Planning Commission Agenda
Feb. 1, 2018—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: Jan. 4, 2018

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda
   A. Amendment of the Minnetonka Corporate Center sign plan as it pertains to the building at 12701 Whitewater Drive.

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

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

8. Public Hearings: Non-Consent Agenda Items
   A. Preliminary and final plat for SIMPSON PARK ADDITION, a three-lot subdivision at 15617 Lake Street Extension.

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

      • Recommendation to City Council (Tentative Date: Feb. 26, 2018)
      • Project Planner: Drew Ingvalson

   B. Conditional use permit, with variances and an expansion permit, for a restaurant with outdoor seating area at 5445 Eden Prairie Road.

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

      • Recommendation to City Council (Tentative Date: Feb. 26, 2018)
      • Project Planner: Susan Thomas
9. Other Business

A. Concept plan review for Ridgedale Active Adult Apartments at 12421 Wayzata Blvd. Recommendation: Discussion only. No formal action required.
   - Recommendation to City Council (Tentative Date: Feb. 26, 2018)
   - Project Planner: Loren Gordon

10. Adjournment
Notices

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

2. Applications and items scheduled for the Feb. 15, 2018 Planning Commission meeting:

   Project Description: The applicant is proposing to construct a driveway across 3533 Orchard to a newly constructed home on 3535 Orchard Lane. The proposal requires a (1) lot-behind-lot setback variance; and a (2) floodplain alteration permit.
   Project No.: 18002.18a        Staff: Ashley Cauley
   Ward/Council Member: 1—Bob Ellingson     Section: 33

   Project Description: The applicant is requesting a variance to install a second wall sign at 6150 Baker Rd.
   Project No.: 96045.18a                Staff: Drew Ingvalson
   Ward/Council Member: 1—Bob Ellingson     Section: 34

   Project Description: The applicant is proposing to construct a building intended to be used as an indoor skydiving venue at 12415 Wayzata Boulevard. The proposal requires an: (1) amendment to the existing master development plan; (2) site and building plan review; and (3) sign plan review.
   Project No.: 17004.18a                Staff: Ashley Cauley
   Ward/Council Member: 2—Tony Wagner     Section: 02
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

2. Staff presents their report on the item.

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

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

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

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

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

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

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

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

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

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

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

2. **Roll Call**

Commissioners O’Connell, Powers, Schack, Sewall, Calvert, Knight, and Kirk were present.

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

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

4. **Approval of Minutes:** Dec. 14, 2017

   *Calvert moved, second by Sewall, to approve the Dec. 14, 2017 meeting minutes as submitted.*

   *O’Connell, Powers, Schack, Sewall, Calvert, Knight, and Kirk voted yes. Motion carried.*

5. **Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of Dec. 18, 2017:

   - Adopted a resolution approving the preliminary and final plats for the two-lot subdivision of Williston Acres.
   - Reviewed the Dominium concept plan.
   - Adopted a resolution approving a conditional use permit for an eight-resident facility for Counter Point.

There will be a comprehensive guide plan steering committee meeting on Jan. 17, 2018 at the Minnehaha Creek Watershed District offices. The topic will be climate resistance.

There will be a meeting with the city council and commissions in February to discuss the comprehensive guide plan.

The Jan. 18, 2018 planning commission meeting has been cancelled. The next meeting will be Feb. 1, 2018.

6. **Report from Planning Commission Members**
Chair Kirk thanked Calvert for her service on the planning commission. She will be joining the city council. Calvert said that it was an honor and privilege to work with such professional city staff and commissioners who love the city.

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Minor amendment to an existing master development plan for a car wash addition at 13700 – 13712 Wayzata Boulevard.

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

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

Lynn Robson, representing Morrie’s Automotive Group, applicant, thanked Thomas and Gordon for their feedback on the plan. She was available for questions. Thomas did a great job introducing the proposal. Morrie’s went through a buy-sell and the proposal would allow the site to meet the mandates required by the buy-sell. The carwash would meet setback requirements. Pete Swenson, general manager of Morrie’s Minnetonka Mazda, was also available for questions.

Powers asked if a second carwash is needed. Ms. Robson explained that the site has carwash capacity issues. A neighborhood meeting was held. Ninety-three neighbors were notified, one neighbor attended the meeting, and that neighbor did not express concerns about the proposed carwash. The new carwash would not operate its fans with the door open.

Knight asked how vehicles would enter the carwash. Ms. Robson said that vehicles would drive in forward and pull back out. Morrie’s employees operate all of the vehicles that use the car wash and are accustomed to the traffic pattern.

Calvert asked if anything could be done to address a neighbor’s concern regarding a lack of a natural buffer between the site and residential neighbors. Ms. Robson provided a landscape plan that showed that the area would be significantly landscaped to address that concern.

O’Connell asked what time of day the trash is emptied. Mr. Swenson said that parts are delivered between 4 a.m. and 5 a.m. The trash is removed between 10 a.m. and noon. Thomas stated that city staff will be working with Morrie’s personnel to remedy the violation of the noise ordinance. Staff previously worked with Morrie’s personnel to alleviate transport vehicles blocking traffic and that issue has been resolved.

The public hearing was opened.
Derek Thomson, 901 Horn Drive, stated that noise is a concern. He can hear the current carwash. The noise from the carwash is not obnoxious, but he would welcome any consideration to mitigate noise. He has not had issues with noise from the trash being picked up. He noted the pond and asked that watershed issues be considered.

No additional testimony was submitted and the hearing was closed.

O’Connell confirmed with Thomas that the landscape plan is part of the conditions of approval.

In response to Sewall’s question, Thomas explained that the plans include an underground water treatment facility.

Powers asked if Morrie’s employees set off car alarms to locate vehicles. Mr. Swenson said that is rarely done. It is not a daily occurrence. New vehicles have a chirp rather than a horn honking for the alarm.

Ms. Robson said that the applicant would work with city staff to come up with the best landscape plan.

O’Connell moved, second by Schack, to adopt the resolution approving a minor amendment to an existing master development plan for a car wash addition at 13700–13712 Wayzata Boulevard.

O’Connell, Powers, Schack, Sewall, Calvert, Knight, and Kirk voted yes. Motion carried.

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

9. Adjournment

Calvert moved, second by Powers, to adjourn the meeting at 7:15 p.m. Motion carried unanimously.

By: __________________________
    Lois T. Mason
    Planning Secretary
Minnetonka Planning Commission Meeting
Feb. 1, 2018

Agenda Item 7

Public Hearing: Consent Agenda
MINNETONKA PLANNING COMMISSION
Feb. 1, 2018

Brief Description  Amendment of the Minnetonka Corporate Center sign plan as it pertains to the building at 12701 Whitewater Drive

Recommendation  Adopt the resolution approving the request

Background

The Minnetonka Corporate Center includes several office and service commercial buildings. The development is governed by a sign plan which was approved concurrent with the center’s master development plan in 1984. Unlike other sign plans within the city, which uniformly apply sign standards to a building or series of buildings, the Minnetonka Corporate Center “assigned” the location and type of signs to each of the center’s properties and buildings. The prescribed sign types include monument entry identifiers, wall signs and address identifiers.

Property and Building

The subject property is nearly 10 acres in area and improved with two office buildings that are connected by a walkway. The two buildings have a gross building area of approximately 210,500 square feet and have five building tenants. The applicant, Westwood Property Services, will be leasing 53,000 square feet of space within the subject building.

Per the Minnetonka Corporate Center sign plan, the property is allowed three wall signs on the northeasterly building and no wall signs on the southwesterly building. (See attached.)

Proposal

The applicant, Westwood Professional Services, is proposing to add a 3-foot by 22.5-foot (68 square foot) wall sign on the existing southwesterly building at 12701 Whitewater Drive. (See attached.) The request requires an amendment to the existing sign plan, as the Minnetonka Corporate Center sign plan does not authorize signage at this location.

Currently, there is a “Famous Dave’s” wall sign at this location. However, a wall sign is not allowed in this location per the sign plan. In fact, the city denied a sign permit for this wall sign in 2012. (See attached.) In addition, there is a sign over the main entrance that reads, “Whitewater Office Center.” This sign is not allowed per the sign plan, but it is staff’s assumption that this sign was approved and installed with the original building.

Staff analysis

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

- Is the requested sign plan amendment appropriate?

Yes. Currently, the subject building is not allowed any wall signs under the development’s sign plan. Consideration for wall signs within the corporate center has
been given and ultimately approved on several occasions since the adoption of the sign plan.

- Is the requested amendment consistent with the intent of the Minnetonka Corporate Center sign plan?

  Yes. A sign plan establishes the sign requirements for a specific development based on its unique characteristics and visibility needs. Sign plans may vary from the specific requirements of the city’s sign ordinance; however, generally, a sign plan is consistent with the intent of the sign ordinance. Staff finds that the request meets the intent of the city’s general sign ordinance and the Minnetonka Corporate Center. The proposed wall sign would be consistent with the signs originally allowed under the sign plan and those approved through subsequent amendments.

**Staff recommendation**

Adopt the resolution amending the Minnetonka Corporate Center sign plan as it pertains to the building at 12701 Whitewater Drive

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

Project No. 18001.18a

Property 12701 Whitewater Drive

Applicant Tim Heun, representing Westwood Professional Services

Surrounding Land Uses Properties to the North, South, East, and West are office, zoned PUD and guided for mixed use

Planning Guide Plan designation: Mixed Use
Zoning: PUD, Planned Unit Development

Sign plan History The sign plan for Minnetonka Corporate Center was approved concurrent with the master development plan and P.U.D. in 1984. The sign plan established general sign type and size parameters. Generally, this included:

- 30 square foot entrance monuments;
- 36 inches tall wall signs; and
- 12 square foot tenant identifier signs.

The sign plan also established the locations for these signs on a site plan.

In recent years, the planning commission has approved other amendments to the Minnetonka Corporate Center sign plan.

12800 Whitewater Drive (Sambatek, 2014)
The approved amendment allowed two walls signs, located on the office building’s west and east façades. Logos were allowed up to 5 feet in height.

12900 Whitewater Drive (XRS, 2014)
The approved amendment allowed two walls signs, located on the office building’s west and south façades. Logos were allowed up to 4 feet in height.

6030 Clearwater Drive (Home 2 Hotel, 2016)
The approved amendment allowed three wall signs, located on the hotel’s west, east, and south façades. Logos on the west and east façades were allowed up to 7 feet in height and on the south façade, up to 12 feet.

6000 Clearwater Drive (Associated Bank, 2016)
The approved amendment allowed two wall signs, located on the office building’s west and south façades. Five-foot tall logos were approved with 2.25-foot tall letters for each elevation.
6040 Clearwater Drive (The Gardner School, 2017)
The approved amendment to allow two wall signs, located on the buildings south and east façades. Letters on the building ranged from 10-16 inches in height and the logo was 30 inches tall.

Pyramid of Discretion

Motion options

The planning commission has the following motion options:

1. Concur with staff’s recommendation. In this case, a motion should be made adopting the resolution approving the amendment.

2. Disagree with staff’s recommendation. In this case, a motion should be denying the request. The motion should include findings for denial.

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

Voting Requirement

The planning commission action on the applicant’s request is final subject to appeal. Approval requires the affirmative vote of five commissioners.

Appeals

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

Neighborhood Comments

The city sent notices to 29 area property owners and have received no comments to date.

Deadline for Decision

April 30, 2018
Location Map
Project: Westwood Professional Services
Address: 12701 Whitewater Dr
Minnetonka Corp Center Sign Plan
(updated through 4-3-03)

The area bounded by Waterwater Drive and Clearwater Drive is regulated by the attached table 1 (Amendment 1-5-98) and Planning Report (Dated 4-3-03).
Note:
1. Trimcap (Red)
2. 3/16" Acrylic Faces (Red Vinyl)
3. LEDS
4. .040" Aluminum returns (Red)
5. .063" Aluminum Backer

Flush Mount to Existing Brick Wall

Sign to have 3-5 Studs and 1 Electrical Whip per character

Note:
1. Trimcap (Red)
2. 3/16" Acrylic Faces (Red Vinyl)
3. LEDS
4. .040" Aluminum returns (Red)
5. .063" Aluminum Backer

1. Remove Existing Signage
2. Reuse existing 120/277v Whip (Verify)
Front View (Day)
Scale: 3/32" = 1'

Front View (Night)
Scale: 3/32" = 1'

Paint - PMS 485
Matthews MP24069

Trim Cap - Red
1"

Lexan
Translucent White

Vinyl - LT Tomato Red
3M 3630-43

Led Module
Type 6500K
Power Supply
Meanwell

NC LED
W65
Part Number
TBD
Units
TBD

Ext Channel Letters
QTY: 1

1. Remove Existing Signage
2. Reuse existing 120/277v Whip (Verify)
In early February, Westwood Professional Services will be relocating its headquarters from Eden Prairie to 12701 Whitewater Drive in Minnetonka. We will be leasing over 53,000 sq. ft. of space in the building and employ over 200 people. Westwood’s occupancy represents two of the three floors of office space above grade. As this will be our new headquarters and we will be the largest tenant in the building, it is important for us to have the signage described on the attached exhibit in a prominent location on the building. We have signage at our current location and wish to maintain it at the new headquarters.

The requested signage is consistent with the building signage located on the nearby Associated Bank building and the 12500 Whitewater Dr. building currently occupied by United Health Group.

The Westwood sign will replace the Famous Dave’s sign currently installed on the building. Our agreement with the building owner is that Westwood’s signage will be the only signage they would allow to be installed on the 12701 Whitewater Drive building.
Planning Commission Resolution No. 2018-

Resolution amending the Minnetonka Corporate Center
sign plan as it pertains to the building at 12701 Whitewater Drive

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

Section 1. Background.

1.01 The subject property is located at 12701 Whitewater Drive, within the Minnetonka Corporate Center. The property is legally described as:

Lot 2, Block 1, Minnetonka Corporate Center, Hennepin County, Minnesota.

1.02 Signs within the Minnetonka Corporate Center are governed by a sign plan that was approved by the city council on Aug. 6, 1984.

1.03 Tim Heun, representing Westwood Professional Services, is proposing to install a 3-foot by 22.5-foot wall sign on the existing southwesterly building at 12701 Whitewater Drive.

1.04 The proposed wall sign requires an amendment to the existing sign plan as no wall signs are currently allowed on the 12701 Whitewater Drive building.

Section 2. FINDINGS.

2.01 The proposed signs and requested amendment are reasonable for two reasons:

1. Currently, the subject building is not allowed any wall signs under the current sign plan. Consideration for a wall sign has been given and ultimately approved on several occasions since the adoption of the development’s sign plan.

2. The request meets the intent of the city’s general sign ordinance and the Minnetonka Corporate Center sign plan. The proposed wall sign would be consistent with the signs originally allowed under the sign plan and those approved through subsequent amendments.
Section 3. Planning Commission Action.

3.01 The Minnetonka Corporate Center sign plan as it pertains to 12701 Whitewater Drive is amended as described in section 1.03 of this resolution. The amendment is subject to the following conditions:

1) A sign permit is required for the wall sign.

2) Any changes to the sign plan may require an amendment to this approval.

3) The sign must be installed prior to Dec. 31, 2019, unless the planning commission grants a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Feb. 1, 2018.

_________________________________
Brian Kirk, Chairperson

Attest:

_________________________________
Kathy Leervig, Deputy City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Feb. 1, 2018.

_________________________________
Kathy Leervig, Deputy City Clerk
Minnetonka Planning Commission Meeting

Feb. 1, 2018

Agenda Item 8

Public Hearing: Non-Consent Agenda
Brief Description
Preliminary and final plat approval for SIMPSON PARK ADDITION, a three-lot subdivision at 15617 Lake Street Extension

Recommendation
Recommend the city council adopt the resolution approving the plats

Introduction
The 1.6-acre subject property is located at 15617 Lake Street Extension and is currently improved with a 1,315 square foot single-family home and a detached garage. The home was originally constructed in 1920.

The property gradually slopes upward from the north side of the property to the southwest side of the property, with an increased slope near the southern property line. The subject home is located on a high elevation point of the property. Additionally, there is a two-tiered retaining wall system in the right-of-way north of the subject property (Lake Street Extension). This retaining wall is constructed of lumber and is owned by the city. The total combined height of the two retaining walls is approximately 10 feet. (See attached).

There are 28 high priority trees and 25 significant trees on the subject property. The majority of the high priority trees are located on the north side of the site and the bulk of the significant trees are located in the center of the property.

Proposal
The applicants, James and Sheri Simpson, have submitted an application to subdivide the existing property into three lots. The existing home and accessory structure would be removed in order to accommodate three new homes.

The three lots would meet minimum lot area requirements for properties zoned R-1, as outlined in the subdivision ordinance. (See below).

<table>
<thead>
<tr>
<th></th>
<th>Lot 1</th>
<th>Lot 2</th>
<th>Lot 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total area</strong></td>
<td>22,688 sf</td>
<td>24,352 sf</td>
<td>24,229 sf</td>
</tr>
<tr>
<td><strong>Buildable area</strong></td>
<td>~ 8,740 sf</td>
<td>~ 10,250 sf</td>
<td>~ 10,135 sf</td>
</tr>
<tr>
<td><strong>Width at ROW</strong></td>
<td>110 ft</td>
<td>118 ft</td>
<td>117 ft</td>
</tr>
<tr>
<td><strong>Width at setback</strong></td>
<td>110 ft</td>
<td>118 ft</td>
<td>117 ft</td>
</tr>
<tr>
<td><strong>Lot depth</strong></td>
<td>206 ft</td>
<td>206 ft</td>
<td>206 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 primary subdivision and staff's findings.
Are the proposed lots reasonable?

Yes. The city’s subdivision ordinance outlines minimum area and dimensional standards for single-family residential lots. The proposed lots would meet and exceed minimum R-1 lot standards.

Would the proposal meet the tree ordinance?

Yes. As proposed, the applicant would be removing nine of the 28 high priority trees (32 percent), which is below the 35 percent that can be removed by ordinance. Additionally, the applicant would be removing 19 of the 25 significant trees on the property (76 percent). If approved, the applicant may be required to mitigate for some of the trees removed during home construction. However, mitigation requirements would be determined based on actual grading associated with the building permit submittal.

Staff Recommendation

Recommend the city council adopt the resolution approving the preliminary and final plat for SIMPSON PARK ADDITION.

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

<table>
<thead>
<tr>
<th><strong>Project No.</strong></th>
<th>17028.17a</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property</strong></td>
<td>15617 Lake Street Extension</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>James and Sherri Simpson</td>
</tr>
<tr>
<td><strong>Surrounding Land Uses</strong></td>
<td>The properties to the north, east, and west are single-family residential homes.</td>
</tr>
<tr>
<td></td>
<td>The property to the south is Wilson Park (owned by the City of Minnetonka).</td>
</tr>
<tr>
<td></td>
<td>All properties are zoned R-1 and guided for low density residential.</td>
</tr>
<tr>
<td><strong>Planning</strong></td>
<td>Guide Plan designation: Low density residential</td>
</tr>
<tr>
<td></td>
<td>Zoning: R-1</td>
</tr>
<tr>
<td><strong>Grading</strong></td>
<td>As required by the subdivision application process, generalized home footprints, locations, and grading plans have been submitted by the applicant. Specific plans would be submitted and reviewed by staff at the time of building permits.</td>
</tr>
<tr>
<td><strong>Retaining Wall</strong></td>
<td>There is a two-tiered retaining wall within the Lake Street Extension right-of-way to the north of the property. The life of the retaining wall is unknown. In the future, the retaining wall will require maintenance in the form of reconstruction or removal. To prepare for this, staff is requesting an easement over a northern portion of the property.</td>
</tr>
<tr>
<td><strong>Stormwater</strong></td>
<td>Stormwater management would be required for each of the new homes to provide for infiltration, water quality and rate control for all impervious surfaces. Each of the homes would provide individual stormwater management, which would be reviewed at the time of a building permit.</td>
</tr>
<tr>
<td><strong>Natural Resources</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Neighborhood Comments</strong></td>
<td>The city sent notices to 57 area property owners and received no comments to date.</td>
</tr>
</tbody>
</table>
Motion Options

The planning commission has three options:

1. Concur with staff’s recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the subdivision.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the request. The motion must include a statement as to why the denial is recommended.

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

Voting Requirement

The planning commission will make a recommendation to the city council on the applicant’s proposal. A recommendation for approval requires an affirmative vote of a simple majority. The city council’s final approval requires affirmative votes of four members.

Deadline for Decision

April 14, 2018
Location Map
Project: Simpson Park Addn
Applicant: James & Sheri Simpson
Address: 15617 Lake St Ext
Preliminary Plat of Simpson Park Addition

Legal Description:

SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any numbers of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements deemed necessary for the survey.
3. Setting survey markers at or verifying existing survey markers to establish the corners of the property.
4. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey.
5. The subject property contains 71,270 Sq. Ft.
6. Note that all building dimensions and distances to the property lines, are taken from the siding and/or stucco of the building.
7. While we show a proposed location for this home, additions, we are not as familiar with your proposed plans as you, your architect, or the builder are. The items added, if any are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approval before beginning construction or planning improvements to the property.
8. While we show the building setback lines per the City of Minnetonka web site, we suggest you show this survey to the appropriate city officials to be sure that the setback lines are shown correctly. Do this BEFORE you use this survey to design anything for this site.

Standard Symbols & Conventions:
- Denotes iron survey marker set, unless otherwise noted.

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Diagram with survey markers and legal description details.
<table>
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<tr>
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</tr>
<tr>
<td><strong>Width at ROW</strong></td>
<td>80 ft.</td>
<td>110 ft.</td>
<td>118 ft.</td>
<td>117 ft.</td>
</tr>
<tr>
<td><strong>Width at setback</strong></td>
<td>110 ft.</td>
<td>110 ft.</td>
<td>118 ft.</td>
<td>117 ft.</td>
</tr>
<tr>
<td><strong>Lot depth</strong></td>
<td>125 ft.</td>
<td>206 ft.</td>
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</tr>
</tbody>
</table>
Resolution No. 2018-

Resolution approving the preliminary and final plat of SIMPSON PARK ADDITION at 15617 Lake Street Extension

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

Section 1. Background.

1.01 The applicants, James and Sheri Simpson, have requested preliminary and final plat approval for SIMPSON PARK ADDITION, a three-lot subdivision (Project 17028.17a).

1.02 The property is located at 15617 Lake Street Extension. It is legally described as follows:

LOT 8 AND W 50 FT OF LOT 1, BLOCK 6, WOODSTOCK, HENNEPIN COUNTY, MINNESOTA.

1.03 On Feb. 1, 2018, 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 preliminary and final plat would meet the design standards as outlined in City Code §400.030.

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

1. Prior to release of the final plat for recording:
   a) Submit the following:
      1) Two sets of mylars for city signatures.
      2) An electronic CAD file of the plat in microstation or DXF.
      3) Park dedication fee of $10,000.
      4) Title evidence that is current within thirty days before release of the final plat for the city attorney’s review and approval.
      5) An easement on the north portion of the subject property for future maintenance of the existing retaining wall. Maintenance may include either reconstruction or removal and grading out of the slope. The wall will be evaluated by the city in the future for reconstruction or grading.
   b) This resolution must be recorded with Hennepin County.

2. Subject to staff approval, SIMPSON PARK ADDITION must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Preliminary plat dated Dec. 18, 2017
   - Final Plat dated Dec. 18, 2017
   - Tree inventory plan dated Dec. 18, 2017

3. 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 if applicable.
   c) A final utility plan. The plan must:
      1) Show proposed sewer and water service connections and alignment.
      2) Provide new water services that are a minimum 1 ½-inch
copper pipes.

3) Illustrate removal of the sanitary sewer service pipe extending to the middle lot or provide information noting that this service is a capped saddle.

4. Prior to issuance of a building permit for each lot:

a) If Lot 2 will be using the "middle" sanitary service, the applicant must submit a private easement over Lot 3 for the service line to reach Lot 2.

b) Provide the top and bottom elevations for the proposed retaining wall on Lot 2. The proposed retaining wall:
   1) May not be located within the right of way.
   2) Requires an encroachment agreement if any portion of this retaining wall is within any public easements.
   3) Requires a permit if it is over four feet in height. The plans submitted for the building permit must be signed by a licensed structural engineer.
   4) Must be designed independent from the existing retaining wall.

c) Submit a grading and tree preservation. The plan must be in general conformance with preliminary plat drawing dated Dec. 12, 2017 unless otherwise modified by the conditions of approval. The final grading and tree preservation plan:
   1) Should position the final house, driveway, utilities and associated grading to minimize tree loss.
   2) Should adjust grading to avoid impacts to trees proposed to remain.
   3) May not result in removal of more than 35 percent of the site’s high-priority trees in total. Currently, no more than nine high-priority trees could be removed across the three lots.
   4) Should position stormwater treatment to avoid tree loss.

d) Submit a stormwater management plan and agreement for staff review and approval. The plan must be in a city approved format and must outline minimum site management practices and
penalties for non-compliance. The applicant must also demonstrate that the following criteria are met:

1) Volume: Provide for onsite retention of 1-inch of runoff from all impervious surfaces.

2) Rate: Limit peak runoff flow rates to that of existing conditions for the 2, 10, and 100-year storm events at all points where stormwater discharge leaves the site.

3) Water Quality: Provide for all runoff to be treated to at least 60-percent annual total phosphorus removal efficiency and 90 percent annual total suspended solids removal efficiency.

e) Submit a driveway permit. Driveways should be limited to 10-percent grade.

f) Submit a right-of-way permit for any work within the city’s right-of-way.

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

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

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

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

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

j) Submit all required hook-up fees.

5. No tree removal is allowed prior to issuance of the building permits for
each lot unless determined necessary by city staff.

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

7. Permits may be required from other agencies including Hennepin County, Minnehaha Creek Watershed District, and the MPCA. It is the applicant’s or property owner’s responsibility to obtain all necessary permits.

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

9. Unless the city council approves a time extension, the final plat must be recorded by Feb. 26, 2019.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Feb. 26, 2018.

Brad Wiersum, 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 Feb. 26, 2018.

David E. Maeda, City Clerk
Conditional use permit, with variances and an expansion permit, for a restaurant with outdoor seating area at 5445 Eden Prairie Road.

Recommend the city council adopt the resolution approving the conditional use permit, with variances and an expansion permit.

Introduction

City records indicate that existing commercial building at 5445 Eden Prairie Road was constructed in 1946. Over the next 70 years, the building was occupied by a variety of professional offices and the Glen Lake Dairy Queen. The Dairy Queen closed in 2016 and the building has since been vacant.

Chris Bjorling, one of the owners and operators of The Copper Hen restaurant in Minneapolis, is now proposing to repurpose the building. As proposed, the entirety of the building would be remodeled and occupied by The Copper Cow, a dine-in/take out restaurant with full service bar.

Proposal Summary

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

- **Existing Site Conditions.**

  The subject property is located in the Glen Lake village center, south of Excelsior Boulevard and east of Eden Prairie Road. The existing building is situated in the southwest corner of the site. The building has a footprint of approximately 2,625 square feet and total area of 5,100 square feet; half of this area is basement storage space. The building is served by a 26-stall parking lot.

- **Proposed Building.**

  To accommodate the new restaurant, the interior of the existing building would be completely remodeled. The remodeled space would seat roughly 85 customers. The exterior of the building would also be remodeled. Proposed changes include construction of a new pitched roof over a portion of the building; installation of new metal roofing, decorative copper panels and wood siding; and painting of existing brick. The applicant intends to keep an existing drive-up window located on the east side of the building for pick-up of pre-ordered food.

  Outdoor seating areas are proposed on the northwest and west sides of the building. As is a condition of any liquor license, the outdoor areas would be surrounded by uninterrupted enclosures.
Proposed Use.

As currently proposed, The Copper Cow would be open Monday thru Friday 11 a.m.–11 p.m., Saturday 10 a.m.–11 p.m., and Sunday 10 a.m.–10 p.m. The restaurant would offer a variety of starters, burgers, desserts and a full bar.

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 and staff findings for the proposed restaurant.

Is the proposed use appropriate?

Yes. The 2030 Comprehensive Guide Plan places special emphasis on a “village center” concept. The purpose of the concept “is to provide development and redevelopment opportunities to encourage vitality, promote identity, and improve livability.” To that end, the Guide Plan suggests a policy of “supporting existing commercial areas and encouraging new development techniques that contribute to the vitality and diversity of the area.”

The subject property is located within the Glen Lake village center. The proposed restaurant is consistent with the comprehensive plan’s village center concept and would further the plan’s policies. In staff’s opinion, the proposal would add a new and interesting land use to the area and in doing so would contribute to the vitality and diversity of the village center.

Are the proposed building changes reasonable?

Yes. From staff’s perspective, the proposed changes are reasonable and attractive. The remodeled building would significantly improve the aesthetic of the property and the immediate area.

Can anticipated parking demands be accommodated?

Yes, if the existing parking lot is restriped and off-site parking is provided. City code parking requirements are based on the square footage of a building and the uses occupying that building. However, staff generally finds that parking demand for restaurants is a function not just of the size or type of restaurant, but the popularity of the restaurant. In other words, restaurants of the same size and similar menu may have significantly different parking demands based on the restaurants’ popularity. Given this, in evaluating the applicant’s proposal staff looked not just at consistency with code requirements, but also consulted data collected by the Institute of Transportation Engineers (ITE) and parking approvals for other restaurants in the community. ITE would suggest that the Copper Cow’s average peak parking demand could be accommodated by the provision of 36 to 41 parking stalls. (For more information of the other restaurants parking provision, see the “Supporting Information” section of this report.)

1 2030 Comprehensive Guide Plan, III-8
The property currently has 26 striped parking stalls. However, additional parking could be provided both on and off site.

**On-Site.** Staff has drafted two revised parking lot configurations to accommodate more on-site parking stalls and to provide for more intuitive vehicular circulation. Both plans suggest one-way vehicle movement through the site. Access to the site would be via the existing drive on Eden Prairie Road and egress would be via a relocated drive on Stewart Lane. This relocated drive would be roughly 45 feet west of the current location, in closer alignment to the office property to the south. Staff-Drafted Configuration A would provide 28 on-site stalls and would not increase the paved area of the existing parking lot. Staff-Draft Configuration B would provide 32 on-site stalls. This configuration would expand the existing lot, resulting in loss of existing open space and likely tree impacts. In addition, this plan would increase impervious surface on the site, requiring a variance and necessitating installation of stormwater management facilities.

**Off-Site.** Generally, the city would prefer to see shared use of existing parking to construction of new parking. To that end, the applicant has approached the owner of the office property to the south regarding leasing parking stalls. If stalls can be secured for evening parking, peak parking demand may be met.

<table>
<thead>
<tr>
<th>Parking Stalls</th>
</tr>
</thead>
<tbody>
<tr>
<td>ITE Demand</td>
</tr>
<tr>
<td>Staff-Drafted Configuration A</td>
</tr>
<tr>
<td>Off-Site Stalls</td>
</tr>
<tr>
<td><strong>Total Provided</strong></td>
</tr>
</tbody>
</table>

As conditions of approval, the applicant must: (1) provide a copy of a parking lease agreement to the city prior to issuance of a building permit for the restaurant; and (2) restripe and appropriately sign the parking lot consistent with Staff-Drafted Configuration A prior to issuance of a certificate of occupancy.

- **Can future nuisance issues be addressed?**

Yes. Staff recognizes the proposed restaurant may generate smells, noise, and activity of a different sort and level than the previous Dairy Queen and office occupants. However, the city has mechanisms in place to address issues associated with real and perceived nuisances:

1. The city’s noise ordinance essentially establishes community “quiet hours” from 10:00 p.m. to 7:00 a.m.
2. The city’s waste collection and disposal ordinance regulates the storage and disposal of garbage on both commercial and residential properties.

3. As a condition of any conditional use permit, the city council may reasonably add or revise conditions to address any future unforeseen problems. In other words, if nuisance violations occur with frequency or regularity, the city may bring the conditional use permit back before the city council and additional conditions may be applied or the permit may be revoked.

Summary Comments

Staff acknowledges that repurposing the currently vacant building would impact the immediate area. The restaurant would bring more people – both drivers and pedestrians – into the area. These people may be more numerous than customers of the former office spaces and Dairy Queen and these people would occupy the site at more and different times during the day. Parking demand in the area and noise levels may increase over current levels. However, staff does not believe that any of these impacts would be inherently bad. Rather, staff finds that the proposal would further the goals of the comprehensive plan. It would contribute to the vitality and diversity of the Glen Lake village center. Staff supports the applicant’s request, with conditions regarding provision of off-site parking.

Staff Recommendation

Recommend the city council adopt the resolution approving a conditional use permit, with variances and an expansion permit, for a restaurant with outdoor seating area at 5445 Eden Prairie Road.

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

Surrounding Land Uses
Northerly: Gas station, zoned B-2
Easterly: Vacant property owned by Xcel Energy, zoned B-2
Southerly: Office building and townhomes, zoned B-1 and PUD
Westerly: Commercial strip mall, zoned B-2

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

City Actions
The proposal requires the following applications:

- Conditional Use Permit, with variances. By City Code §300.18 Subd.4(i), restaurants are conditionally-permitted uses in the B-2 zoning district. One of the conditional use permit standards is a specific number of parking stalls. The site would not contain the number of parking stalls required by code, as such a variance is necessary.

- Code §300.21 Subd.4(p), outdoor seating areas are conditionally-permitted uses in the B-2 zoning district. One of the conditional use permit standards is a minimum setback between the seating areas and residentially-zoned properties and property lines. The seating area would not meet these setbacks, as such variances are necessary.

- City Code 300.18 Subd.5(b), requires that commercial properties maintain a 50 ft. setback from front property lines. The existing building was constructed 20 years before adoption of the city’s first zoning ordinance. It has a non-conforming front yard setbacks of nine feet and three feet from south and west property lines respectively. The applicant’s proposal includes the addition of sloped roof over a portion of the non-conforming building, increasing building height in this area by roughly seven feet. An expansion permit is necessary.

Site Statistics
The existing site and building were developed 20 years prior to adoption of the city’s first zoning ordinance. As such, there are several non-conforming aspects of both the site and building.

<table>
<thead>
<tr>
<th></th>
<th>REQUIRED</th>
<th>EXISTING</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BUILDING SETBACKS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>35 ft</td>
<td>40 ft</td>
</tr>
<tr>
<td>South</td>
<td>50 ft</td>
<td>9 ft*</td>
</tr>
<tr>
<td>East</td>
<td>35 ft</td>
<td>150 ft</td>
</tr>
<tr>
<td>West</td>
<td>50 ft</td>
<td>3 ft*</td>
</tr>
<tr>
<td><strong>PARKING SETBACKS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>10</td>
<td>0 ft</td>
</tr>
<tr>
<td>South</td>
<td>20</td>
<td>5 ft</td>
</tr>
<tr>
<td>East</td>
<td>10</td>
<td>37 ft</td>
</tr>
</tbody>
</table>
Traffic

The proposed restaurant would be located near the intersection of Excelsior Boulevard/Eden Prairie Road, both of which are Hennepin County roadways and are classified as “minor expander” or “minor arterial” roadway. Such roadways are designed for a capacity of 5,000 to 30,000 average daily vehicle trips. Traffic volume information from 2015 indicates 10,300 and 6,400 daily vehicle trips on Excelsior Boulevard and Eden Prairie Road respectively.

To evaluate the impact of the proposed restaurant on these roadways, staff looked at anticipated trip generation rates as suggested by ITE. Staff used the “quality restaurant” ITE classification. The roughly 2,625 square foot restaurant would generate the following:

<table>
<thead>
<tr>
<th></th>
<th>Peak Hour Rate*</th>
<th>Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekday</td>
<td>9.02 trips/1,000 sq.ft.</td>
<td>24</td>
</tr>
<tr>
<td>Saturday</td>
<td>10.82 trips/1,000 sq.ft.</td>
<td>28</td>
</tr>
<tr>
<td>Sunday</td>
<td>8.38 trips/1,000 sq.ft.</td>
<td>22</td>
</tr>
</tbody>
</table>

* peak hour of restaurant, defined by ITE as the “generator”

It should be noted that these numbers assume all trips to/from an establishment would be vehicles trips. The numbers do not take into account pedestrians or other modes of transportation. Given the existing traffic volumes on Excelsior Boulevard/Eden Prairie Road, the anticipated impact of the proposed restaurant on traffic volume would be nominal.

Interestingly, a “quality restaurant” would generate fewer p.m. peak hour trips than several other uses that could be considered equally appropriate for the site:

<table>
<thead>
<tr>
<th>Use</th>
<th>P.M. Peak Hour Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank with Drive Up Window</td>
<td>26.69 trips/1000 sq.ft.</td>
</tr>
<tr>
<td>Convenience Store (non-24 hr)</td>
<td>36.22 trips/1000 sq.ft.</td>
</tr>
<tr>
<td>Coffee Shop with Drive Thru</td>
<td>36.16 trips/1000 sq.ft.</td>
</tr>
</tbody>
</table>

Stormwater

As the proposal is for reuse of the site without expansion of impervious surface, stormwater management is not required.

Landscaping

As a condition of approval, a final landscaping plan must be submitted for staff review and approval. Staff anticipates the plan to include planters adjacent to the proposed outdoor seating area. In addition, staff would suggest some upkeep/planting on the eastern portion of the site in the area previously used by Dairy Queen as informal seating.
The proposed restaurant would be generally consistent with the general CUP standards as outlined in City Code §330.21 Subd.2:

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

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

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

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.

The proposal requires variances from the specific conditional use permit standards for restaurants as outlined in City Code §300.21 Subd.4(i):

1. Parking shall be in compliance with the requirements of section 300.28 of this ordinance;

   **Finding:** The proposed restaurant requires a variance from city code parking standards. See the “Variance” section of this report.

2. Shall only be permitted when it can be demonstrated that operation will not significantly lower the existing level of service as defined by the Institute of Traffic Engineers on streets and intersections; and

   **Finding:** As noted earlier in this report, the proposal is not anticipated to significantly impact existing traffic volumes or levels of service. Further, several other land uses with significantly higher trip generation rates could appropriately occupy the building.

3. Shall not be located within 100 feet of any low density residential parcel or adjacent to medium or high density residential parcels. The city may reduce separation requirements if the following are provided:

   a) landscaping and berming to shield the restaurant use;
   b) parking lots not located in proximity to residential uses; and
   c) lighting plans which are unobtrusive to surrounding uses.
Finding: The proposed restaurant would be over 150 feet from the closest low-density parcel, which is located across Eden Prairie Road to the southwest. It would be roughly 90 feet from the medium-density parcels located to the southeast across Stewart Lane.

The proposal requires a variance from the specific conditional use permit standards for outdoor seating area as outlined in City Code §300.21 Subd.4(p):

1. Shall be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access shall be only through the principal building;

Finding: The proposed seating area would be surrounded by decorative planters and fencing.

2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;

Finding: The proposed seating area requires a variance from this standard. Though this area would be screened from nearby residences by existing vegetation and the restaurant building itself, the areas would be 150 feet from the closest residential properties to the southwest and southeast. See the “Variance” section of this report.

3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;

Finding: The seating areas would not disrupt site circulation.

4. Shall not be located to obstruct parking spaces. Parking spaces may be removed for the use only if parking requirements specified in section 300.28 are met;

Finding: The seating areas would not obstruct parking.

5. Shall be located adjacent to an entrance to the principal use;

Finding: The areas would be appropriately located near the principal entrance to the business.

6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up;

Finding: This has been included as a condition of approval.
7. Shall not have speakers or audio equipment which is audible from adjacent parcels; and

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

8. Shall be located in compliance with building setback requirements.

**Finding:** The seating areas require a variance to the setback requirements, this is due to the fact the building itself is non-conforming. See the “Variance” section of this report.

**Variance Standard**

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

**Intent of the Ordinance.**

- The intent of the ordinance as it pertains to parking requirements is to ensure adequate parking is provided to meet anticipated parking demand. Though parking demand is not likely to be met by available on-site parking during the restaurant's p.m. peak hours of operation, provision of off-site parking during this time may mitigate the deficit.

- The intent of the ordinance as it pertains to outdoor seating area setbacks is to ensure appropriate separation between these areas and residential land uses and property lines, so as to minimize real and perceived nuisance impacts and promote safety. The outdoor seating area would be separated from area residences by existing roadways, commercial properties, and vegetation. Similarly, the seating area would not be closer to area roadways than the pedestrian sidewalks in the area.

**Consistent with Comprehensive Plan.**

The subject property is located in the Glen Lake village center. One of the overall themes outlined in the comprehensive plan is to “provide development and redevelopment opportunities that encourage vitality, promote identity, and improve livability” in village centers. The requested variances would result in reuse of an existing building as a new and unique gathering space, consistent with the goals of the comprehensive plan.
Practical Difficulties

• Reasonableness.

(1) The requested parking variance is reasonable. Though parking demand is not likely to be met by available on-site parking during the restaurant’s p.m. peak hours of operation, provision of off-site parking during this time may mitigate the deficit. Use of existing off-site parking would be preferable to creating additional parking on the east side of the site through removal of existing open space.

(2) The requested setback variances are reasonable. The outdoor seating area would be separated from area residences by existing roadways, commercial properties, and vegetation. Similarly, the seating area would not be closer to roadways than the pedestrian sidewalks in the area.

• Unique Circumstance. The existing building and site were developed 20 years prior to the adoption of the city’s first zoning ordinance. Though various aspects of the building and site are non-conforming with current zoning standards, the various businesses and a fast food restaurant successfully operated from the site for decades. The non-conformity, but overall success of the site, presents a unique circumstance not common to every similarly zoned property.

• Character of the Neighborhood. The Glen Lake village center includes a variety of land uses. A gas station, commercial strip mall, professional offices, electric substation, and residential uses are all located in close proximity to the subject property. While the reuse of the currently vacant building would alter the level of site activity, the requested variance themselves would not alter the unique character of the neighborhood.

Expansion Permit

The proposal would meet the expansion permit standard as outlined in City Code §300.29 Subd.7:

• Reasonableness and Neighborhood Character: The proposed roof pitch change is reasonable and would not negatively impact the character of the surrounding neighborhood. The change is for aesthetic reasons only, it would not increase the footprint or usable space of the existing building.

• Unique Circumstance: The existing building is situated in the far southwest corner of the subject property. It far exceeds required setbacks from the north and east property lines and has non-conforming setbacks from south and west lines. It is not “centered” on the lot. This is a unique circumstance not common to every similarly zoned property.
Liquor License

The applicants are requesting a liquor license. The city council has the authority to approve or deny liquor licenses; such licenses are not the purview of the planning commission. The commission must consider the proposal's conformance with the requirements and the intent of conditional use permit standards.

Restaurant Comparison

The following illustrates sizes and parking approvals of other restaurants in the area:

<table>
<thead>
<tr>
<th>Restaurant</th>
<th>Sq.Ft.</th>
<th>Indoor Seating</th>
<th>Parking Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copper Cow</td>
<td>2,625 sq.ft.</td>
<td>85 seats</td>
<td>Variance requested 2018</td>
</tr>
<tr>
<td>Station Pizza</td>
<td>2,450 sq.ft.</td>
<td>72 seats</td>
<td>On-Street parking to meet ITE standard, approved 2016</td>
</tr>
<tr>
<td>Ikes’s</td>
<td>3,600 sq.ft.</td>
<td>134 seats</td>
<td>Non-conforming parking, approved 2012</td>
</tr>
<tr>
<td>Gold Nugget</td>
<td>6,380 sq.ft.</td>
<td>182 seats</td>
<td>Variance, approved 2008</td>
</tr>
</tbody>
</table>

County Review

As a courtesy, the city routes to Hennepin County all development proposal adjacent to county roads. In reviewing the proposed restaurant the county reiterated its long-standing position regarding access drives in the immediate area. The county would prefer that the driveway to the subject property and the drive to the gas station to the immediate north be consolidated. The county has further indicated that a raised median may be constructed on Eden Prairie Road in the future. (See attached letter.) City planning and engineering staff understand the county’s position regarding the drive consolidation. If full redevelopment were proposed on both sites, this would be reasonable request. However, several factors prevent the city from requiring such consolidation at this time. The most important factor is that the city cannot force participation from the gas station owners who are not requesting any land use approvals. Aside from this issue, there is a topographic change between the two properties that would necessitate grading to accommodate the consolidated drive. This required grading would likely trigger stormwater management practice requiring greater site disturbance and cost for the owners of both sites. The consolidated drive would further reduce parking on both sites.

Staff acknowledges that the county would be well within its rights to construct a raised median on Eden Prairie Road at any time.

Pyramid of Discretion

![Pyramid Diagram]

This proposal:
Motion Options
The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the request.

2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to why denial is recommended.

3. 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.

Voting Requirement
The planning commission will make a recommendation to the city council. The city council’s final approval requires an affirmative vote of four members.

Neighborhood Comments
The city sent notices to 359 property owners and has received one written comment to date.

Deadline for Action
April 2, 2018
Location Map
Project: The Copper Cow
Applicant: Chris Bjorling
Address: 5445 Eden Prairie Rd
Existing Dairy Queen
Eden Prairie Road and Excelsior Blvd
Minnetonka, MN
Proposed Improvements
February 17, 2009
Mr. Jeff Thomson, Planner
City of Minnetonka
14600 Minnetonka Blvd.
Minnetonka, MN 55345

Re: Site Plan Review Glen Lake Dairy Queen
CSAH-4 (Eden Prairie Road) / CSAH-3 (Excelsior Blvd.)
Hennepin County Review No. 3134

Dear Mr. Thomson;

We reviewed the proposed site plan for the redevelopment of the Glen Lake Dairy Queen and offer the following comments:

**CSAH-4 Driveway**
- We have concerns related to the existing driveway on CSAH-4 due to its proximity to the CSAH-4 / CSAH-3 intersection, the Mobil service station driveway, the Snyder’s Drug retail center driveway, and the CSAH-4 / Stewart Lane intersection. These access points are located much too close to one another and numerous conflicts have been observed involving turning vehicles.
- The existing driveway does not meet county access spacing guidelines aimed at improving roadway safety and operations. The City of Minnetonka is on record as supporting these guidelines in the Policies on Access Management from the City’s Comprehensive Plan.
- As mentioned to city staff last fall, we would like to pursue revising this segment of CSAH-4 with the installation of channelization (see attached schematic). This concept would provide dedicated left turn lanes to both Stewart Lane and the Synder’s Drug retail center. Our preferred option would include a raised median for the channelization to limit vehicle movements. If the City does not feel they can support this approach, we would be willing to discuss a striped channelization treatment as an alternative.
- If driveway access must remain to CSAH-4, we would prefer a consolidated entrance be developed with the Mobil service station to help reduce the vehicle conflicts. We understand the grade and coordinative issues this would entail.

**Site Circulation**
- In our minds, the proposed site plan has some drawbacks especially related to the drive-thru. The drive-thru lane has no provisions for vehicles to bypass if for some reason a lead vehicle is delayed – I myself patronize this DQ and have experienced some fairly long waits. The queue storage also appears too short.
- With some adjustments, we believe that the site could be configured to eliminate the need for the CSAH-4 driveway altogether while improving the building, parking, and drive-thru locations and minimizing any impacts to Stewart Lane.

If this redevelopment proposal proceeds, we would like the opportunity to discuss these issues further with city staff.

Respectfully submitted,

Robert H. Byers, P.E.
Senior Transportation Engineer

RQB/DKZ/sew
cc: Steve Liliehaug, Minnetonka City Traffic Engineer
     Plat Review Committee-Byers / Lindgren / Holtz / Drager / Zetterstrom / Fackler / Lemke
City officials,

I am writing today to voice my support for both Copper Cow and Villas of Glen Lake and welcome new and increased density infill to the Glen Lake neighborhood. Both proposals fulfill the guiding principals in the Glen Lake neighborhood master plan.

Even with the parking variance for the Copper Cow, I feel that this will not be an issue as many neighborhood residents walk or bike to establishments and events in the neighborhood.

Minnetonka should embrace both of these projects as they will continue to build the tax base of the city and showing that the Glen Lake neighborhood is a vibrant and active place to live, work and play.

Brian Smidt

Minnetonka, MN
City of Minnetonka

Attn: Susan Thomas

14600 Minnetonka Blvd

Minnetonka, MN 55345

RE: Copper Cow Variance Request

Dear Ms. Thomas:

I understand that the Copper Cow restaurant at the old D.Q. site at 5445 Eden Prairie Road is scheduled before the Planning Commission for a Conditional Use Permit with variances on Thursday February 1st.

As provided on their plans submitted to the City showing an area of approximately 2,600 sq. ft. of 1st floor restaurant area, parking for only 26 spaces are shown, with an interior seating total of 85 and an additional 37 seating area outside. It is my understanding the City has a requirement of 1 parking space for every 50 sq.ft. of floor area which would require 52 total parking spaces.

Additionally, how is the city accounting for the lower level prep and storage space area? Does this need to be accounted for in the total restaurant area calculations for parking?

The Glen Lake area is already under extreme parking pressure as it exists today, with no on-street parking available on Stewart Lane, Excelsior Blvd or Eden Prairie Road (Cty Rd 4). Parking is our biggest challenge at the Gold Nugget, additional stress on an already difficult parking situation would be crippling for us.

The expansion of the Dairy Queen’s non-conforming use of approximately 1,250 sq. ft. should not be allowed without proof of parking for the 52 spaces required at all hours the new restaurant would be open, plus any additional spaces for the lower level area.

The other consideration should be the need given to the number of parking spaces required by restaurant staff alone. It’s our estimate that the new restaurant would require 4-5 front of house servers for the 85 main dining seats, a hostess and general manager on duty along with a bartender, resulting in a minimum of 7-8 personnel on duty.

Based upon the commentary from the press articles written, it appears to be their intention to prepare most items from scratch, which means more kitchen help. This would mean from 6-8 prep and line cooks including a chef to manage the kitchen. Bringing a total for staff parking needs to 13-16 spaces of the 26 being provided. Where is there the potential for 85 customers to park?
Parking is key to the success of any retail business. The success of UnMapped Brewing has filled the parking area to the west in late afternoons and evenings. Dr. Olson's lot to the south is filled most days. To allow and have a new establishment interfere in the parking of neighboring businesses is unfair knowing these owners followed the codes established by the city to establish their current businesses.

Historically, the D.Q. and it's approximate 1,250 sq. ft. retail space with its 26 parking spaces was a welcomed neighbor in the Glen Lake community. Another similar use of that space would be a much more acceptable neighbor with the limited amount of on-site parking that is provided. Once again, parking is the major issue, and it's not going away.

Thank you for your consideration.

Respectfully,

[Signature]

Thomas B Wartman
Chief Mgr
Gold Nugget Tavern & Grille
Resolution No. 2018-

Resolution approving a conditional use permit, with variances and an expansion permit, for a restaurant with outdoor eating area at 5445 Eden Prairie Road

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

Section 1. Background.

1.01 Chris Bjorling is proposing to operate a restaurant with outdoor seating area on the subject property. The interior and exterior of the existing building would be completely remodeled to accommodate the restaurant. The proposal requires a conditional use permit with the following:

1. Parking Variance from 52 stalls to 28 stalls;

2. Setback variance from residential property from 200 feet to 150 feet for the outdoor eating area;

3. Front yard setback variance from 50 feet to 0 feet for the outdoor eating area; and

4. Expansion permit for a change the roof pitch over an existing, non-conforming portion of the building.

1.02 The property is located at 5445 Eden Prairie Road. It is legally described as follows:

That part of the abandoned right of way of the Minneapolis, St. Paul & Suburban Railway Company, Section 33, Township 117 North, Range 22, lying East of the East line of Eden Prairie Road and West of a line drawn at right angles to the center line of said right of way from a point in said center line 260 feet Northeasterly along center line of said right of way from its intersection with the east line of said Eden Prairie Road, as said right of way appears upon the plat of Glen Lake Park.

Torren Property

Begin registered land as evidenced by Certificate of Title No. 1071440
1.03 On Feb. 1, 2018, the planning commission held a hearing on the request. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission recommend the city council approve the proposal.

Section 2. Standards.

2.01 City Code § 300.21 Subd.2 lists the following general conditional use permit 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.

2.02 City Code §300.21 Subd.4(i) lists the following specific conditional use permit standards for restaurants having on-sale intoxicating liquor or dance hall licenses:

1. Parking shall be in compliance with the requirements of section 300.28 of this ordinance;
2. Shall only be permitted when it can be demonstrated that operation will not significantly lower the existing level of service as defined by the Institute of Traffic Engineers on streets and intersections; and
3. Shall not be located within 100 feet of any low density residential parcel or adjacent to medium or high density residential parcels. The city may reduce separation requirements if the following are provided:
   a) landscaping and berming to shield the restaurant use;
   b) parking lots not located in proximity to residential uses; and
   c) lighting plans which are unobtrusive to surrounding uses.
2.03 City Code §300.21 Subd.4(p) lists the following specific standards for accessory sidewalk cafes and outdoor eating areas:

1. Shall be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access shall be only through the principal building;

2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;

3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;

4. Shall not be located to obstruct parking spaces. Parking spaces may be removed for the use only if parking requirements specified in section 300.28 are met;

5. Shall be located adjacent to an entrance to the principal use;

6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up;

7. Shall not have speakers or audio equipment which is audible from adjacent parcels; and

8. Shall be located in compliance with building setback requirements.

2.04 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.

2.05 By City Code §300.18 Subd.5(b), buildings within the B-2 zoning district must maintain a 50-foot setback from front property lines. The existing building was constructed 20 years before adoption of the city’s first zoning ordinance. It has non-conforming front yard setbacks of nine feet and three feet from south and west property lines respectively. By City Code §300.29 Subd. 7(c) the city may approve expansion of a non-conformity 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 proposed restaurant and outdoor eating area would meet the general conditional use permit standards as outlined in City Code § 300.21 Subd.2 and the staff report associated with the applicant’s request. The findings of the staff report are incorporated into this resolution by reference.

3.02 But for the requested variances, the proposed restaurant and outdoor eating area would meet the specific conditional use permit standards as outlined in City Codes §300.21 Subd.4(i) and §300.21 Subd.4(p) and the staff report associated with the applicant’s request. The findings of the staff report are incorporated into this resolution by reference.

3.03 The proposal would meet the variance standard as outlined in City Code §300.07 Subd. 1:

1. Intent of the Ordinance.
   a) The intent of the ordinance as it pertains to parking requirements is to ensure adequate parking is provided to meet anticipated parking demand. Though parking demand is not likely to be met by available on-site parking during the restaurant’s p.m. peak hours of operation, provision of off-site parking during this time may mitigate the deficit.
   b) The intent of the ordinance as it pertains to outdoor seating area setbacks is to ensure appropriate separation between these areas and residential land uses and property lines, so as to minimize real and perceived nuisance impacts and promote safety. The outdoor seating area would be separated from area residences by existing roadways, commercial properties, and vegetation. Similarly, the seating area would not be closer to roadways than the pedestrian sidewalks in the area.
2. Consistent with Comprehensive Plan. The subject property is located in the Glen Lake village center. One of the overall themes outlined in the comprehensive plan is to “provide development and redevelopment opportunities that encourage vitality, promote identity, and improve livability” in village centers. The requested variances would result in reuse of an existing building as a new and unique gathering space, consistent with the goals of the comprehensive plan.

3. Practical Difficulties
   a) Reasonableness.
      1) The requested parking variance is reasonable. Though parking demand is not likely to be met by available on-site parking during the restaurant’s p.m. peak hours of operation, provision of off-site parking during this time may mitigate the deficit. Use of existing off-site parking would be preferable to constructing additional parking on the east side of the site through removal of existing open space.
      2) The requested setback variances are reasonable. The outdoor seating area would be separated from area residences by existing roadways, commercial properties, and vegetation. Similarly, the seating area would not be closer to roadways than the pedestrian sidewalks in the area.
   b) Unique Circumstance. The existing building and site were developed 20 years prior to the adoption of the city’s first zoning ordinance. Though various aspects of the building and site do not conform to current zoning standards, the various businesses and a fast food restaurant successfully operated from the site for decades. The non-conformities, but overall success of the site, present a unique circumstance not common to every similarly zoned property.
   c) Character of the Neighborhood. The Glen Lake village center includes a variety of land uses. A gas station, commercial strip mall, professional offices, electric substation, and residential uses are all located in close proximity to the subject property. While the reuse of the currently vacant existing building would alter the level of site activity, the requested variances themselves would not alter the unique character of the neighborhood.

3.04 The proposal would meet the expansion permit standard as outlined in City Code §300.29 Subd. 7(c):
1. Reasonableness and Neighborhood Character. The proposed roof pitch change is reasonable and would not negatively impact the character of the surrounding neighborhood. The change is for aesthetic reasons only, it would not increase the footprint or usable space of the existing building.

2. Unique Circumstance. The existing building is situated in the far southwest corner of the subject property. It exceeds required setbacks from the north and east property lines and has non-conforming setbacks from south and west lines. It is not “centered” on the lot. This is a unique circumstance not common to every similarly zoned property.

Section 4. City Council Action.

4.01 The above-described conditional use permit, with variances and expansion permit, is approved. Approval is based on the findings outlined the associated staff report ad section 3 of this resolutions. Approval is subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
   - Site plan dated, Jan. 8, 2018
   - Floor plan dated, Jan. 8, 2018
   - Exterior Elevations, dated, Jan. 8, 2018

2. Prior to issuance of a building permit submit the following for staff review and approval:
   a) A revised survey showing all existing easements, proposed seating areas, and parking lot reconfiguration generally consistent with Staff-Drafted Configuration A. Note, no improvements are permitted within existing county easements.
   b) A signed parking agreement for the use of at least 13 stalls during evening hours.
   c) A revised enclosure plan illustrating uninterrupted enclosures around seating area, with access only through the restaurant building.
   d) A final landscape plan including planters adjacent to the outdoor seating areas and attention given to the eastern portion of the site previously used as informal seating.
   e) A final materials board.

3. Prior to issuance of a certificate of occupancy, the following must be
completed:

a) The parking lot must restriped generally consistent with Staff-Drafted Configuration A.

b) The egress onto Stewart Lane must be relocated generally consistent with Staff-Drafted Configuration A.

c) Appropriate parking lot “in/out” signage must be installed at entrance/exits and one-way arrows painted within the parking lot.

f) If the area proposed for the outdoor seating area is considered pervious under existing conditions, the area may only be covered with pervious materials. No new impervious surface is allowed.

g) The outdoor seating area must be equipped with refuse containers and regularly patrolled for litter pick-up.

h) The outdoor eating area must be closed by 10:00 p.m. daily.

i) Outdoor audio equipment that is audible from adjacent parcels is not allowed. If an outdoor system is installed, it must be equipped with technology to quickly and easily regulate volume.

j) No dumping of glass or other recyclables is allowed between the hours of 10:00 p.m. and 6:00 a.m.

k) The basement of the existing building may not be converted to accommodate customers.

l) The restaurant and outdoor eating area must conform to all aspects of the City Code Chapter 8, Public Health and Public Nuisance Ordinances.

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

n) 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 Feb. 26, 2018.

Brad Wiersum, 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 Feb. 26, 2018.

_________________________________
David E. Maeda, City Clerk

SEAL
Minnetonka Planning Commission Meeting
Feb. 1, 2018

Agenda Item 9

Other Business
Brief Description: Concept plan review for Ridgedale Active Adult Apartments at 12421 Wayzata Blvd.

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

Background

Trammell Crow Company is proposing to redevelop portions of the existing commercial property located at 12421 Wayzata Blvd. Neighboring properties include Firestone to the north and Ridgedale Center to the north and east. US and Wells Fargo Banks are located to the west. South across Ridgedale Drive is the Hennepin County Ridgedale Library and Service Center.

The concept plan contemplates a six-story, luxury, age-restricted, 55-plus apartment project with 168 rental units, under-building parking and on-site amenities. The project also proposed to dedicate park land for a future park site. The proposed project would be located in the parking lot directly south of Firestone at Ridgedale Center. Housing units would provide a mix of 1 to 2 bedroom units ranging from almost 600 square feet to over 1,200 square feet. A number of on-site amenities are included in the building including fitness facilities, a community room and an outdoor patio and pool area. (See attached plans)

Trammell Crow also proposes to dedicate land to the city for a future park site. If the project proceeds, the city would engage in further study and planning for development of the park.

The site is zoned PID Planned I-394 District and guided for mixed use in the 2030 comprehensive plan. Although the Ridgedale Vision 2035 plan does not specifically identify this site for use other than parking and circulation, the broader plan notes the potential for 800 housing units. To date, 115 housing units have been built in the Highland Bank or 1700 redevelopment project. Another concept plan for nearly 100 units, the Ridgedale Executive Apartments, was recently reviewed by the city. (See attachments).

Key Issues

City staff has identified the following considerations for any development of the subject properties:

- **Change of land use:** The proposal represents the introduction of a non-commercial use on the Ridgedale Center property. Although residential
development was not anticipated on the Ridgedale Center property, the vision 2035 plan anticipates additional housing in the immediate area.

- **Site Plan**: The proposed site plan would intensify development on the site but differently than if the proposal were commercial development. Site circulation for residents and emergency response, snow removal, pedestrian connections become more important as site use intensifies. Connections to a future Ridgedale Drive roadway have been considered and need further review.

- **Building Character**: Building elevations have been provided with fairly significant character details. Input on building massing and desired character is important.

**Review Process**

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

- **Neighborhood Meeting**: The developer held a neighborhood meeting February 6, 2018. Approximately 9 people attended the meeting. Questions and comments included the following:
  - What are opportunities for additional density on the mall property?
  - What is the height relationship to the 1700 building?
  - Safety for pedestrian connections in the area.
  - Is there flexibility for a 5-story building?
  - What are views to residential neighborhoods to the south?
  - How do we plan for redevelopment? Don’t want one-off development that is unorganized or unplanned.

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

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

Staff recommends the planning commission provide comment and feedback on the identified key issues and others the planning commission deems appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Originator: Loren Gordon, AICP, City Planner
ADDITIONAL INFORMATION

Next Steps

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

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

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

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

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

Roles and Responsibilities

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

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

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

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

- **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.
Location Map
Project: Trammell Crow
Address: 12421 Wayzata Blvd
### BUILDING METRICS

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- SURFACE STALLS: 3
- STALLS/UNIT INCL. SURFACE: 1.29

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January 9, 2018
2035 Concept Plan

Ridgedale Village Center Study

Ridgedale Area Study Workshop

October, 2012

2035 Concept Plan

Ridgedale Active Adult Apartments location
2035 Concept Plan: Potential New Development

Ridgedale Active Adult Apartments location
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