Planning Commission Agenda

April 9, 2015—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: March 5, 2015

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

A. Expansion Permit for additions to the exiting home at 3315 Frear Drive

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

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

8. Public Hearings: Non-Consent Agenda Items

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

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

   • Recommendation to City Council (Tentative Date: April 20, 2015)
   • Project Planner: Jeff Thomson

B. Items concerning construction of a new convenience store/gas station at 3864 Hopkins Crossroad:

   1) Conditional use permit;
2) Final site and building plans, with setback variance; and
3) Monument sign variance.

Recommendation: Recommend the city council approve the conditional use permit and final site and building plans, and deny the sign variance. (4 votes)

- Recommendation to City Council (Tentative Date: April 20, 2015)
- Project Planner: Susan Thomas

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

1) Floodplain alteration permit;
2) Wetland rezoning;
3) Wetland mitigation plan; and
4) Tree removal/mitigation

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

- Recommendation to City Council (Tentative Date: April 20, 2015)
- Project Planner: Susan Thomas

9. Adjournment
Notices

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

2. The April 23, 2015 Planning Commission meeting has been cancelled.

2. Applications scheduled for the May 7, 2015 Planning Commission meeting:

   Project Description: Shelter Corporation is proposing to construct a three-story, 27-unit apartment building on the site commonly referred to as “the Music Barn” property at 5740 and 5750 Shady Oak Road. The existing barn structure would remain. The proposal requires: (1) rezoning from R-1 to PUD; (2) approval of a master development plan; and (3) final site and building plan approval.
   Project No.: 09002.15a       Staff: Susan Thomas
   Ward/Council Member: 1—Bob Ellingson       Section: 35

   Project Description: Concept Plan for Villa West at 17101 State Hwy 7
   Project No.: na       Staff: Jeff Thomson
   Ward/Council Member: 4 – Tim Bergstedt       Section: 29

   Project Description: City of Minnetonka is proposing an ordinance amendment regarding accessory structures
   Project No.: na       Staff: Susan Thomas
   Ward/Council Member: na       Section: na
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 Odland called the meeting to order at 6:30 p.m.

2. **Roll Call**

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

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, and Planner Jeff Thomson.

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

4. **Approval of Minutes:** February 19, 2015

   *Kirk moved, second by Calvert, to approve the February 19, 2015 meeting minutes as submitted.*

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

5. **Report from Staff**

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

- Adopted a resolution approving changes to the zoning ordinances relating to the environment.
- Adopted a resolution approving the Applewood development on Plymouth Road.
- Adopted a resolution approving an ordinance change to rezone parcels on Excelsior Road from R-1 to R-1A.

There will be a vision meeting for the Ridgedale southwest sector on March 10, 2015 from 6 p.m. to 7 p.m.

Gordon invited commissioners to participate in a survey on how bicyclists would get to a light rail station and how the bike would be stored.
The next planning commission meeting will be March 19, 2015.

6. **Report from Planning Commission Members**

Kirk stated that the SWLRT Advisory Commission is forming an arts committee to select art work that will be infused in the stations. Anyone interesting in serving on the arts committee should contact Wischnack.

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

8. **Public Hearings**

   A. **Sign plan review for Ridgedale Center at 12401 Wayzata Boulevard.**

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

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

   Rettew asked if the “R” would be lighted or change color. Thomson answered that it would be backlit. The existing pylon sign is 85 feet tall. The proposed pylon sign on the north would be 70 feet tall and the signs at the east and west entrances would be 50 feet tall. The towers already exist. The sign faces would be redone.

   In response to Kirk’s question, Thomson answered that the resolution would restrict the amount of the square footage that would be allowed on each sign. It would be regulated on a per-sign-type basis. All of the proposed signs are located on property owned by General Growth Properties. The yield and stop signs would be within the interior road system that is governed by a management agreement.

   Calvert was concerned snow would cover the directional signs. Thomson answered that the signs would be eight feet tall and should remain visible in the winter.

   Benjamin Freeman, representing General Growth Properties, applicant, stated that:

   - The proposed sign plan amendment represents the continued modernization and long-term vision of Ridgedale Center. The master plan identifies goals for now and in the future in terms of
signage and focusing on the customer being able to identify the center and navigate within the site. He is excited to improve the property.

- He thanked Wischnack, Gordon, and Thomson for their continued professionalism. It has been a pleasure working with them.
- The signs would not change color. There would be a soft, back-lit glow.
- The towers would be rewrapped, but not made taller.

Kirk asked of what materials the monument sign on Interstate 394 would be made. Mr. Freeman answered a vinyl pattern that would create a sense of texture, but the difference between the two colors is a function of the rendering. It is meant to be internally illuminated and not change color.

Kirk asked if it would be as heavily textured as the graphic appears. Mr. Freeman stated that it would probably be more subtle.

Kirk stated that the signs at the mall entrances would have the same texture. He asked if those signs would be painted aluminum. Mr. Freeman said that the intent would be to make it subtle. There would be some texture without getting too busy.

Chair Odland asked how the finish would weather. Mr. Freeman answered that the materials have not fully been determined. The sign plans would next be put out for sign vendors to bid on. He has asset managers who will advise him on what would hold up to Minnesota winters. The materials would be subject to change during the bid process. The light would cascade behind the letters to create depth.

Chair Odland asked if the material around the “R” would weather well. Mr. Freeman answered in the affirmative. It would weather as well as anything else can in this environment. There would be upkeep that would need to occur.

Chair Odland asked if green features such as solar power would be used. Mr. Freeman responded that the parking lot lighting would be replaced with LEDs. The net use of power would be decreased and it would be clean light.

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

Kirk had a vision of a homogenous look to the entire Ridgedale area from Target to the YMCA. He asked if consistencies in the use of materials and color of signs
could be enforced. Gordon stated that the roadway improvements would work to bind the areas together with landscaping and way-finding signs to navigate around the center.

Kirk noted that the way-finding signs have the opportunity to create uniformity. He would want General Properties to take the lead to establish that.

Gordon noted that Highland Bank used corner features at Cartway Lane and Plymouth Road for landscaping and sidewalk treatment. The city may be able to use the landscaping and sidewalk treatments as a template for Plymouth Road.

Kirk felt that Minnetonka has standards for street signs. He did not know if those need to be blended with those at the mall. It would be nice to have consistency throughout the mall property. He knows that the city does not control content of a sign. Wischnack identified two opportunities to provide design elements for the area would be with landscaping and sidewalk treatments. Changing the look of street signs would impact the rest of the city.

Kirk confirmed with Thomson that the approval would regulate signs for the restaurants which would be restricted to wall signs. That restriction also exists in the current sign plan. Freestanding buildings would only be allowed to have wall signs.

*Magney moved, second by Rettew, to adopt the resolution on pages A57-A60 of the staff report which rescinds the existing sign plan and approves a revised sign plan for Ridgedale Center at 12401 Wayzata Boulevard.*

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

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

9. **Other Business**

A. **Concept plan review for Kraemer’s Hardware redevelopment at 14730 Excelsior Boulevard and 5431 and 5439 Williston Road.**

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

Thomson reported. He recommended commissioners provide comments and feedback to assist the applicant with future direction that may lead to the
preparation of more detailed development plans. It would be useful if commissioners would provide their reaction and general comments on the contemplated land use, building size, architecture, and general site design.

Kirk confirmed with Thomson that the next steps in the process would be for the concept plan to be reviewed by the city council and then the applicant may submit an application for rezoning, site plan, and comprehensive guide plan modification.

Curt Fretham, of Lake West Development, applicant, stated that:

- He described the history of the site since Kraemer’s Hardware moved.
- The plan provides a broader look at the area. There would be a green knoll. He would work to preserve trees.
- The plan would limit the visual mass and mimic what is down the street.
- The courtyard would have a green space center.
- He worked hard to build the building into the topography.
- He provided a slide that shows the access points off of Excelsior Boulevard continuing into an underground garage. There would be 23 underground stalls coming in off of Williston Road. There would be a fire lane on the north side that would access 2 units.
- There would be green space in the corner.
- The fourth story would be pushed back. The building would cut into the grade.
- The units would have doors facing the street to provide a townhouse feel.
- It would be a good-looking building. It would be primarily stone and brick. There would be an option to have a flat roof or pitched roof. He was looking for feedback on that. There would be water storage on top of the roof for rate control. The pitched roof would tie the building in more with the 2 homes on the north. The front elevations mimic the neighboring units as well.
- There would be a mix of 1-bedroom and 2-bedroom apartments.
- There would be a roof-top deck on the corner and a patio area for some units that would look down on the courtyard.
- There would be 78 units total with 60 1-bedroom apartments and 18 2-bedroom apartments.
- There would be 118 exterior parking stalls.
- The overall site is 2.2 acres.
• The units on the north would be twin homes.
• He was looking for suggestions and available for questions.

Kirk asked if the four units would be developed at the same time as the rest. Mr. Fretham would like to, but the area may be used for staging purposes during construction. He was inclined to think the units would be built once the building would be substantially complete or complete. Kirk confirmed with Mr. Fretham that the architecture of the twin houses would be similar to the apartment building.

Knight asked if a visitor would go into the lobby and through the garage to get to the elevator to get to the upper floors. Mr. Fretham said he would take a closer look at that with the architect. Knight and Mr. Fretham agreed that an elevator from the lobby to the upper floors would be better for visitors.

Magney said that the packet mentions four to eight townhomes on the north side. Mr. Fretham clarified that two twin homes, a total of four units, are in the proposal.

Knight noted that the sketches do not include the four-foot rise at Excelsior Boulevard and Williston Road. Mr. Fretham responded that that is hard to show.

Knight liked the way the north end of the apartment building would have the roofline match the twin homes.

Chair Odland asked if there would be a way to access the green space from the third floor. Mr. Fretham said that it would be visible, but not accessible.

Chair Odland questioned if the sidewalk would be intended for the public to use as well. Mr. Fretham answered affirmatively.

Rettew asked if the sidewalk would extend to the twin homes. Mr. Fretham said that diagrams have been made showing it both ways. He was open to doing the sidewalks either way.

Kirk asked what the red-dotted line represents. Mr. Fretham answered the location of a potential stormwater retention system.

Chair Odland asked if the underground garage would connect the 23 stalls accessed by Williston Road and the stalls accessed by Excelsior Boulevard. Mr. Fretham answered that it would not go through. The spots would be assigned.
The public hearing was opened.

Charles Swanson, 5436 Williston Road, stated that:

- He and his wife have lived there 15 years.
- Multiple-story dwellings have created problems in the past because they were so large and he sees that happening now.
- There have been a lot of new homes going in along the road. The area has improved a lot. He would like to see it continue with single-family houses.
- The house across from his driveway is really an eyesore. It has been vacant for 10 years. He would like to see a decision made on it, but he wondered why single-family dwellings would not be constructed.
- New houses are being built on Williston Road.
- It is not zoned for commercial.
- Twin homes would be different from the residences on Williston Road. He would rather not see twin homes or a multiple-story building.
- A new building changed an area going down to the lake in Wayzata drastically. The area is no longer appealing.
- He was concerned there would not be pride in homeownership.
- The lots are nice and could be made into nice, single-family residences.

Bill Jones, 5120 Lee Way, stated that:

- He loved the idea of the twin homes to provide a transition from the commercial area to the single-family area. He guessed that Williston Road would be too busy a street and the lots would not be large enough for single-family residences.
- He suggested that one driveway to service both twin homes would make more sense. The two driveways on Williston Road would be 20 to 30 feet apart and located on a hill which could cause a problem. He suggested a minor design change to allow a vehicle to either enter the garage from the north and turn right into the garage or make a turn so a vehicle could enter the driveway would also be an improvement.
- The idea of a larger building on the corner is wonderful. The area is a commercial site.
The proposal would allow a lot of residents to stay in the neighborhood in 10 or so years when he and others will be ready to move out of their houses. It would be wonderful to live in an apartment next to a wonderful, commercial area.

He loved the idea of the apartment building and townhomes. It would be a great mix.

The proposal could be a very positive change for the neighborhood.

Ellen Swanson, 5436 Williston Road, stated that:

- She is opposed to the apartment building being a big box. She saw no “aesthetics” to it at all. She did not want to live across the street from a big box.
- She is concerned with the density and number of units. She was concerned with increasing the number of people and traffic.
- She questioned if there would be parking spaces on the Williston Road side. Mr. Fretham answered in the negative.
- She did not like the flat roof. It would help to add some “aesthetics.”
- The previous proposals for the site were more attractive.
- She did not know why the boarded-up house is still standing. The prior property owner allowed the structures and a falling down tree to stay there for years. The site as it is diminishes her property value and changes the feel of the whole area.

Phyllis Adams, 14401 Atrium Way, stated that:

- She appreciated having discussions with previous applicants to help her develop an understanding of what density would be appropriate for the site and what uses would survive.
- She is all for bringing more people into the neighborhood because she wants all of the businesses to survive so she may use them too.

No additional testimony was submitted and the hearing was closed.

Rettew had the same concern regarding the two driveways being located so close together. He suggesting combining them. He saw pros and cons to the flat and gable roofs. The flat roof has less mass, but the gable roof ties it in better with a typical home look and breaks up the monotony of a box. He was curious to hear other people’s thoughts. He likes the courtyard. That helps break up visually the big-box look.
Kirk asked how the city deals with abandoned residences. Wischnack explained that when the city receives a complaint, staff will contact the property owner and request steps be taken to resolve the problem. City staff have visited this property and boarded up the vacant house. The property owner is responsible for paying for the cost. The site has not been found unsafe, but is a nuisance. If a resident sees something, then please contact city staff.

Kirk would rather see surface parking on Excelsior Boulevard. It would make sense to extend parking all the way down to where the grocery store and liquor store are located. Blending of the contemporary style and gable roof style works for him because of the horseshoe shape of the building. The massing is alright. He liked the stepping of the number of stories down as the hillside rises so that it would not continue to creep up the hill. It may be a little awkward of a transition from gable roofs to a flat roof from the courtyard view, but the flat roof would pretty much be hidden from the public view, so he did not have a lot of concern for that. He appreciates how the green space would flow in and out of the building. It would articulate the massive back of the building which has been included in previous proposals. Continuing to break up the large block on the southwest corner with different colors and textures as shown is important. He would support more of that throughout the design. Using different textures vertically can help break up mass. The building’s mass would be appropriate because it would be stepped back from Excelsior Boulevard and Williston Road. Overall, it is heading in the right direction and it looks a lot better than the previous proposals. He would support the proposal.

Rettew loves the trees on Williston Road. He would like the developer to complete the tree audit and preserve as many mature trees as possible.

Kirk stated that twin homes would be appropriate in the proposed location because the area has higher density and commercial uses, but he would prefer the rest of the lots adjacent to Williston Road contain single-family residences.

Knight asked if the twin homes would be owner occupied. Mr. Fretham answered affirmatively.

Chair Odland asked if including more owner-occupied twin homes had been considered. Mr. Fretham answered that it had been considered, but they could not come up with a viable plan. The corner is busy, numerous twin homes would create multiple driveways, and the property with the existing boarded-up building would not make it economically feasible.
Chair Odland liked Lake West Development’s proposal in another location that was laid out into a nice neighborhood. Mr. Fretham explained that that property had more room for a street, but this property does not have enough room for a street. The depth makes a big difference.

Chair Odland asked if he had considered individual houses with a row-house feel to provide more ownership to the neighborhood. Mr. Fretham responded that the study did not take them in that direction.

Magney likes the green space, gabled roof on the apartment to provide a nice transition to the houses to the north, and one driveway. He likes the building colors and different materials of stone and brick. It looks nice.

Chair Odland asked if there would be green aspects for power, water retention, or garden areas that would be a community area. Mr. Fretham said that there would be water retention on the rooftop, an above-ground stormwater collection area that would collect the water from the roof, and preservation of green space in the front and the border. That would work with either a gable or flat roof.

Knight asked if the stormwater pond would have a controlled outflow or if it could potentially overflow. Mr. Fretham answered that it could potentially overflow. Knight was concerned that the twin homes would have water problems. Mr. Fretham explained that would not happen because there would be enough change in elevation to prevent that.

10. **Elections**

A. **Election of chair and vice chair of the 2015 Minnetonka Planning Commission.**

Chair Odland and Kirk volunteered themselves to serve as chair.

*Knight moved to nominate Kirk to serve as chair of the 2015 Minnetonka Planning Commission. Kirk, Knight, Magney, Rettew, and Calvert voted yes. Odland voted no. O’Connell was absent. Motion carried.*

*Rettew nominated himself to serve as vice chair of the 2015 Minnetonka Planning Commission. Kirk, Knight, Magney, Rettew, Calvert, and Odland voted no. O’Connell was absent. Motion failed.*
Knight nominated Odland to serve as vice chair of the 2015 Minnetonka Planning Commission. Kirk, Knight, Magney, Rettew, Calvert, and Odland voted yes. O’Connell was absent. Motion carried.

11. Planning Commission Bylaws and Policies

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

Gordon reported. He recommended approval of the bylaws and policies without changes.

Kirk asked if it would be appropriate to review ordinances regarding tear downs at this time. Gordon and Wischnack noted that the mcmansion policy would apply if the new construction would require a variance. Kirk wanted something to get at addressing a medium-sized lot that would allow a house much bigger than those in the existing neighborhood. He would like to address that issue at another time. He expects more of those will be happening in the future. Gordon said that data could be collected to identify Minnetonka’s tear-down trends. It is a lot-size issue more than home style. Calvert noted a newspaper article that reported how young people are looking for small, split-level houses, but the ones from the 1970s are dated. Some cities are investing in updating the split level-houses built in the 1970s. Some were featured in the paper. Kirk noted that those are some of the most economic houses in Minnetonka.

Wischnack said that the city now offers rehabilitation loans and down payment assistance for residents with incomes up to 110 percent of the median income.

Gordon clarified that the issue of tear downs and rebuilds would be reviewed as a broader policy.

Kirk moved, second by Knight, to readopt the attached bylaws and policies.

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

Knight moved, second by Kirk, to adjourn the meeting at 8:30 p.m. Motion carried unanimously.

By: ____________________________
Lois T. Mason
Planning Secretary
Public Hearing: Consent Agenda (No Items)
MINNETONKA PLANNING COMMISSION
April 9, 2015

Brief Description
Expansion Permit for additions to the exiting home at 3315 Frear Drive

Recommendation
Adopt the resolution approving the request

Project No.
15003.15a

Property
3315 Frear Drive

Applicant
Stephen Solum, property owner

Background
The subject property is located in the northeast corner of the Frear Drive/Plymouth Road intersection. The property was originally platted in 1885 as part of FREAR’S SUBDIVISION and is just over 12,000 square feet in size.

The existing home does not meet the current front yard setback requirements. While a 35-foot setback from the front property line adjacent to Frear Drive is required, the existing home is located 15 feet from the property line. The home is considered non-conforming as it was constructed in 1954, prior to the adoption of the city’s first zoning ordinance.

Proposal
The applicant is proposing several interior improvements to the existing home, including converting the existing single-stall garage into additional living space. The applicant is also proposing to construct a front entry addition to the front of the home and an attached two-stall garage on the north side of the existing home. The additions would maintain the home’s existing non-conforming setbacks. (See narrative and plans on pages A1-A12.)

Proposal Requirements
By City Code §300.29 Subd. 3(g) an expansion permit is required for an expansion of a non-conforming structure when the expansion would not intrude into a setback area beyond the distance of the existing structure. A variance is required when the expansion would intrude further into the setback area.
As the proposed entry feature and garage additions would not intrude further into the existing non-conforming setback, an expansion permit is required.

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

**Staff Analysis**
Staff finds the applicant’s proposal would meet the expansion permit as outlined in city code.

1. **Reasonable Use and Neighborhood Character:** The proposed setback is reasonable and would not negatively impact the character of the surrounding neighborhood:

   - The additions would be located to provide functional expansion of the existing living space.
   - The additions would not encroach further into the required setback than the existing structure.
   - Given existing, excess right-of-way, the proposed unenclosed entryway would visually maintain the required 30 foot setback and the garage would visually maintain the required 35 foot setback from the front property line.
   - By ordinance, it is reasonable for an unenclosed entry feature to extend into a required setback by five feet. Due to the existing non-conforming setback, the proposed unenclosed entry feature would require an expansion permit to maintain the existing setback.
   - The applicant is proposing to construct a two-car garage. By planning commission policy, a two-car garage is a reasonable use of a single family residential property. The surrounding area includes a mixture of two and three-car garages.

2. **Circumstance unique to the property:** The existing home was constructed prior to the adoption of the city’s first zoning ordinance resulting in non-conforming setbacks. Coupled with the property’s “smaller” lot size and excessive right-of-way from Frear Drive, the property
has circumstances not common to similarly zoned properties.

**Staff Recommendation**

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

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

Surrounding Land Uses
All properties to the north, east and west are improved with single family homes, zoned R-1 and guided for low density residential. The property to the south is St. David’s School, zoned R-1 and guided Institutional.

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

Small lot
By City Code §300.10 Subd. 7, properties that are defined as a qualifying small lot are allowed lesser setbacks from property lines than “typical” properties. To be defined as a small lot, a property must: (1) be less than 15,000 square feet; (2) have been a lot of record prior to February 12, 1966; and (3) be located in an area in which the average size of residential lots is less than 15,000 square feet.

The average lot size of surrounding properties is just under 22,000 square feet. Therefore, while the property has a “smaller” lot size, it would not be considered a qualifying small lot.

Setbacks
The existing and proposed setbacks are as follows:

<table>
<thead>
<tr>
<th>Setback Type</th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>West front setback <em>(Frear Drive)</em></td>
<td>35 feet</td>
<td>13 feet</td>
<td>13 feet for front entry and 20 feet for garage</td>
</tr>
<tr>
<td>South front setback <em>(Plymouth Road)</em></td>
<td>50 feet*</td>
<td>33 feet</td>
<td>33 feet</td>
</tr>
<tr>
<td>Rear setback <em>(north)</em></td>
<td>36 feet</td>
<td>80 feet</td>
<td>60 feet</td>
</tr>
<tr>
<td>Side setback <em>(east)</em></td>
<td>10 feet</td>
<td>20 feet</td>
<td>20 feet</td>
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* As a corner lot, the ordinance allows a 10 foot reduction of one front setback.

McMansion Policy
The McMansion policy regulates the floor area ratio (FAR) on properties when either the property or the home on the property requires a variance. By policy, the FAR of the subject property cannot be greater than the largest FAR within 400 feet and within 1,000 feet along the same roadway. The policy applies only to variances, not to expansion permits.

Nevertheless, staff has calculated the FAR of the subject property. With the proposed addition, the home would have a FAR of 0.17. The largest FAR in the area is 0.21.
Planning Commission Policy

According to planning commission policy a two-car garage, which has a maximum size of 24 feet x 24 feet, is a reasonable use on a single family residential property.

Burden of Proof

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

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

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

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

Natural Resources

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

Appeals

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

Motion Options

The planning commission has three options:

1. Concur with staff’s recommendation. In this case, a motion should be made approving the expansion permit.

2. Disagree with staff’s recommendation. In this case, a motion should be made denying the expansion permit. This
motion should include a statement as to why denial is being recommended.

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

Pyramid of Discretion

The city sent notices to 32 area property owners and has received no comments to date.

Deadline for Decision

June 18, 2015
Location Map

Project: Solum, Stephen
Address: 3315 Frear Dr.
(15003.15a)

This map is for illustrative purposes only.

Stephen Solum
3315 Frear Drive
Expansion Permit
### PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>3315 Frear Drive Minnetonka 55305</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel ID Number</td>
<td>15-117-22-13-0043</td>
</tr>
</tbody>
</table>

### OWNER INFORMATION

<table>
<thead>
<tr>
<th>Owner Name</th>
<th>Stephen Solum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Address</td>
<td>3315 Frear Drive Minnetonka 55305</td>
</tr>
<tr>
<td>Owner Phone</td>
<td>952-933-1363</td>
</tr>
<tr>
<td>Owner Email</td>
<td><a href="mailto:stevesolum@yahoo.com">stevesolum@yahoo.com</a></td>
</tr>
</tbody>
</table>

### APPLICANT INFORMATION

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Stephen Solum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Address</td>
<td>3315 Frear Drive Minnetonka 55305</td>
</tr>
</tbody>
</table>

### DESCRIPTION OF EXPANSION REQUEST

- **16 x 20 Foot Addition for Dining/Living Area**
- **Double Garage - Attached**
- **Remodeled Kitchen Within Existing Structure**

### OWNER’S STATEMENT

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

Signature: [Signature]
Date: 2/18/15

### APPLICANT’S STATEMENT

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

Signature: [Signature]
Date: 2/18/15

---

Stephen Solum
3315 Frear Drive
Expansion Permit
Expansion Permit Application
Homeowner Statement
Stephen Solum
3315 Frear Drive

The present 65 year-old 2-bedroom Cape-Cod house is the smallest in a neighborhood of 3 and 4 bedroom ranch houses and walkouts. It presently contains a very small kitchen, a 4 by 6 ft. dining area, and a single detached garage.

The proposed changes include a complete kitchen remodel and expansion into the existing dining area, new 14 by 16 ft. dining-living area, new main entry, front hall, and front terrace, and a small mud room leading to a double attached garage with cold storage above.

The present front setback of the house is out of code, due to the fact that it was built before Frear Drive was constructed. The proposed addition will in no way intensify the setback problem (in any direction)—indeed, the new garage will be set back approximately 6 feet further than is presently the case.

I believe the expansion is justified because:

- it will make the house more livable and valuable.
- it will bring the house up to the standard and scale of the rest of the neighborhood.
- it will add a double garage, which has been deemed desirable in Minnetonka.
- it will not intensify the out-of-code setback brought on by the original design of the Frear Drive right-of-way.

Respectfully submitted,

Stephen Solum, homeowner
3315 Frear Drive
Minnetonka MN 55305
952-933-1363

February 18, 2015
Existing conditions photo
LEGAL DESCRIPTION

Commencing at a point in the East line of Frear Acres distant 238 feet North of the Southeast corner of Lot 20, thence continue North along said East line 180 feet, thence Northeastercly 72.55 feet to the East line of Frear Acres, thence South along the extension of said East line to the North line of County Highway No. 16, thence Southwesterly to the point of beginning, Hennepin County, Minnesota.

SITE ADDRESS-

3315 Frear Dr
Minnetonka, MN 55345

PARCEL AREA = 11,882 sq. ft. or 0.27 acres

P.L.N. = 15-117-22-13-0043

BENCHMARK
Top SE corner of bottom step @ 3348 Plymouth Rd. = 936.21

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.

KIM A. REAUME
LICENSED LAND SURVEYOR

BOOK 64 PAGE 62-63

CERTIFICATE OF SURVEY AND TOPOGRAPHIC SURVEY FOR

STEPHEN SOLUM
- Existing home
- Proposed addition
SOLUM HOUSE: 3315 FREAR DRIVE
EXISTING STRUCTURE, BEFORE REMODEL.

GARAGE AND BREEZEWAY TO BE DEMOLISHED
PRIOR TO CONSTRUCTION
NOTE: STANDARD CONSTRUCTION WITH CEDAR SHAKE SIDING TO MATCH THE EXISTING HOUSE. TERRACE CONSTRUCTED OF "TREX" DECKING OR EQUIVALENT.
SOLUM NEW ADDITION
FLOOR PLAN

Lew Back
Patio
16 ft

New Garage and Shop
Insulated, with cold storage attic above
20 ft

22 ft

New Front Terrace

New Back Patio
16 ft

Changing Room
Bath
Bedroom

New Room

New Kitchen

New Laundry

Living Room/Library

20 ft

11.25 ft

New Exterior Door

Close existing exterior door, remove steps, 6 ft capped with cement, close off door to basement.

Scale: 1" = 1 ft

Stephen Solum
3315 Frear Drive
Expansion Permit
SOLUM NEW ADDITION
NORTH ELEVATION

GREEN INSET: ADDITION SECTION

Scale: 1/4" = 1'

Stephen Solum
3315 Frear Drive
Expansion Permit
Planning Commission Resolution No. 2015-

Resolution approving an expansion permit for additions to the existing home at 3315 Frear Drive

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

Section 1. Background.

1.01 Steven Solum owns the property located at 3315 Frear Drive. The property is legally described as follows:

Commencing at a point in the East line of Frear Acres distant 238 feet North of the Southeast corner of Lot 20, thence continue North along said East line 180 feet, thence Northeasterly 72.55 feet to the East line of Frear Acres, thence South along the extension of said East line to the North line of County Highway No. 16, thence Southwesterly to the point of beginning, Hennepin County Minnesota.

1.02 The existing home was constructed in 1954, prior to adoption of the city’s first zoning ordinance. The existing setbacks, which are considered non-conforming, are as follows:

<table>
<thead>
<tr>
<th>Backset Type</th>
<th>Required</th>
<th>Existing</th>
</tr>
</thead>
<tbody>
<tr>
<td>West front setback (Frear Drive)</td>
<td>35 feet</td>
<td>13 feet</td>
</tr>
<tr>
<td>South front setback (Plymouth Road)</td>
<td>50 feet*</td>
<td>33 feet</td>
</tr>
<tr>
<td>Rear setback (north)</td>
<td>36 feet</td>
<td>80 feet</td>
</tr>
<tr>
<td>Side setback (east)</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

* In the case of corner lots the ordinance allows for a 10 foot reduction of one of the front yard setbacks.

1.03 The property owner is proposing to convert the existing single-stall garage into living space. The owner is also proposing to construct an unenclosed front entry feature on the front of the home and a two-stall garage on the north side of the existing home.
### Required Existing Proposed

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>West front setback (Frear Drive)</strong></td>
<td>35 feet</td>
<td>13 feet</td>
<td>13 feet for front entry</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>20 feet for garage</td>
</tr>
<tr>
<td><strong>South front setback (Plymouth Road)</strong></td>
<td>50 feet*</td>
<td>33 feet</td>
<td>33 feet</td>
</tr>
<tr>
<td><strong>Rear setback (north)</strong></td>
<td>36 feet</td>
<td>80 feet</td>
<td>60 feet</td>
</tr>
<tr>
<td><strong>Side setback (east)</strong></td>
<td>10 feet</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

* As a corner lot, the ordinance allows a 10 foot reduction of one front setback.

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

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

1.06 City Code §300.29 Subd. 7(c) authorizes the planning commission to grant expansion permits.

### Section 2. Standards.

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

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

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

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

### Section 3. Findings.

3.01 The application for the expansion permit is reasonable and would meet the required standards outlined in City Code §300.29 Subd. 7(c):
1. Reasonableness and Neighborhood Character: The proposed setback is reasonable and would not negatively impact the character of the surrounding neighborhood:

a) The additions would be located to provide a functional expansion and transition from the existing garage;

b) The additions would not encroach further into the required setback than the existing structure.

c) Given existing excess right-of-way, the proposed additions would visually maintain the required setbacks. The unenclosed entryway would visually maintain the required 30-foot setback and the garage would visually maintain the required 35-foot setback.

d) By ordinance, it is reasonable for an unenclosed entry feature to extend into a required setback by five feet. Due to the existing non-conforming setback, the proposed unenclosed entry feature would require an expansion permit to maintain the existing setback.

e) The applicant is proposing to construct a two-car garage. By planning commission policy, a two-car garage is a reasonable use of a single-family residential property. The surrounding area includes a mixture of two and three-car garages.

2. Unique Circumstance: The existing home was constructed prior to the adoption of the city’s first zoning ordinance resulting in non-conforming setbacks. Coupled with the property’s “smaller” lot size and excessive right-of-way from Frear Drive, the property has circumstances not common to similarly zoned properties.

Section 4. Planning Commission Action.

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

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

   • Survey dated August 19, 2014
• Site plan date stamped February 18, 2015
• Floor plans and elevations date stamped February 18, 2015

2. Prior to issuance of a building permit:
   a) This resolution must be recorded with Hennepin County.
   b) Install a temporary erosion control and tree protection fencing for staff inspection. These items must be maintained throughout the course of construction.
   c) Submit a driveway permit to the city for review. This permit must reduce the driveway width to 20 feet at the property line as allowed by ordinance.

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

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on April 9, 2015.

_________________________________________
Brian Kirk, Chairperson

Attest:

_________________________________________
Kathy Leervig, Deputy City Clerk

**Action on this resolution:**

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution:
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 April 9, 2015.

Kathy Leervig, Deputy City Clerk
MINNETONKA PLANNING COMMISSION
April 9, 2015

Brief Description  Preliminary and final plats for Congregation Hill, a three-lot subdivision at 2051 Meeting Street

Recommendation  Recommend the city council approve the request

Proposal
The applicant is proposing to subdivide the property at 2051 Meeting Street. The proposed subdivision would create three single-family residential lots. The existing house would be removed and three new houses would be constructed. The proposed lots which would share a private driveway from Meeting Street, would meet all city standards. The proposal requires review of preliminary and final plats. (See pages A1-A10.)

Site Features
The site currently contains a single-family home and detached garage that were constructed in 1965. There was previously a swimming pool and pool house located on the southwest side of property, but they were demolished in 2012. The site is 4.1 acres in total size, and includes the following natural resources:

• **Wetland:** There is a large, openwater wetland located on the east side of the lot extending to the north and east towards Interstate 494. The wetland is classified as a manage one wetland in the city’s inventory. The wetland is also part of the city’s 100-year stormwater area, and is classified as floodplain. (See page A1.)

• **Topography:** The lot has two areas of steep slopes. Generally, the existing house sits at the highest part of the lot. The east side of the property, adjacent to the wetland, contains a wooded slope with a grade of 23 to 26 percent. There is also a wooded slope on the front of the property along Meeting Street. The grade of this area is 21 to 23 percent. (See page A9.)

• **Trees:** There is an mesic oak forest on the east side of the property, generally located on the upland slope of the wetland. The west side of the site also contains a heavily treed area. This area is not part of the woodland preservation area because it is disconnected from the larger forest area. However, the area contains many high priority and significant trees. The remaining part of the lot near the existing house consists of mowed turf area with a scattering of individual high priority and significant trees. (See page A9.)
Proposed Lots

The applicant is proposing to subdivide the property into three, single-family residential lots. The lots would range in size from 1.2 to 1.6 acres, and would have buildable areas between 13,000 and 18,000 square feet. The proposed lots would meet all of the city's minimum zoning ordinance requirements.

All of the lots would be served by a single private driveway which would be constructed from Meeting Street. The driveway access would be on the far southern part of the subdivision and would extend north to serve each of the new homes. The applicant is proposing a shared driveway in order to avoid the grading and tree loss that would occur if separate driveways were provided directly to Meeting Street. (See page A3.)

Utilities

There are existing water and sanitary sewer services stubbed to the south property line of proposed Lot 3. The new house would utilize these existing utility services. The northerly lots, Lots 1 and 2, would require an extension of a public sanitary sewer main in Meeting Street, since the existing sanitary sewer line terminates near the south end of the subject property. The new sanitary sewer line would be directionally drilled on the east side of the street, within existing right-of-way. There is an existing public water main in Meeting Street. New services would be provided to Lots 1 and 2 through a single utility trench for both lots. The grading impacts associated digging this trench would result in removal of 4 to 5 trees. However, the utility services have been located and planned to minimize impacts to the slope and trees. (See page A5.)

Grading, Drainage and Stormwater

Initial grading would be required in order to install the shared driveway. As a condition of approval, each of the home sites would need to be custom graded during individual home construction. Stormwater management would be provided by three separate rain gardens on each of the lots. Stormwater runoff from the homes would be directed to the rain gardens. The driveway would have an infiltration trench to direct runoff to the southerly rain garden on Lot 3. Engineering staff has reviewed the preliminary plans and determined that they would comply with the city's water resources management requirements. (See page A6.)

Tree Preservation

There is 0.75 acres of woodland preservation area on the property. The woodland preservation area connects to a larger mesic oak forest to the north that is about 18 acres in total size. The proposed subdivision would result in removal of less than 10 percent of the woodland preservation area. Outside of the woodland preservation area, there are 79 high priority and 83 significant trees. Of the 79 high priority trees, 22 would be removed.
The proposed subdivision would comply with the city’s tree preservation ordinance. As each of the lots would exceed one acre in size, the city’s maximum tree removal requirements do not apply. However, the subdivision would still result in removal of less than 25 percent of the woodland preservation area and less than 35 percent of the site’s high priority trees. (See pages A9-A10.)

**Staff Analysis**

Staff finds that the applicant’s proposal is reasonable:

- The proposed plans would minimize the impacts to the natural resources on the site. The use of a shared driveway would reduce the grading and tree removal that is necessary for providing access to each of the lots. The utility services have been located to reduce and minimize impacts to the steep slopes and trees along Meeting Street. In addition, the homes would be located to avoid impacts to the steep slopes, woodland preservation area, and areas of high quality trees.

- The proposed lots would meet all minimum lot standards, and the subdivision would meet all zoning and subdivision regulations.

**Staff Recommendation**

Recommend the city council adopt the resolution on pages A11-A18 which grants preliminary and final plat approval to Congregation Hill, a three lot subdivision at 2051 Meeting Street.

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

Project No. 15004.15a
Property 2051 Meeting Street
Applicant Frank A. Donaldson

Proposal Requirements

The application requires the following:

- **Preliminary plat**: The proposed subdivision of the property requires preliminary plat review to subdivide the property into 3 lots.

- **Final plat**: The applicant is requesting concurrent review of the final plat with the preliminary plat application.

Approving Body

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

Surrounding Land Uses

All surrounding land uses are single family homes, zoned R-1 and guided for low density residential uses.

Planning

Guide Plan designation: Low density residential
Zoning: R-1/Low density residential

Lot Standards

The proposed plat would meet all minimum standards:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Lot Area</th>
<th>Lot Width at Right-of-Way</th>
<th>Lot Width at Setback</th>
<th>Lot Depth</th>
<th>Buildable Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td>22,000 sq.ft.</td>
<td>80 ft.</td>
<td>110 ft.</td>
<td>125 ft.</td>
<td>3,500 sq.ft.</td>
</tr>
<tr>
<td>Lot 1</td>
<td>69,051 sq. ft.</td>
<td>245 ft.</td>
<td>200+ ft.</td>
<td>400+ ft.</td>
<td>16,818 sq. ft.</td>
</tr>
<tr>
<td>Lot 2</td>
<td>52,848 sq. ft.</td>
<td>141 ft.</td>
<td>125 ft.</td>
<td>400+ ft.</td>
<td>18,248 sq. ft.</td>
</tr>
<tr>
<td>Lot 3</td>
<td>57,853 sq. ft.</td>
<td>210 ft.</td>
<td>180+ ft.</td>
<td>370 ft.</td>
<td>13,727 sq. ft.</td>
</tr>
</tbody>
</table>

Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, tree and wetland protection fencing. As a
<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 65 area property owners and received no comments.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadline for Decision</td>
<td>April 20, 2015</td>
</tr>
</tbody>
</table>
Location Map

Project: Congregation Hill
Address: 2051 Meeting St
(15004.15a)

This map is for illustrative purposes only.
Notes:
2051 Meeting Street
PID: 09-117-22-11-0002
Area: 4.16 acres 161,058 sf
3 Single Family Lots
Density: 3/4,16 = 0.72 unvac
Zoning: R-1
22,000 sf
110
15,000 sf
90'
FYSB - 30'
SYSB - 10' Min 30' Total
RYSB 40'
Min Lot Depth - 125'

SYMBOL LEGEND

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>PROPOSED</th>
<th>EXISTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MEETING STREET</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SITE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PREPARED BY: [Signature]
PREPARED FOR: [Signature]

CONGREGATION HILL
2051 Meeting Street
MINNETONKA, MINNESOTA
FRANK DONALDSON
DISCLAIMER: This drawing is not a legally recorded plat or an accurate survey. It is intended to be only an approximate representation of information from various government offices and other sources. It should not be used for a purpose that requires exact measurement or precision. People who use this drawing do so at their own risk. The City of Minnetonka is not responsible for any inaccuracies contained in the drawing. The City of Minnetonka provides no warranty, express or implied, about the correctness of the information.

- 18 acres of WPA (estimated)
- 0.75 acres of WPA on property
- 0.07 acres of WPA on property to be impacted (9%)
Resolution No. 2015-

Resolution approving the preliminary and final plat of Congregation Hill at 2051 Meeting Street

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

Section 1. Background.

1.01 Frank A Donaldson III has requested preliminary and final plat approval for Congregation Hill, a three-lot subdivision at 2051 Meeting Street. (Project 15004.15a)

1.02 The property is legally described as follows:

Tract B, Registered Land Survey Number 0205, according to the recorded plat thereof, Hennepin County, Minnesota

1.03 On April 9, 2015, 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 and final 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.

Section 3. Findings.

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

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

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

   - Site plan dated April 2, 2015
   - Grading plan dated April 2, 2015
   - Utility plan dated April 2, 2015
   - Tree preservation plan dated April 2, 2015

2. Prior to release of the final plat for recording:
   a) This resolution must be recorded with Hennepin County.
   b) The following must be submitted to the city:
      1) A final plat drawing that clearly illustrates the following:
         a. A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way and minimum 7-foot wide drainage and utility easements along all other lot lines.
         b. Utility easements over existing or proposed public utilities, as determined by the city engineer.
         c. Drainage and utility easements over wetlands, floodplains, and stormwater management facilities, as determined by the city engineer.
      2) Documents for the city attorney’s review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
         a. Title evidence that current within thirty days before release of the final plat.
         b. Conservation easements over the 25-foot wetland buffer, and a drawing of the easement area. The easement may allow removal of
hazard, diseased, or invasive species.

c. A private driveway easement between the public right-of-way and Lots 1 and 2. The easement must state the maintenance responsibilities of each owner, including maintenance of the infiltration trench.

d. A Contract for Residential Development (or Developers Agreement) if the applicant or developer is constructing any public improvements. This agreement must guarantee that the developer will complete all public improvements and meet all city requirements.

3) Two sets of mylars for city signatures.

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

c) Pay park dedication fee of $10,000.

d) Pay pending hook-up fees.

3. A grading permit is required for construction of the utilities and private driveway. 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(2)(b)(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.

a. The private driveway and associated grading
must minimize impacts to the oak trees located on the northern two lots, identified on the tree preservation plan as 320, 321, 345, 346, 347, and 348.

b. Preliminary grading is allowed for construction of the utilities and private driveway only. Each of the home sites and rain gardens must be custom graded at the time of individual home construction.

c. Final utility plan must locate utilities to minimize impact to any significant or high-priority trees.

d. The existing private storm drainage system on the site must be removed.

e. The existing driveway access must be removed.

f. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in 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 driveway 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 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 outlined 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) 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:

   1) The wetland boundary must be formally approved by the city through the Wetland Conservation Act process.

   2) 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 Minnehaha Creek Watershed District, and the MPCA. It is the applicant’s and property owner’s responsibility to obtain any necessary permits.

4. 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) An electronic CAD file or certified as-built drawings for public infrastructure in microstation or DXF and PDF format.

5. 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 submitted at the time of grading permit may fulfill this requirement.

2) A stormwater maintenance agreement for rain gardens and infiltration trench. Protection should be provided at the drain tile outlets to ensure there is no erosion on the slopes.

3) Each lot must be custom graded at the time of home construction. The final grading and tree preservation plan for each lot must:


b. Minimize grading within the wetland buffer, woodland preservation, and steep slope areas.

c. Show sewer and water services to minimize impact to any significant or high-priority trees.

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

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

- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion 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. 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.

b) Install heavy duty fencing, which may include chain-link fencing, at the conservation easement. This fencing must be maintained throughout the course of construction.

c) Submit all required hook-up fees.

6. All lots and structures within the development are subject to the all R-1 zoning standards. In addition:

a) Minimum floor elevation is 968.0.

b) 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.

7. The city may require installation and maintenance of signs which delineate the edge of any required conservation easement. This signage is subject to the review and approval of city staff.

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

9. The property owner is responsible for replacing any required landscaping that dies.
10. The final plat must be filed within one year of final plat approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 20, 2015.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on April 20, 2015.

David E. Maeda, City Clerk
Brief Description
Items concerning construction of a new convenience store/gas station at 3864 Hopkins Crossroad:

1) Conditional use permit;
2) Final site and building plans, with setback variance; and
3) Monument sign variance.

Recommendation
Recommend the city council approve the conditional use permit and final site and building plans, and deny the sign variance.

Introduction
Croix Oil Company is proposing to redevelop the property at 3864 Hopkins Crossroad. As proposed, the existing gas station would be demolished and a new convenience store/gas station would be constructed. (See pages A1–A10.)

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 Station

The existing gas station was constructed in 1967 and met the zoning ordinance standards of the time. Those standards have changed significantly over the last 48 years and the station is now considered non-conforming. The station has an east/west orientation and is comprised of a roughly 1,800 square foot convenience store and four gas pump islands. (See pages A1 and A4.) A car wash was approved and constructed in 2004 following relocation of Minnetonka Mills Road. The station and car wash are technically located on two separate properties. (See page A5.)

- Proposed Station

The proposed gas has station would have a north/south orientation and would include a 4,500 square foot convenience store and five, canopied gas pump islands. The building façade would be comprised of brick and EIFS components. The building and canopy area would meet or exceed all but one zoning requirement. (See pages A6–A10.)
As part of the redevelopment, the façade of the existing car wash building would be upgraded to complement the façade of the new convenience store. No other changes would be made to the car wash.

**Proposed Signs**

In conjunction with redevelopment of the gas station, the applicant is proposing new wall and freestanding signs. The proposed permanent wall signs would meet the standards of the sign ordinance and may be approved administratively through the sign permit application process. The proposed monument sign requires a variance to exceeding the size and dynamic display allowances of the ordinance. (See page A23.)

<table>
<thead>
<tr>
<th></th>
<th>Allowed per Monument Sign</th>
<th>Proposed Monument Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copy and Graphic Area</td>
<td>60 sq. ft.</td>
<td>97 sq.ft.</td>
</tr>
<tr>
<td>Dynamic Area</td>
<td>21 sq.ft.</td>
<td>45 sq.ft.</td>
</tr>
<tr>
<td>Total Monument area</td>
<td>90 sq.ft.</td>
<td>143 sq.ft.</td>
</tr>
</tbody>
</table>
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 gas station and staff’s findings.

- **Is redevelopment of the site generally appropriate?**
  
  Yes. Redevelopment of the property as a gas station is appropriate for several reasons:

  1) The property’s location at the intersection of two major roadways is well suited for a gas station. This is “proven” by the fact that a viable station has occupied the site for nearly 50 years.

  2) The gas station use would meet all conditional use permit standards as outlined in the zoning ordinance. These standards may be found in the “Supporting Information” section of this report.

  3) The redevelopment would aesthetically improve both the property and the intersection.

- **Is the proposed site design, with setback variance, reasonable?**
  
  Yes. The proposed site design, including the requested side yard setback variance, is reasonable.

  1) The proposed location of convenience store and gas pump islands would result in an intuitive and appropriate circulation pattern on the site.

  2) It would be not be possible to construct a gas station that would both meet the required side yard setback and maintain appropriate circulation patterns within the site.

  3) The proposed convenience store building would not encroach further into the required setback than the existing, non-conforming building.

- **Is the requested monument sign variance reasonable?**
  
  No. As the gas station and car wash are technically located on two separate properties, each would be allowed a monument sign by city code. The applicant’s intent is to essentially “combine” the code allowance of the separate monument signs. (See the “Supporting Information” section of this report.) While staff understands the intent, and the desire to maximize exposure/advertising, there is
nothing inherently unique about the property what would justify a variance or warrant approval of an individual sign plan.

Staff Recommendation

Recommend that the city council adopt:

1. Resolution approving a conditional use permit for a “non-service station retail facility having gasoline pumps” at 3864 Hopkins Crossroad. (See pages A29–A34.)

2. Resolution approving final site and building plans, with setback variance, for a “non-service station retail facility having gasoline pumps” at 3864 Hopkins Crossroad. (See pages A35–A43.)

3. Resolution denying variance to allow for copy and graphic, dynamic display, and monument areas exceeding city code allowances on a monument sign at 3864 Hopkins Crossroad. (See pages A44–A47.)

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

Surrounding Land Uses

Northerly: Minnetonka Mills Road, office building beyond
Easterly: Hopkins Crossroad, commercial building beyond
Southerly: State Highway 7, service building beyond
Westerly: Perkins Restaurant

Planning

Guide Plan designation: Commercial
Existing Zoning: B-2, limited business

City Actions

The applicant’s proposal requires the following city actions:

- **Conditional Use Permit.** By City Code §300.18 Subd.4(c), “non-service station retail facilities having gasoline pumps” are conditionally permitted uses in the B-2 zoning district. At the time of its construction, the existing gas station was zoned B-4 – a zoning category no longer used in the city. Gas stations were permitted uses in the B-4 zoning district.

- **Site and Building Plan Review, with setback variance.** By City Code §300.27 Subd.2(a), site and building plan review is required for construction of any new commercial building. By City Code §300.18 Subd.5(c), the proposed convenience store building must be set back 35 feet from the west property line. The proposed setback is 9 feet.

- **Sign Variance.** City Code §300.30 outlines the maximum copy and graphic, dynamic display, and total monument areas for monument signs located on commercial property. The proposed sign exceeds these allowable areas.

CUP Standards

The proposed gas station use of the site would meet the general and specific conditional use permit standards as outlined in City Code §300.18:

**General Standards**

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

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

4) The use is consistent with the city's water resources management plan;

5) The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and

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

**Specific Standards**

1) No vehicles which are unlicensed and inoperable shall be stored on premises;

   **Finding:** No such storage is contemplated by the owner. However, this has been included as a condition of approval.

2) No repair, assembly or disassembly of vehicles;

   **Finding:** No repair, assembly or disassembly of vehicles is contemplated by the owner. However, this has been included as a condition of approval.

3) Gasoline pumps, stacking lanes or access drives shall not be located adjacent to low density residential properties unless separated from the low-density property by the principal structure or shall be screened from views from mid or high-density residential parcels, as designated in the city's land use plan;

   **Finding:** The closest low-density residential property is located over 300 feet from the subject property. This area, and nearby medium-density residential areas, are separated from the existing gas station site by a public street and other non-residential buildings.

4) No public address system shall be audible from any residential parcel;

   **Finding:** This has been included as a condition of approval.
5) Stacking for gas pumps shall be provided for at least one car beyond the pump island in each direction in which access can be gained to the pump. The required stacking shall not interfere with internal circulation patterns or with designated parking areas and shall not be permitted in any public right-of-way, private access easement or within the required parking setback;

**Finding:** The gas pumps would be appropriately located, meeting this requirement. (See page A12.)

6) No sales, storage or display of used automobiles;

**Finding:** No sales, storage or display of used automobiles is contemplated by the owner. However, this has been included as a condition of approval.

7) Shall be screened from adjacent residential areas;

**Finding:** The closest low-density residential property is located over 300 feet from the subject property. This area, and nearby medium-density residential areas, are separated from the existing gas station site by a public street and other non-residential buildings.

8) All canopy lighting shall be recessed lighting, flush mounted with canopy ceiling and having a flat glass lens; and

**Finding:** This property owner intends to install such lighting. Nevertheless, this has been included as a condition of approval.

9) Canopies shall be set back at least 20 feet from all property lines, but in no case shall the setbacks be less than 30 feet from land that the city’s land use plan designates for residential use.

**Finding:** The proposed canopy would exceed this setback requirement.

**SBP Standards**  The proposed convenience store/gas station use of the site would meet the site and building plan standards as outlined in City Code §300.27 Subd.5
1) Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

**Finding:** Members of the city’s legal, community development, engineering, fire, and public works staff have reviewed the proposal and find that it is generally consistent with the city’s development guides.

2) Consistency with this ordinance;

**Finding:** Aside from the requested setback variance, the proposal would meet all ordinance standards.

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

**Finding:** The subject property is fully developed, with no area in a “natural state.” As required by code, the proposal would add landscaping on the site.

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 subject property is fully developed, with no area in a “natural state” and little open space. As required by code, the proposal would add landscaping to the 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 redevelopment of the existing site would improve vehicular and pedestrian circulation patterns, while aesthetically improving both the property and the intersection.

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

Finding: As new construction, the building would include code-required energy efficiencies, including installation of LED canopy lighting.

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 allow for continued use of a site that has long been used as a gas station. It would not negatively impact adjacent properties or the neighboring area.

Variance Standards The requested side yard setback variance would meet the variance standards as outlined in City Code §300.07 Subd.1(a) and Minnesota Statute §462.357 Subd. 6:

1) Purpose and Intent: The intent of the commercial side yard setback requirement is to ensure adequate separation between commercial buildings for aesthetic and safety purposes. The proposed nine foot setback would meet this intent. It would allow for redevelopment
resulting in: (1) aesthetic enhancement of the site and intersection; (2) intuitive and appropriate on-site circulation patterns; and (3) new construction with a fire suppression system.

2) **Consistency with Comprehensive Plan:** The comprehensive plan notes that in making decisions the city will be guided by certain principles. One such principal is that the city will support existing businesses and their reasonable expansion to remain competitive in the region. The requested variance is consistent with this principal; it allows for redevelopment of, and investment in, an existing commercial site and business.

3) **Practical Difficulties:**

   a. **Reasonableness and Character of Locality:** The proposed 9 foot setback is reasonable.

      1. The proposed building would not encroach further to the required setback than the existing building.

      2. Though the proposed redevelopment would aesthetically improve the subject property and the intersection – positively impacting the character of the locality, the requested setback variance itself would not impact area character.

   b. **Unique Circumstance:** The property’s location at the intersection of two major roadways is well suited for a gas station. This is “proven” by the fact that a viable station has occupied the site for nearly 50 years. However, it would be not be possible to construct a new gas station on the site that would both meet the required side yard setback and maintain appropriate circulation patterns within the site. In combination, this long standing use and difficulty in redeveloping the use under current requirements presents a unique circumstance.

The requested sign variance would not meet the variance standard as outlined in City Code §300.07 Subd.1(a) and Minnesota Statute §462.357 Subd. 6:
1) **Purpose and Intent:** The intent of the city’s sign ordinance is to provide for effective communication and identification while maintaining a high aesthetic standard. The maximum copy and graphic, dynamic display, and monument areas were established in code to achieve that intent. Given the subject property’s location at the intersection of two major roadways, effective communication/identification can be achieved by a code-compliant monument sign. The proposed sign goes beyond this intent seeking maximum communication/identification.

2) **Unique Circumstance:** There is no unique circumstance inherent to the property justifying a sign with larger areas than allowed by city code. In fact, situated at the intersection of two major roadways, the property is highly visible to the traveling public.

**Stormwater**

Under current conditions, there are no existing stormwater management practices on the gas station site. Under proposed conditions, a new, private storm sewer system would capture runoff from the site and direct it to an underground filtration facility. This facility would ultimately outlet to the city’s storm sewer system.

The city’s water resources engineer has reviewed the stormwater management plan and finds it to be generally acceptable. The plans would meet the standards of the city’s Water Resources Management Plan, incorporating rate control, volume control, and water quality treatment.

**Signs**

The intent of the applicants sign proposal is to combine the code allowance for the gas station and car wash properties into one monument sign.

<table>
<thead>
<tr>
<th></th>
<th>ALLOWED</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Station Property</td>
<td>Car Wash Property</td>
</tr>
<tr>
<td><strong>Wall Sign</strong></td>
<td>150 sq.ft.</td>
<td>150 sq.ft.</td>
</tr>
<tr>
<td><strong>Monument Sign</strong></td>
<td>Copy Area</td>
<td>60 sq.ft.</td>
</tr>
<tr>
<td></td>
<td>Dynamic Area</td>
<td>21 sq.ft.</td>
</tr>
<tr>
<td></td>
<td>Total Area</td>
<td>90 sq.ft.</td>
</tr>
</tbody>
</table>
The applicant has provided renderings of signs that would be permitted by city code on both the convenience store/gas station and car wash sites. (See pages A25–A27.)

**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 resolutions approving the conditional use permit and site and building plan, and denying the sign variance.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the proposal. 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.

**Pyramid of Discretion**

In addition to various outside agencies, notices were sent to 61 area property owners. The city has received no comments to date.

**Deadline for Action**

July 7, 2015
Location Map

Project: Croix Oil Company
Address: 3864 Hopkins Crossroad
(86088.15a)
Combined Written Statement  
Raze and Rebuild Project  
3864 Hopkin Crossroad, Minnetonka, MN 55343

Items Covered by Written Statement:

Site and Building Plan Application  
Conditional Use Permit Application  
Variance Application  
Sign Plan Review Application

Introduction:

The parcel of real estate located at 3864 Hopkins Crossroad, Minnetonka, MN 55343, is currently utilized as a small convenience store with Mobil-branded fuel. The intended use, after construction of the project described in the Conditional Use Application, the Variance Application, the Site and Building Plan Review Application and the Sign Plan Review Application, will remain unchanged. The purpose of our project is to demolish the current convenience store, fuel dispensing area (including canopy), and underground petroleum storage tank system and build a new convenience store with fuel. The redeveloped property will have Circle K branding for the convenience store and Mobil-branded fuel. Although relatively new to Minnesota, Circle K is one of the largest convenience store brands in the world and is currently growing in the Minnesota market. The raze and rebuild project being proposed by Croix Oil Company will serve as a Circle K showpiece in the Twin Cities market, being the first ground-up Circle K in Minnesota. Given the age of the current improvements located at the site and Croix Oil Company’s commitment to building a first-class facility, this project will significantly upgrade the appearance of the property which sits at the gateway to the City of Minnetonka.

Conditional Use Permit and Site and Building Plan Review:

As stated above, the use of the property will be that of a convenience store with fuel. Such use is identical to the current use and a conditional use under the Minnetonka Zoning Code. In working with City Staff, Croix Oil Company is committed to complying with all relevant conditional use permit standards contained in the zoning code (except to the extent variances are requested in conjunction with this submittal).

Variance on Setbacks

The proposed project cannot be completed without a variance to the setbacks. The back wall of the current building is located 8.5 feet from the property line (at its closest point). The project proposes a new building that will be located approximately the same distance from the rear property line. The primary difference between the current building and the proposed building is that the proposed building will be longer. As such, the rear setback variance being requested does not significantly alter the current imposition of the building into the applicable setback.

The front and side setback variances being requested relate to the corners of the canopy. As outlined in the Practical Difficulties Worksheet related to this variance request, in order to minimize the setback encroachments, Croix Oil Company has reduced the width of the proposed canopy from 30 feet to 24 feet and reduced the number of dispenser islands from six to five.
Also, as mentioned in the Practical Difficulties Worksheet, the encroachment into the side setback caused by the canopy is encroaching toward another parcel of property owned by Croix Oil Company.

The foregoing variance requests, demonstrate that this project simply cannot be completed in the absence of the setback variances. In an effort to minimize the setback variances required, Croix Oil Company has chosen a building shape that is narrow from front to back, reduced the number of dispenser islands and reduced the canopy size. The circumstances giving rise to the variance request are the unique shape of the parcel, the size of the parcel and the existence of public easements (two right-of-way easements and one utility easement) along three of four sides of the property.

Sign Plan Review and Variance for Sign

A Sign Plan Review Application is being submitted for the purpose of requesting an individualized sign package. The overall signage proposal being requested has three elements: 1) the combination of two adjacent properties owned by Croix Oil Company into one sign package (the project property and the property located at 11208 Minnetonka Mills Road currently being utilized as a car wash); 2) a single monument-style ID/price sign ("ID Sign") that is larger than the standard size allowed by the applicable Code provisions (and which will identify the business activities of both properties); and 3) total building signage that is less than allowed on two properties (i.e. we will utilize less than 150 sq. ft. over both properties).

Croix Oil Company is requesting an ID Sign that will have 97.14 square feet of copy and graphics (per side) and 143.02 square feet in total size (per side). The normal maximum ID/price sign size allowed is 60 square feet of copy and graphics (per side) and 90 square feet in total size (150% of the copy and graphic area). The proposed ID Sign is 13.28 feet in height, which is within the maximum height specified by the applicable zoning code provisions (which is fifteen feet).

In requesting the size variation on the ID Sign, Croix Oil Company is willing to agree to have one ID sign for both the convenience store property and the car wash property and is willing to commit to a total building sign square footage of 146.34 combined for both parcels of property rather than 150 square feet per parcel (i.e. 300 square feet total). In addition, Croix Oil Company would locate the ID Sign a distance of approximately 17.5 feet from the front property line and 31.5 feet from the curb of Hopkins Crossroad. As such, the ID Sign will be further off the right-of-way than required. Finally, the proposed location for the ID Sign is further from the corner of Hopkins Crossroad and Highway 7 than the location of our current ID sign. The net effect of the foregoing concessions is that there will be less overall signage than allowed by the zoning code on the two properties owned by Croix Oil Company and that the ID Sign will be located in a manner that will reduce the appearance of clutter near the various rights-of-way.

Why the City Should Approve this Project:

The City should approve this project because it will significantly upgrade the property facilities and appearance while preserving the current use. Given that this property is located at one of the gateways to the City, this project will enhance the appearance of the City of Minnetonka as a whole.
PROOF OF PARKING
PROPOSED SIGNS
## Proposed Building Signs

**Crossroads Circle K / Mobil**  
3864 Hopkins Crossroads  
Minnetonka, MN 55305

<table>
<thead>
<tr>
<th>Sign</th>
<th>Name</th>
<th>Dimensions</th>
<th>Sq. Ft. (Each)</th>
<th>Quantity</th>
<th>Total Sq. Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Croix Oil</td>
<td>Circle K LED Logo Sign</td>
<td>5'H X 5'W</td>
<td>25 sq. ft.</td>
<td>3</td>
<td>75 sq. ft.</td>
</tr>
<tr>
<td>Mobil</td>
<td>Mobil LED Canopy Legend Sign</td>
<td>23&quot;H X 82&quot;W</td>
<td>13.1 sq. ft.</td>
<td>2</td>
<td>26.2 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>Permanent Spanner Sign Frame with</td>
<td>19.125&quot;H X 240.5&quot;W</td>
<td>31.94 sq. ft.</td>
<td>1</td>
<td>31.94 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>Changeable Copy &amp; Graphics</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car Wash</td>
<td>Car Wash LED Sign</td>
<td>17.531&quot;H X 108.452&quot;W</td>
<td>13.20 sq. ft.</td>
<td>1</td>
<td>13.20 sq. ft.</td>
</tr>
</tbody>
</table>

**Grand Total**  
Building Signs  
Sq. Ft.  
146.34 sq. ft.
Canopy Fascia Elevations
Crossroads Circle K / Mobil
Minnetonka, MN

Front / East
136'

Rear / West

Side / South

Side / North

36" Canopy Fascia:
24” blue band of 3D LED illuminated
flex face
12” white ACM

Mobil Canopy Legend

SAMPLE
Car Wash LED Sign
Crossroads Circle K / Mobil
Minnetonka, MN
Monument (MID) Sign

97.14 Sq Ft (Copy & Graphics)

45.88 Sq Ft (Base)

143.02 Sq Ft (Total Copy, Graphics & Base)

Crossroads Circle K/Mobil
3864 Hopkins Crossroads
Minnetonka, MN 55305
Circle K
LED Logo Sign
5'H X 5'W

Crossroads Circle K / Mobil
Minnetonka, MN

Sample
Permanent Spanner Sign Frame
Crossroads Circle K / Mobil
Minnetonka, MN

Anodized Aluminum

Changeable Copy & Graphics

240.5"

FILL ‘ER UP! Circle K Premium Coffee & Cappuccino

Sample

Croix Oil Company
3864 Hopkins Crossroad
INSTALLER TO PROVIDE:
1. HARD WIRING TO POWER SUPPLY BOX
2. MOUNTING HARDWARE

ELECTRICAL:
INPUT: 120 VOLS 60 HZ 1.3 AMPS
OUTPUT: 30 VOLS DC 1.3 AMPS MAX

NOTE:
ALL LIDS ARE WIRING IN SERIES CIRCUITS

ALL WIRING AND ELECTRICAL CONNECTIONS ON THIS DISPLAY MUST BE INSTALLED IN ACCORDANCE WITH THE RECOMMENDATIONS AND CONTROLLED CODES AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNGING AND SHIELDING OF THE DISPLAY.

A22

Croix Oil Company
3864 Hopkins Crossroad
Installation Instructions:

1. Prepare area thoroughly and inspect for damage. If damage is found, call a qualified service provider.

2. Remove all dirt and debris from the area and lay protective material on the display surface. Ensure display surface is clean and free of debris.

3. Install the LED display and connect all necessary wiring.

4. Test the display for proper function and ensure all connections are secure.

5. Secure all wiring and ensure proper grounding.

6. Ensure all instructions and warranties are properly documented and stored for future reference.

Note:

- All wiring and electrical work must be performed by a qualified electrician.
- Ensure all components are properly grounded and secured.
- All materials used must meet local and national codes.
- Keep a record of all work performed and materials used.

Installation:

- LED display enclosure should be placed in a secure and weatherproof location.
- Connect the power supply to the display and ensure proper grounding.
- Test the display for proper function and ensure all connections are secure.

Note:

- All wiring and electrical work must be performed by a qualified electrician.
- Ensure all components are properly grounded and secured.
- All materials used must meet local and national codes.
- Keep a record of all work performed and materials used.

All wiring and electrical work must be performed in accordance with local and national codes and regulations.

Croix Oil Company
3864 Hopkins Crossroad
CODE-COMPLIANT MONUMENT SIGNS
March 31, 2015

Via Electronic Mail

Susan M. Thomas, AICP
Principal Planner
City of Minnetonka
14600 Minnetonka Blvd
Minnetonka, MN 55345

Re: Crossroad Raze and Rebuild Project

Dear Ms. Thomas:

In accordance with our discussion regarding the requested monument sign for the above-referenced project, as more specifically described in our Sign Plan Review Application (the "Sign Plan"), I am attaching hereto, elevations for two separate monument sign concepts that Croix Oil Company will utilize if the Sign Plan is rejected by the City. I thought it might be helpful for the Planning Commission and the City Council to see our backup monument sign plan. While the final design for these two signs might differ from these concepts, each sign would ultimately comply with the signage ordinance.

I would like to reiterate, however, that it is our strong preference that the City approve our Sign Plan rather than utilize the two monument sign (one for each of our properties) approach. In any case, if you have any questions or comments, or would like to discuss this matter further, please feel free to contact me.

Sincerely,

CROIX OIL COMPANY

[Signature]

Paul W. Muilenberg, Esq.
Manager of Corporate Affairs
Monument (MID) Sign A

60 Sq Ft (Copy & Graphics)

28.67 Sq Ft (Base)

88.67 Sq Ft (Total Copy, Graphics & Base)

Crossroads Circle K/Mobil
3864 Hopkins Crossroads
Minnetonka, MN 55305
Monument (MID) Sign B

Tuesday Special
CAR WASH
$1.99

Car Wash

59 Sq Ft (Copy & Graphics)
30 Sq Ft (Base)
89 Sq Ft (Total Copy, Graphics & Base)

Crossroads Circle K/Mobil
3864 Hopkins Crossroads
Minnetonka, MN 55305

Croix Oil Company
3864 Hopkins Crossroad
RESOLUTIONS
Resolution No. 2015-

Resolution approving a conditional use permit for a “non-service station retail facility having gasoline pumps” at 3864 Hopkins Crossroad

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

Section 1. Background.

1.01 Croix Oil Company has requested a conditional use permit for a “non-service station retail facilities having gasoline pumps.”

1.02 The property is located at 3864 Hopkins Crossroad. It is legally described on Exhibit A of this resolution.

1.03 On April 9, 2015, the planning commission held a hearing on the request. The applicant was provided the opportunity to present information. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

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

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

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

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

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

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

2.02 City Code §300.21 Subd. 4(b) lists the following specific standards that must be met for granting a conditional use permit for "non-service station retail facilities having gasoline pumps."

1. No vehicles which are unlicensed and inoperable shall be stored on premises except in appropriately designed and screened storage areas;

2. All repair, assembly, disassembly and maintenance of vehicles shall occur within closed buildings except minor maintenance, including tire inflation, adding oil and wiper replacement;

3. No public address system shall be audible from any residential parcel;

4. Stacking for gas pumps shall be provided for at least one car beyond the pump island in each direction in which access can be gained to the pump. The required stacking shall not interfere with internal circulation patterns or with designated parking areas and shall not be permitted in any public right-of-way, private access easement or within the required parking setback;

5. No sales, storage or display of used automobiles, except when a conditional use permit is approved allowing automobile, truck, trailer or boat sales or rentals;

6. Shall not be located within 100 feet of any low density residential parcel or adjacent to medium or high density residential parcels, as designated in the city's land use plan. The city may reduce separation requirements if the following are provided:

   a) Landscaping and berming to shield the auto service use;
   b) parking lots are not located in proximity to residential uses; and
   c) lighting plans which are unobtrusive to surrounding residential uses;
7. All canopy lighting shall be recessed lighting, flush mounted with canopy ceiling and having a flat glass lens; and

8. Canopies shall be set back at least 20 feet from all property lines, but in no case shall the setbacks be less than 30 feet from land that the city’s land use plan designates for residential use.

Section 3. Findings.

3.01 The proposal would meet the general conditional use permit standards as outlined in City Code §300.21 Subd. 2.

3.02 The proposal would meet the specific conditional use permit standards as City Code §300.21 Subd. 4(b).

1. As conditions of this resolution, the following would be prohibited on the site:

   a) Storage of unlicensed and inoperable vehicles;

   b) Repair, assembly or disassembly of vehicles will occur on the property;

   c) Use of a public address system audible from any residential parcel; and

   d) Sales, storage or display of used vehicles.

2. The closest low-density residential property is located over 300 feet from the subject property. This area, and nearby medium-density residential areas, are separated from the existing gas station site by a public street and other non-residential buildings.

3. The gas pumps would be appropriately located.

4. All canopy lighting will be recessed lighting, flush mounted with canopy ceiling and having a flat glass lens.

5. Canopies will be set back at least 20 feet from all property lines.

Section 5. Council Action.

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

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the site plan layout dated March 9, 2015

2. The following are prohibited on the property:
   a) Storage of unlicensed and inoperable vehicles;
   b) Repair, assembly or disassembly of vehicles will occur on the property;
   c) Use of a public address system audible from any residential parcel; and
   d) Sales, storage or display of used vehicles.

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

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 20, 2015.

_______________________________________  
Terry Schneider, Mayor

Attest:

_________________________________  
David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on April 20, 2015.

__________________________________
David E. Maeda, City Clerk
EXHIBIT A

Parcel 1:
The East 245 feet of that part of the following described property (as measured at right angles to the Easterly line of the said following described property):
That part of the East 990 feet by parallel lines, of the Northeast Quarter of the Northeast Quarter of Section 23, Township 117 North, Range 22 West. Lying North of the Northerly line of State Highway No. 7, as the same is now laid out and constructed, and lying Northeasterly of the Northeasterly line of the Minneapolis and St. Louis Railroad right-of-way, and Southerly of the center line of the old Minnetonka Mills road, now known as Highway No. 71, Hennepin County, Minnesota.

Parcel 2:
Lot 1, Block 1, Hopkins Crossroads Addition, Hennepin County, Minnesota.
Resolution No. 2015-

Resolution approving final site and building plans, with setback variance, for a “non-service station retail facility having gasoline pumps” at 3864 Hopkins Crossroad

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

Section 1. Background.

1.01 In 1967 a gas station, or “non-service station retail facilities having gasoline pumps,” was constructed on the property at 3864 Hopkins Cross Road. The property is legal described on Exhibit A of this resolution.

1.02 Croix Oil Company is proposing to redevelop the site. As proposed, the existing gas station would be demolished and a new convenience store/gas station would be constructed.

1.03 Croix Oil Company has requested approval of final site and building plans for this redevelopment. The request includes a side yard setback variance from 35 feet to 9 feet.

1.04 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the city to grant variances.

1.05 On April 9, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommend approval of the final site and building plans, with setback variance.

Section 2. Standards.

2.01 By City Code §300.27, Subd. 5, in evaluating a site and building plan, the city will consider its compliance with the following:
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
2.02 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

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

1. Members of the city's legal, community development, engineering, fire, and public works staff have reviewed the proposal and find that it is generally consistent with the city's development guides.

2. Aside from the requested setback variance, the proposal would meet all ordinance standards.

3. The subject property is fully developed, with no area in a “natural state.” As required by code, the proposal would add landscaping on the site.

4. The redevelopment of the existing site would improve vehicular and pedestrian circulation patterns, while aesthetically improving both the property and the intersection.

5. As new construction, the building would include code-required energy efficiencies, including installation of LED canopy lighting.

6. The proposal would allow for continued use of a site that has long been used as a gas station. It would not negatively impact adjacent properties or the neighboring area.

3.02 The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):
1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The intent of the commercial side yard setback requirement is to ensure adequate separation between commercial buildings for aesthetic and safety purposes. The proposed nine foot setback would meet this intent. It would allow for redevelopment resulting in: (1) aesthetic enhancement of the site and intersection; (2) intuitive and appropriate on-site circulation patterns; and (3) new construction with a fire suppression system.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The comprehensive plan notes that in making decisions the city will be guided by certain principles. One such principal is that the city will support existing businesses and their reasonable expansion to remain competitive in the region. The requested variance is consistent with this principal; it allows for redevelopment of, and investment in, an existing commercial site and business.

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

   a) REASONABLENESS AND CHARACTER OF LOCATILTY:

      1) The proposed 9 foot setback is reasonable. The proposed building would not encroach further to the required setback than the existing building.

      2) Though the proposed redevelopment would aesthetically improve the subject property and the intersection – positively impacting the character of the locality, the requested setback variance itself would not impact area character.

   b) UNIQUE CIRCUMSTANCE: The property’s location at the intersection of two major roadways is well-suited for a gas station. This is “proven” by the fact that a viable station has occupied the site for nearly 50 years. However, it would be not be possible to construct a new gas station on the site that would both meet the required side yard setback and maintain appropriate circulation patterns within the site. In combination, this long standing use and difficulty in redeveloping the use under current requirements presents a unique circumstance.

Section 4. City Council Action.

4.01 The city council approves the final site and building plans, with setback
variance, for a “non-service station retail facility having gasoline pumps” at 3864 Hopkins Crossroad. 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:
   - Site plan dated March 9, 2015
   - Stormsewer plan dated March 9, 2015
   - Exterior elevations dated March 9, 2015

2. Prior to issuance of a building permit:
   a) This resolution must be recorded at Hennepin County.
   b) The following must be submitted:
      1) An electronic PDF copy of all required plans and specifications.
      2) Three full size sets of construction drawings and sets of project specifications.
      3) Final site, utility, illumination and landscape plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
         a. Final site plan must include truck turning templates illustrating movement of gasoline delivery vehicles in and around the site. The city may require reduction in the total impervious surface, including width of the existing Minnetonka Mills Road access, based on these templates.
         b. Final utility plan must illustrate relocation of the water main away from the edge of the canopied area toward the center of existing easement while maintaining 10-foot horizontal separation from the sanitary sewer.
         c. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in ordinance. New
landscaping should be concentrated in the existing green space located between the gas station and car wash sites.

4) Stormwater maintenance agreement. This agreement must outline the timing and specific maintenance practices for both the underground filtration system and the sump catch basin. The agreement must be filed against the property.

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

6) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct utility improvements, install landscaping, 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 utilities have been completed according to the plans approved by the city has been submitted; and (3) required landscaping or vegetation has survived one full growing season.

7) 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.
8) If required, a copy of the approved MPCA NPDES permit.

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

3. The convenience store store must be equipped with a fire suppression system.

4. The car wash drive must be signed and delineated to prevent blocking access to Hopkins Crossroads.

5. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.

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

7. The resolution does not approve any signs. Separate sign permits are required.

8. A permit from Hennepin County for work with the Hopkins Crossroad right-of-way is required. Other permits may be required from other outside agencies including, Hennepin County, the Minnehaha Creek Watershed District, and the MPCA. It is the applicant’s responsibility to obtain any necessary permits.

9. Construction must begin by December 31, 2015, unless the planning commission grants a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 20, 2015.

_______________________________________
Terry Schneider, Mayor

Attest:
David E. Maeda, City Clerk

**Action on this resolution:**

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on April 20, 2015.

David E. Maeda, City Clerk
EXHIBIT A

Parcel 1:
The East 245 feet of that part of the following described property (as measured at right angles to the Easterly line of the said following described property):
That part of the East 990 feet by parallel lines, of the Northeast Quarter of the Northeast Quarter of Section 23, Township 117 North, Range 22 West. Lying North of the Northerly line of State Highway No. 7, as the same is now laid out and constructed, and lying Northeasterly of the Northeasterly line of the Minneapolis and St. Louis Railroad right-of-way, and Southerly of the center line of the old Minnetonka Mills road, now known as Highway No. 71, Hennepin County, Minnesota.

Parcel 2:
Lot 1, Block 1, Hopkins Crossroads Addition, Hennepin County, Minnesota.
Resolution No. 2015-
Resolution denying variance to allow for copy and graphic, dynamic display and monument areas exceeding city code allowances for a monument sign at 3864 Hopkins Crossroad

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

Section 1. Background.

1.01 In 1967 a gas station, or “non-service station retail facilities having gasoline pumps,” was constructed on the property at 3864 Hopkins Cross Road. The property is legally described on Exhibit A of this resolution.

1.02 Croix Oil is proposing to redevelop the property at 3764 Hopkins Crossroad. As proposed, the existing gas station would demolished, a new convenience store/gas station would be constructed, and new wall signs and monument signs would be installed.

1.03 City Code §300.30 outlines the maximum copy and graphic, dynamic display, and total monument areas for monument signs located on the subject property. The applicant is requesting variances to exceed these allowable areas as follows:

<table>
<thead>
<tr>
<th>Allowed per Monument Sign</th>
<th>Proposed Monument Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copy and Graphic Area</td>
<td>60 sq. ft.</td>
</tr>
<tr>
<td>Dynamic Area</td>
<td>21 sq.ft.</td>
</tr>
<tr>
<td>Total Monument area</td>
<td>90 sq.ft.</td>
</tr>
</tbody>
</table>

1.04 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorize the city to grant variances.

1.05 On April 9, 2015, the planning commission held a public hearing on this request. The applicant was provided the opportunity to present information.
The commission considered all of the hearing testimony and the staff report, which are incorporated by reference into this resolution. The commission recommend denial of the variance.

Section 2. Standards

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

Section 3. Findings

3.01 The proposed variance does not meet the required variance standard for the following reasons:

1. Purpose and Intent of the Ordinance: The intent of the city’s sign ordinance is to provide for effective communication and identification while maintaining a high aesthetic standard. The maximum copy and graphic, dynamic display, and monument areas were established in city code to achieve that intent. Given then subject property’s location at the intersection of two major roadways, effective communication/identification can be achieved by a code-compliant monument sign. The proposed sign goes beyond this intent.

2. Unique Circumstance: There is no unique circumstance inherent to the property justifying a sign with larger areas than allowed by city code. In fact, situated at the intersection of two major roadways, the property is highly visible to the traveling public.

Section 5. Council Action.

5.01 The above-described variance is hereby denied based on the findings outlined in section 4 of this resolution.
Adopted by the City Council of the City of Minnetonka, Minnesota, on April 20, 2015.

_______________________________________  
Terry Schneider, Mayor
Attest:

_________________________________
David E. Maeda, City Clerk

**Action on this resolution:**

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on April 20, 2015.

__________________________________
David E. Maeda, City Clerk
EXHIBIT A

Parcel 1:
The East 245 feet of that part of the following described property (as measured at right angles to the Easterly line of the said following described property):
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Parcel 2:
Lot 1, Block 1, Hopkins Crossroads Addition, Hennepin County, Minnesota.
MINNETONKA PLANNING COMMISSION
April 9, 2015

Brief Description

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

1) Floodplain alteration permit;
2) Wetland rezoning;
3) Wetland mitigation plan; and
4) Tree removal/mitigation

Recommendation

Recommend the city council approve the items

Background

In 2013, the city council approved a preliminary layout of the Highway 62 to Hutchins Drive County Road 101 reconstruction project. In 2014, the council approved final design and entered into a cooperative agreement with Hennepin County for the reconstruction. The project will include many safety and stormwater improvements, including: expanding the roadway from a two lane to a three lane section between Highway 62 and Excelsior Boulevard, replacement of traffic signals, installation of bike trails and sidewalks, relocation of the Clear Spring Elementary bus access, and construction of stormwater ponding areas.

Four items imbedded in the approved final design require separate city council action:

1) Floodplain alteration to accommodate a new culvert at the Purgatory Creek crossing and road widening north of Clear Spring Elementary School;

2) Wetland rezoning to accommodate the relocation of the bus access at Clear Spring Elementary School;

3) Use of Board of Water and Soil Resources (BWSR) Road Replacement Program Credits for wetland mitigation; and

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

Staff Comment

Staff finds the previously outlined actions to be reasonable and appropriate components of the approved road reconstruction project.
1) **Floodplain:** Roughly 700 cubic yards of floodplain area will be altered for installation of the new culvert and increased road width. This alteration will be mitigated through creation of roughly 775 cubic yards of floodplain area within the roadway corridor. (See page A1–A3.)

2) **Wetland Rezoning:** The relocation of the bus access area will result in roughly 5,400 square feet of wetland fill and creation of 7,230 square feet of new stormwater storage area. (See page A1 and A4–A5.) Following construction, the area will technically function as a stormwater pond rather than as a wetland. The relocated access – and resulting wetland fill – is integrally tied to the safety improvements of the road reconstruction project. BWSR has reviewed and approved the wetland fill.

3) **Wetland Mitigation:** Wetland impact associated with the repair and rehabilitation of existing roadways is exempt from the mitigation requirements of the city’s wetland ordinance. As the relocated bus access is a new roadway/drive, it is not exempt. The ordinance requires that filled wetland be re-created within the same subwatershed unless approved by the city council. BWSR has authorized the use of the BWSR Road Replacement Program Credits as mitigation for wetland impacts associated with both the reconstruction project and the relocated bus access. However, as the credits would “purchase” wetland area outside of the subwatershed, the council must approve the use of these credits for the bus access.

4) **Tree Removal:** The reconstruction project will result in tree removal within the roadway corridor for both roadway expansion and creation of required stormwater ponding areas. The relocated bus access will also result in tree removal. The tree ordinance requires mitigation of trees removed for stormwater ponding or outside the “basic tree removal area,” unless approved by the council. As defined under the ordinance, mitigation rates of “one-to-one” or “inch-for-inch” will not occur as part of the County Road 101 reconstruction. However, new plantings will be done within the corridor following completion project. The landscaping budget for the project is nearly $150,000.

Given the current layout of the roadway, some level of floodplain alteration, wetland impact, and tree removal was anticipated at the time of preliminary and final design. It is only after final design that specific volumes/numbers can be determined. Therefore, it is only after final design that the specific alteration permits and rezoning requests have been made. Construction is scheduled to begin in 2015.

**Staff Recommendation**

Recommend the city council

1) Adopt a resolution approving floodplain alteration – in conjunction with the County Road 101 reconstruction project – at 6016 and 5609 County Road 101. (See page A6–A10.)
2) Adopt the ordinance removing areas from the wetland overlay district at 5735 County Road 101 for relocation of the Clear Spring Elementary School bus access. (See pages A11–A13.)

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

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

**Wetland Exemption**

By city code, wetland impact associated with the repair and rehabilitation of existing roadways is exempt from the requirements of the wetland ordinance. However, as the new bus access is not existing, the wetland ordinance applies:

- By City Code §300.23 Subd. 9 wetland area may be filled – or removed from wetland overlay zoning district – only by a rezoning.

- By City Code §300.23 Subd. 10(c) wetland impact must be mitigated at a 1:1 ratio within the same watershed of the wetland being altered, unless otherwise approved by the city council.

**Wetland Mitigation**

While city code has a wetland impact exemption for existing roadways, the wetland conservation act (WCA) does not. Under WCA wetland impact must be mitigated at a 2:1 ratio. The repair and rehabilitation of the County Road 101 project will result in some wetland impact throughout the roadway corridor. Given the safety improvements resulting from this wetland impact, the Board of Soil and Water Resources (BWSR) has allowed the purchase of Road Replacement Program credits to ensure compliance with the WCA mitigation standard. BWSR considered the relocation of the bus access as contributing to the County Road 101 safety improvements and included it in the purchase of program credits approval.

As these credits would be located outside of the watershed, the city council must approve the use of the Road Replacement Program credits for the new bus access area. This approval is an action separate from the wetland rezoning and may be adopted at the time the rezoning is formally considered by the council.

**Bus Access**

As part of the county road project, the Clear Spring Elementary School bus access will be relocated to Covington Road; the city has acquired a portion of the property on which the drive will be located. By separating bus and automobile traffic, the relocated access is intended to simplify site circulation and improve safety. The preliminary design of the access was approved by the council in August 2013. Under final design, an existing wetland must be filled and a larger ponding area must be created to accommodate the bus access and associated ponding requirements. This
ponding area will be constructed within a drainage and utility easement on private property.
Floodplain Alteration

Wetland to be removed

Floodplain Alteration
CSAH 101 Improvements - County Project No. 9917
From CSAH 62 to Hutchins Drive - Hennepin County, Minnesota

Counties
HENNEPIN

Floodplain Impacts: 1,433 sq ft Fill, 26 cu yd Fill

Drainage Area:
Pre - 3,683 sq ft impervious from CSAH 101
131,277 sq ft pervious

Post - 0 sq ft impervious from CSAH 101
117,296 sq ft pervious

LEGEND

Floodplain Impacts
Wetland to be removed
Wetland A
(Impacts: 7,238 sq ft Excavation 5,406 sq ft Fill, 12,644 sq ft total)
(Impacts: 547 cu yd Fill)
Resolution No. 2015-

Resolution approving a floodplain alteration permit – in conjunction with the County Road 101 reconstruction project – at 6016 and 5609 County Road 101

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

Section 1. Background.

1.01 As part of the County Road 101 reconstruction project, floodplain alteration is necessary to accommodate: (1) a new culvert at the Purgatory Creek crossing generally located at 6016 County Road 101; and (2) road widening north of Clear Spring Elementary School, generally located at 5609 County Road 101.

1.02 The areas to be altered are depicted on Exhibits A and B of this resolution.

1.03 On April 9, 2015, the planning commission held a hearing on the proposal. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve the permit.

Section 2. General Standards.

2.01 City Code §300.24 Subd. 9(c), states that in reviewing alteration permits, the city will consider whether general standards are met. These standards are incorporated by reference into this resolution.

2.02 City Code §300.24 Subd. 9(d), states that an alteration permit will not be granted unless certain specific standards are met. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposed alteration would meet the general standards outlined in City Code §300.24 Subd. 9(c):
1. The alteration area would be relatively small given the large floodplain area within the corridor.

2. The alteration would not increase buildable area of either property.

3. The alteration would not negatively impact the hydrology of the floodplain, given the small area of fill relative to the larger area.

4. The floodplain mitigation area would not negatively impact adjacent properties.

5. The alteration would meet the intent of the city's water resources management plan and the subdivision and zoning ordinances.

6. The alteration would not adversely impact governmental facilities, utilities, services or existing or proposed public improvements.

7. The alteration would not have an undue adverse impact on the public health, safety or welfare.

3.02 The proposal would meet the specific standards outlined in City Code §300.24 Subd. 9(d):

1. Adequate water storage would be maintained and provided in an amount at least equal to that filled.

2. No floodplain would be filled for the purpose of creating buildable area.

Section 4. City Council Action.

4.01 The city council hereby approves the above described floodplain alteration permit based on the findings outlined in section 3 of this resolution.

4.02 As provided for under City Code §300.24 Subd. 9(d), the city council hereby allows the removal of regulated trees to in conjunction with the floodplain alteration permit.

4.03 Approval is subject to the following conditions:

1. Subject to staff approval, the floodplain alteration must occur in substantial conformance with Exhibits A and B of this resolution.

2. No wetland impact is allowed for the creation of floodplain.
Resolution No. 2015-

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 20, 2015.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on April 20, 2015.

David E. Maeda, City Clerk
Floodplain Impacts: 1,433 sq ft Fill, 26 cu yd Fill

Drainage Area:
Pre - 3,683 sq ft impervious from CSAH 101
131,277 sq ft pervious

Post - 0 sq ft impervious from CSAH 101
117,296 sq ft pervious

LEGEND

Floodplain Impacts
Ordinance No. 2015-

An ordinance removing area from the wetland overlay district at 5735 County Road 101 for relocation of the Clear Spring Elementary School bus access

The City Of Minnetonka Ordains:

Section 1.

1.01 As part of the County Road 101 reconstruction project, the bus access to Clear Spring Elementary School will be relocated to the property at 5735 County Road 101. An existing wetland must be filled and a larger ponding area must be created to accommodate the relocated access and associated ponding requirements.

1.02 The property to be removed from the overlay district is depicted on Exhibit A of this ordinance.

Section 2. The existing wetland area at 5734 County Road 101 is hereby removed from the wetland overlay zoning district. This action is based on the following findings:

2.01 The removal of the area from the overlay district would not compromise the public health, safety, and welfare.

2.02 The removal of area from the overlay district would be consistent with the intent of the code and the comprehensive plan.

1. The wetland ordinance recognizes that the reconstruction of existing public roads may be necessary to improve functionality and safety and, therefore, exempts such reconstruction. Because the bus access is not existing, this exemption does not apply. However, the relocation of the bus access – and resulting wetland fill – is directly related to reconstruction of an existing road. It would improve the functionality and safety of the county road.

2. One of the primary transportation-oriented community values outlined in the comprehensive plan is to "enhance resident and business mobility with quality roads and transit." The relocation of the bus access – and resulting wetland fill – is directly related to reconstruction of an existing road. It would
Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on April 20, 2015.

Tim Bergstedt, Acting Mayor

Attest:

David E. Maeda, City Clerk

Action on this ordinance:

Date of introduction: March 23, 2015
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on April 20, 2015.

David E. Maeda, City Clerk

Date:
EXHIBIT A

AREA TO BE REMOVED FROM WETLAND OVERLAY DISTRICT