 R-1 properties in the surrounding area, only 23-percent have lot areas of less than the R-1 standards outlined in city code; and

2. The newly created lots would not be served by a new street.
The developer has submitted two alternative exhibits to illustrate how the property could be subdivided into three lots without the need for any variances to lot standards. (See pages A9-A10.) The city would prefer the proposed plat, with variances, over the conforming exhibits as:

1. The conforming plat would require a significantly increased amount of infrastructure to provide the same level of services. This includes the construction of a cul-de-sac, extension of water and sewer mains into the cul-de-sac to provide water and sewer service, and signage.

2. Construction of the cul-de-sac would result in a significantly increased amount of disturbance on site.

3. A cul-de-sac would increase the amount of impervious surface on site. Subsequently, this would increase the stormwater management needs of the proposal.

4. A cul-de-sac would increase the amount of drainage directed towards Highwood Drive.

The applicant has not clearly identified the location of the proposed utilities on the plans. However, the property currently has three sets of sewer and water stubs from Highwood Drive. As a condition of approval, the applicant must confirm that the existing lines are adequate and submit a final utility plan which does not result in the removal of any additional high priority trees.

Under the city’s stormwater rule, stormwater management is required when a property is divided into three or more lots. This management mechanism must control for runoff rate, volume and quality.

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.

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

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

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

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

**Neighborhood Comments**
The city sent notices to 49 area property owners and received one comment. (See page A11.)

**Deadline for Decision**
October 22, 2016
Location Map

Project: Tonkawoods Farms First Addition
Applicant: Ben Wikstrom
Address: 15014 Highwood Dr
Project No. 05039.16a

This map is for illustrative purposes only.
PRACTICAL DIFFICULTIES WORKSHEET

By state law, variances may be granted from the standards of the city's zoning ordinance only if:

1) The proposed variance is in harmony with the general purpose and intent of the zoning ordinance;
2) The proposed variance is consistent with the comprehensive plan; and
3) An applicant establishes that there are practical difficulties in complying with the ordinance standard from which they are requesting a variance. Practical difficulties means:
   - The proposed use is reasonable;
   - 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
   - The proposed use would not alter the essential character of the surrounding area.

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<th>PRACTICAL DIFFICULTIES</th>
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<td><strong>Describe why the proposed use is reasonable</strong></td>
</tr>
<tr>
<td>The proposed lot widths are similar in size and the lots will be similar in character to the existing neighborhood lots. The proposed lots exceed the required lot size by more than 3,000 square feet per.</td>
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<table>
<thead>
<tr>
<th><strong>Describe:</strong></th>
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<tbody>
<tr>
<td>circumstances unique to the property;</td>
</tr>
<tr>
<td>why the need for variance was not caused by the property owner; and</td>
</tr>
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<td>and why the need is not solely based on economic considerations.</td>
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<table>
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<tr>
<th><strong>Describe:</strong></th>
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</thead>
<tbody>
<tr>
<td>The depth of the existing lot, as platted, allows two lots with widths that meet the City minimum, but each of those would be 37,000+ square feet. By granting the variance, the City would allow development at the intended density for the R-1 zone with only a 6-foot width variance, in character with existing conditions. The existing, platted lot predates the current ordinance.</td>
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<table>
<thead>
<tr>
<th><strong>Describe why the variance would not alter the essential character of the neighborhood</strong></th>
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<tr>
<td>There are many lots in the neighborhood, especially to the west, that do not meet the width of what is being proposed. The owner was required to pay for utility stub-ins for three lots during a street reconstruction, so the property seems to be intended for use as three single-family lots meeting the minimum lot size.</td>
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VARIANCE APPLICATIONS WILL NOT BE ACCEPTED IF THIS WORKSHEET IS NOT COMPLETE.
Written Narrative

Preliminary Plat and Variance Application – 15014 Highwood Drive

Please accept the attached applications for a Preliminary Plat and Lot Width Variance at 15014 Highwood Drive. R & R Construction, on behalf of the property owners, is seeking approval of a plat that would create three lots, and a variance to allow lot widths not meeting the City’s required 110-foot minimum.

The property, currently a single-family residence on one lot, is approximately 1.74 acres. The proposed subdivision would result in three lots, each more than 25,000 square feet in size, with lot widths exceeding 104’ per lot. The existing structures would be removed, clearing the way for three new single-family homes.

The character of the neighborhood would not be impacted by the proposed subdivision, as there are a number of substandard lot widths – even flag lots or lot-behind-lot configurations, which is not part of this proposal - along Highwood Drive, west of the subject property. Citing the neighborhood character and the fact that each of these lots would comfortably exceed the required lot size minimum in the R-1 Zoning District without being too deep, we feel that granting lot-width variances for lots of 104’+ in width would be a reasonable use of the property.

The applicant could, in theory, install a cul-de-sac bulb off of Highwood Drive and still have enough square footage to create three single-family lots of conforming width, depth, and size, but we feel that that layout and the extra impervious surface (along with the utilities, maintenance, etc. that come with a new public street) is less desirable than the proposed subdivision. The evident practical difficulty is simply the depth of the lot; as can be seen when looking at the properties on the next block to the west, lots of the same depth and similarly substandard width have been approved in the past. In fact, this property already has three utility stubs in place, required to be paid for by the owner during a previous street reconstruction.

Please consider our request for approval of a preliminary plat and lot width variance, as submitted. If you have any questions or need more information prior to the public hearing or subsequent meetings, contact me at the phone number or email address listed below. Thank you for your time and consideration of our proposed project.

Sincerely,

Ben Wikstrom, Planning Consultant
612.801.7992
benwikstrom@gmail.com
### TREE PRESERVATION PLAN

**-for R&R CONSTRUCTION**

**LEGEND**
- **High priority tree to be preserved**
- **High priority tree shown to be removed but can be saved with minor grading changes**

### TREE TABLE

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### NOTES
- Multi-family was completed by E.G. Rud and Sons, Inc. in 06/1991.
- Design is based on the Minneapolis County drown.
- Permit discharge area is not a legal property line except for those shown by dashed lines.
- The county is responsible for the placement and maintenance of those shown by dashed lines.
- Permit discharge area is not a legal property line except for those shown by dashed lines.
- Required discharge area is not a legal property line except for those shown by dashed lines.

### PROPERTY DESCRIPTION
- The Plan of R&R, 1st Addition, Tonkawood Farms, located in the Twin Cities Region, is the subject of this plan.
- Owner: E.G. Rud & Sons, Inc.

---

**BENCHMARK**

- E.G. Rud & Sons, Inc.
- Professional Land Surveyors
- 6775 Lake Drive NE, Suite 110
- Lino Lakes, MN 55014
- Tel: (651) 341-8200 Fax: (651) 341-8701
Conforming Plat Exhibits
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**Map Details:**
- **Tonkawood Farms 1st Addition**
- **15014 Highwood Dr**
- **05039.16a**

**PROPERTY DESCRIPTION:**
- The property is located in Tonkawood Farms, approximately 7.5 miles north of the center of Lino Lakes, Minnesota.

**BENCHMARK:**
- N 34°59'40" E 100°03'11"

**Legend:**
- Tree preservation notes
- Tree table
- Vicinity map

**Table Notes:**
- Trees with a priority of "YES" are not to be removed.
- Trees with a priority of "NO" may be removed.

**Additional Notes:**
- The map is for informational purposes only and should not be used for any legal or regulatory purposes.
- The survey was completed by E.G. Rud & Sons, Inc. on 01/18/2016.

**Disclaimer:**
- The information provided is subject to change without notice.
- E.G. Rud & Sons, Inc. disclaims all warranties, express or implied, with respect to the accuracy or completeness of the information provided.

**Copyright:**
- Preliminary surveyMail:
- E.G. Rud & Sons, Inc.
- 1105 Highwood Dr
- Lino Lakes, MN 55014

**Contact:**
- Tel: (651) 348-8250
- Fax: (651) 348-8700

**Surveyor:**
- E.G. Rud & Sons, Inc.
- Professional Land Surveyors
- 4775 Lake Drive NE, Suite 110
- Lino Lakes, MN 55014

**Scale:**
- 1:2000

**Security Code:**
- 141407
Hi Ashley
I’m writing in regards to the upcoming meeting to discuss Tonkawood Farms. We are unable to attend the meeting.

I would simply ask that you very carefully consider the impact the project might have on creating additional runoff water for the homes on Woods Edge (adjacent and just north of the proposed development). We currently have an issue with standing water if we get even moderate rainfalls. We had a city engineer come out to assess the problem and subsequently dug “Venice Trenches” to help redirect the existing runoff. And while I understand they are proposing two ponds to handle runoff, if that isn’t sufficient, any additional water would pose a significant problem for the homes on our street.

Our neighbor, Dave Murphy, sent in pictures and a video, capturing the problem. I hope you’ve had an opportunity to review both of them. If not, please let me know and I’ll resend them to you.

Thank you for your time and consideration.

With warm regards,

Karen Newcomer
15011 Woods Edge
Minnetonka, MN  55345
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Resolution No. 2016-

Resolution approving the preliminary plat of TONKAWOOD FARMS FIRST ADDITION, with lot width at setback variances at 15014 Highwood Drive

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

Section 1. Background.

1.01 R&R Construction of Mpls, Inc. has requested preliminary plat approval for TONKAWOOD FARMS FIRST ADDITION, a three-lot subdivision with lot width at setback variances (Project 05039.16a.)

1.02 The property is located at 15014 Highwood Drive. It is legally described as follows:

That part of Lot 7, Block 1, Tonkawood Farms lying east of the west 312.63 feet. Except roads. Hennepin County, Minnesota.

1.03 On September 22, 2016, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council grant preliminary plat approval.

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution. One design standard requires that lots be at least 110 feet wide at the required front yard setback. The applicant is proposing lot widths at setback of 104 feet for all three lots.
2.02 By City Code §400.055, a variance from the subdivision requirements may be granted but not mandated, when the applicant meets a burden of proving that: (1) the proposed variance is a reasonable use of the property, considering things such as functional and aesthetic justifications for the variance and improvement to the appearance and stability of the property and neighborhood; (2) the circumstances justifying the variance are unique to the property, are not caused by the landowner, are not solely for the landowner’s convenience, and are not solely because of economic considerations; and (3) the variance would not adversely affect or alter the essential character of the neighborhood.

Section 3. Findings.

3.01 But for lot widths at setback, the preliminary plat would meet the design standards as outlined in City Code §400.030.

3.02 The proposed preliminary plat would meet the variance standards as outlined in City Code §400.055:

1. Reasonableness and Unique Circumstance:
   a) The existing property is 1.7 acres in size and has a lot depth of over 240 feet. These existing conditions far exceed what is required by ordinance. In fact, the lot is the largest residential lot within the Highwood Drive and Highland Road neighborhood. The requested lot width variances would allow for three new lots that have lot areas more similar to those within the existing neighborhood. Further, the Highwood Drive and Highland Road neighborhood have a number of lots that have varying degrees of non-conforming lot widths at the building set back line or at the right-of-way.
   b) The subdivision ordinance allows the city to consider variances to lots with substandard lot widths when the property could be developed in a manner that would meet all minimum lot requirements. The property could be subdivided without the need for variances. While the “conforming” exhibits would not require lot variances, the construction of the cul-de-sac and utility installation would result in an increased amount of disturbance and future city maintenance.

2. Neighborhood character: The variances would not adversely affect
or alter the essential character of the neighborhood. The Highwood Drive and Highland Road neighborhood have a number of properties that have substandard lot widths at setback and at the right-of-way. The proposed lot width variances would allow for lots that are similarly sized to existing lots within the neighborhood.


4.01 The above-described preliminary plat of TONKAWOOD FARMS FIRST ADDITION is hereby approved, subject to the following conditions:

1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received.

   a) The following must be submitted for a final plat application to be considered complete:

      1) A final plat drawing that clearly illustrates the following:

         1. A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.

         2. Utility easements over existing or proposed public utilities, as determined by the city engineer.

         3. Drainage and utility easements over wetlands, floodplains, and stormwater management facilities, as determined by the city engineer.

      2) A utility plan. This plan must indicate if the existing services will be used or indicate the new service location.

      3) Title evidence that is current within thirty days before release of the final plat for the city attorney’s review and approval.

2. Prior to final plat approval:

   a) This resolution must be recorded with Hennepin County.
b) The documents outlined in section 4.01(1)(a)(3) above must be approved by the city attorney.

3. Prior to release of the final plat for recording:
   a) Submit the following:
      1) Two sets of mylars for city signatures.
      2) An electronic CAD file of the plat in microstation or DXF.
      3) Park dedication fee of $10,000.

4. Subject to staff approval, TONKAWOOD FARMS FIRST ADDITION must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Concept plan dated May 1, 2014
   - Preliminary plat dated May 4, 2015
   - Grading and utility plan dated May 4, 2015
   - Tree preservation plan dated May 4, 2015

5. A grading permit is required for construction of all proposed stormwater management facilities prior to construction of any new home. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
   a) The following must be submitted for the grading permit to be considered complete.
      1) Evidence of filing the final plat at Hennepin County and copies of all recorded easements and documents as required in section 4.01(1)(a)(2) of this resolution.
      2) An electronic PDF copy of all required plans and specifications.
      3) Three full size sets of construction drawings and sets of project specifications.
4) Final site, grading, drainage, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

b. Final grading plan must:
   - Not result in the removal of more than 7 of the site’s 22 high priority trees.

c. Final drainage plan must:
   - Provide stormwater management for the entire site’s imperious surface. A stormwater management plan must accompany the plan and must include calculations to show conformance with the city’s rate, volume and water quality criteria.

d. Final utility plan must:
   - Confirm 1-inch service size is adequate to service the homes.

   - Illustrate removal of the existing services their entirety to the respective main, if new services are proposed. Water lines must be cut off at the corporation stop and the corporation stop must be turned off.

   - Include a note that, if multiple street disturbances are needed for utility connections, a full width mill and overlay of the street may be required rather than individual street patches.

e. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in the ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.
5) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct streets and utility improvements, comply with grading permit, tree mitigation requirements, and to restore the site. One itemized letter of credit is permissible, if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the streets and utilities have been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.

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

7) A copy of the approved MPCA NPDES permit.

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

9) All required administration and engineering fees.

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

11) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
• The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

• If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

b) Prior to issuance of the grading permit, install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

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

6. Prior to issuance of a building permit for the first new house within the development, submit the following documents:

a) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.

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

c) The stormwater management facilities must be constructed.

7. Prior to issuance of a building permit for any of the lots within the development:

a) Submit the following items for staff review and approval:

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

2) Final grading and tree preservation plan for the lot. The plan must:


b. Final house, drive, and associated grading must be located to maximize tree preservation on each lot.

c. No more than 7 of the site’s 22 high priority trees identified by staff can be removed.

  - Five high priority trees may be removed from proposed Lot 2.
  - One high priority tree may be removed from Lot 1 and Lot 3 respectively.

d. The city may allow for adjustments in the allocations of the number of high priority trees to be removed on each lot only when the provided plan is still in general conformance with the approved plan and the total number of high priority trees to be removed does not exceed seven. The city may require an updated plan for all three lots prior to approval of any re-allocations of the trees on any of the lots.

e. Provide protection for the large oaks on the north side of the site. These oaks must be protected through the course of construction and may not be removed unless confirmed dead or unsound by the city prior to removal.

f. Show sewer and water services to minimize impact to any significant or high-priority trees. No trees may be removed for installation of services.
g. All efforts should be made in the house design for two eastern lots to preserve tree 1132 (24-inch oak) due to its location adjacent to the lot line. However, the removal of this tree may be approved if the total number of high priority trees to be removed does not exceed seven.

3) A tree mitigation plan. The plan must meet minimum mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased.

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

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

If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.

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

c) Install and maintain adequate protection of the stormwater management facility during construction of the new home.

d) Submit all required hook-up fees.
8. All lots and structures within the development are subject to the all R-1 zoning standards. In addition:

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

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

10. No tree removal can occur prior to issuance of a building permit for each lot.

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

12. The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 10, 2016.

______________________________
Terry Schneider, Mayor

Attest:

______________________________
David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 10, 2016.

__________________________________________
David E. Maeda, City Clerk
MINNETONKA PLANNING COMMISSION
September 22, 2016

Brief Description
Items concerning Ridgedale Corner Shoppes at 1801 Plymouth Road:
1) Repeal and replacement of an existing master development plan;
2) Final site and building plans, with variances;
3) Appeal of maximum p.m. peak hour trips;
4) Conditional use permit; and
5) Preliminary and final plats.

Recommendation
Recommend the city council approve the proposal.

Introduction
Ridgedale Retail, LLC has submitted plans to redevelop the existing TCF Bank property. The plan reflects the most recent of four concept plans reviewed by the council between November 2015 and June 2016. As proposed, the existing two-story bank building would be removed and a new, one-story building would be constructed. TCF Bank would occupy the westerly portion of the building and various retailers would occupy the easterly portion. (See pages A1–A23.)

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

- **Existing Site Conditions.** The subject property is located in the southeast corner of the Plymouth Road/Cartway Lane intersection. A roughly 12,600 square foot, two-story building is centrally located on the site. Surface parking spaces are situated on both the east and west sides of the building. In addition to these physical features, the site is encumbered by a private access easement benefiting the Wells Fargo property immediately adjacent to south. (See page A4.)

- **Proposed Building.** As proposed, a one-story, 10,200 square foot building would be constructed on the site. TCF Bank would occupy the westerly 2,400 square feet. This area would be constructed first; the bank would continue to operate in
the existing building during construction. Upon completion of the new space, the
existing bank building would be removed and 7,800 square feet of new retail space
added to the east. The façade of the new building would include glass, brick, pre-
finished metal, and faux wood panels. (See pages A14–A23.)

- **Proposed Site Design.** As proposed, surface parking would be located on the
south, east, and west sides of the site. As under existing conditions, bank drive-up
windows would be located on the north side of the site. (See page A13.)

- **Proposed Subdivision.** The site – and building – would be divided into two
separate properties. A new lot line would be located down the common wall of the
new building. Not unlike the situations at Ridgedale Center and Ridgehaven mall,
such division would allow for individual ownership of portions of the building and
surrounding parking lots. (See page A5.)

**Primary Questions and Analysis**

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

- **Is the proposed land use appropriate?**

  Yes. The proposed bank and retail land uses are appropriate for the site. The
property is guided for mixed use – meaning a variety of land uses could occupy
the site. The comprehensive guide plan suggest that “service commercial, office,
and other commercial uses should occur” in this area, to “complete the commercial
profile of the Ridgedale Mall, and introduce a pedestrian-friendly transition starting
at the edges of the Mall.”¹

- **Is the proposed building and design reasonable?**

  Yes. The proposed building design is reasonable. The design reflects the latest of
four architectural concepts presented to the city council over the course of the last
ten months. Staff finds that this proposal is attractive and complimentary to the
high-quality and aesthetic approved throughout the Ridgedale Center site and at
the 1700 Plymouth property (formerly Highland Bank).

  The proposed site design is generally appropriate. Vehicle and pedestrian access
and circulation to, from, and around the site are proposed to maintain existing
patterns. However, the city’s traffic and parking consultant has suggested some
slight modifications to improve these patterns.

¹ 2030 Comprehensive Guide Plan, page IV-32
1. Reverse the location of proposed parking and drive aisle on the east side of the building, thereby ensuring a wider turning radius for vehicles entering and leaving the site.

2. Eliminate parking stalls located directly in the path of drive-up window exit lane.

3. Add parking stalls at a variety of locations.

Staff has included these modifications as conditions of approval. (See page A24.)

- **Are the requested variances acceptable?**

  Yes. The proposal requires six variances, including: (1) building setback variance from the new property line; (2) parking lot setback variances; and (3) an impervious surface variances. For more information regarding these variances, see the “Supporting Information” section of this report.

  Staff finds that the proposed variances are acceptable for the following reasons:

  1. The setback variance from the new property line is purely technical.
  2. The parking lot setback variances generally improve upon existing conditions.
  3. Though impervious surface on the site would be increased by one percent, the proposal includes stormwater management practices. No such practices are currently on-site.

**Summary Comments**

From staff’s perspective, a redevelopment more consistent with density and intensity suggested in the Ridgedale Center Village Center study would have been preferred to the current proposal. Nevertheless, the proposed redevelopment of the TCF Bank site is reasonable and appropriate. The proposal would allow an existing business to remain in the community, while significantly improving both its own aesthetic and the aesthetic of the intersection at which it is located.

**Staff Recommendation**

Recommend the city council adopt the following, all for Ridgedale Corner Shoppes at 1801 Plymouth Road:

1. An ordinance repealing and replacing the existing master development plan. (See page A43–A45.)
2. A resolution approving final site and building plans, with variances, and an appeal of maximum p.m. peak hour trips. (See page A46–A58.)

3. A resolution approving a conditional use permit for a use with a drive-up window. (See page A59–A61.)

4. A resolution approving preliminary and final plats. (See page A62–A64.)

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

**Surrounding**
- Northerly: Cartway Drive, Bonaventure commercial building beyond
- Easterly: Ridgedale ring road, Ridgedale Center beyond
- Southerly: Wells Fargo Bank
- Westerly: Plymouth Road, 1700 Plymouth mixed-use building beyond

**Land Uses**
- Northerly: Cartway Drive, Bonaventure commercial building beyond
- Easterly: Ridgedale ring road, Ridgedale Center beyond
- Southerly: Wells Fargo Bank
- Westerly: Plymouth Road, 1700 Plymouth mixed-use building beyond

**Planning**
- Guide Plan designation: mixed-use
- Existing Zoning: PID, Planned I-394 District

**Concept Plans**

**November 2015.** The city council reviewed a concept plan submitted by TCF National Bank and Solomon Real Estate Group for redevelopment of the TCF Bank property. The plan contemplated removal of the existing, two-story bank building and construction of two, one-story buildings. The westerly building would be occupied by TCF Bank and the easterly building by a variety of retail and service tenants. The city council indicated that it understood TCF's desire to update its presence on Plymouth Road, while responding to the evolving banking industry. However, the council expressed significant concern regarding the concept's development intensity and building design.

**January 2016.** The city council reviewed a second concept plan. Primary changes from the November 2015 plan were building materials and colors and increased building height and mass in certain areas. The council again expressed concern regarding the concept's development intensity and building design.

**March 2016.** The city council reviewed a third concept plan. The plan contemplated removal of the existing, two-story bank building and construction of a three-story, mixed-use building, with two levels of underground parking. Solomon Real Estate Group indicated that because this revised concept would have a significant cost gap – primarily based on the inclusion of underground parking – financial assistance would be needed. After the city's financial consultant performed a preliminary tax increment financing evaluation using a revitalization district standard, the developer indicated that the funding gap was too large to further pursue a mixed-use project for the site.

**June 2016.** The city council reviewed a fourth concept plan. The plan contemplated removal of the existing, two-story bank building and construction of a one-story building. The building would be occupied by a roughly 2,400 square foot TCF Bank
branch and 7,800 square feet of retail tenants. The council generally commented that although they were disappointed the mixed-use building wasn’t feasible, the current retail concept was more invigorating than the previous proposals.

These concept plans are attached on pages A40–A41.)

City Actions

The proposal necessitates the following applications:

- **Major amendment to an existing master development plan.** By City Code §300.31 Subd.10, any change to an approved master development plan that substantially alters the location of buildings, parking areas or roads is considered a “major” amendment and can only be approved by ordinance. However, to reduce confusion, rather than amending the existing master development staff suggests that the existing plan be repealed and replaced by a master development reflecting the current proposal. The staff drafted ordinance notes such repeal and replacement.

- **Appeal of maximum p.m. peak hour trips.** By City Code §300.31 Subd.6(c), the subject property is permitted 41 p.m. peak hour trips. The code also allows for an appeal of this maximum number. The existing TCF Bank currently generates 76 p.m. peak hour trips. The proposed redevelopment is anticipated to generate 105 p.m. peak hour trips.

- **Final site and building plans, with variances.** By City Code §300.27 Subd.2, site and building plan review is required for construction of any new commercial building.

- **Conditional use permit.** By City Code §300.31 Subd.4(b)(2)(k), uses having a drive-up window are allowed only by conditional use permit.

- **Preliminary and final plats.** Platting of the site would allow for separate ownership of the bank and retail portions of the building and associated parking lot.

Setbacks, Etc.

The proposed redevelopment requires six variances to zoning standards.
### Meeting of September 22, 2016

**Subject: Ridgedale Corner Shoppes, 1801 Plymouth Road**

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* Variance required
* New property line bisecting the new building. Variance is technical in nature.

### Trip Generation Appeal Standard

The PID ordinance specifically permits the appeal of maximum p.m. peak hour trips allocations. However, the ordinance does not include any specific standards by which such appeals should be considered. Generally, the city has considered whether existing and proposed roadway capacity can accommodate a development, whether infrastructure improvements are necessary, and if so, if such improvements are included in the development proposal.

### SBP Standards

By City Code §300.27 Subd.5, in evaluating a site and building plan, the planning commission and city council must consider its compliance with certain standards. The proposal would meet these standards.

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

**Finding:** The proposal has been reviewed by planning, building, engineer, natural resources, fire, and public works staff. Staff finds it to be generally consistent with the city's development guides.
2. Consistency with this ordinance;

Finding: The proposed site and building changes would require variance from minimum ordinance standards. As is outlined in the variance section of this report, the proposal would meet the variance standard.

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

Finding: The subject property is a developed site. As such, the proposal would not impact natural topography or native-vegetation.

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

Finding: The proposal would result in an intuitive and attractive redevelopment of an existing commercial site.

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

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

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 proposal would result in an intuitive and attractive redevelopment of an existing commercial site.
6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading;

**Finding:** As new construction, the proposed building would meet minimum energy standards.

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

**Finding:** The proposal would not negatively impact neighboring land uses. Rather, it is anticipated that such redevelopment would result in both a physical and visual improvement to the Plymouth Road/Cartway Lane intersection.

### Variance Standard

By City Code §300.07 Subd.1, a variance may be granted from the requirements of this ordinance including those placed on nonconformities. A variance is only permitted when it is in harmony with the general purposes and intent of this ordinance and when the variance is consistent with the comprehensive plan. A variance may be granted when the applicant establishes that there are practical difficulties in complying with this ordinance. Practical difficulties means that the property owner proposes to use the property in a reasonable manner not permitted by this 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. Economic considerations alone do not constitute practical difficulties.

The proposal requires a technical building setback variances, several parking lot setback variances, and an impervious surface variance. The applicant’s proposal meets the variance standard:

1. **Comprehensive Plan.** One of the recognized policies of the comprehensive plan is to “support existing commercial areas and encourage new development techniques that contribute to the vitality and diversity of an area.”

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2 2030 Comprehensive Guide Plan, page III-9
requested variance is consistent with the policy. This would allow an existing commercial business – TCF Bank – an opportunity to remain in the community while significantly improving its aesthetic presence.

2. **Intent of the Ordinance.** The proposed redevelopment and associated variances would meet the intent of the ordinance.

- The intent of the ordinance as it pertains to building setback is to ensure an adequate separation between buildings. In this case, a property line would be placed down a common wall to afford individual ownership of the portions of the building and surrounding parking lot. While required setbacks could not be achieved between separate ownership areas of the same building, the proposed building would meet all setbacks from property lines surrounding the redevelopment site.

- The intent of the ordinance as it pertains to parking lot setbacks is to ensure adequate separation between parking areas and property lines for aesthetic and safety reasons. The proposal would meet this intent. The proposed parking and drive lanes would be separated from property lines and traveled portion of the surrounding streets by new sidewalks and plantings. Further, the proposed setbacks would be similar to other parking lots in the Ridgedale area.

- The intent of the ordinance as it pertains to impervious surface it to ensure adequate perviousness on properties for aesthetic and stormwater management reasons. The proposal would meet this intent. Green space would be provided around the perimeter of the site, reflecting green space planned and approved on the 1700 Plymouth Road redevelopment site across the street. Further, though the redevelopment would result in a one percent increase in imperviousness, it would also include stormwater treatment facilities and a level of stormwater treatment not currently on the site.

3. **Practical Difficulties.** There are practical difficulties in complying with the ordinance.
• **Reasonableness and Character of the Locality.** The proposed setbacks are reasonable, as they would not negatively impact the surrounding area. The area is characterized by commercial development with a variety of setbacks and levels of imperviousness.

• **Unique Circumstance.** The existing property is fully developed with reduced parking lot setbacks and no stormwater treatment. The proposed redevelopment would improve upon the existing conditions by generally increasing parking lot setbacks and providing stormwater treatment where none exists. That the proposal improves upon an existing situation while still requiring variances is a unique circumstance not common to all other redevelopment proposals or sites in the community.

**CUP Standards**

City Code §300.31 Subd.4(b)(2), outlines general standards for conditional uses in the PID district. The proposed drive-up bank facility would meet these standards.

1. The use is in the best interest of the city.
2. The use is compatible with other nearby uses.
3. The use is consistent with other requirements of this ordinance.

City Code §300.34 Subd.4(b)(2)(k) outlines specific standards for uses having drive-up window. The use:

1. Shall not have drive-up windows and stacking areas located adjacent to any residential parcel.

   **Finding:** The proposed drive-up window would be located adjacent to Cartway Lane. The Bonaventure commercial center is located beyond.

2. Shall be provided with a suitable visual screen from adjacent properties.

   **Finding:** The proposed drive-up window would be located adjacent to Cartway Lane and the Bonaventure commercial center beyond. No visual screen would be necessary from such uses.
3. Shall provide stacking areas with a minimum of six cars per aisle on the property in areas not within applicable setback requirements.

**Finding:** This condition would be met at both proposed drive-up lanes.

4. Shall not have public address system audible from any residential parcel.

**Finding:** The closest resident properties would be on floors one through five of the 1700 Plymouth building, which is currently under construction on the west side of Plymouth Road. Nevertheless, this has been included as a condition of approval.

**Utilities**

The subject property is served by private water and sewer mains. As part of the proposed redevelopment, these lines would be relocated and new private easements established over the lines.

**Stormwater**

The subject property was developed prior to current stormwater management requirements. This existing condition would be improved under the redevelopment. As proposed, runoff would be captured by catch basins located at various points in the new parking lot. From these catch basins runoff would be directed via pipe to under an underground treatment facility and, ultimately directed to the larger Ridgedale Center storm sewer system.

**Traffic**

A traffic study was conducted to: (1) review the existing roadway and intersection operations; (2) evaluate the impacts the proposal may have on operations; and (3) to recommend any necessary improvements to provide safe and efficient operations. (See pages A25–A38.) The study concluded:

- Intersections in the immediate area of the subject property currently operated at an acceptable level of service. The highest observed delay is at the Plymouth Road/Cartway intersection where average delay is 36 seconds.

- The existing TCF site generates 76 weekday p.m. peak hour trips. The proposed development is anticipated to increase this number to 105 weekday p.m. peak hour trips. The trip increase would not impact the level of service of area roadways and intersections. The highest anticipated delay is an anticipated 39 seconds at the Plymouth Road/Cartway intersection.
• No roadway improvements would be necessary to accommodate the applicant’s proposal.

Parking

A parking, and associated site design, study was conducted. The study concluded that the proposed 43 parking stalls would accommodate parking demand based on both city code and average Institute of Transportation Engineers (ITE) rates.

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Rate</th>
<th>Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Code</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bank (2,400 sq.ft.)</td>
<td>1 stall / 250 sq.ft.</td>
<td>10 stalls</td>
</tr>
<tr>
<td>Retail (7,800 sq.ft.)</td>
<td>1 stall / 250 sq.ft.</td>
<td>31 stalls</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>41 stalls</td>
</tr>
<tr>
<td>ITE</td>
<td></td>
<td></td>
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<tr>
<td>Bank (2,400 sq.ft.)</td>
<td>1 stall / 287 sq.ft.</td>
<td>8 stalls</td>
</tr>
<tr>
<td>Retail (7,800 sq.ft.)</td>
<td>1 stall / 250 sq.ft.</td>
<td>31 stalls</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>39 stalls</td>
</tr>
</tbody>
</table>

It should be noted that if a higher parking demand use – such as a coffee shop or restaurant – were proposed in the future, parking demand may not be met on-site. Further evaluation would be necessary. A coffee shop or other restaurant would require a separate conditional use permit.

Park Dedication

By City Code 400.040, park dedication fees in the amount of $8,000 per acre are required in conjunction with the platting of commercial property. At 1.3 acres, the proposed subdivision would require $10,400 in park dedication. As a condition of approval, city staff are authorized to reduce this amount based on the cost associated with public sidewalk construction.

Outside Agencies

The applicant’s proposal has been submitted to various outside agencies for review, including Hennepin County.

Pyramid of Discretion

This proposal:
Motion Options

The planning commission has four options:

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

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

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

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

Neighborhood Comments

The city sent notice to 1,283 area property owners. No comments have been received.

Deadline for Action

November 14, 2016
LOCATION MAP

Project: Ridgedale Corner Shoppes
Applicant: Ridgedale Retail, LLC
Address: 1801 Plymouth Road
Project #16020.16a
Solomon Real Estate Group and TCF Bank have an agreement to jointly redevelop the current TCF Bank property located at 1801 Plymouth Road.

To begin, let us provide a little bit of history on our planning efforts to-date associated with this property. We first held a neighborhood meeting on October 29, 2015 to introduce a new 2,400 sq. ft. building concept for TCF, along with an approximate 5,400 sq. ft. free standing retail building. This plan, although passed by the Planning Commission, did not meet with the vision of the City Council, so we went back to the drawing board. We next presented a building that combined the retail building with the TCF building, but did little to change the look of the TCF building first presented and once again fell short of Council’s vision for the property. We came back with a 3-story building which included underground parking. While this plan appeared to be more aligned with the city’s vision, after extensive evaluation with many professional consultants, we came to the conclusion that the plan was not economically feasible to construct. We were then invited to attend a work session with the City Council to openly discuss the challenges and opportunities of developing this property. At this work session, it was stated that if we could come up with a single-story retail building with an integrated design focused on high quality aesthetic appeal, that this would be something the city would support.

Our current plan and application is presenting an integrated single-story building with strong aesthetics and curb appeal. The project will have two ownerships with TCF owning their 2,400 sq. ft. building on the west-end of the building. Solomon will own the retail portion consisting of 7,800 sq. ft. of retail/restaurant space on the east-end. The development will have a zero lot line plat with an OEA allowing for cross easement parking throughout the entire project. To the general public, the project will appear as one building only. TCF will continue to have a drive-thru as depicted on the plans with no plans for any additional drive-thru’s as part of the project. We will provide a sidewalk starting at the property line along Plymouth Road which will extend and wrap around the entire property. We will be matching the landscape concept plan for the hard corner as designed by Damon Farber and Associates and implemented as part of the mixed-use project located across the street from our property.

The project will be built in phases. We will first move the utilities to accommodate the new location of the building. Once the utilities are in place the new TCF building construction will commence. Once the TCF building is completed and they are open for business in the new facility, we will start demolition of their old building and finish the retail portion of the building. We anticipate starting construction this October, with a final completion date in either 4th quarter 2017, or 1st quarter 2018.
Preliminary Site Improvement Plans

for

Ridgedale Corner Shoppes
Minnetonka, Minnesota

Prepared for:
Ridgedale Retail, LLC
1508 Welland Avenue
Minnetonka, Minnesota 55305
Contact: Steve Johnson
Phone: (952)852-2339
Email: stevejohnson@solomonre.com

Prepared by:
Westwood

Sheet List Table

<table>
<thead>
<tr>
<th>Sheet Number</th>
<th>Sheet Title</th>
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<tr>
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<tr>
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<td>EXISTING CONDITIONS SURVEY</td>
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<tr>
<td>S2</td>
<td>PRELIMINARY PLAN</td>
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<td>CIVIL SITE PLAN</td>
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<td>LANDSCAPE PLAN</td>
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<tr>
<td>S5</td>
<td>PHASE I CONSTRUCTION</td>
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Prepared by:
Westwood
Grading Notes

1. LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES ARE SHOWN. ALL SITE LOCATIONS AND UTILITIES ARE APPROXIMATE. CONTRACTOR IS TO CONFIRM ALL LOCATIONS AND UTILITIES IN THE FIELD PRIOR TO THE START OF WORK. ALL ELEVATIONS SHOWN ON THIS PLAN ARE APPROXIMATE. THE CONTRACTOR SHALL CONFIRM ALL ELEVATIONS IN THE FIELD AND SHALL REPORT ANY ERRORS OR MISCONCESSIONS TO THE ENGINEER.

2. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULE, EXIT PORCHES, RAMPS, TRUCK DOORS, BUILDING DIMENSIONS, EXACT BUILDING UTILITY ENTRANCE LOCATIONS, AND EXISTING GRADES.

3. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULE, EXIT PORCHES, RAMPS, TRUCK DOORS, BUILDING DIMENSIONS, EXACT BUILDING UTILITY ENTRANCE LOCATIONS, AND EXISTING GRADES.

4. CONTRACTOR SHALL REFER TO LOCAL, STATE AND FEDERAL RULES INCLUDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS.

5. PRIOR TO THE START OF ANY SHEET METAL WORK, A PROOF ROUGH WILL BE REQUIRED. THE PROOF ROUGH SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CoORDINATING ALL REQUIRED SOILS TESTS AND INSPECTIONS.

6. ALL SOILS AND MATERIALS TESTING SHALL BE COMPLETED BY AN INDEPENDENT GEOTECHNICAL ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOILS TESTS AND INSPECTIONS.

7. CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL CONFORM TO APPROPRIATE MNDOT STANDARDS.

8. ALL CONSTRUCTION SHALL CONFORM TO LOCAL, STATE AND FEDERAL RULES INCLUDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS.

9. CONTRACTOR SHALL DISPOSE OF ANY EXCESS SOIL MATERIAL THAT EXISTS AFTER THE SITE GRADING AND UTILITY CONSTRUCTION IS COMPLETED. THE CONTRACTOR SHALL DISPOSE OF ALL EXCESS SOIL MATERIAL IN A MANNER ACCEPTABLE TO THE OWNER AND THE REGULATING AGENCIES.

Grading Legend

- PROPERTY LINE
- INDEX CONTOUR
- INTERVAL CONTOUR
- CURVE AND GUTTER
- POND NORMAL WATER LEVEL
- SILT FENCE
- STORM SEWER
- DRAIN TILE
- RED END SECTION (NEW HINT)
- CANTONED DRAIN
- RETAINING WALL
- ROAD LINE
- GRADE LINE
- GRADING PLAN
- DRAINAGE regulating

Not For Construction
Utility Plan

Ridgedale Shoppes

Ridgedale Retail, LLC

300 Wazale Avenue
Minneapolis, Minnesota 55405

General Utility Notes

1. The Contractor is specifically cautioned that the location and/or elevation of existing utilities are shown on these plans which may be different than the location shown on the ground surface. If the Contractor discovers any existing utility during construction, he/she must immediately stop all work on that portion of the project and promptly notify the Owner and/or their authorized representative.

2. All utility lines, storm sewer and watermain connections shall be made in accordance with the utility company's specifications and approved by the city. All existing utility lines, storm sewer and water mains shall be left undisturbed unless approved in writing by the City. All existing utility lines, storm sewer and water mains shall be left undisturbed unless approved in writing by the City.

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4. The Contractor shall refer to the architectural plans for the exact location and dimensions of existing structures, property lines, and other natural features.

5. Prior to construction, the Contractor shall obtain from the owner a detailed map showing the location of all existing utility lines, storm sewer and water mains within the project area.

6. Prior to construction, the Contractor shall obtain from the owner a detailed map showing the location of all existing utility lines, storm sewer and water mains within the project area.

7. All water mains lengths as shown are approximate horizontal lengths.

8. The Contractor is required to provide post-indicator valves at the existing water lines. The valves shall be provided in accordance with the specifications of the utility company.

9. The Contractor is required to provide post-indicator valves at the existing water lines. The valves shall be provided in accordance with the specifications of the utility company.

10. All private utilities shall be constructed in accordance with the specifications of the utility company.

11. All materials shall comply with the requirements of the utility company.

12. All water mains shall be ductile iron wrapped in polyethylene. Class 3 for pipe diameters 31" and smaller. Class 3 for pipe diameters 31" and smaller.

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Preliminary Plant Schedule

<table>
<thead>
<tr>
<th>Plant</th>
<th>Quantity</th>
<th>Size</th>
<th>Specimen</th>
<th>Location</th>
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Planting Notes
1. Staking orMES AS REQUIRED: REPOANON, PRUUB AND STAKE * NOT PRUUB ATER ONE AR.
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19. TOTAL LANDSCAPING RCOUIREO:

Existing Tree Inventory

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<thead>
<tr>
<th>Tree</th>
<th>Species</th>
<th>Size</th>
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Landscape Requirements

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Landscape Provisions

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<tbody>
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Not For Construction

Ridgedale Retail, LLC

Ridgedale Corner Shoppes

Landscape Plan

Westwood

Ridgedale Retail, LLC

100 Ridgedale Avenue

Minneapolis, Minneosota 55448

Ridgedale Corner Shoppes

Anscaca, Minneosota 55438

CARTWAY LN.

BANK

2,400 SF.

RETAIL

7,800 SF.

With 2,400 sq. ft. of retail space, the Ridgedale Retail, LLC project offers a range of landscaping services and materials. The Preliminary Plant Schedule outlines the quantities and specifications for various plants, including trees, shrubs, and perennials, ensuring a diverse and attractive landscape. The Planting Notes detail the specific instructions for installation, including staking, irrigation, and proper placement to maintain the integrity of the landscape design. With careful consideration of soil types and site conditions, the landscape requirements are tailored to meet the aesthetic and functional needs of the commercial space, ensuring a seamless integration of natural elements with the architectural elements. The existing tree inventory is meticulously documented, allowing for informed decisions regarding the placement of new plantings. The landscape provisions further highlight the commitment to sustainability and quality, with precise calculations of the total landscape value and a clear understanding of the provisions and guarantees offered by the contractor. This comprehensive approach ensures a harmonious and visually appealing landscape that enhances the overall appeal of the Ridgedale Retail, LLC project. 
The image represents a south elevation drawing of a retail site named Ridgedale TCF/Retail Site in Minnetonka, MN. The drawing includes various architectural details such as:

- T.O. Parapet 127'-0"
- T.O. Parapet 128'-0"
- T.O. Storefront 114'-0"
- Storefront doors - TCF Red
- Aluminum storefront - Black
- Fiber cement panel terracotta
- Translucent glass
- Prefinished metal - Black
- Up/Down light
- Accent brick - 3
- Field brick - 1
- Stone base
- Faux wood panel - Cedar
- Metal sign band - Black
- Faux wood panel - Cedar
- Prefinished metal - Black

The drawing is signed off on August 8th, 2016.
WEST ELEVATION
Scale: 1/16" = 1'-0"
SOUTH ELEVATION
Scale: 1/16" = 1'-0"

RIDGEDALE TCF/RETAIL SITE
Minnetonka MN
1693.004.00

8 SEPTEMBER 2016
MATERIALS

FIELD BRICK-1
FIELD BRICK-2
ACCENT BRICK-3
ALUMINUM STOREFRONT BLACK
FIBER CEMENT PANEL TERRACOTTA
FAUX WOOD PANEL CEDAR
STONE BASE

RIDGEDALE TCF RETAIL SITE
Minnetonka MN 1693.004.00.A18

8 SEPTEMBER 2016
Ridgedale Corner Shoppes
1601 Plymouth Road #16021.10a
RIDGE DALE TCF/RETAIL SITE
Minnetonka MN
1693.054.00
A18

8 SEPTEMBER 2016

Ridgedale Corner Shoppes
1801 Plymouth Road
#1601.16a
MONUMENT SIGN

TCF BANK / RIDGEDALE SHOPPES

WHITE INTERNALLY ILLUMINATED SIGN CABINET

BRICK

WHITE STONE BAND

BRICK

STONE BASE

6'-0''

10'-0''

15'-0''

3'-4''

1'-2''
Introduction

SRF has completed a traffic and parking study for the proposed TCF Bank redevelopment in the southeast quadrant of the Plymouth Road/Cartway Lane intersection in the City of Minnetonka (see Figure 1: Project Location). The main objectives of this study are to review existing operations within the study area, evaluate traffic and parking impacts of the proposed development, and recommend any necessary improvements to provide safe and efficient operations. The following information provides the assumptions, analysis, and recommendations offered for consideration.

Existing Conditions

The existing conditions were reviewed to establish a baseline in order to identify any future impacts associated with the proposed development. The evaluation of existing conditions includes intersection turning movement counts, field observations, and an intersection capacity analysis.

Data Collection

Peak period intersection turning movement counts were collected at the following locations on August 23, 2016, which represents the weekday p.m. peak hour (4:45 p.m. to 5:45 p.m.). The purpose of these counts is to identify existing site trip generation and general area travel patterns.

- Plymouth Road and Cartway Lane
- Plymouth Road and TCF/Wells Fargo Access
- Internal Mall Roadway and Cartway Lane
- Internal Mall Roadway and TCF/Wells Fargo Access

Due to construction impacts within the region, traffic counts were reviewed from previous studies to develop non-construction traffic volumes, particularly along Plymouth Road. It should be noted that historical average daily traffic (ADT) volumes within the study area were provided by the Minnesota Department of Transportation (MnDOT).
Observations were completed to identify roadway characteristics within the study area (i.e. roadway geometry, posted speed limits, and traffic controls). Plymouth Road and Cartway Lane are primarily four-lane divided roadways immediately adjacent to the proposed development, while the Internal Mall Roadway is a two-lane roadway with select turn lanes. The posted speed limit along Plymouth Road is 35 miles per hour (mph) and the other study area roadways have a 30 mph statutory speed limit. The Plymouth Road/Cartway Lane intersection is signalized, while the remaining study intersections are side-street stop controlled. It should be noted that the Plymouth Road and TCF/Wells Fargo Access allows only right-in/right-out movements. Existing geometries, traffic controls, and volumes are shown in Figure 2.

**Intersection Capacity Analysis**

An existing intersection capacity analysis was completed for the weekday p.m. peak hour to establish a baseline condition to which future traffic operations can be compared. The a.m. peak hour was not evaluated since the proposed development is not expected to be open during that time and the fact that area traffic volumes are generally lower than the p.m. peak hour due to the retail nature of the Ridgedale Shopping Center area. Study intersections were analyzed with Synchro/SimTraffic (Ver. 9).

Capacity analysis results identify a Level of Service (LOS), which indicates the quality of traffic flow through an intersection. Intersections are given a ranking from LOS A through LOS F. The LOS results are based on average delay per vehicle, which correspond to the delay threshold values shown in Table 1. LOS A indicates the best traffic operation, with vehicles experiencing minimal delays. LOS F indicates an intersection where demand exceeds capacity, or a breakdown of traffic flow. Overall intersection LOS A through LOS D is generally considered acceptable in the Twin Cities Metro Area.

**Table 1. Level of Service Criteria for Signalized and Unsignalized Intersections**

<table>
<thead>
<tr>
<th>LOS Designation</th>
<th>Signalized Intersection Average Delay/Vehicle (seconds)</th>
<th>Unsignalized Intersection Average Delay/Vehicle (seconds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>≤ 10</td>
<td>≤ 10</td>
</tr>
<tr>
<td>B</td>
<td>&gt; 10 - 20</td>
<td>&gt; 10 - 15</td>
</tr>
<tr>
<td>C</td>
<td>&gt; 20 - 35</td>
<td>&gt; 15 - 25</td>
</tr>
<tr>
<td>D</td>
<td>&gt; 35 - 55</td>
<td>&gt; 25 - 35</td>
</tr>
<tr>
<td>E</td>
<td>&gt; 55 - 80</td>
<td>&gt; 35 - 50</td>
</tr>
<tr>
<td>F</td>
<td>≥ 80</td>
<td>≥ 50</td>
</tr>
</tbody>
</table>

For side-street stop controlled intersections, special emphasis is given to providing an estimate for the level of service of the side-street approach. Traffic operations at an unsignalized intersection with side-street stop control can be described in two ways. First, consideration is given to the overall intersection level of service. This takes into account the total number of vehicles entering the intersection and the capability of the intersection to support these volumes.
Second, it is important to consider the delay on the minor approach. Since the mainline does not have to stop, the majority of delay is attributed to the side-street approaches. It is typical of intersections with higher mainline traffic volumes to experience high levels of delay (i.e. poor levels of service) on the side-street approaches, but an acceptable overall intersection level of service during peak hour conditions.

Results of the existing intersection capacity analysis shown in Table 2 indicate that the study intersections currently operate at an acceptable overall LOS D or better during the weekday p.m. peak hour with the existing geometric layout and traffic controls. Although the Plymouth Road/Cartway Lane intersection operates at an acceptable LOS, eastbound queues extend beyond Ridgedale Drive approximately 10 to 15 percent of the p.m. peak hour. This is due to the close intersection spacing along Cartway Lane between Ridgedale Drive and Plymouth Road, which limits the operational efficiency of the area. In addition, northbound queues along Plymouth Road at the Cartway Lane intersection extended approximately 350 feet during the weekday p.m. peak hour. These queues extend beyond the TCF/Wells Fargo Access approximately five (5) percent of the p.m. peak hour.

Table 2 Existing Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Weekday P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOS</td>
</tr>
<tr>
<td>Plymouth Road and Cartway Lane</td>
<td>D</td>
</tr>
<tr>
<td>Plymouth Road and TCF/Wells Fargo Access</td>
<td>A/A</td>
</tr>
<tr>
<td>Internal Mall Roadway and Cartway Lane</td>
<td>A/A</td>
</tr>
<tr>
<td>Internal Mall Roadway and TCF/Wells Fargo Access</td>
<td>A/A</td>
</tr>
</tbody>
</table>

(1) Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.

Proposed Development

The proposed development, shown in Figure 3, would replace the existing TCF Bank. The existing building on site is approximately 13,000 square feet. However, based on discussions with City staff, approximately 40 percent of the building is currently vacant. If approved, the proposed development would remove the existing building on site and construct a new 10,200 square foot multi-tenant building. The proposed development would consist of a new 2,400 square foot TCF Bank and approximately 7,800 square feet of general retail space. It should be noted that the new TCF Bank would have three (3) drive-through lanes, which is one less than currently exists.

The proposed development was assumed to be fully operational by the year 2017. Access to the proposed development is not expected to change, with one access along Plymouth Road (right-in/right-out) and a second access along the Internal Mall Roadway (full access). The parking lot will be reconfigured to provide a total of 43 parking spaces. Additional parking information is provided later in this memorandum.
Site Plan
TCF Bank Redevelopment Traffic Study
City of Minnetonka

RIDGEDALE TCF/RETAIL SITE
Minnetonka MN
1693.004.00

8 SEPTEMBER 2016

Figure 3
Ridgedale Corner Shoppes
1801 Plymouth Road
#16021.16a
Year 2018 Conditions

To identify potential impacts associated with the proposed development, traffic forecasts for year 2018 conditions (i.e. one-year after opening) were developed. The year 2018 conditions take into account general area background growth and traffic generated by the proposed development. The following sections provide details on the background traffic forecasts, estimated trip generation, and intersection capacity analysis for year 2018 conditions.

Background Traffic Growth

To account for general background growth in the area, an annual growth rate of one percent was applied to the existing peak hour traffic volumes to develop year 2018 background traffic forecasts. This growth rate is generally consistent with historical trends within the study area and future growth projections within the Twin Cities Regional Travel Demand Model.

Trip Generation

To account for traffic impacts associated with the proposed development, a trip generation estimate for the weekday p.m. peak hour and on a daily basis was developed. The trip generation estimate, shown in Table 3, was developed using a combination of existing traffic counts collected at the site access locations and the Institute of Transportation Engineers (ITE) Trip Generation Manual, Ninth Edition. An alternative land use trip generation was included solely for comparison purposes based on discussion with City staff, which focused on a potential coffee-shop land use.

Table 3 Trip Generation Estimate

<table>
<thead>
<tr>
<th>Land Use Type (ITE Code)</th>
<th>Size</th>
<th>Weekday P.M. Peak Hour Trips</th>
<th>Weekday Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TCF Bank (1)</td>
<td>Actual Counts</td>
<td>31</td>
<td>45</td>
</tr>
<tr>
<td>Proposed Land Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TCF Bank (1)</td>
<td>2,400 SF</td>
<td>31</td>
<td>45</td>
</tr>
<tr>
<td>Shopping Center (820)</td>
<td>7,800 SF</td>
<td>14</td>
<td>15</td>
</tr>
<tr>
<td>Total Site Trips (Proposed Use)</td>
<td>10,200 SF</td>
<td>45</td>
<td>60</td>
</tr>
<tr>
<td>Alternative Land Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TCF Bank (1)</td>
<td>2,400 SF</td>
<td>31</td>
<td>45</td>
</tr>
<tr>
<td>Shopping Center (820)</td>
<td>6,300 SF</td>
<td>11</td>
<td>12</td>
</tr>
<tr>
<td>Coffee-Shop/Restaurant (936)</td>
<td>1,500 SF</td>
<td>19</td>
<td>21</td>
</tr>
<tr>
<td>Total Site Trips (Alternative Use)</td>
<td>10,200 SF</td>
<td>61</td>
<td>78</td>
</tr>
</tbody>
</table>

(1) Based on a combination of actual driveway counts collected in August 2016 and ITE estimates (daily only).
(2) Estimated based on a combination of ITE Land Use Code 936 and 937.
It should be noted that when generating trips for a bank land use, the trip rates are typically based on the number of drive-through lanes, unless actual trip data can be obtained. In this instance, actual driveway counts were collected for the TCF Bank and were utilized for trip generation purposes. Although the proposed development is planning to have three (3) drive through lanes, which is one less than currently exists, the reduction in drive through lanes and overall bank footprint is not expected to impact the services provided by TCF Bank. Therefore, the proposed TCF Bank was assumed to continue to generate trips as it does today. Trips for the proposed general retail space and alternative coffee shop land use were generated using ITE.

Results of the trip generation estimate indicate the proposed development is expected to generate an additional 29 weekday p.m. peak hour and 333 daily trips to/from the site compared to the existing land use. Once completed, the total site trip generation is expected to be approximately 105 weekday p.m. peak hour and 751 daily trips. No multi-use or pass-by reductions were included to provide a conservative estimate. These trips generated were distributed to the study area based on the directional distribution shown in Figure 4, which was developed based on the engineering judgement and existing travel patterns. The resultant year 2018 peak hour traffic forecasts, which include general background growth and traffic generated by the proposed development is shown in Figure 5.

As noted earlier, an alternative land use scenario was reviewed from a trip generation perspective. Based on discussion with City staff, the proposed development could eventually include a coffee shop. Therefore, results of the alternative land use trip generation estimate indicate the site would generate an additional 63 weekday p.m. peak hour and 1,034 daily trips if a coffee shop were to be included within the general retail space as compared to existing conditions. This would result in a total site trip generation of 139 weekday p.m. peak hour and 1,452 daily trips. No further analysis was conducted with respect to the alternative land use scenario.

### I-394 Ordinance Compliance

The proposed land use change for the TCF Bank redevelopment was compared to the PID parcel trip allocation based on the current I-394 Ordinance (TAD 14, Parcel 3). The parcel’s current trip allocation is 41 weekday p.m. peak hour trips. Based on the driveway counts, the existing TCF Bank site currently exceeds the ordinance, generating approximately 76 weekday p.m. peak hour trips. The proposed development is expected to generate a total of 105 weekday p.m. peak hour trips. However as part of the Ordinance update process, this parcel was being reviewed as part of the City’s overall Village Center framework. Based on that framework, the density of the proposed development is consistent with the land use vision for this area.

<table>
<thead>
<tr>
<th>Scenario</th>
<th>I-394 Ordinance Allocation (TAD 14, Parcel 3)</th>
<th>Existing Land Use (Actual Counts)</th>
<th>Proposed Land Use (Table 3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekday P.M. Peak Hour Trips</td>
<td>41</td>
<td>76</td>
<td>105</td>
</tr>
</tbody>
</table>
LEGEN
XX - P.M. Peak Hour Volumes
XXX - Estimated Year 2018 Average Daily Traffic (ADT) Volumes
- Side-Street Stop Controlled
- Traffic Signal Controlled
Year 2018 Intersection Capacity Analysis

To determine if the existing roadway network can accommodate the year 2018 traffic forecasts under build conditions, a detailed intersection capacity analysis was completed. Results of the year 2018 intersection capacity analysis shown in Table 5 indicate that all of the study intersections are expected to continue to operate at an acceptable overall LOS D or better during the weekday p.m. peak hour with the existing roadway geometry and traffic controls. Northbound queues along Plymouth Road are expected to increase slightly (to approximately 285 feet) and continue to occasionally extend beyond the TCF/Wells Fargo Access approximately five (5) to 10 percent of the p.m. peak hour. Given the minimal anticipated impact caused by the proposed development on study area operations, no roadway improvements are recommended from a traffic operations perspective.

Table 5 Year 2018 Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Weekday P.M.</th>
<th>Delay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plymouth Road and Cartway Lane</td>
<td>D</td>
<td>39 sec.</td>
</tr>
<tr>
<td>Plymouth Road and TCF/Wells Fargo Access</td>
<td>A/A</td>
<td>9 sec.</td>
</tr>
<tr>
<td>Internal Mall Roadway and Cartway Lane</td>
<td>A/A</td>
<td>6 sec.</td>
</tr>
<tr>
<td>Internal Mall Roadway and TCF/Wells Fargo Access</td>
<td>A/A</td>
<td>6 sec.</td>
</tr>
</tbody>
</table>

(1) Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.

It should be noted that there are future proposed roadway improvements adjacent to the study area, particularly at the Plymouth Road/I-394 South Ramp intersection. This improvement, planned for construction in 2017, is expected to significantly reduce the eastbound left-turn movement from Cartway Lane to Plymouth Road. This, in turn, would result in improved operations at the Plymouth Road/Cartway Lane intersection and reduce the likelihood of issues at the proposed development site access locations during holiday conditions.

Parking Review

As previously mentioned, the proposed development is reconfiguring the parking lot, which would add two (2) parking spaces resulting in a total of 43 parking spaces on site. To determine if the existing parking supply will meet demand for the site, a detailed parking review was completed using both the Minnetonka City Code as well as the ITE Parking Generation Manual, Fourth Edition. The following information summarizes the parking demand review.

1) The minimum parking requirement based on Minnetonka City Code (Chapter 3, Section 300.28) states that for both a bank and retail store, the minimum number of parking spaces required is one space per 250 square feet of gross floor area. Given that the proposed development includes a total of 10,200 square feet of retail/bank space, a total of 41 parking spaces are required based on City code. Based on the proposed parking, the site is expected to have a two (2) space surplus.
Due to the unknown tenants in the retail section of the proposed development, both the ITE average and 85th percentile parking demand rates were reviewed to develop a parking demand range. The average and 85th percentile parking demand for the proposed development is 39 and 53 parking spaces, respectively. This represents a four (4) space surplus based on the average demand and a ten (10) space deficit based on the 85th percentile demand.

The number of proposed development parking spaces meets the Minnetonka City Code and ITE average parking demand requirements. However, based on the higher ITE 85th percentile parking demand estimate, there is a ten (10) space deficit. Therefore, depending on the type of tenants in the retail section, there is a potential the parking demand may exceed the proposed parking supply. Parking and specific tenants should be monitored to identify if the actual parking demand exceeds the proposed supply. If necessary, a mutual parking agreement should be considered with surrounding property owners to utilize alternative parking adjacent to the site. It should be noted that if a coffee shop/restaurant use were to occupy a tenant spot, the parking supply would not meet the Minnetonka City Code and additional parking and pedestrian accommodations would likely need to be considered.

Site Plan Review
A review of the proposed site plan was completed to identify any issues and recommend potential improvements with regard to site access, circulation, and parking. Based on this review, the following issues and mitigation were identified that should be discussed further. A summary of the site plan improvement considerations are illustrated in Figure 6.

1) Relocate the east driveway aisle to the west to provide better turning movement accommodations. This would require moving the parking to the eastern edge of the site. One-way operations could be considered for this section of the driveway aisle to reduce driver confusion and conflicts.

2) Provide additional parking spaces along the eastern edge of the site. These spaces could be converted to angled-parking in conjunction with one-way driveway aisle operations.

3) Designate the parking spaces along the eastern edge of the site as “employee parking” to reduce conflicts between drive-through and general retail motorists.

4) Eliminate the parking spaces along the western edge of the site and maintain one-way operations around the drive-through area to reduce driver confusion and the potential for internal conflicts.

5) Consider additional parking spaces, as shown.

6) Limit any sight distance impacts from future structures, landscaping, and signing.

7) Review turning movements to ensure that heavy vehicles have adequate accommodations to maneuver.
1) Relocate parking to the east and the driveway isle to the west to accommodate turn movements. Angled-parking and/or one-way operations could be considered.

2) Provide additional parking spaces

3) Designate parking spaces as "employee parking"

4) Eliminate parking spaces and maintain one-way operations

5) Consider additional parking spaces

6) Limit any sight distance impacts from future structures, landscaping, and signing.

7) Review turning movements to ensure that heavy vehicles have adequate accommodation to maneuver.
Summary and Conclusions

The following study conclusions and recommendations are offered for consideration:

1) The existing intersection capacity analysis indicates that the study intersections currently operate at an acceptable overall LOS D or better during the weekday p.m. peak hour.
   a. Eastbound queues extend beyond Ridgedale Drive approximately 10 to 15 percent of the p.m. peak hour. Northbound queues along Plymouth Road extended approximately 350 feet, which impacts the TCF/Wells Fargo Access approximately five (5) percent of the p.m. peak hour.

2) The proposed development would replace the existing 13,000 square foot TCF Bank and construct a new 10,200 square foot multi-tenant building. The proposed development would consist of a new 2,400 square foot TCF Bank and approximately 7,800 square feet of retail space. Access to the proposed development is not expected to change.

3) The proposed development is expected to generate an additional 29 weekday p.m. peak hour and 333 daily trips to/from the site compared to the existing land use. Once completed, the total site trip generation is expected to be approximately 105 weekday p.m. peak hour and 751 daily trips.
   a. An alternative land use trip generation estimate indicates the site would generate an additional 63 weekday p.m. peak hour and 1,034 daily trips if a coffee shop were to be included within the general retail space as compared to existing conditions. This would result in a total site trip generation of 139 weekday p.m. peak hour and 1,452 daily trips.

4) The year 2018 intersection capacity analysis indicates that all of the study intersections are expected to continue to operate at an acceptable overall LOS D or better during the weekday p.m. peak hour. The queuing previously noted will increase slightly, but is not expected to be significantly impacted by the proposed development.
   a. Given the minimal anticipated impact by the proposed development on study area operations, no roadway improvements are recommended from a traffic operations perspective.

5) The number of proposed development parking spaces meets the Minnetonka City Code and ITE average parking demand requirements. However, based on the higher ITE 85th percentile parking demand estimate, there is a ten (10) space deficit.

6) Depending on the type of tenants, there is a potential the parking demand may exceed the proposed supply. Parking and specific tenants should be monitored to identify if the actual parking demand exceeds the proposed supply. If necessary, a mutual parking agreement should be considered with surrounding property owners to utilize alternative parking adjacent to the site.

7) Site plan improvements, as illustrated in Figure 6, should be considered to improve circulation and parking, as well as reduce internal conflicts.
CONCEPT PLANS

A39

Ridgedale Corner Shoppes
1801 Plymouth Road
#16021.16a
ORDINANCE
AND RESOLUTIONS
Ordinance No. 2016-

An ordinance repealing and replacing the existing master development plan for 1801 Plymouth Road

The City Of Minnetonka Ordains:

Section 1.

1.01 The subject property is located at 1801 Plymouth Road. It is legally described as: Lot 5, Block 1, Ridgedale Center Fourth Addition.

1.02 In 1992, the city approved a master development plan for the property. The approved plan generally includes a two-story bank building with drive-up windows.

1.03 Ridgedale Retail, LLC has presented a proposal to redevelop the existing site. As presented, the existing, two-story, 12,600 square foot bank building would be removed and a new, one-story, 10,200 square foot building would be constructed. The building would include a bank, with drive-up windows, and retail tenants.

1.04 To facilitate redevelopment of the site, this ordinance hereby repeals and replaces the master development plan for the subject property.

Section 2.

2.01 This ordinance is based on the following findings:

1. The proposed redevelopment would be consistent with the property’s mixed-use comprehensive guide plan designation.

2. The proposed redevelopment would not negatively impact public health, safety, or welfare.
2.02 This ordinance is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans:
   - Civil Site Plan, dated August 1, 2016, as amended by staff-drafted parking exhibit dated September 14, 2016
   - Grading, Drainage, and Erosion Control Plan, dated August 1, 2016
   - Utility Plan, dated August 1, 2016
   - Landscape Plan, dated August 1, 2016
   - Building Elevations, dated September 8, 2016

   The above plans are hereby constitute the master development plan for the subject property.

2. The development must further comply with all conditions outlined in City Council Resolution No. 2016-xx, adopted by the Minnetonka City Council on October 10, 2016.

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on October 10, 2016.

__________________________
Terry Schneider, Mayor

Attest:

__________________________
David E. Maeda, City Clerk

Action on this ordinance:

Date of introduction: September 12, 2016
Date of adoption: October 10, 2016
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on October 10, 2016.

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

Resolution approving final site and building plans, with variances, and an appeal of maximum p.m. peak hour trips, for Ridgedale Corner Shoppes at 1801 Plymouth Road

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

Section 1. Background.

1.01 Ridgedale Retail, LLC has requested approval of final site and building plans for the Ridgedale Corner Shoppes. The plans include the following variances from development standards outlined in City Code 300.31 Subd.7:

<table>
<thead>
<tr>
<th>Point of Measurement</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common property line</td>
<td>35 ft</td>
<td>0 ft</td>
</tr>
<tr>
<td>Parking Lot Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>20 ft</td>
<td>12 ft</td>
</tr>
<tr>
<td>South</td>
<td>20 ft</td>
<td>0 ft</td>
</tr>
<tr>
<td>East</td>
<td>20 ft</td>
<td>10 ft</td>
</tr>
<tr>
<td>West</td>
<td>20 ft</td>
<td>7 ft</td>
</tr>
<tr>
<td>Impervious Surface</td>
<td>80%</td>
<td>81%</td>
</tr>
</tbody>
</table>

1.02 The request also includes an appeal of the maximum p.m. peak hour trip allocation as outlined in City Code §300.31 Subd.13. By city code, the site is allocated 41 p.m. peak hour trips. The existing site generates 76 p.m. peak hour trips and the proposed site is anticipated to generate 105 p.m. peak hour trips.

1.02 The property is located at 1801 Plymouth Road. It is legally described as Lot 3, Block 1, RIDGEDALE CENTER FOURTH ADDITION.
1.03 On September 22, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the final site and building plans, with variances, and the appeal of the p.m. peak hour trip allocation.

Section 2. Standards

2.01 City Code §300.27 Subd. 5, outlines several items that must be considered in the evaluation of site and building plans.

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

2. Consistency with the ordinance;

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

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

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

   a) an internal sense of order for the buildings and uses on the 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.

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

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

2.02 By City Code §300.07 Subd. 1(a), 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.

2.03 By City Code §300.31 Subd.6(c), a property owner may appeal the maximum p.m. peak hour trip allocation.

Section 3. Findings

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

1. The proposal has been reviewed by planning, building, engineer, natural resources, fire, and public works staff. The proposal would be generally consistent with the city’s development guides.

2. The proposed site and building changes would requires variances from minimum ordinance standards. The proposal would meet the variance standard as is outlined in section 3.02 of this resolution.

3. The subject property is a developed site. As such, the proposal would not impact natural topography or native-vegetation.
4. The proposal would result in an intuitive and attractive redevelopment of an existing commercial site.

5. As new construction, the proposed building would meet minimum energy standards.

6. The proposal would not negatively impact neighboring land uses. Rather, it is anticipated that such redevelopment would be result in both physical and visual improvement to the Plymouth Road/Cartway Lane intersection.

3.02 The proposal would meet the variance standard outlined in City Code §300.07 Subd. 1(a):

1. Consistent with Comprehensive Plan. One of the recognized policies of the comprehensive plan is to support existing commercial areas and encourage new development techniques that contribute to the vitality and diversity of an area. The requested variances are consistent with this policy. The variances would allow for redevelopment of a dated, underutilized site, while improving the aesthetic presence of an existing commercial business.

2. Purpose and Intent of the Ordinance. The proposed redevelopment, and associated variances, would meet the intent of the ordinance.

   a) The intent of the ordinance as it pertains to building setback is to ensure an adequate separation between buildings. In this case, a property line would be placed down a common wall to afford individual ownership of the portions of the building and surrounding parking lot. While required setbacks could not be achieved between separate ownership areas of the same building, the proposed building would meet all setbacks from property lines surrounding redevelopment site.

   b) The intent of the ordinance as it pertains to parking lot setbacks is to ensure adequate separation between parking areas and property lines for aesthetic and safety reasons. The proposal would meet this intent. The proposed parking and drive lanes would be separated from property lines and traveled portion of the surrounding streets by new sidewalks and plantings. Further, the proposed setbacks would be similar to other parking lots in the Ridgedale area.

   c) The intent of the ordinance as it pertains to impervious surface it to ensure adequate perviousness on properties for aesthetic
and stormwater management reasons. The proposal would meet this intent. Green space would be provided around the perimeter of the site, reflecting green space planned and approved on the 1700 Plymouth Road redevelopment site across Plymouth Road. Further, though the redevelopment would result in a one percent increase in imperviousness, it would also include stormwater treatment facilities and a level of stormwater treatment not currently on the site.

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

a) Reasonableness and Character of the Locality. The proposed setbacks are reasonable, as they would not negatively impact the surrounding area. The area is characterized by commercial development with a variety of setbacks and levels of imperviousness.

b) Unique Circumstance. The existing property is fully developed with reduced parking lot setbacks and no stormwater treatment. The proposed redevelopment would improve upon the existing conditions by generally increasing parking lot setbacks and providing stormwater treatment where none exists. That the proposal improves upon an existing situation while still requiring variances is a unique circumstance not common to all other redevelopment proposals or sites in the community.

3.03 The appeal of the p.m. peak hour trip allocation is reasonable. The traffic study conducted for the project indicates that the existing roadway capacity can accommodate the proposed development. No roadway infrastructure improvements would be necessary.

Section 4. City Council Action.

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

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

   • Civil Site Plan, dated August 1, 2016, as amended by staff-drafted parking exhibit dated September 14, 206
2. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.

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

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

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

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

   a. Final site plan must:

      1. Incorporate parking lot site design changes as outlined on staff-drafted parking exhibit dated September 14, 2016.

      2. Include a pedestrian ramp on the radius of the Plymouth Road/Cartway Lane intersection.

      3. Include a pedestrian ramp in the pork chop and knockdown landing located in the southern median at the Plymouth Road intersection.

      4. Revise the two pedestrian ramps along the Ridgedale ring road to be directed parallel to the street.
b. Final stormwater management plan must meet the requirements of the city’s Water Resources Management Plan, Appendix A. Design. The plan must:

1. Provide volume control, in full, for a one-inch rain event over the entirety of the site’s impervious surface.

2. Illustrate the total amount of abstraction that is provided through inclusion of the underground storage facility.

3. Include water quality data verifying the conclusions of the stormwater narrative.

c. Final utility plan must:

1. Define the limits and method of watermain abandonment.

2. Define how the watermain disconnects will be performed. For instance, whether lines will be plugged, restrained, or thrust blocking uses.

3. Call out all connection types, including fittings, sleeves, etc.

4. 90 degree bends are not permitted. Two, 45 degree bends should be used.

d. Final landscaping and tree mitigation plans must:

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

2. Include an itemized plant material list.
3. Indicate all deciduous trees to be planted no closer than 15 feet, and evergreen trees no closer than 20 feet behind the curb of the public streets.

4. Include rain sensors on any irrigation systems.

4) A document defining ability and capacity to provide water and sewer services to the proposed lots and uses.

5) An exhibit showing property line, building footprint, and water, sanitary sewer, and storm sewer lines and clearly labelling all lines as “private.”

6) Manufacturer’s information or confirmation from a structural engineer indicating that the proposed underground storage facility is capable of supporting fire apparatus weighing at least 83,000 pounds and outrigger pressures up to a maximum of 10,800 pounds per square foot.

7) A sequencing plan for review and approval of the city engineer. The plan must notate the series of construction events that will occur involving construction and water, sanitary sewer, and storm sewer and connections and disconnections.

8) The following documents for the review and approval of the city attorney:

   a. A shared access agreement or easement over the subject site for the benefit of the site and the properties to the south. The agreement/easement must state the maintenance responsibilities of each owner.

   b. Private water, sanitary sewer, and storm sewer easements over the subject site for the benefit of the site and the properties to the south. The agreement/easement must state the maintenance responsibilities of each owner.
c. A trail easement over all areas of sidewalk that are not located with dedicated right-of-way.

d. Stormwater maintenance agreement over the proposed underground stormwater treatment facility.

e. A tree maintenance agreement. The property owner is responsible for trimming trees in location of conflict between trees, vehicles, and pedestrians.

f. Snow removal agreement. The agreement must address snow removal operations for the parking lot and sidewalks. The property owner is responsible for snow removal and maintenance of the public sidewalks adjacent to the development. The agreement must outline the plowing schedule and timelines to avoid conflicts with plowing of the public street, and avoid redundancy of sidewalk plowing. The agreement must also outline de-icing needs and provide chloride guidelines that winter snow and ice removal contractors will adhere to. The de-icing practices should minimize salt and chloride use to protect the landscape investments.

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

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

1. A final as-built survey has been submitted;

2. An electronic CAD file or certified as-built drawings for public infrastructure in microstation or DXF and PDF format have been submitted;
3. Vegetated ground cover has been established; and
4. Required landscaping or vegetation has survived one full growing season.

10) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
   a. The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
   b. If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion or grading problems.

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

12) All required administration and engineering fees.

b) Prior to issuance of the grading permit:

1) Obtain and submit a permit from the Minnesota Department of Health or documentation from the department that no such permit is required.

2) Obtain and submit a sanitary sewer extension permit from the Minnesota Pollution Control Agency or documentation from the agency that no such permit is required.

3) Obtain and submit a right-of-way permit from Hennepin County or documentation that no such permit is required.
4) Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

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

4. Prior to issuance of a building permit:

a) Submit the following documents:

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

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

b) Submit a final material and color palate board for staff review and approval.

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

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

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

d) Submit all required hook-up fees.

e) Submit any outstanding delinquent fire alarm fees.

7. During construction the street must be kept free of debris and sediment.

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

9. The property owner is responsible maintaining records and continuing to locate abandoned, in-place utility facilities.

10. The property owner is responsible for snow removal on Plymouth Road, Cartway Lane, and Ridgedale ring road sidewalks adjacent to the subject property.

11. This resolution does not approve any signs. Separate sign permit applications must be submitted.

12. The approvals granted under this resolution will expire on December 31, 2017 unless: (1) a building permit has been issued for the proposal as outlined; or (2) the city has received and approved an written request for extension of the approvals.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 10, 2016.

Terry Schneider, Mayor

Attest:
Resolution No. 2016-

David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 10, 2016.

David E. Maeda, City Clerk
Resolution No. 2016-
Resolution approving a conditional use permit for a use with drive-up window at 1801 Plymouth Road

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

Section 1. Background.

1.01 Ridgedale Retail, LLC has requested a conditional use permit for drive-up windows associated with the TCF Bank at the Ridgedale Corner Shoppes.

1.02 The property is located at 1801 Plymouth Road. It is legally described as Lot 3, Block 1, RIDGEDALE CENTER FOURTH ADDITION and is zoned Planned I-394 District.

1.03 By City Code §300.31 Subd.4(b)(2)(k), uses with drive-up windows are conditionally-permitted in the Planned I-394 zoning district.

1.04 On September 22, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended the council approve the conditional use permit.

Section 2. Standards.

2.01 City Code §300.31 Subd.4(b)(2) outlines the following general conditional use permit standards:

1. The use is in the best interest of the city.

2. The use is compatible with other nearby uses.

3. The use is consistent with other requirements of this ordinance.
2.02 City Code §300.31 Subd.4(b)(2)(k) outlines the following specific conditional use permit standards for uses with drive-up windows. The use:

1. Shall not have drive-up windows and stacking areas located adjacent to any residential parcel.
2. Shall be provided with a suitable visual screen from adjacent properties.
3. Shall provide stacking areas with a minimum of six cars per aisle on the property in areas not within applicable setback requirements.
4. Shall not have public address system audible from any residential parcel.

Section 3. Findings.

3.01 The proposal would meet the general conditional use permit standards outlined in City Code §300.31 Subd.4(b)(2).

3.02 The proposal would meet all of the specific conditional use permit standards outlined in City Code §300.31 Subd.4(b)(2)(k).

1. The proposed drive-up windows and stacking areas would not be located adjacent to any residential parcel. Rather, they would be located adjacent to Cartway Lane. The Bonaventure commercial center is located beyond.
2. Other than general landscaping, no visual screening would be necessary.
3. A minimum of six cars per stacking aisle would be provided.
4. As a condition of this resolution, public address systems associated with the drive-up window must not be audible from any residential parcel.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, subject to the following conditions:
1. The site must be developed in substantial compliance with Civil Site Plan, dated August 1, 2016, as amended by staff-drafted parking exhibit September 14, 2016.

2. Any public address system associated with the drive-up window must not be audible from any residential parcel.

3. This resolution approves drive-up window associated with a bank or other financial institution only.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 10, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on October 10, 2016.

David E. Maeda, City Clerk
Resolution No. 2016-
Resolution approving the preliminary and final plats of
RIDGEDALE CENTER 9th ADDITION at 1801 Plymouth Road

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

Section 1. Background.

1.01 Ridgedale Retail, LLC has requested preliminary and final plat approval of
RIDGEDALE CENTER 9th ADDITION.

1.02 The property is located at 1801 Plymouth Road. It is legally described as:
Lot 3, Block 1, RIDGEDALE CENTER FOURTH ADDITION.

1.03 On September 22, 2016, the planning commission held a hearing on the
proposed plats. The applicant was provided the opportunity to present
information to the 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 grant preliminary plat and final approval.

Section 2. General Standards.

2.01 City Code §400.030 outlines subdivision design standards.

Section 3. Findings.

3.01 The proposed preliminary and final plats would meet the design standards
as outlined in City Code §400.030.

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

1. Prior to release of the final plat for recording:
   a) Provide the following documents for the city attorney’s review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.

      1) Title evidence that is current within thirty days before release of the final plat.

      2) Shared access agreement or easement between Lots 1 and 2 and the adjacent properties to the south for the benefit of Lots 1 and 2 and the properties to the south. The agreement/easement must state the maintenance responsibilities of each owner.

      3) Private water, sanitary sewer, and storm sewer easements over Lots 1 and 2 for the benefit of Lots 1 and 2 and the properties to the south. The agreement/easement must state the maintenance responsibilities of each owner.

      4) A trail easement over all areas of sidewalk that are not located with dedicated right-of-way.

   b) Submit the following:

      1) A revised final plat drawing. The final drawing must include 10 foot wide drainage and utility easement adjacent to north, east and west property lines and a 7-foot easement adjacent to the south property line. Private easements over private utility lines may not be shown on the plat.

      2) Two sets of mylars for city signatures.

      3) An electronic CAD file of the plat in microstation or DXF.

      4) Park dedication fee of $10,400. Staff is authorized to reduce this amount based on cost associated with construction of the public sidewalk.
2. This approval will be void if: (1) the final plat is not recorded with the county within one calendar year of this approval; and (2) the city has not received and approved a written application for a time extension within one calendar year of final plat approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 10, 2016.

______________________________
Terry Schneider, Mayor

Attest:

______________________________
David E. Maeda, City Clerk

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 10, 2016.

______________________________
David E. Maeda, City Clerk
Minnetonka Planning Commission Meeting
September 22, 2016

Agenda Item 9

Other Business
Minnetonka Planning Commission
September 22, 2016

Brief Description
Concept plan review Williston water tower monopole

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

Background

In 2015, the city was approached by Verizon Wireless to locate telecommunications equipment on the Williston Water Tower located at 4525 Williston Road. Specifically, Verizon’s request was to locate equipment at the top of the water tower to gain improvements to its coverage area to the south.

The city has a long standing policy regarding the use of public water towers for antennas. As stated in city council policy 12.5, priority is granted to public safety and governmental agencies before private entities. Currently the top of the water tower is exclusively used by public safety and governmental agencies. Private cellular providers have only been allowed on the “flute” of the tower under the bulb of the tank. (See pages A5-A9).

In the 2015 discussion, the city determined that:

1) The Verizon proposal to locate private equipment on top of the water tower would not be advantageous to telecommunications equipment already in place, and
2) Exploration of other alternatives such as a monopole antenna on the water tower property was a possibility.

Over the past many months, city staff, the city’s wireless consulting engineer and Verizon representatives have worked together on a monopole antenna as an alternative to locating Verizon telecommunications equipment on the water tower. The potential monopole would be 149-feet in height and be located approximately 100-feet directly south of the water tower on city property. (See plans on pages A1–A4.)

The monopole was sited in this location after a careful review of many factors including:

1) Not to disturb habitat restoration areas of Tower Hill Park,
2) Location of the underground water storage tank at Tower Hill Park,
3) Location of watermains and other underground utilities,
4) Proximity to the water tower,
5) Proximity to surrounding residential neighborhoods, and

6) Visual impact to the Highway 7 corridor.

Review Process

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

1) Consent from the city for use of public property and,

2) An application for a conditional use permit for the construction of a monopole telecommunications tower.

- **Neighborhood Meeting.** The city hosted a neighborhood meeting along with Verizon on August 24, 2016. Three neighborhood residents were in attendance. Discussion among residents, city staff and Verizon representative in attendance included:

  o What other locations were looked at?
    o Why not a location on city property to the east nearer to Woodhill Road?
    o Move the tower south up the hill, possibly into the residential neighborhood if the city were to purchase additional residential property.
  o What is the size of the tower? Will the tower have guy wires?
  o Will other providers want to locate on the monopole?
  o Co-location options for other providers available on the monopole?
  o Discussion about the two design options: 1) a monopole with stealth design or internal antennas and 2) a monopole with a “crow’s nest” or external antennas. External antennas may allow for more co-location potential than a stealth design monopole. What would be the possibilities of other providers wanting to locate on a monopole? It would be beneficial to receive additional input on both options as it has implications on future site development and use. A stealth monopole could limit the number of providers. Would limiting colocation opportunities create the need for an additional monopole in the future?

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

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

**Staff Recommendation**

Staff recommends the planning commission provide comment and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans. Feedback on the notification area for future mailings during the formal review process is also requested.

Originator: Loren Gordon, AICP, City Planner
ADDITIONAL INFORMATION

Next Steps

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

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

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

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

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

Roles and Responsibilities

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

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

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

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

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

Williston water tower site monopole
4525 Williston Road

This map is for illustrative purposes only.
Policy Number 12.5
Use of City Water Towers for the Location of Antennas

Purpose of Policy: This policy establishes a uniform policy for reviewing requests for the location of antennas on city water towers.

Introduction
The city has received requests for the location of various antennae on its water towers. The council has determined that a uniform policy for reviewing these requests is desirable.

Permitted Locations
Antennae not owned by the city of Minnetonka will be permitted only on water towers that have been sufficiently modified, in the opinion of the public works director to adequately accommodate those antennae. The modification must be done at the user’s expense.

Permitted Users
Only the following entities may place antennae on city water towers, in order of descending priority:

1. City of Minnetonka
2. Public safety agencies, including law enforcement, fire, and ambulance services, that are not part of the city of Minnetonka.
3. Other governmental agencies, for uses that are not related to public safety.
4. Government-regulated entities whose antennae offer a service to the general public for a fee, in a manner similar to a public utility, such as long distance and cellular telephone. This does not include radio or television broadcasters.

If there is a conflict in use between potential and existing users, permission for use will be granted in order of priority listed above.

Application Process
All applicants who wish to locate antennae on city water towers must submit to the public works director a completed application form and a detailed plan of the proposed installation. Staff will review the application to determine the appropriateness of the request, including the aesthetic impact and the structural integrity of the tower. Staff may retain the services of a structural engineer to analyze the structural capacity. The applicant must reimburse the city for the cost of this analysis.

The technical analysis and other relevant data will be submitted to the city council for its review. City council approval is conditioned on a finding by a professional communications engineer that there will be no interference with other users. The applicant must reimburse the city for the cost of this analysis before installation of the
antennas. After approval by the city council, the successful applicant must sign an agreement with the city, in a form acceptable to the city attorney, that requires the application to pay a periodic fee, to obtain adequate liability insurance, and to comply with other appropriate requirements. The fees will be established by the city council after considering comparable rates in other cities, potential expenses and risks to the city, and other appropriate factors.

Standards
No application will be granted unless the following standards are met:

- The potential use must not interfere with other users who have a higher priority.
- The user must comply with minimum equipment and site standards prepared by the city.
- The user must have its own sources of electrical power and telephone service.
- The user’s equipment and personnel must not interfere with normal operation of the water tower.
- The user must reimburse the city for any costs that it incurs because of the user’s existence on city property.
- The user must agree to pay a fee for each time it wants admittance into the tower structure, if required by the city.
- The user must be responsible for the security of its own equipment.
- The user must have obtained all necessary land use approvals.
- The user must comply with the attached Guidelines for Antennas on City Water Towers.

Revocation
The city council may revoke permission to use a city water tower if it determines that any one of the following situations exist:

- A potential user with a higher priority cannot find another adequate location and the potential use would be incompatible with an existing use;
- A user’s antennae unreasonably interfere with other users with higher priority, regardless of whether or not this was adequately predicted in the technical analysis; or
- A user violates any of the standards in this policy or the conditions attached to the city's permission.
• The city council decides to dismantle the water tower.

Before taking action, the city will provide notice to the user of the intended revocation and the reasons for it, and provide an opportunity for the user to address the city council regarding the proposed action. This procedure need not be followed in emergency situations.

Reservation of Right
Notwithstanding the above, the city council reserves the right to deny, for any reason, the use of any or all city water towers by any one or all applicants.

Adopted by Resolution No. 88-8767
Council Meeting of November 7, 1988

Amended by Resolution No. 97-043
Council Meeting of March 31, 1997

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2006-026
Council Meeting of March 27, 2006
Guidelines for Antennas on City Water Towers

1. **Design plans.** Drawings and specifications detailing equipment installation, cable runs, supports, penetrations, fastening methods, foundations, panels, electrical power connections, grounding, and all other required details for a complete installation must be submitted for review and approval. A drawing depicting the final appearance of the tank must also be included. A certified professional engineer in the utility's state must stamp all drawings and specifications.

2. **Operation.** Either by design, function, or installation, proposed equipment must not interfere with the facility's operation and its ability to deliver safe, potable water at sufficient pressure to customers.

3. **Appearance.** The equipment must have minimal detrimental effect on the facility's aesthetic appearance. The design must not significantly alter the appearance of the tank. The use of permanently installed false overflow pipes as cable conduits is not allowed. Wherever possible, tank cable runs must be internal to the tank's structure. No exposed exterior cable runs will be allowed without the written approval of the utility. Color for cables, antennas, and any other visible appurtenances must match the tank colors and be submitted for approval.

4. **Coatings.** Existing rank interior and exterior coating systems must be protected or repaired with new equivalent coating systems during the work of antenna company equipment installation. Coating repairs must be subject to approval. Existing tank coating specifications are available on request.

5. **Enclosures.** Proposed communication equipment to be installed at ground level outside a tank's structure must be enclosed in approved, aesthetically pleasing enclosures. All ground structures must be contained within the city owned parcel subject to planning approval. Unsupervised access into the water storage facility is not permitted. Supervised access shall be granted based on the Lease agreement. Wherever possible, a private access to the antenna company's designated area must be provided by the antenna company. The antenna company will have unlimited access to its designated area through this access point.

6. **Exclusion zone.** An exclusion perimeter zone of 10 ft (minimum) beyond the outermost tank component (i.e., catwalk or widest tank diameter) must exist (outermost structure from the tank center plus 10 ft). No aboveground appurtenance is permitted within the exclusion zone without the utility's written approval.

7. **Installation.** All cable runs between the antenna company's designated area and the tank must be buried. No ice bridges or other exposed (above grade) cable support systems may be installed without written approval. All cable tank penetrations must be sealed. The penetration sealing method and/or detail must be submitted for approval. The utility may request a structural analysis be performed, at antenna company expense, if the number of wall penetrations is a structural concern. No proposed
8. Maintenance. Presence and operation of proposed equipment must have minimal impact on the tank's periodic maintenance work (e.g., tank inspections and painting). Antennas may be required to be out of service for a period of time during periodic tank maintenance work.

9. Safety. Any and all proposed equipment, installation work, maintenance work, or any other work performed on the premises by the antenna company, or agents of the antenna company, must not result in any safety hazards or OSHA violations. Such hazards and violations may include, but are not limited to, ladder cage/riser clearance, toe-rung clearance, hatch interference, and vent interference.

10. Security. No antenna company property or activities, including the operation and maintenance of antenna company equipment and appurtenances, may, in any way, impinge on the ability of the utility to provide security for its facility.

11. Regulations. The proposed communication system design must comply with all federal, state, and local standards regulations, whether identified by the utility in its review or not. Antenna company must correct any design deficiencies discovered subsequent to approval of the installation at its expense and with the approval of the utility. Communication equipment must not interfere with any utility communication or control signals. If interference between the antenna company and other communication equipment is discovered, it must be corrected at the antenna company's expense.
Notice Area

Williston water tower site monopole
4525 Williston Road