Planning Commission Agenda
Feb. 15, 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: Feb. 1, 2018
5. Report from Staff
6. Report from Planning Commission Members
7. Public Hearings: Consent Agenda
   A. Variance for a second wall sign at 6150 Baker Road.
      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. Items related to construction of a new home at 3533 and 3535 Orchard Lane.
      Recommendation: Recommend the city council approve the request (4 votes)
      - Recommendation to City Council (Tentative Date: Feb. 26, 2018)
      - Project Planner: Ashley Cauley
   B. Amendments to the design criteria for the Ridgedale Restaurant Properties at 12415 Wayzata Boulevard.
      Recommendation: Recommend the city council approve the request (4 votes)
      - Recommendation to City Council (Tentative Date: Feb. 26, 2018)
      - Project Planner: Ashley Cauley
C. Items concerning iFly at 12415 Wayzata Boulevard.

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

- Recommendation to City Council (Tentative Date: Feb. 26, 2018)
- Project Planner: Ashley Cauley

9. Other Business

A. Concept plan review for Chabad Center for Jewish Life at 11170 Mill Run and 2339 Hopkins Crossroad.

Recommendation: Discussion only. No formal action required.

- Recommendation to City Council (Tentative Date: Feb. 26, 2018)
- Project Planner: Susan Thomas

B. Concept plan review for Solbekken Villas, a residential development at 5740 and 5750 Shady Oak Road.

Recommendation: Discussion only. No formal action required.

- Recommendation to City Council (Tentative Date: Feb. 26, 2018)
- Project Planner: Susan Thomas

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 March 1, 2018 Planning Commission meeting:

   Project Description: The property owner of 5620 and 5640 Smetana Dr has requested to relocate the previously approved banquet facility from the property at 5620 Smetana Dr to 5640 Smetana Dr. The proposal requires a conditional use permit.
   Project No.: 93006.18a
   Ward/Council Member: 1—Bob Ellingson
   Staff: Ashley Cauley
   Section: 36

   Project Description: The applicant is requesting a conditional use permit for a fast food restaurant at 17623 Minnetonka Blvd. The proposal requires a conditional use permit, with variances.
   Project No.: 94014.18a
   Ward/Council Member: Open
   Staff: Drew Ingvalson
   Section: 18

   Project Description: The applicant is proposing to operate a seasonal floral market at 11400 Hwy 7. The proposal requires an interim use permit.
   Project No.: 90044.18a
   Ward/Council Member: 1—Bob Ellingson
   Staff: Ashley Cauley
   Section: 23

   Project Description: Concept plan review for parking lot and building expansion at 13400 Wayzata Blvd.
   Project No.: TBD
   Ward/Council Member: Open
   Staff: Susan Thomas
   Section: 03

   Project Description: The city is proposing changes to city code 300.34 pertaining to telecommunication facilities.
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 Powers, Schack, Sewall, Knight, O’Connell and Kirk were present.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Planner Drew Ingvalson, and Natural Resource Manager Jo Colleran.

3. **Approval of Agenda**

   Schack moved, second by Knight, to approve the agenda as submitted with changes in the change memo dated Feb. 1, 2018.

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

4. **Approval of Minutes**: Jan. 4, 2018

   Sewall moved, second by Knight, to approve the Jan. 4, 2018 meeting minutes as submitted.

   Powers, Schack, Sewall, Knight, O’Connell, 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 Jan. 8, 2018:

- Reviewed items for the Villas of Glen Lake.
- Reviewed the concept plan for Ridgedale Executive Apartments.

The comprehensive plan steering committee January meeting topic was community resiliency with staff from the Freshwater Society.

Staff has been hosting comprehensive plan update meet and greet opportunities with the public. There will be 13 drop-in meetings at different locations to discuss the comprehensive guide plan.

The next planning commission meeting is scheduled for Feb. 15, 2018.
There will be a study session with the city council, planning commission, park board, and economic development authority commission on Feb. 12, 2018.

6. Report from Planning Commission Members

Schack thanked staff for the work being put into the informative comprehensive guide plan meetings. She invited citizens wanting to be more involved to attend the meetings.

Schack provided that the State of the City address will be given Feb. 7, 2018 at 7:30 a.m. at city hall.

7. Public Hearings: Consent Agenda

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

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

A. Amendment to the Minnetonka Corporate Center sign plan as it pertains to the building at 12701 Whitewater Drive.

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

Powers, Schack, Sewall, Knight, O’Connell, and Kirk voted yes. Motion carried and the items on the consent agenda were approved as submitted.

8. Public Hearings

A. Preliminary and final plat for Simpson Park Addition, a three-lot subdivision at 15617 Lake Street Extension.

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

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

In response to Chair Kirk’s question, Colleran identified which trees would be removed.

Jim Simpson introduced himself and his son, Tom Simpson. Jim Simpson explained that he and his wife purchased the lot and intend to build a house for Tom Simpson in 2018. The other two houses would be built over time.

The public hearing was opened. No testimony was submitted and the hearing was closed.
Schack asked if replacing the retaining wall in the future would create an issue. Colleran explained that replacing the retaining wall would cause removal of trees. The retaining wall would need to be replaced regardless if the proposal would be completed or not.

**O’Connell moved, second by Knight, to recommend that the city council adopt the resolution approving the preliminary and final plat for Simpson Park Addition.**

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

Chair Kirk stated that this item is tentatively scheduled to be reviewed by the city council on Feb. 26, 2018.

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

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.

Schack asked staff to compare parking for the proposal with the Station Pizza and Gold Nugget sites. Thomas provided a chart detailing parking for Ike’s, People’s Organic, and Gold Nugget.

Sewall asked where off-site parking could be located. Thomas answered that there is an office building on the south side that has different peak hours of operation, a bank on the north side, and there are some churches in the area that are being considered. The restaurant’s staff would typically be the ones required to park off-site. The conditional use permit would require a parking agreement to be in place between the property owners.

In response to Chair Kirk’s question, Thomas noted that the site is currently at its hard-surface coverage maximum.

Chris Bjorling and Danielle Bjorling, applicants, introduced themselves. Mr. Bjorling stated that:

- He appreciated Thomas explaining the project so well.
- The proposal is looking at redeveloping the space in the Glen Lake neighborhood to continue the revitalization that is happening there.
- The Copper Cow is intended to be a very family-friendly, neighborhood restaurant selling burgers, fries, salads, and sandwiches. There would be a pick-up window and walk-up counter with ice cream.
- He has been working to maximize the parking and is in negotiations with the property owner across the street to lease additional parking. Employee and over-flow parking is being considered at another site.
• He was happy to answer questions.

Powers asked how the traffic pattern would work with the drive-thru. Mr. Bjorling explained that orders could be made and paid for online to cut out two of the three steps of a typical drive thru. He estimated that orders would be ready by the time the customer arrived for pick up. There would be a designated waiting area for pick-up orders. Powers liked how the applicant had thought the proposal through.

Mr. Bjorling stated that parking information would be available on the restaurant’s website, on each receipt, and on signs. He would want to be a good neighbor to residents near the site and who, hopefully, would be frequent patrons of the restaurant.

Schack asked if valeting had been considered. Mr. Bjorling answered affirmatively. It would be implemented if it would be needed.

The public hearing was opened.

Kathy, a Ramsey resident and property manager at Oak Glen Apartments, stated that she was concerned with the parking. When Unmapped opened, there was nowhere for the apartment’s residents to park. The parking lots are now signed that a permit is required to park in the lot. She noted that there would be seating for 85 customers and 26 parking stalls.

Paula Larson, 14414 Stewart Lane, stated that she works for the Oaks Glen Lake Apartment’s management company. Parking is a big issue. Eden Prairie Road is a busy road and there is no crosswalk.

Tom Wartman, 14401 Excelsior Boulevard, stated that he is concerned with parking. He appreciated staff’s report. The lower level would be used as a prep kitchen and part of the overall space. He has a parking problem at Gold Nugget. Employees are supposed to park across the street in the Lunds-Byerly’s parking lot. Spasso’s has overflow parking occurring in Lakewinds and the hardware store. Ike’s has a natural overflow onto the frontage road. It took two years to get the crosswalk at Woodhill Road and Excelsior Boulevard. There is no transit to transport employees to Glen Lake. The 13 to 18 employees would drive to the site.

No additional testimony was submitted and the hearing was closed.

Thomas clarified that the lower level was not included in the parking requirement calculation. She did not anticipate that the lower level would generate the same amount of needed parking that the upper level would generate. The parking requirement looks at the number of indoor seats and square footage of certain areas. Staff is comfortable with its calculation.
Chair Kirk noted that existing parking problems for surrounding uses should not prevent a new use from being approved. The conditional use permit would require a parking agreement for additional parking stalls.

Chair Kirk asked for comments on the appropriateness of the use at the proposed location. Sewall felt that the use and location would be reasonable.

Schack stated that the success of Gold Nugget is a testament to the need for a restaurant of this type in the area. She did not think that the addition of the proposal would even meet that demand. The site is currently vacant. The proposal would be a definite improvement. The patio would be shielded by the building. It would not create a nuisance issue. She is comfortable with the use.

Powers stated that the positives would outweigh the possible negatives. Everyone would benefit. He supports the proposal.

O’Connell felt that the use would be reasonable for the site. It would look better than what is currently there.

Sewall commended the applicant for vetting the parking options before the meeting.

Powers liked the owner’s presentation. He thought it was smart of the owners to look for parking alternatives.

Knight liked the use. He lives two blocks north and would walk to the restaurant, even in the winter. He looked forward to a new restaurant in the area.

Schack noted that Station Pizza is located in her back yard. When its application was reviewed, there was a lot of concern expressed by neighbors regarding parking and traffic. She has not experienced any trouble with parking. It has not been an issue. The whole neighborhood walks there in the winter as well.

Knight moved, second by Powers, to recommend that 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.

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

Chair Kirk stated that this item is tentatively scheduled to be reviewed by the city council on Feb. 26, 2018.

9. Other Business

A. Concept plan review for Ridgedale Active Adult Apartments at 12421 Wayzata Blvd.
Chair Kirk introduced the proposal and called for the staff report.

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

Schack asked if residents provided positive feedback at the neighborhood meeting. Gordon answered in the affirmative. Those present liked the residential density located closer to the mall rather than at the edges.

Sewall asked if JCPenney would subdivide the site. Gordon answered that the intent would be for the applicant to purchase the land from JCPenney. A plat would be part of a formal application review process.

Chair Kirk noted that the proposed park would be an amenity for the public. Gordon agreed.

Chair Kirk drives Ridgedale Drive every day. He supports adding controlled-turn lanes rather than the current uncontrolled-turn lanes.

Johnny Carlson, of Trammell Crow, applicant, introduced himself and Lukas Van Sistine, architect for the project. Mr. Carlson said that:

- Gordon has done a great job reviewing the design.
- Trammell Crow is the nation’s most active developer. He primarily focuses on multi-family housing. He has a lot of experience in the Midwest. He is a native of Minnetonka.
- Each project is designed to fit in the community.
- He reviewed some of Trammel Crow’s developments including The Island Residences at Carlson Center.
- The development would be geared to active seniors with an age restriction of 55 years and older. Housekeeping, transportation, and meals may be paid for separately. There would be a full-time activities director.
- The units would be more expensive than market-rate apartments, but less than independent living. Rent for a one-bedroom unit would be about $2,200.
- Residents who require more care would move off site.

Mr. Van Sistine stated that:

- He is excited about the project because there is a lot of parking space around the mall.
• He reviewed the floor plans. Levels one and two would walkout at grade. The building would appear to be six stories on the low side and five stories on the high side.
• There would be a sidewalk all around the building.
• The enclosed parking would be buried into the grade.
• There would be space for residents to form a community within the building.
• The renderings are conceptual. The neighboring office buildings would be taken into consideration. A more contemporary building would be appropriate. Something similar to the Nordstrom building with striated precast and different textures is being considered. The base would be brick.

Mr. Carlson explained the traffic pattern.

Powers asked why the height would be limited to six stories. Mr. Carlson said that the feasibility to fund operation of the site was considered along with the height of the surrounding buildings. All of the active-adult buildings developed by Trammell Crow have been six-stories tall.

Schack asked if there is a conversion plan for when senior housing is no longer in such demand. Mr. Carlson answered that the use would not provide senior care, but would fit a niche for active adults. The residents would be able to walk to the library, mall, and restaurants. The census data supports a strong demand for this type of use for a long time.

Wischnack noted that out of 24,000 households in Minnetonka, 13,000 are single-family units and 7,000 are in multi-unit structures. The number of households that are multi-family in Minnetonka equal nearly 30 percent.

Mr. Carlson explained that the smallest unit would be 566 square feet. That would be made as affordable as possible with rent around $2,000. There would be small, medium, and large sizes of one-bedroom units and small, medium, and large sizes of two-bedroom units.

In response to Chair Kirk’s question, Mr. Carlson stated that the guest parking would be self-contained. There would be a few stalls near the drop-off area. There would be 168 units, with approximately 160 occupied at the same time. The units typically have 1.1 number of vehicles per unit which would equal 176 stalls. The proposal includes 216 parking stalls, which would leave 40 stalls for staff and visitors.

Knight liked the view of the patio area around the pool. He asked if there would be community space on the roof. Mr. Carlson said that the amenities work best when they are all located in the same area. Most of the units would have a balcony.

Chair Kirk invited those present to provide input.
Tristan Lundblad, 1801 Welland Avenue, stated that he is in favor of the project. He wanted to make sure that the building standards would be maintained. He looked forward to working with Trammell Crow to make sure that the labor force would be union members. He wants the building to be standing and viable in 35 years. He thanked commissioners for volunteering their time and being active in the community.

Tom Tart, 1807 Timberline Trail, thanked staff for their time. He asked what type of framing would be used.

Chair Kirk thanked those who spoke.

Mr. Van Sistine explained that the framing would be wood, traditional framing for a building this size. The podium level would use precast floors.

Sewall stated that the more he thought about it, the more it made sense to him to locate multi-family housing near Ridgedale. The proposal would support Ridgedale Shopping Center. He liked locating the housing on the south end. He liked the green area and park. The proposal would be an asset to the mall and surrounding area. The mass would be appropriate inside the ring surrounding the mall. He suggested that a separate dog run/space be included.

Schack agreed with Sewall. She liked the location of the density inside the ring. She recommended that the building be constructed to provide the possibility of being converted to provide housing with no age restriction. She would like to see some continuity around the mall to provide walkability and tie it all together.

Powers likes adding high density in the Ridgedale area. There is a limited amount of space to go vertical. This is the place to do it. He would like the proposed building to be taller. There is a huge demand. The space is precious. He would be opposed to decreasing the height. Anything that gets seniors out of single-family houses would benefit Minnetonka. He liked the proposal.

Knight concurred. He liked the idea of building inside the mall’s ring. The parking lots are huge. He asked where snow would be piled. He liked the proposal. He could envision himself living there. The restructuring of the drive aisles on Ridgedale Drive may block off the loading dock to JCPenney’s. He was a little concerned with the tight turns for a large truck. The park is a good idea.

Gordon noted that if a round-about would be used, it would be designed correctly.

Chair Kirk noted that snow could be hauled away. Apartments now surround Southdale Center. This proposal would be more attractive than those apartments. He thought there might be a better way to decrease the appearance of the mass created by the horseshoe shape. He liked the proposed landscaping. The exterior white looks urban and hip, but he recommended breaking up the appearance of the exterior mass.
Chair Kirk stated that this item is tentatively scheduled to be reviewed by the city council on Feb. 5, 2018.

10. **Adjournment**

*Sewall moved, second by Knight, to adjourn the meeting at 9:16 p.m. Motion carried unanimously.*

By: ____________________________

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
Feb. 15, 2018
Agenda Item 7

Public Hearing: Consent Agenda
**Brief Description**  
Variances for a second wall sign at 6150 Baker Road

**Recommendation**  
Adopt the resolution approving the request

**Proposal**  
The applicant is proposing to add a second wall sign to the building at 6150 Baker Road to identify the building tenant, Extra Space Storage.

The applicant has already received city approval for a 96 square foot wall sign on the south side of the building, facing County Road 62. This sign has approximately 30-inch, stacked letters and covers about 1 percent of the building’s southern wall face. The applicant has also received approval to reface an existing monument sign on the south side of the property.

The second wall sign, which requires variances, would be 85 square feet in area and would be located on the east side of the building. The proposed sign would consist of a 38-inch line of text and would cover about 2 percent of the building’s eastern wall face (See attached.)

**Proposal Requirements**  
This proposal requires:

- **Variance to allow a second wall sign:** The sign ordinance allows single tenants in an industrial building one wall sign. The building has been approved for a wall sign on the southern elevation. The applicant is proposing an additional sign on the east elevation of the building, which requires a variance.

- **Variance from maximum signage area:** The sign ordinance allows single tenants in an industrial building to have a wall sign that takes up 5 percent of the building wall face or 150 square feet, whichever is less. The applicant is proposing two wall signs that would total 181 square feet (96 and 85 square feet respectively), which exceeds the maximum allowed and requires a variance.

**Site Features**  
The site is located at the northwest corner of the County Road 62 and Baker Road intersection. It is about six acres in size. There is currently a three-story, 133,000 square foot storage building under construction on the site. The “front” of the building faces Baker Road and the south side of the building has visibility from County Road 62. (See attached).

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

- The size and number of wall signs would be compatible with the size of the subject building. The subject building is 133,000
square feet and the east elevation is nearly 4,200 square feet. The proposed sign would encompass approximately 2 percent of the eastern wall face and the existing wall sign encompasses approximately 1 percent of the southern wall face.

- The proposal is reasonable considering the building’s location. The subject building abuts two major thoroughfares, County Road 62 and Baker Road. It is reasonable for a 133,000 square foot building to request signage along both of these high traffic roadways.

- The proposal meets all of the variance standards outlined in the zoning ordinance. (See Supporting Information).

**Staff Recommendation**

Adopt the resolution, which approves the following variances at 6150 Baker Road:

- Variance to allow for a second wall sign on the east side of the building.
- Maximum signage area variance from 150 square feet to 180 square feet.

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

Project No. 96045.18a

Property 6150 Baker Road

Applicant Austin Harris, on behalf of the property owner

Surrounding Land Uses
Northerly: Industrial buildings, zoned I-1 and guided for industrial uses
Easterly: Adogo and Baker Technology Park, zoned I-1, Industrial and guided for mixed use
Southerly: City of Eden Prairie
Westerly: Goebel Fixture Company, zoned PUD and guided for industrial uses

Planning
Guide Plan designation: Industrial
Zoning: I-1, Industrial

Sign Ordinance
The sign ordinance is categorized by zoning districts, with different sign regulations for each zoning district. The Industrial District (the subject property’s zoning) and the Limited and General Business District wall sign regulations are described below.

Industrial District (I-1)
Industrially zoned properties are permitted one wall sign per building, regardless of the number of street frontages or size of the building. However, signage within this district is differentiated between single tenant and multi-tenant buildings. The subject building is a single tenant building.

<table>
<thead>
<tr>
<th>Type of Building</th>
<th>Max Graphic Area</th>
<th>Max. Height</th>
<th>Number per building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Tenant</td>
<td>N/A</td>
<td>18 inches</td>
<td>One per tenant</td>
</tr>
<tr>
<td>Single Tenant*</td>
<td>5 percent of building face or 150 sq.ft., whichever is less</td>
<td>N/A</td>
<td>One per building</td>
</tr>
</tbody>
</table>

*Subject Building

Limited and General Business District (B-2 and B-3)
Alternatively, the amount of wall signage permitted for Limited and General Business Districts that have less than four tenants is determined by the size of the building and the number of street frontages (one wall sign per street frontage). If the subject building were under this zoning, it would be fall into the 100,000-400,000 square foot building category based on size.
### Principal Structure Size | Individual Wall Sign Calculation | Total Wall Signage for Property
--- | --- | ---
100,000-400,000 sq. ft.* | 200 sq. ft. or 10 percent of wall face, whichever is less | 300 sq. ft.
20,000-100,000 sq. ft. | 150 sq. ft. or 10 percent of wall face, whichever is less | 240 sq. ft.
Less than 20,000 sq. ft. | 100 sq. ft. or 15 percent of wall face, whichever is less | 150 sq. ft.

* The subject building would fall in this category if it were zoned B-2 or B-3

The subject property is within the Industrial District (I-1). As such, the proposal requires a variance for the number of signs (from one to two) and total wall signage area (from 150 square feet to 181 square feet). However, a variance would not be required if the property were zoned Limited or General Business District, as it would be permitted a sign for each street frontage and 300 square feet of total signage.

**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)

1) **INTENT OF THE ORDINANCE:** The intent of the sign ordinance provision is to allow wall signs which provide reasonable visibility by: (1) identifying the tenant of a building; and (2) helping the traveling public find their way to intended destinations. The proposed sign meets this intent. The proposed sign consists of the tenant name that is of a reasonable size in comparison to the size of the building facade. Secondly, having a second sign on the east elevation would enhance vehicular wayfinding given that it would face Baker Road, which is a well-traveled arterial street and the location of the main entrance to the site.

2) **CONSISTENT WITH COMPREHENSIVE PLAN:** The comprehensive plan provides that the city values businesses and recognizes the role of business in support of aspects of community growth and development. Specifically, the comprehensive plan policies state that the city will support existing businesses and collaborate with business to determine service, employee housing and transportation needs. The proposed sign is a reasonable accommodation of a new business in the community. The sign would provide for
3) PRACTICAL DIFFICULTIES:

A) REASONABLENESS: It is reasonable to provide a second wall sign to identify a building of this size. The subject building will be approximately 133,000 square feet in area and has a 4,186 square foot eastern wall face. The proposed wall sign would cover approximately 2 percent of the entire wall and the letter height would be 38-inches tall on a 26-foot tall wall.

B) UNIQUE CIRCUMSTANCE: The property location is a circumstance unique to the property. The subject property has frontage on two high traffic roads, which provide visibility from both the south and east. This circumstance is not common to every industrial building in the city.

C) CHARACTER OF LOCALITY: The proposed signs would not adversely impact the character of the locality.

Neighborhood Comments The city sent notices to 39 area property owners and received no comments.

Pyramid of Discretion

This proposal

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 variances.

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.

<table>
<thead>
<tr>
<th>Voting Requirement</th>
<th>The planning commission action on the applicant’s request is final subject to appeal. Approval requires the affirmative vote of four commissioners.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeals</td>
<td>Any person aggrieved by the planning commission’s decision about the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.</td>
</tr>
<tr>
<td>Deadline for Action</td>
<td>May 14, 2018</td>
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</tbody>
</table>
Location Map
Project: Extra Space Storage
Address: 6150 Baker Rd
Project: Extra Space Storage  
Client: Extra Space Storage  
Origin Date: 01/05/2018  

Project Manager: S. Sowder  
Revised Date:  

Drawn By: R. Sager  
Revision:  

SIGN TYPE: STACKED CHANNEL LETTERS  

FILE NAME: Stacked Channel Letters  

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SIGN TYPE: CHANNEL LETTERS

5" deep LED lit aluminum channel letters with black trim and returns. Letters to have white faces with 1st surface applied Arlon #2500-106 Brilliant Green translucent vinyl.

Raceway painted to match building color (color TBD)

This drawing is the sole property of SDDI Sign Systems. All rights to use and/or reproduce are reserved. Actual dimensions may vary slightly due to practical limitations with fabrication.

2. MATERIAL / COLOR SPECS

5" deep LED lit aluminum channel letters with black trim and returns. Letters to have white faces with 1st surface applied Arlon #2500-106 Brilliant Green translucent vinyl.

5" deep LED lit aluminum channel letters with black trim and returns. Letters to have white faces.

Raceway painted to match building color (color TBD)

RENDERING

East Elevation: Variance Required

TYPICAL LAYOUT
SCALE: 1:25
FONT - IMPORTED LOGO
RACEWAY TO BE PAINTED TO MATCH BUILDING

ExtraSpace
Storage

30" 38" 320"
312"
**Facing East on County Road 62: Permit Approved**

**Material/Color Specs**
- 1st surface applied translucent Arlon 2500-3425 Green
- 1st surface applied translucent Arlon 2500-05 Tan
- 1st surface applied translucent Arlon 2500-022 Black

**Typical Layout**
- SCALE 1:20
- FONT - IMPORTED LOGO

**Project:** Exterior Sign  
**File Name:** Replacement Panel

**Client:** Extra Space - MTKA  
**Origin Date:** 12/21/2017

**Project Manager:** S. Sowder  
**Revised Date:**

**Drawn By:** R. Sager  
**Revision:**

This drawing is the sole property of SDDI Sign Systems. All rights to use and/or reproduce are reserved. Actual dimensions may vary slightly due to practical limitations with fabrication. Photographic representations of proposed signage are for presentation only and may not be to scale. Colors will be printed as is, unless a specific color (i.e. Pantone Number, Sherwin Williams, or hard sample) is provided.
Planning Commission Resolution No. 2018-
Resolution approving variances for a second wall sign at 6150 Baker Road

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 6150 Baker Road. It is legally described on Exhibit A of this resolution.

1.02 Austin Harris, on behalf of the property owners, is proposing to add a second wall sign to the building to identify the building tenant, Extra Space Storage. The proposed sign would be

- 85 square feet;
- 38 inch tall letter band; and
- Located on the east elevation, facing Baker Road.

1.03 City Code §325.06(4) limits industrially zoned buildings to one wall sign that does not exceed five percent of the building face on which the sign is located or 150 square feet, whichever is less.

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

Section 2. Standards.

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

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

1. PURPOSE AND INTENT OF THE ORDINANCE: The intent of the sign ordinance provision is to allow wall signs that provide reasonable visibility by: (1) identifying the tenant of a building; and (2) helping the traveling public find their way to intended destinations. The proposed sign meets this intent. The proposed sign consists of the tenant name that is of a reasonable size in comparison to the size of the building facade. Secondly, having a second sign on the east elevation would enhance vehicular wayfinding given that it would face Baker Road, which is a well-traveled arterial street and location of the main entrance to the site.

2. CONSISTENT WITH THE COMPREHENSIVE PLAN: The comprehensive plan provides that the city values businesses and recognizes the role of business in support of aspects of community growth and development. Specifically, the comprehensive plan policies state that the city will support existing businesses and collaborate with business to determine service, employee housing and transportation needs. The proposed sign is a reasonable accommodation of a new business in the community. The sign would provide for appropriate identification and visibility of the business without negatively impacting the overall aesthetic of the community.

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

   1. REASONABLENESS: It is reasonable to provide a second wall sign to identify a building of this size. The subject building will be approximately 133,000 square feet in area and has a 4,186 square foot eastern wall face. The proposed wall sign would cover approximately 2 percent of the entire wall and the letter height would be 38-inches tall on a 26-foot tall wall.

   2. UNIQUE CIRCUMSTANCE: The property location is a circumstance unique to the property. The subject property has frontage on two high traffic roads, which provide visibility from both the south and east. This circumstance is not common to every industrial building in the city.

   3. CHARACTER OF LOCALITY: The proposed signs would not adversely impact the character of the locality.
Section 4. Planning Commission Action.

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

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Site Plan dated Jan. 16, 2018
   - Building plan set dated Jan. 16, 2018

2. The applicant must receive a sign permit prior to installing the sign.

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

4. This variance will end on Dec. 31, 2019, unless the city has issued a building permit for the project covered by this permit or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Feb. 15, 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. 15, 2018.

________________________________________
Kathy Leervig, Deputy City Clerk
Exhibit A

That part of the West half of the Southeast quarter of Section 34, Township 117, Range 22, described as follows:
Beginning at the angle point in the South line of Culligan Industrial Park, said point also being 345 feet North of the South line of said West half of the Southeast Quarter; thence on an assumed bearing of South 86 degrees 30 minutes, 54 seconds East along said South line of Culligan Industrial Park and its Easterly extension a distance of 558.15 feet; thence North 48 degrees, 02 minutes, 06 seconds East a distance of 35 feet; thence South 02 degrees, 35 minutes, 15 seconds East a distance of 117.11 feet; thence Southerly 88.34 feet along a tangential curve concave to the West having a radius of 11399.15 feet and a central angle of 00 degrees, 26 minutes, 38 seconds; thence South 02 degrees, 08 minutes 37 seconds East tangent to said curve a distance of 67.83 feet; thence South 49 degrees, 15 minutes, 35 seconds West a distance of 62.38 feet; thence North 79 degrees, 20 minutes 32 seconds West a distance of 981.62 feet; thence Westerly 256.91 feet more or less along a tangential curve concave to the South having a radius of 2929.79 feet and a central angle of 05 degrees, 01 minute, 27 seconds to a point on the West line of said West half of the Southeast Quarter; thence North 01 degree, 42 minutes, 35 seconds West along said West line to the Southwest corner of said Culligan Industrial Park; thence North 88 degrees, 55 minutes 41 seconds East along said South line of Culligan Industrial Park to the point of beginning.
(Torrens Property, Certificate of Title No. 840997)
Minnetonka Planning Commission Meeting

Feb. 15, 2018

Agenda Item 8

Public Hearing: Non-Consent Agenda
Brief Description

Items concerning the construction of a new home at 3533 and 3535 Orchard Lane:

1) Floodplain alteration permit;
2) Conditional use permit; and a
3) Lot-behind-lot setback variance

Recommendation

Recommend the city council adopt the resolution approving the permit.

Background

In 1996, the city council approved the preliminary plat of ASPEN RIDGE. The plat created eight new single-family residential lots, four of which are lots-behind-lots.

During review of ASPEN RIDGE, particular consideration was given to access and utilities provision to Lots 6 and 7. (Highlighted in red.) Prior to approval, several driveway and utility location options were reviewed. The final approved location of the driveway was established along the southern lot line as a way to ensure a suitable buildable area on Lot 7 while at the same time preserving trees and a buffer to the property to the south.

Drainage and utility easements were dedicated across the southern portion of Lot 7 to ensure driveway and utility access to Lot 6. The width of the easement was related to the amount of anticipated grading needed for utility installation.

Until recently, Lots 6, 7 and 8 were held in common ownership. Shortly before the properties changed hands, the former property owner recorded a driveway easement to formalize the driveway access from Orchard Road across Lot 8 to Lots 6 and 7.

In 2007, the city council approved a change to the zoning ordinance, increasing required setbacks on lots-behind-lots. When ASPEN RIDGE was approved, the required setback for lots-behind-lots was 25 feet from all property lines. Following the amendment, the setback was increased to 40 feet or 20 percent of the distance between opposite lot lines, whichever is less
but in no case less than 25 feet. The ordinance change significantly increased required setbacks on Lots 6 and 7.

**Proposal Summary**

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

- **Existing Site Conditions**

  **Floodplain basin.** A portion of Lots 6 and 7 is encumbered by 100-year floodplain. The 100-year floodplain is 935.7-feet.

  **Wetland.** To be considered a wetland, three characteristics must be present: (1) hydric soils; (2) hydrophytic vegetation; and (3) hydrology.

  Initially, it was thought the basin may also be displaying wetland characteristics. During a site meeting in August 2017, both a private wetland delineator and city staff confirmed that the basin would not be considered a wetland because the basin lacks hydric soils. The delineators also agreed that, because hydrophytic vegetation and hydrology presently exist, the basin has the potential to develop into a wetland over time.

  **Topography.** Lots 6 and 7 generally slope downward from the southern property lines towards the basin. The overall change in topography is roughly 26 feet. The central portion of the properties would be regulated by the city’s steep slope ordinance with an average slope of about 23 percent.

  **Trees.** The properties are heavily wooded and include an oak forest woodland preservation area. The woodland preservation area is highlighted in green on the image to the left. Most of the woodland preservation area exists on the southern half of the properties.

As a condition of approval of the ASPEN RIDGE plat, a conservation easement was to be recorded on the subject properties and several properties to the south. Unfortunately, while the city has a draft of the easement document, it was never recorded. The area which was to be encumbered by the conservation easement is shown in brown.
Easements. On the diagram to the left, the areas in white (not shaded red) are those areas encumbered by drainage and utility easements. These easements were dedicated to protect the floodplain basin, as well as the driveway and utility access for the rear lot. The areas shaded red are areas not encumbered by easements.

Buildable area. Despite the larger lot sizes, the buildable areas or each lot is limited.

Lot 7, the western lot, has a buildable area of roughly 6,300 square feet.

Lot 6, the eastern lot, has a buildable area of roughly 3,400 square feet. This is slightly less than the minimum 3,500 square feet of buildable area required by the city's subdivision ordinance. When the development was approved, the buildable areas were larger. They decreased in size due to the increase in required setbacks.

- Applicant Proposal

Building. New home construction is proposed on Lot 6. The two-story walkout home would be of modern design and would have a footprint of 3,200 square feet. The walkout level would include a tuck-under garage that would be accessed via the proposed terrace on the north side of the house. In addition to living space, the main level of the home would also include garage space that would be accessed via a driveway to the south.

Driveway. As currently proposed, the driveway to the home on Lot 6 would be located within the drainage and utility easement located in the southern half of Lot 7.

Lot 7. Lot 7 would serve only to provide access to Lot 6. No homes would be constructed on this lot at this time.

Site impacts. Significant grading and the removal of roughly 30 trees would be required to accommodate the proposed driveway. Additional trees would be removed in order to accommodate the construction of the terrace and proposed house.

A portion of the floodplain would be filled to ensure a more reasonable buildable area. Mitigation area would be created by excavating additional floodplain storage within the existing floodplain basin. The mitigation area would result in a small increase in
Subject: 3533 and 3535 Orchard Lane

Proposal Requirements

The following applications are required for the proposal:

- **Floodplain alteration permit.** By city code, a floodplain alteration permit is required when the amount of floodplain alteration includes excavation or fill of an area greater than 1,000 square feet or a volume greater than 20 cubic yards.

- **Conditional use permit.** By city code, a conditional use permit is required for private ponding areas and drainage facilities within floodplain areas, requiring the excavation or fill of an area greater than 1,000 square feet or a volume greater than 20 cubic yards.

- **Lot-behind-lot setback variance.** By city code, the minimum setback for principal buildings on lots-behind-lots is 40 feet or 20 percent of the distance between opposite lot lines, whichever is less, but in no case less than 25 feet. A lot-behind-lot setback variance is required to reduce the western setback from 36 feet to 35 feet for the northwestern corner of the proposed home.

- **Easement vacation.** During review of the proposal, staff discovered that drainage and utility easements around the lots predating ASPEN RIDGE were not vacated when new easements were dedicated as part of ASPEN RIDGE. Since the proposed home would encroach into one of the obsolete easements, the applicant has requested the easements be vacated. (The public hearing for the vacation will occur at the March 5, 2018 city council meeting).

Primary Questions and Analysis

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

- **Is the proposal reasonable?**

  Generally, yes. The proposal is reasonable. The subject site consists of two buildable, lots. The property owner has certain legal development expectations and rights. While the applicant’s proposal requires several approvals, the impacts of the proposal would be much less than if the two lots developed independent of one another.

  Though understanding the existing development rights, staff is concerned about the amount of tree lots associated with construction of the proposed driveway. If the driveway, utilities, grading and construction access across Lot 7 were shifted slightly north, the driveway would be located completely outside of the woodland preservation area and would result in the additional preservation of 30 of the 84 trees proposed for removal. The applicant has indicated that they would be willing to work with staff on the final driveway location to minimize tree loss.
• **Is the floodplain alteration request reasonable?**

Yes. The proposed floodplain alteration is reasonable as:

1. The proposed alteration would meet the general and specific standards for floodplain alteration as outlined in City Code §300.24, Subd. 9.

2. The proposed alteration would not negatively impact adjacent properties or the hydrology of the floodplain.

3. The proposal would not result in a net fill of floodplain.

4. The proposal would result in an increase of flood storage capacity on the property.

• **Is it appropriate to allow private stormwater management facilities within the floodplain?**

Yes. Typically, the city would strongly encourage – or may even require – that stormwater management facilities be located outside of the floodplain. However, in the case of this specific proposal staff would support the facility within the floodplain finding that:

1. Relocating the facility outside of the basin would result in the removal of additional trees.

2. Due to the existing topography of the site, all drainage naturally flows to the basin making it the most suitable location for the facility.

3. The proposal would meet all of the conditional use permit standards for facilities within the floodplain.

• **Is the lot-behind-lot setback reasonable?**

Yes. The proposed lot-behind-lot setback is reasonable, as:

1. The proposed home would be more than 75 feet from the nearest residential structure. Additionally, despite the variance, the proposed home would have a setback larger than several of the other homes on lots-behind-lots in the surrounding neighborhood.

2. The proposed setback of 35 feet would be larger than what was originally contemplated as part of the buildable area when the ASPEN RIDGE subdivision was approved.
Summary Comments

If ASPEN RIDGE were proposed today, staff would likely not support the subdivision in the form that was originally approved in 1996. However, both of the subject properties were developed as buildable lots and have been taxed as buildable lots for the last 20 years. For a property owner, this establishes a reasonable expectation regarding the ability to construct a home on the properties.

By policy, the planning commission is to give strong consideration to setback variances if a property has been assessed and taxed as a buildable lot. Staff anticipates that if the lots were developed independent of one another, more intense variances and site impacts would be needed to construct two homes.

Staff Recommendation

Staff recommends the city council adopt the attached resolution, which approves a floodplain alteration permit, conditional use permit and a setback variance for the construction of a new home at 3533 and 3535 Orchard Lane.

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

**Project No.** 18002.18a

**Property** 3533 and 3535 Orchard Lane

**Applicant** Christian Dean, AIA, on behalf of the property owners

**Surrounding Properties to the north, south, east and west are single family residential homes, zoned R-1 and guided for low density residential**

**Land Uses**

**Planning**

Guide Plan designation: low density residential

Zoning: R-1

**FPA Standards**

By City Code §300.24 Subd.9(c), in reviewing alteration permits, the city must consider whether the following general standards are met:

1. The magnitude of the alteration is appropriate relative to the size of the floodplain district.

2. The amount of any increase in buildable area is appropriate in comparison to the amount of buildable area before alteration.

3. The alteration will not negatively impact the hydrology of the floodplain.

4. Floodplain mitigation areas will not negatively impact adjacent properties.

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

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

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

By City Code §300.24 Subd. 9(d) no alteration permit may be granted unless the following specific standards are met.

1. Water storage must be maintained and provided in an amount at least equal to that filled unless acceptable hydrologic engineering data has been presented and approved by the city engineer indicating that conditions have changed such that the floodplain characteristics will be maintained even with proposed floodplain fill.
2. Floodplain fill area must be located no more than 20 feet from any existing or proposed structure, except where required by the city engineer to achieve a required evacuation route.

3. Where floodplain alteration is required for construction of a driveway, the driveway must be no wider than 12 feet and must be located to minimize impact to the floodplain.

4. Floodplain alteration, including the creation of compensatory water storage, must not result in removal of regulated trees, adversely impact wetlands or existing wetland buffers, or be located within public easements. The city council may waive this condition if the proposed alteration would improve existing site conditions.

Conditional Use Permit

By City Code §300.26, Section 2, no conditional use permit may be granted for a conditional use in the wetlands, floodplain, or shoreland districts unless the city council determines that all of the following standards are met:

a) the use is consistent with the intent of this ordinance;

   **Finding:** The proposal is consistent with the intent of the ordinance.

b) the use is consistent with the goals, policies and objectives of the comprehensive plan;

   **Finding:** The proposed house would be consistent with the low-density residential designation of the property and would be consistent with the goals, policies and objectives of the comprehensive guide plan.

c) the use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

   **Finding:** As a condition of approval, the applicant must submit a utility plan for staff review. This plan will be reviewed to ensure that it would not have an undue impact on existing or proposed improvements.

d) the use is consistent with the city’s water resources management plan;

   **Findings:** The proposal would be consistent with the city’s water resources management plan.

e) the use does not have an undue adverse impact on the public health, safety or welfare;

   **Findings:** The proposed single-family home would not have an
undue impact on the public health, safety or welfare.

f) water bodies receiving runoff entering wetlands, floodplain or shoreland areas shall not be adversely impacted by the water quality of runoff;

**Findings:** The proposal includes stormwater management facilities and is not anticipated to adversely impact adjacent water bodies.

g) no structure or fill may be placed which adversely affects the minimum required water storage capacity as defined in the water resources management plan of a property;

**Findings:** The proposal would result in a slight increase in flood storage capacity on the property.

h) no structure subject to periodic inundation shall be designed for human habitation or shall the structure be serviced with public utilities;

**Findings:** No structure proposed for human habitation would be inundated.

i) structures shall have a low flood damage potential and shall be firmly anchored;

**Findings:** None are included in the proposal.

j) service facilities, such as electrical and heating equipment, must be located a minimum of two feet above the flood elevation defined in the water resources management plan;

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

k) there shall be no storage of materials which are flammable, explosive or otherwise dangerous to human, animal or plant life;

**Findings:** None are included in the proposal but this has been included as a condition of approval.

l) there shall be only minimal interference with wetland vegetation; and

**Findings:** No wetlands are present on the property.

m) required approvals shall be secured from all appropriate jurisdictions, including the United States army corps of engineers, Minnesota department of natural resources, governing watershed
district and the Lake Minnetonka conservation district. Any conditions imposed upon such approvals shall be met.

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

By City Code §300.26, Subd.4, no conditional use permit may be granted in the floodplain district except in circumstances in which its approval will not have an adverse impact on the intent of this ordinance or the precepts of the comprehensive plan. In addition, no conditional use permit may be issued unless efforts have been made to mitigate to the extent feasible adverse impacts on the subject property and adjacent properties. Granting of a conditional use permit will be conditioned upon review of the request by all other appropriate governmental agencies, including watershed districts, the Minnesota department of natural resources, and the United States federal emergency management agency and army corps of engineers.

**Findings:** The proposal has been reviewed by the city planning, engineering, and natural resources staff have reviewed the plan and have found it to be generally consistent with the city’s development guides. By developing the properties together, the proposal would result in a lesser impact than if the properties developed independently. As a condition of approval, the applicant must submit the plan to all necessary outside agencies for review and approval.

**Natural Resources**

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

**Motion Options**

The planning commission has the following motion options:

1. Concur with staff’s recommendations. In this case, a motion should be made recommending the city council approve the requests based on the findings based on the staff-drafted resolutions.

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

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

This proposal

Neighborhood Comments

The city sent notices to 57 area property owners and received no comments.

Deadline for Decision

May 12, 2018
Location Map
Project: Kermisch Residence
Address: 3533 & 3535 Orchard Ln
CITY OF MINNETONKA VARIANCE APPLICATION

Describe why the proposed use is reasonable.

The proposed single-family residence is a reasonable size of home in relation to the lot area. The gross floor area of the home is 5,300 sf not including 1,700 of garage. The lot area is 38,408 sf and the house footprint is 3,371 sf including a screen porch.

Describe:

- Circumstances unique to the property;
- Why the need for variance was not caused by the property owner;
- Why the need is not solely based on economic considerations.

The ‘lot behind lot’ property is encumbered with numerous easements and setbacks; Conservation Easements to the east and south which prohibit any building activity within those areas which limit the available building area greater than the standard ‘lot-behind-lot’ setbacks.

A floodplain and associated setbacks existing on the lower / northern portion of the property also restricts the building area further.

Considering the south and east conservation easements, the north floodplain setback and the east ‘lot-behind-lot’ setback determination a compliant building area would have a compliant building footprint of approximately 17’ at it’s largest dimension in the north-south orientation. The site constraints unique to this property essentially leave this property unbuildable for a typical home with garages.

Describe why the variance would not alter the essential character of the neighborhood.

The variance requested is for the lot-behind-lot interior yard setback. The property owners own the adjacent property 3533 Orchard Lane and do not intend to develop that property. The proposed house is sited lower in elevation than the nearest neighboring home in a heavily wooded site and will not alter the essential character of the neighborhood.
WALL AND PARTITION KEY

EXISTING WALL
PROPOSED NEW WALL

PLAN NOTES
1. FIRST FLOOR FINISHED FLOOR ELEVATION = GEODETIC SURVEY MARKER ELEVATION
880.4'
2. FIELD VERIFY ALL DIMENSIONS
3. GRIDS TO FACE OF SHEATHING
4. INTERIOR DIMENSIONS TYPICALLY TAKEN FROM STRUCTURAL FACE OF EXTERIOR WALLS TO CENTERLINE OF INTERIOR STUD WALLS
5. REFERENCE STRUCTURAL DRAWINGS AND SPECIFICATIONS FOR ALL FRAMING REQUIREMENTS, SIZES AND CONFIGURATIONS.
COORDINATE WITH ARCHITECTURE LAYOUT AND REVIEW DISCREPANCIES WITH ARCHITECT.
6. PLAN CUT AT 4'-0" ABOVE FLOOR LEVEL
7. REFER TO ELEVATIONS FOR EXTENTS OF EXTERIOR SIDING MATERIALS

MATERIAL KEY - INTERIOR

MARK MATERIAL MFG DESCRIPTION

CF-1 CONCRETE EPOXY FLOOR
CF-2 CONCRETE FLOOR - LIGHT GRIND AND SEAL
CF-3 CONCRETE FLOOR - SEAL SLAB
RF-1 RUBBER FLOORING
RF-2 MARMOLEUM SHEET FLOORING
TF-1 TILE FLOOR
WF-1 WOOD FLOOR
Resolution No. 2018-
Resolution approving a floodplain alteration permit, conditional use permit and a setback variance for the construction of a new home at 3533 and 3535 Orchard Lane

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

Section 1. Background.

1.01 Christian Dean, AIA, on behalf of the property owner is proposing to construct a new home on the properties at 3533 and 3535 Orchard Lane. (Project No. 18002.18a).

1.02 The properties are legally described as follows:

Lots 6 and 7, Block 1, Aspen Ridge, Hennepin County, Minnesota.

1.03 In 1996, the city council granted preliminary and final plat approval for the ASPEN RIDGE subdivision. At the time, the code required that any home constructed on a lot-behind-lot, or a lot without frontage on a public street, maintain a 25-foot building setback from all property lines.

1.04 The subject properties have remained undeveloped and are considered lots-behind-lots.

1.05 In 2007, the city code was amended to require that any home constructed on a lot-behind-lot maintain a setback of 40 feet or 20 percent of the average distance between opposite lot lines, but not less than 25 feet.

1.06 The amendment increased the required setbacks on the subject properties from 25 feet to 36 feet from the western property line. The proposed home requires a variance to reduce the setback from 36 feet to 35 feet from the western property line.

1.08 By City Code §300.24, Subd. 9, a floodplain alteration permit is required when the excavation or fill of area is greater than 1,000 square feet or a volume greater than 20 cubic yards of land located outside of the floodway.

1.09 By City Code §300.24, Subd. 5, a conditional use permit is required for private ponding areas and drainage facilities, requiring the excavation or fill of an area
greater than 1,000 square feet or a volume greater than 20 cubic yards, within the floodplain.

1.03 On February 15, 2018, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The planning commission recommended the city council approve the request

Section 2. Standards.

2.01 City Code §300.24 Subd. 9(c), states that in reviewing alteration permits, the city will consider whether the following general standards are met:

1. The magnitude of the alteration is appropriate relative to the size of the floodplain district.
2. The amount of any increase in buildable area is appropriate in comparison to the amount of buildable area before alteration.
3. The alteration will not negatively impact the hydrology of the floodplain.
4. Floodplain mitigation areas will not negatively impact adjacent properties.
5. The alteration will meet the intent of the city's water resources management plan and the subdivision and zoning ordinances;
6. The alteration will not adversely impact governmental facilities, utilities, services or existing or proposed public improvements; and
7. The alteration will not have an undue adverse impact on the public health, safety or welfare.

2.02 City Code §300.24 Subd. 9(d), states that an alteration permit will not be granted unless the following specific standards are met:

1. Water storage must be maintained and provided in an amount at least equal to that filled unless acceptable hydrologic engineering data has been presented and approved by the city engineer indicating that conditions have changed such that the floodplain characteristics will be maintained even with proposed floodplain fill.
2. Floodplain fill area must be located no more than 20 feet from any existing or proposed structure, except where required by the city engineer to achieve a required evacuation route.
3. Where floodplain alteration is required for construction of a driveway, the driveway must be no wider than 12 feet and must be located to minimize impact to the floodplain.
4. Floodplain alteration, including the creation of compensatory water storage, must not result in removal of regulated trees, adversely impact wetlands or existing wetland buffers, or be located within public easements. The city council may waive this condition if the proposed alteration would improve existing site conditions.

2.03 By City Code Section 300.26, Subd. 4: No conditional use permit may be granted in the floodplain district except in circumstances in which its approval will not have an adverse impact on the intent of this ordinance or the precepts of the comprehensive plan. In addition, no conditional use permit may be issued unless efforts have been made to mitigate to the extent feasible adverse impacts on the subject property and adjacent properties. Granting of a conditional use permit will be conditioned upon review of the request by all other appropriate governmental agencies, including watershed districts, the Minnesota department of natural resources, and the United States federal emergency management agency and army corps of engineers.

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.

Section 3. Findings.

3.01 The proposal would meet the general and specific standards outlined in City Code §300.24, Subd. 9:

1. The proposed alteration would not negatively impact adjacent properties or the hydrology of the floodplain.

2. The proposal would not result in a net fill of floodplain.

3. The proposal would result in an increase of flood storage capacity on the site.

3.02 The proposal would meet the general and specific standards outlined in City Code §300.26, Subd. 4:

1. The proposal has been reviewed by the city planning, engineering, and natural resources staff have reviewed the plan and have found it to be generally consistent with the city’s development guides.

2. By developing the properties together, the proposal would result in a lesser impact than if the properties developed independently.

3. Included as a condition of approval, the applicant must submit the plan to all necessary outside agencies for review and approval.
3.03 The proposal meets the variance standard outlined in City Code §300.07, Subd. 1(a):

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The proposal, and resulting variance request, would be in keeping with the city’s zoning ordinance. The intent of the setback ordinance is twofold: (1) to provide adequate space between property lines and structures; and (2) to establish neighborhood consistency. The proposed 25-foot setback would meet this intent. The proposed home would be more than 75 feet from the nearest residential structure. Additionally, despite the variance, the proposed home would have a setback larger than several of the other homes on lots-behind-lots in the surrounding neighborhood.

2. CONSISTENT WITH THE COMPREHENSIVE PLAN: The proposal would be consistent with the city’s comprehensive plan. The intent of the city’s comprehensive plan is to maintain, preserve, and support the character of the existing neighborhoods. The requested variance would not negatively impact the existing residential character of the neighborhood and would allow for investment into a property, which has remained vacant since its approval in the mid-1990s.

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

   a. REASONABLENESS: The 2007 city code amendment, which increased the setback from all property lines for lot-behind-lots, reduced the amount of buildable area on the subject properties. While the site consists of two properties, each property is uniquely shaped. The proposed setback of 35 feet would be larger than what was originally contemplated as part of the buildable area when the ASPEN RIDGE subdivision was approved.

   b. UNIQUE CIRCUMSTANCE: The 2007 city code amendment reduced the amount of buildable area on both properties. Given the unique configuration of the lots, the reduction has significantly impacted the shape and size of the buildable area. This is a unique circumstance not common to similarly zoned properties.

   c. CHARACTER OF THE LOCALITY: Given that the requested variance would simply reflect the buildable area contemplated during the ASPEN RIDGE subdivision approval, the proposal would not have a negative impact on neighborhood character. Additionally, the proposed setback would be similar to other lot-behind-lot setbacks in the neighborhood.


4.01 The city council hereby approves the above described floodplain alteration permit, conditional use permit, and setback variance based on the findings
4.02 Approval is subject to the following conditions:

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

   - Survey dated Jan. 11, 2018
   - Tree removal plan dated Jan. 11, 2018
   - Stormwater and flood plain management plan dated Jan. 11, 2018

2. The following must be submitted in order for a building permit application to be considered complete:

   a) Final site, utility, tree preservation and tree protection plans. These plans must:

      1) Adjust final driveway, utility, grading and construction access across Lot 7 to avoid impacts to the adjacent oak forest. Final driveway location is subject to city staff review and approval. The driveway must be located to minimize impacts to Tree No. 185 and 186.

      2) Confirm existing and proposed utility locations and connections.

      3) Confirm that proposed temporary and permanent fencing is located outside of the conservation easement.

      4) Show less than 30 percent impact to the critical root zone of trees 209 and 253.

      5) Meet minimum landscaping and mitigation requirements as outlined in the ordinance. However, at the sole discretion of natural resources staff, mitigation and landscaping may be decreased based on any of the following: the health of trees removed; the ability to appropriately install trees and other shrubbery given existing vegetation, topography, or site constraints.

      6) Confirm location of construction access route. This route must minimize impacts to adjacent trees.

   b) A final stormwater management plan. This plan must meet the requirements of the city’s Water Resources Management Plan, Appendix A. Design. In addition, supplemental calculations must be submitted detailing conformance with the city’s:
• Rate Control: maintain existing rates leaving the site for the 2-, 10-, and 100-year events.

• Volume: the storm chambers must capture 1" of the entire site’s impervious surface. Soil borings are required to verify infiltration rates.

• Water Quality: materials must be submitted (MIDS or p8 model) to demonstrate that 68% of the total phosphorus and 90% of the TSS are removed.

c) 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.

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

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

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

e) Permits may be required from other outside agencies including, Hennepin County, United States Army Corps of Engineers, MNDNR, the Minnehaha Creek Watershed District, and the MPCA. It is the applicant's or property owner's responsibility to obtain any necessary permits.

3. Prior to issuance of a building permit:

a) The following documents must be submitted for staff review and approval:

1) An encroachment agreement for the retaining wall north of the proposed house that lies within the city’s drainage and utility easement.

2) A conservation easement document. This easement must be generally consistent with the 1996 council approvals but should exclude the area west of trees 288 and 297.
3) The applicant must provide proof that the tax combination form has been submitted to Hennepin County. If the applicant decides not to tax combine the properties, the following is required:

a. Private utility and maintenance agreements.

b. A declaration of restrictive covenant, which restricts the separate sale of properties at 3533, and 3535 Orchard Lane.

b) Update the recorded driveway easement to reflect the change over existing conditions if necessary.

c) The conservation easement must be staked by the surveyor in the field.

e) A copy of this resolution must be recorded with Hennepin County and a copy of the recorded document must be returned to the city.

f) Install temporary erosion control, tree and wetland protection fencing, and any other measures required by staff for staff inspection and approval. These items must be maintained throughout the course of site work.

g) Pay all required hook-up and stormwater fees.

h) Drainage and utility easements originally dedicated per document 1938431 located on Lots 6 and 7 of the plat of ASPEN RIDGE must be vacated.

4. The low floor elevation of the proposed home must be two feet above the 100-year flood elevation of 935.7 feet.

5. The proposed house must be protected with a 13D automatic fire sprinkler system or an approved alternative system.

6. To avoid additional tree loss, impacts to trees adjacent to the floodplain compensation area should be minimized.

7. Prior to issuance of a certificate of occupancy, submit an as-built survey is required to verify floodplain fill and compensation areas.

8. During alteration activity, the streets must be kept free of debris and sediment.
9. This approval will be null and void on Dec. 31, 2019 unless: (1) construction, fill and mitigation is complete; or (2) the city has approved a time extension.

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 meeting held on Feb. 26, 2018.

________________________________________
David E. Maeda, City Clerk
Brief Description: Amendments to the design criteria for the Ridgedale Restaurant Properties at 12415 Wayzata Boulevard

Recommendation: Adopt the resolution approving the request

Background

In March 2013, the city council approved the master development plan for the Ridgedale Shopping Center. The master development consists of three phases:

- **Phase One:** The first phase included construction of an 80,000 square foot addition to Macy's, updating the exterior of the Macy’s store, as well as parking lot, stormwater and landscaping improvements for the north side of the site.

- **Phase Two:** The second phase consisted of the demolition of the then existing Macy’s Men’s and Home store and construction of an addition onto the mall and a new 14,000 square foot anchor department store. Phase Two also included parking lot, stormwater, and landscaping improvements along the south side of the site.

- **Phase Three:** The third phase consisted of three new, freestanding restaurants on the northwest side of the mall, as well as final parking lot and landscaping improvements.

In May 2017, the city council approved site plans and design criteria for the Phase Three restaurant pads in the northwest corner of the Ridgedale parking lot. At that time, the council also approved building plans and a conditional use permit for a restaurant, with an outdoor patio, on the westernmost pad site. Shell construction of that building is well underway and city staff has been working with the property owner and prospective tenants to ensure the façade treatments comply with the approved guidelines.

Introduction

Ridgedale Anchor Acquisition, LLC has proposed to amend the approved design criteria to provide clarity for the property owner and prospective tenants. The proposed amendments would: (1) establish a maximum amount of allowable exterior insulating and finish system (EIFS) per tenant façade; and (2) establish sign areas on the tenant facades.

The following is intended to summarize the proposed amendments:
### Existing Design Criteria

<table>
<thead>
<tr>
<th><strong>Expand signage area on the eastern elevation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1.png" alt="Diagram" /></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Proposed Design Criteria</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image2.png" alt="Diagram" /></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Relocate sign area from the sign band to five feet above the band on the façade</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image3.png" alt="Diagram" /></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Allowed amount of EIFS of façade</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Stucco and EIFS may be used in limited amounts.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Signage</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Building signage floats on black metal channel.</td>
</tr>
<tr>
<td>• Minimum projection from building is 4-feet. Maximum projection is 8-feet.</td>
</tr>
<tr>
<td>• Project must be for at least 50-percent of the storefront.</td>
</tr>
<tr>
<td>• Maximum letter height is 2-feet.</td>
</tr>
<tr>
<td>• Signage length for a 2-foot tall letter is .38 x length of frontage.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Stucco and EIFS must be used in limited amounts. The quantity of EIFS is to be limited to 20-percent of allowed tenant façade ad determined by property owner.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image4.png" alt="Diagram" /></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Staff Analysis</strong></th>
</tr>
</thead>
</table>

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:

- **Are the proposed amendments reasonable?**

  Yes. The proposed amendments would provide clarity and additional flexibility to prospective tenants during the development of their plans for building permit review. The existing design criteria requires that all signs be located on the metal sign band, which would be projected from the building between four and eight feet. Several tenants have
indicated that their signs could not be affixed to the band. The proposed amendments would allow tenants to affix their signs to the façade to allow for some design flexibility.

In addition, one of the proposed amendments would establish a maximum amount of allowable EIFS of the building rather than the ambiguous limitation allowed under the existing criteria.

- **Do the amendments meet the intent of the design criteria?**

  Yes. The intent of the design criteria is to communicate the design principals and objectives for tenants and to establish the overall architectural quality of the Ridgedale restaurant development. The amendments would not make significant changes to the existing design criteria, but rather are proposed to provide some additional sign flexibility, clarity and direction for prospective tenants.

  Staff was initially concerned that façade signage would no longer encourage the organized and horizontal progression of the front façade. To address this concern, the applicant proposed to establish a consistent horizontal baseline for signage. Staff finds that the sign baseline coupled with the projected metal band would maintain the horizontal “feel” originally presented in the design criteria.

**Staff Recommendation**

Recommend the city council adopt the resolution approving amendments to the existing master development plan at 12415 Wayzata Boulevard.

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

Project No. 17004.18b
Property 12415 Wayzata Boulevard
Applicant Ridgedale Anchor Acquisition, LLC

Surrounding
Northerly: Wayzata Boulevard and I394
Land Uses
Easterly and Southerly: Ridgedale mall, zoned PID, and guided mixed use
Westerly: Bonaventure Shopping Center, zoned PID, guided mixed use

Planning
Guide Plan designation: Mixed Use
Zoning: PID, Planned I394 District

Compliance
The city has not yet received building permit applications for the restaurant tenants. However, staff has had many discussions with Xfinity and Café Zupas regarding their façade improvements.

The following is intended to summarize how staff would review façade improvements to ensure compliance with the approved design criteria:

- Tenant 1A-1B: Xfinity

<table>
<thead>
<tr>
<th>Design Criteria Standards</th>
<th>Xfinity</th>
</tr>
</thead>
<tbody>
<tr>
<td>One wall sign per elevation shown within the sign zone and must be located 5-feet above the projecting, black band.</td>
<td>While this particular drawing does not include the signage, one sign would be on the south elevation and one sign would be on the west elevation. Both signs would be within the sign</td>
</tr>
</tbody>
</table>
Tenant 1C: unidentified

Information on the prospective tenant will be provided when the tenant has been identified.

Tenant 1D: Café Zupas

Café Zupas has indicated that they intend to wait for final review of the design criteria amendments to continue working on their façade. The following is intended to summarize how staff would review the plan if an application were received.

Design Criteria Standards

<table>
<thead>
<tr>
<th>Design Criteria Standards</th>
<th>Café Zupas</th>
</tr>
</thead>
<tbody>
<tr>
<td>One wall sign per elevation shown within the sign zone and must be located 5 feet above the projecting, black band.</td>
<td>The sign located on the projecting sign band would not be allowed because: (1) two signs are not allowed on the same elevation; and (2) all signage must be located five feet above the projecting, black band. The wall sign on the east – or right side of the image – would not be allowed, as it would be outside of the sign zone.</td>
</tr>
<tr>
<td>Permitted façade materials: Stone, brick, metal panels and linear siding.</td>
<td>The materials shown would be primarily stone tile on the parapet, EIFS and glass.</td>
</tr>
</tbody>
</table>
The quantity of EIFS is limited to 20 percent of the allowed tenant façade. The amount of EIFS would need to be significantly reduced, as it appears to be roughly 40 percent of the façade.

Storefront height in the development is 12-feet with clear glass. Staff is working with the applicant to find alternatives to the window graphic. However, the amount of glass shown on the elevation is appropriate.

- **Tenant 1A-1D: Rear Elevation**

  ![Rear Elevation Diagram]

<table>
<thead>
<tr>
<th>Design Criteria Standards</th>
<th>Rear Elevation</th>
</tr>
</thead>
<tbody>
<tr>
<td>One wall sign per elevation shown within the sign zone and must be located 5-feet above the projecting, black band.</td>
<td>No signage is proposed on the rear elevation.</td>
</tr>
<tr>
<td>Permitted façade materials: Stone, brick, metal panels and linear siding. The quantity of EIFS is limited to 20 percent of the allowed tenant façade.</td>
<td>As shown, materials include metal panels, stone and EIFS. The amount of EIFS would need to be reduced as it is shown about 50 percent EIFS.</td>
</tr>
<tr>
<td>Storefront height in the development is 12 feet with clear glass.</td>
<td>No glass would be proposed for the rear.</td>
</tr>
</tbody>
</table>

- **iFly**

  ![iFly Diagram]

<table>
<thead>
<tr>
<th>Design Criteria Standards</th>
<th>iFly</th>
</tr>
</thead>
<tbody>
<tr>
<td>One wall sign per elevation shown within the sign zone and must be located 5-feet above the projecting, black band.</td>
<td>iFly is requesting their own sign plan specific to their signage needs.</td>
</tr>
<tr>
<td>Permitted façade materials: Stone, brick, metal panels and linear siding. The quantity of EIFS is limited to 20 percent of the allowed tenant façade.</td>
<td>Generally, the materials are poured panels, EIFS, metal tiles and glass. The exact amount of EIFS is unknown at this time.</td>
</tr>
</tbody>
</table>
Meeting of Feb. 15, 2018  
Subject: Ridgedale Restaurant Properties at 12415 Wayzata Boulevard

| Storefront height in the development is 12 feet with clear glass. | The 12-foot storefront is glass. |

**Pyramid of Discretion**

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 to 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 a simple majority.

**Neighborhood Comments**

The city sent notices to 250 area property owners and received no comments.

**Deadline for Decision**

May 16, 2018
Ridgedale Restaurants
Address: 12415 Wayzata Blvd
Project No. 17004.17b
The Outparcel Design Criteria is established as a reference guide for Multi-tenant Outparcel Development projects at Ridgedale Center located in Minnetonka, MN. The intent of the Design Criteria is to communicate the design principals and objectives for tenants and establish the overall architectural quality of the Development. The goal is to create an activated streetscape of restaurants. The criteria is designed for the tenant to express themselves within the framework of a modern minimal feel with a bit of edge.

The Landlord will apply these guidelines to all Multi-tenant Outparcel Development projects in conjunction with the Mall Tenant Criteria Manual.

The Outparcels are located in the Planned I-394 District of the City of Minnetonka. The intent is to establish additional Landlord design standards to supplement the Architectural standards of the City of Minnetonka per Section 300.31 Section 7.
Tenant Streetscape Elements

The goal of this development is to create unique dining destinations. In order to create an active streetscape, a number of elements need to come together some of which are the responsibility of the Tenant. In order to maintain a consistent look and feel of the Outparcels, guidelines have been established for these elements:

- **Green Buffer**: 24” minimum zone of planting which screens the dining patio from the parking. (See page 3.)
- **Patio**: Outdoor dining or seating area to create a street cafe environment. (See page 3.)
- **Tenant Facade and Storefront**: Tenant facade design is vital to the energy of each space. (See page 4.)
  - **Storefront**: Clean and minimal. (See page 5.)
  - **Tenant Entrance frame**: Contemporary and simple statement to define the entrance at the storefront. (See page 5.)
  - **Materials and Colors**: The overall palette of the Outparcels is primarily neutral. Tenant is expected to provide materials and branding for the full height of exterior facade to the coping. (See page 5.)
- **Signage**: While individual tenant logos are permitted, a zone has been developed for the location of signs at the building and pedestrian level. (See page 6.)
Green Buffer

Green Buffer zone is to screen guests sitting at patio from vehicles traveling along the patio perimeter lease line that abuts the sidewalk. The minimum width is 2'-0". Tenants are encouraged to use a raised planting bed with black edge to create a separation between public and private. Plants may be a mixture of grasses, groundcovers and ornamental shrubs. Plants that provide screening the entire year are preferred. Shrubs should be a minimum of 18" in height. Groundcovers may include rocks or pebbles. Fencing should be maximum 36" high with minimum open area of 50%. Fence design subject to Landlord approval.

Patio

Patios should enhance the customer experience. Pavers or concrete in a simple pattern reinforce the clean minimal feel of the development. Stamped concrete should be contemporary in pattern. Integral color or stained concrete is permitted.

Tenant Entry Zone

Tenant Entry Zone is a break in the Green Buffer to the Tenant entrance. The minimum width is 6'-0". Paving should coordinate with the Patio Paving.
DESIGN CRITERIA
Ridegedale Center-Outparcel Restaurant, Minnetonka, MN

Tenant Facade and Storefront

Facade - A majority of Facade below 12'-0” a.f.f. should be storefront. At the head of the storefront is a metal reveal that connects around the building and coordinates with the signage. Above the metal reveal is the facade. Tenants are permitted to use a maximum of 4 materials and 2 minimum for solid areas of the facade. Tenant is expected to provide materials and branding for the full height of exterior facade to the coping. Materials must be submitted for review for Landlord approval. Permitted materials:

- Natural or Man-Made stone
- Brick
- Metal panels and metal linear siding are permitted.
- Stucco or exterior insulated finish system may be used in limited amount. (See page 5.)

Extended height parapets are acceptable with landlord approval.

Windows - Windows create an active and inviting environment. Tenants are encouraged to minimize the amount of solid walls in their facades to keep a synergy between inside and outside dining. Storefront height in the development is 12'-0” with clear glass. Storefront color should align with Development Palette on page 5.

Tenant entrance frame - Tenant is encouraged to frame the entrance with a simple and clean frame. Frame may extend past the lease line 2’. The objective is to separate the entrance from the storefront.
DESIGN CRITERIA
Ridgetale Center-Outparcel Restaurant, Minnetonka, MN

**Materials and Colors:**

The overall goal is to create a streetscape that has modern edge to it. The facades have a level of minimalism to enhance the more colorful activities inside each restaurant. Exterior colors should be neutral, natural, and clean. Texture of materials similarly should be natural, geometric or abstract, not faux representations of historic elements or theming. Stronger accents colors may be used at entrances subject to Landlord approval. There should be a difference in color and material between adjacent tenants. The quantity of EIFS is to be limited to 20% of allowed tenant facade as determined by property owner.

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SAMPLE DEVELOPMENT ELEVATION
Signage

Facade Signage: Building signage floats off the building on the black metal channel. The minimum projection from the building is 4'-0" and maximum projection is 8'-0". Projection should be at least 50% of the storefront. The layout of this metal channel is determined by the Tenant. Maximum letter height is 2'. The metal channel should wrap the storefront. Maximum letter height is 2'. A guideline for signage length for a 2' tall letter is .38 x length of frontage. Signage must conform with City of Minnetonka Ordinance No. 2016-08 Section 325.

Facade signage: Within the limits of the facade building signage zone of the design criteria (See page 2), each tenant can have a maximum of one wall sign per exterior elevation. The total square footage of the sign must not exceed 15% of the total square footage of the elevation to which it is affixed within the defined tenant frontage. On the south facade, in order to present an organized approach to signage, all facade mounted signage shall start at a consistent elevation of 5'-0" above the bottom of the black band around the building, roughly 17'-0" above grade. Final signage plan and elevations are to be submitted to the property owner for review and approval.
Signage

**Pedestrian Monument Sign** - Pedestrian Sign serves as a screen between tenant patios and also as a pedestrian level identification. Screen details to be provided to the tenant. Maximum letter height is 12”. When located at the lease line adjacent to another tenant, each tenant is responsible for their half of the sign wall. First Tenant to build Pedestrian Monument Sign is to finish the 4th face to with metal panel prior to construction of adjacent sign.
Resolution No. 2018-

Resolution approving an amendment to the design criteria for Ridgedale Restaurants at 12415 Wayzata Boulevard

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

Section 1. Background.

1.01 In May 2017, the city council approved design criteria for the property at 12415 Wayzata Boulevard. (Project 17004.17a).

1.02 The property is legally described as:

Tract B, Registered Land Survey No. 1826, files of the Registrar of Titles.

1.03 Ridgedale Anchor Acquisition, LLC has proposed to amendment the approved design criteria. (Project 17004.18b).

1.03 On Feb. 15, 2018, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve the request.

Section 2. Design Criteria Standards.

2.01 By the design criteria approved by the city council in 2017, the intent of the design criteria for the Ridgedale Restaurants is to communicate the design principals and objectives for tenants and establish the overall architectural quality of the development.

Section 3. Findings

3.01 The proposed amendments to the design criteria are reasonable as:

1. The proposed amendments would not significantly change the standards provided in the originally approved design criteria. Rather the amendments would provide clarity to the property owner, prospective tenants and city staff.
2. The proposed amendments would allow some added signage flexibility for tenants.

3. The proposed amendments would still allow for horizontal sign organization.

Section 4. City Council Action.

4.01 The City Council approves the amended design criteria for the Ridgedale Restaurant property at 12415 Wayzata Boulevard. Approval is based on the findings outlined in Section 3 of this resolution and is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the design criteria dated Jan. 26, 2018.

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

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 meeting held on Feb. 26, 2018.

David E. Maeda, City Clerk
Brief Description

Items concerning iFly at 12415 Wayzata Boulevard:

1) Amendment to the existing master development plan;

2) Site and building plan review; and

3) Sign plan review.

Recommendation

Recommend the city council approve the proposal

Background

In March 2013, the city council approved the master development plan for the Ridgedale Shopping Center. The master development consists of three phases:

- **Phase One**: The first phase included construction of an 80,000 square foot addition to Macy’s, updating the exterior of the Macy’s store, as well as parking lot, stormwater and landscaping improvements for the north side of the site.

- **Phase Two**: The second phase consisted of the demolition of the then existing Macy’s Men’s and Home store and construction of an addition onto the mall and a new 14,000 square foot anchor department store. Phase Two also included parking lot, stormwater, and landscaping improvements along the south side of the site.

- **Phase Three**: The third phase consisted of three new, freestanding restaurants on the northwest side of the mall, as well as final parking lot and landscaping improvements.

In May 2017, the city council approved site plans and design criteria for the Phase Three restaurant pads in the northwest corner of the Ridgedale parking lot. At that time, the council also approved building plans and a conditional use permit for a restaurant, with an outdoor patio, on the westernmost pad site. Shell construction of that building is well underway and city staff has been working with the property owner and prospective tenants to ensure the façade treatments comply with the approved guidelines. (Note that the planning commission will also be reviewing proposed changes to the approved guidelines on a separate agenda item.)

In October 2017, the city council reviewed a concept plan presented by SkyGroup Investments, LLC (“iFly”). The plan contemplated a building for indoor skydiving on the second pad site. Conceptually, the building would be roughly 5,000 square feet in footprint area and be 56 feet tall. The council asked questions about how the building would function and expressed some concern related to the noise generation and the amount of overall signage shown on the plan. However, the council generally expressed support of the entertainment use and the overall size/mass of the building.
Proposal Summary

iFly has now submitted formal applications and plans for the second pad site; the plans are generally consistent with the previous concept regarding the building footprint and its position on the site. 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.

- **Proposed site design.** Following the approval of the grading permit for the site in July 2017, portions of the existing mall parking lot were removed and overall site grading and “site prep” for the three pad sites was completed. As such, the proposal consists of just minor grading, landscaping and utility connections.

- **Proposed building.** The proposed building would have a footprint of 6,100 square feet and be 56-feet tall. The building would consist of two primary areas: (1) the occupied area; and (2) the return air towers and mechanical surround.

  **Occupied space.** The occupied space would be roughly two-stories tall and generally consist of office, retail, party rooms and the flight chamber with associated observation areas. The lower level of the front façade would be glass and the upper area would be grey-toned metal tiles.

  **Mechanical space.** Staff has referred to the outermost, unoccupied space as a “suitcase handle” because of the shape. The vertical – or side – portions surrounding the occupied space are the return air towers. The purpose of these towers is to assist in circulating the air through the flight chamber to the mechanical fans housed in the top of the “suitcase handle”. The façade of towers would primarily be a grey and blue poured material. The upper portion of the handle would house the mechanical equipment and fans needed to operate the flight chambers. Since the equipment would require the façade to flex slightly, this area would be primarily exterior insulation and finish system, or EIFS.

- **Proposed signage.** The proposal includes a sign plan specific to the iFly building. The proposed sign plan would allow signage on all four building elevations.

<table>
<thead>
<tr>
<th>Elevation</th>
<th>Proposed Sign Area</th>
<th>Percentage of Wall face</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>235 sf</td>
<td>Approximately 4%</td>
</tr>
<tr>
<td>East</td>
<td>105 sf</td>
<td>Approximately 4%</td>
</tr>
<tr>
<td>South</td>
<td>Sign One: 80 sf</td>
<td>Approximately 2%</td>
</tr>
<tr>
<td></td>
<td>Sign Two: 50 sf</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total: 130 sf</td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>105 sf</td>
<td>Approximately 4%</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 iFly and staff’s findings.

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

Further, the existing mall’s master development plan illustrates the three pad sites as restaurants. While the proposed indoor skydiving use is significantly different than what was originally envisioned, the proposed entertainment use would serve as a transitional use from the vehicular-orientated environment to the north to the envisioned pedestrian-friendly environment for the mall site.

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

  Yes, the proposed building design is reasonable. The proposed building is attractive and complimentary to the high quality and aesthetic used throughout the Ridgedale Center site and the restaurant pad to the west. Further, the site plan generally aligns with the overall site plans approved by the council in 2017.

- **Are the proposed signs reasonable?**

  Yes, the proposed signs are reasonable. The intent of the city’s sign ordinance is to balance the need for a well-maintained and attractive community with the need for effective communication and business identification. The city’s sign ordinance establishes regulations and maximum amounts of signage based on the zoning district. However, within the planned unit (PUD) and planned I394 (PID) districts, developments with unique signage needs can request to be regulated by sign plan rather than the sign ordinance. More information on the proposed signage can be found in the “Supporting Information” section of this report.

  Staff finds the proposed sign plan reasonable as:

  1. It is somewhat unclear whether signage for the proposed building should be regulated by the city’s sign ordinance, the Ridgedale sign plan, or the design criteria. The proposed sign plan would provide clarity to staff, future tenants and the property owner.

  2. As proposed, the signage on the south – or front – elevation would be pedestrian-scaled and would visually align with the signs contemplated in the design criteria for the Ridgedale restaurant site. The remaining elevations would be scaled for visibility by vehicular traffic on adjacent roadways.

  3. The scale of the signage on the proposed elevations would be visually proportionate to the building.

  4. The proposed sign plan would comply with the factors identified in the city’s sign ordinance for consideration of a sign plan on properties zoned PUD/PID.

---

1 Comprehensive Guide Plan, page IV-32
Staff Recommendation

Recommend the city council adopt the following for iFly at 12415 Wayzata Boulevard:

1) Ordinance amending an existing master development plan; and

2) Resolution approving final site and building plans and a sign plan.

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

**Surrounding Land Uses**
- **Northerly:** Wayzata Boulevard and I394
- **Easterly and Southerly:** Ridgedale mall, zoned PID, and guided mixed use
- **Westerly:** Bonaventure Shopping Center, zoned PID, guided mixed use

**Planning**
- **Guide Plan designation:** Mixed Use
- **Zoning:** PID, Planned I394 District

**City Actions**
The proposal requires the following applications:

- **Master development plan amendment.** The mall’s existing master development plan illustrates the three pad sites as restaurants. While iFly would still be considered an entertainment use, the use is significantly different than what was original envisioned. This, coupled with the increased building height, triggers an amendment to the master development plan.

- **Site and building plan review.** By city code, site and building plan approval is required for construction of any new building of the proposed size.

- **Sign plan review.** By code, all signage is regulated by the city’s sign ordinance. However, developments on properties zoned PUD/PID – which have unique characteristics and signage needs – may be regulated by a “sign plan” rather than by ordinance if approved by the city.

**Council Introduction**
In January 2018, the city council introduced an ordinance to amend the existing Ridgedale master development plan. The council continued to express support of the entertainment use. However, the council expressed concerns about the amount of signage shown on the building. The council also asked questions about the aesthetic of the rear view.

**Building setbacks:**
The proposed building would have the following setbacks:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>55 ft</td>
<td>57 ft</td>
</tr>
<tr>
<td>South</td>
<td>n/a</td>
<td>112 ft</td>
</tr>
<tr>
<td>East</td>
<td>n/a</td>
<td>253 ft</td>
</tr>
<tr>
<td>West</td>
<td>50 ft</td>
<td>284 ft</td>
</tr>
</tbody>
</table>

**Noise Impact**
During the council’s review of iFly’s concept plan, several members of the council inquired about the level of noise the use would generate. The applicant indicated that the mechanical equipment would not
generate excessive amounts of noise. Since the concept plan review, staff has reached out to several cities, which have existing iFly locations. All of cities contacted initially were concerned about noise generation as well, however, none of the cities contacted have had any noise complaints. Nonetheless, the city has mechanisms in place to address issues associated with real and perceived nuisances. Minnesota State Statute §7030 establishes maximum noise pollution standards. Additionally, the city’s noise ordinance essentially establishes community “quiet hours” from 10 p.m. to 7 p.m.

Proposed Signage

Both iFly and the property owner have asked for clarification on whether the site would be regulated by the Ridgedale sign plan or the sign ordinance. Recognizing that the use would have unique sign needs, staff worked with the applicant to scale the proposed signage appropriate to the size of the building. The following is intended to compare the amount of signage currently proposed to the existing Ridgedale sign plan and sign ordinance.

<table>
<thead>
<tr>
<th>Proposed</th>
<th>Ridgedale Sign Plan</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North – or – rear elevation</strong></td>
<td>3.5 ft tall x 59 ft long = 100 sf</td>
<td>1. maximum of one sign per elevation; 2. total height of sign cannot exceed five feet; 3. Total length of sign cannot exceed 75-percent of the lineal footage of the surface to which it is affixed. (north and south: 84 ft; East and west: 19 ft)</td>
</tr>
<tr>
<td><strong>East Elevation</strong></td>
<td>10 ft tall x 9.5 ft long = 100 sf</td>
<td></td>
</tr>
<tr>
<td><strong>South – or front – elevation</strong></td>
<td>Sign one: 4 ft tall x 20 ft long= 80 sf Sign Two: 1.75 ft tall x 29 ft long = 51 sf</td>
<td></td>
</tr>
<tr>
<td><strong>West Elevation</strong></td>
<td>10 ft tall x 9.5 ft long = 100 sf</td>
<td></td>
</tr>
<tr>
<td><strong>Total for property</strong></td>
<td>431 sf</td>
<td>n/a</td>
</tr>
</tbody>
</table>

For visual reference, staff has included information on existing mall tenants:

<table>
<thead>
<tr>
<th>Tenant</th>
<th>Elevation</th>
<th>Sign Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>iFly: east and west elevations</td>
<td></td>
<td>Building Height: 56 ft</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sign Height: 9.5 ft</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sign area: 105 sf</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Percentage of wall face: 4%</td>
</tr>
</tbody>
</table>
| Macy’s North Elevation | Building height: 49 ft  
Sign height: 18 ft*  
11 ft**  
Sign area: 715 sf  
Percent of wall face: approx. 4% |
|------------------------|---------------------------------|
| Macy’s East Elevation  | Building height: 49 ft  
Sign height: 18 ft*  
11 ft**  
Sign area: 715 sf  
Percent of wall face: approx. 5% |
| Nordstrom East Elevation | Building height: 43 ft  
Sign Height: 5.25 ft  
Sign area: 227 sf  
Percent of wall face: approx. 2% |

* as measured from the top of the apostrophe to the bottom tail of the y.  
** as measured excluding the top of the apostrophe and the tail of the y.

**Sign Plan**

The proposed signage would comply with all the sign plan standards as outlined in City Code Section 325.06:

1. The development includes a high rise (greater than 3-story) structure;

   **Finding:** The proposed building would have a height of approximately 56-feet. This would be tall enough to be considered a high-rise structure.

2. The development includes multiple structures and/or substantial site area;

   **Finding:** While the sign plan would be intended to regulate signage on one, sole structure, the structure would be part of the larger Ridgedale Mall development, which includes multiple structures and a substantial site area.
3. The development includes mixed uses;

**Finding:** The structure would be part of both the Ridgedale restaurant and mall sites. Both of these sites include a variety of uses and building scales.

4. A sign plan is unique adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and

**Finding:** Given the height and mass of the building, staff finds that the proposed signage is scaled appropriately. The proposed signage on the front façade is reasonably scaled for pedestrian traffic. The signage proposed for the north, east and west facades are reasonably scaled for vehicular traffic and visibility from I394.

5. The sign plan includes permanent sign covenants which can be enforced by the city.

**Finding:** If approved, the proposed signage on the plans would establish the placement, size and scale of the signs for the building. Changes to alter the approved location or changes to increase the size or scale of the signs would require further review by the planning commission.

**SBP Standards**

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

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

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

2. Consistency with this ordinance;

**Finding:** The proposed site and building are consistent with minimum ordinance standards.

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

**Finding:** In 2017, the city approved a grading permit to remove a portion of the mall parking lot to create the pad sites. Under that permit, the site was prepared for the development of the subject
property. As such, minimal site work is required to accommodate the proposal.

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

**Finding:** The proposal includes a building that incorporates many of the architectural features and aesthetics from the Ridgedale mall and the approved plans for the restaurant pads to the west.

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

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

   b) the amount and location of open space and landscaping;

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

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

**Finding:** The proposal would result in a high quality redevelopment with a logical placement of buildings, use of high quality materials, incorporation of landscaping and open space, and orderly routes for vehicle and pedestrian circulation and parking.

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

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

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

**Finding:** The proposal would not negatively impact neighboring land uses. Rather, it is anticipated that such redevelopment would result in both a physical and visual improvement to the Ridgedale Mall.

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

**Pyramid of Discretion**

- **Motion Options**
  - The planning commission has three options:
    1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the ordinance and resolutions approving the proposal.
    2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the council denying the requests. This motion should include findings for denial.
    3. Table the proposal. In this case, a motion should be made to table the item. The motion should include a statement as to why the proposal is being tabled with direction to staff, the applicant, or both.

- **Voting Requirement**
  - The planning commission will make a recommendation to the city council. The city council's final approval requires an affirmative vote of a simple majority.
<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 1419 area property owners and received no comments to date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadline for Decision</td>
<td>May 16, 2018</td>
</tr>
</tbody>
</table>
Ifly
Address: 12415 Wayzata Blvd
Project No. 17004.17b

City of Minnetonka

This map is for illustrative purposes only.
IRRELEVANT TEXT ELIMINATED FOR CONCISENESS

**LANDSCAPE BED IRRIGATION LIMITS**
To be irrigated by drip lines or spray heads.

**LAWN AREA IRRIGATION LIMITS**
To be irrigated by rotor heads.

**IRRIGATION NOTES**

1. This drawing illustrates the scope and concept for the irrigation system. It does not specify all the work.
2. Submit shop drawings for a complete and functional irrigation system to provide adequate head spacing with 100% coverage where shown.
3. Locate all valves and quick couplers on the inside edge of all shrub beds where practical. Install valves boxes for both quick couplers and valves. At all valves, install valve covers and label.
4. Comply with all local irrigation codes and regulations required by the City.
5. Provide and pay for all permits, fees, and inspections necessary for execution of the work.
6. Observe and pay for all permits, fees, and inspections necessary for execution of the work.
7. Confirm all quantities. Supply sufficient quantities to complete the job as drawn.
8. Route all irrigation lines around existing plant material. Take extreme caution not to sever roots and root balls.
9. All irrigation lines to be 100% PVC, Schedule 40. All irrigation laterals to be Polyethylene HD-100. Double clamp all lines 1" or larger.
10. Locate all conduits under pavements, coordinate with concrete contractor to provide necessary facility connections.
11. Provide RPZ backflow preventer and all other necessary plumbing.
12. Provide owner as-builts.
13. If necessary, contractor to provide a booster pump system to handle the volumes and pressures of water required by the irrigation system.
14. Contractor to coordinate location of 110 Volt power source for field controllers with the irrigation consultant and electrical engineer.
15. Irrigation contractor to provide a controller in a watertight, lockable cabinet.
16. Irrigation contractor to coordinate with general contractor and engineer to ensure correct location of domestic water line and any pre-existing control line.
17. Irrigation system to be maintained.

**PERFORMANCE IRRIGATION PLAN**

**Lawn Area Irrigation Limits**
To be irrigated by rotor heads.

**Landscape Bed Irrigation Limits**
To be irrigated by drip lines or spray heads.
EXTERIOR FINISHES
Ridgedale Master Development Plan
PHASE I
MACY'S EXPANSION
81,085 SF (2 LEVELS)

PHASE II
NORDSTROM
ANCHOR 138,000 SF

MACY'S
RIDGEDALE CENTER
J.C. PENNY
SEARS
FIRESTONE AUTOMOTIVE

PHASE I
STORMWATER POND IMPROVEMENTS

EXISTING BUILDING TO BE RECONFIGURED

PHASE I
LANDSCAPE IMPROVEMENTS

PHASE II
PARKING RESTRIPED
485 LOTS

PHASE I
PARKING RESTRIPED
445 LOTS

MECH 500 SF
TENANT 1C 2,948 SF
TENANT 1A 2,500 SF
TENANT 1D 3,500 SF
TENANT 1B 2,200 SF
SERVICE 894 SF

MECHANICAL ZONE
UTILITY TRANS.
OPTIONAL PAD 6,350 SF

PAD 36,500 SF

PAD 26,350 SF

COMPACTOR ZONE

PATIO 1A 1,223 SF
PATIO 1B
PATIO 1C 1,107 SF
PATIO 1D

PATIO 1,365 SF
PATIO 770 SF

PHASE III
THREE RESTAURANT OUTPARCELS
104 spaces proposed
NET REDUCTION OF 262 SPACES
Ridgedale Restaurants
Concept Plan
DO NOT FABRICATE DIRECTLY FROM THESE DRAWINGS. These drawings are for the sole purpose of expressing visual design intent only and are not intended to be used for actual fabrication purposes. Fabricator/contractor accepts total responsibility for materials selection, dimensions, engineering, fabrication and installation.

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Rendering
Front Facade
A. Concept plan review for iFLY at 12415 Wayzata Boulevard.

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

Cauley reported. She recommended commissioners provide their reaction and general comments related to building scale, building design, and appropriateness of the use of the site.

Patrick Framel, Sky Group Investments, LLC., and Mark Lee, real estate and development director for North American iFLY, representing the applicant, introduced themselves. Mr. Framel provided illustrations of the proposed unique structure and a video. Mr. Framel stated that their mission is to make the dream of flight a reality. Ages 3 to 103 years are eligible to participate. The company has safely flown over 7 million people in 15 countries since 1998. The environment is completely controlled. There is no noise outside of the facility. The company is one of the largest providers of STEM education. The company provides community impact programs. The shape of the building is driven by the mechanics. Adjustments have been made to match the color scheme mandated by GGP’s design criteria that was approved by the city. The sign would be modified to integrate with the surrounding buildings. This is not the application phase. He would appreciate feedback.

Powers asked how many sites have failed. Mr. Framel said zero. The company has opened 66 facilities since 1998 and all are still operating.

Schack asked if food or beverages would be provided. Mr. Framel stated that birthday parties or corporate events may be catered. Vending machines are available for beverages. There would be a large berm between the rear of the building and Interstate 394. There would be an air conditioning unit outside, but no other noise would be heard outside. It would be similar in height to a five-story apartment building.

Powers asked why this would be the best site. Mr. Framel answered that this area is already dynamic and draws people from the region. He likes the family focus. Most of the other facilities are on pads in mall parking lots. The typical experience lasts an hour or an hour and fifteen minutes with actual flight time of a couple minutes. The price is typically $50, but varies depending on the time of year.

Powers asked if the use would have back-up power in case of a power outage. Mr. Framel answered in the negative. The engine would not come to a complete stop if it failed. The fans would continue to move air and slow down gradually. A tremendous amount of testing has been done.
Mr. Framel stated that the sign plans have not been finalized.

Chair Kirk invited audience members to provide comments.

Ryan Smith, Minneapolis resident, stated that he has visited several iFLY locations. He is very excited. The building looks weird on paper, but it looks great in person. He prefers the big sign that would be legible from the interstate. It would bring patrons to the mall.

Knight liked that the building would be see-through. It would not be as noticeable. He suggested an exterior color that would blend in with the background, but did not object to the building’s appearance. He liked the logo of a person flying. He noted that the “Macy’s” sign is not visible from the interstate until the driver is passing the site.

Schack noted that the city council approved a 42-foot sign for Total Wine. The concept plan’s sign is 56-feet tall.

Calvert thought that the logo looks neat, but the sign would look too much like a billboard. It would not be in compliance with the sign ordinance. She thought the building would provide a good transition to add more mass to the area. The use would fit the area, but the proposed logo would be too big. She would like materials used to make it blend in.

Powers disagreed. The sign should be bright, attractive, and inviting. The future of Minnetonka is density and mass. This would lead the Ridgedale area. He did not want it to blend in to the extent that Knight mentioned, but he does not want it to be an eye sore.

Chair Kirk suggested the applicant work with the sign ordinance to brand the building. He supports the proposed concept.

Sewall was confident a compromise could be made for the signs. He would have the “indoor skydiving” face Interstate 394. The use would fit the area similar to a movie theater. He liked the unique look and being able to look through the building would be an asset. It would be large, but the interstate would be elevated and there are no residential areas real close without buffering. He was glad there would be no exterior noise. It looks great.

Chair Kirk likes the STEM educational component of the use. He hoped economical packages would be provided for groups of students.

Schack supports the proposal. It would be great to have a unique attraction. It would be an asset to the city and Ridgedale Center. It is a great family
opportunity. The height looks different, but she recognized other uses that have been allowed to have signs larger than allowed by the sign ordinance.

Chair Kirk realized that the proposed building would highlight the area and surrounding businesses. He was comfortable with the scale. The use would be brilliant.

Sewall suggested that General Growth Properties update a plan for the future.

Chair Kirk and Wischnack discussed the master development plan for the Ridgedale area.
A. Concept plan review for iFLY at 12415 Wayzata Boulevard

City Planner Loren Gordon gave the staff report.

Mark Lee, director of development for iFLY, said he was glad to talk about bringing the dream of flight to people visiting Ridgedale. This would be the first and only location of iFLY in Minnesota. He shared a video of what indoor skydiving was. He said it was great watching his brother experience the experience. He couldn’t be more glad to bring indoor skydiving to Minnetonka.

Schneider said the size of the building likely wasn’t an issue but signage could be. Allowing visibility from 394 was important but to have signage around the building might be problematic. He said iFLY could attract a whole different market of people to the mall that would not otherwise come. Over time it would expose the other retailers to a lot broader base given the uniqueness of iFLY. He asked if there was a possibility to link the experience with virtual reality goggles to let users feel like they were skydiving into something other than a glass bubble. Lee said the company was looking into that option although it hadn’t rolled it out in any of its other locations.

Allendorf said he appreciated the concept views of how the building related to its neighboring buildings. He agreed iFLY would open up an entertainment option that currently didn’t exist in the city. He said he too was concerned about the signage. His first inclination was to allow iFLY to have signs all over but then he questioned what that meant for other tenants of the mall. He said it would be a fine line between allowing the proper signage for this business, if the process proceeds, with what that would mean for the other businesses at the mall.

Bergstedt asked Lee to address potential noise issues with restaurants with outdoor seating on either side of the proposed site. Lee said because of the recycling air design, the noise never escapes the building. It was silent from the outside. Inside the chamber ear protection would be worn because of how loud it will be. Bergstedt asked if iFLY was successful in Minnetonka, if the company would look at other Minnesota locations. One of the appeals was it would bring a whole new clientele to Ridgedale. This would be lost if the plan was to saturate the metro area with similar stores. Lee said he saw it likely as a two store market with an east/west strategy. There was nothing currently in the works. Bergstedt noted there was an indoor skydiving facility in Scottsdale, Arizona. He asked if that was owned by iFLY. Lee confirmed it was owned by iFLY. He said some of the older
facilities had a louvered system that allowed air in for cooling. Those systems were louder. The Minnetonka facility would have a chiller system that doesn’t need outside air. He noted there would be wall to wall steady air flow so a person couldn’t fall off the stream of air unlike some of the competitors. Bergstedt said he was excited about the use but he too was concerned about balancing the signage.

Acomb said Lee had estimated there would be around 150,000 visitors a year. This would mean around 400 people a day would visit iFLY. She asked if this was based on data from other sites. Lee said the number was based on other sites but was on the high side. He said the Twin Cities was the second largest metro area that iFLY was not in. The only larger city was Boston.

Ellingson asked how many people could fly at a time. Lee said for new flyers there would be only one person in the chamber at a time. There always would be an instructor in the chamber as well.

Wiersum asked for information about the typical customer experience. Lee said most people call ahead or signup online. The experience lasts about an hour and a half. There is a course that teaches people the concepts. The person gears up. The flying experience lasts about a minute. This is longer than a free fall when a person jumps out of a plane. The cost is around $60. Wiersum asked who the target audience was. Lee said it varies a bit by area but usually it’s those 7 to 17 years old or 9 to 19 years old.

Schneider said one downside was if iFLY left, there wasn’t much of a reuse of the building. Lee said because of the deal structure, iFLY was paying for the building so it was in their best interest to make sure the business succeeds. What would likely happen when the tunnel gets decommissioned, was the entire building would be taken down.

Acomb asked if because the building was a high energy user, solar energy was an option. Lee said he was on an energy call earlier in the week when solar energy was discussed. Nothing has been ruled out. The number one cost is electricity.

Annette Bertelsen, 13513 Larkin Drive, said she was speaking on behalf of a group of residents who live in the Essex Hills neighborhood. The group was thrilled about the use and was looking forward to having an attraction like this at Ridgedale. She said the neighborhood group had questions about the traffic and if an application was submitted, if there would be a traffic study. The group also had questions if the placement of the building was the best location to accommodate future growth. She suggested if there was a neighborhood meeting that representatives from
General Growth attend to talk about their visions for future growth and structured parking on the mall property — or, alternatively, that they attend the first public engagement discussions coming up for the comprehensive guide plan for the Ridgedale Village area.

Wischnack noted that no one attended the first planning commission meeting on the project. Around five hundred people in the central area were notified of that meeting. Because the iFLY representative was flying in from Austin, Texas, and the General Growth representative was flying in from Chicago, it was challenging to setup a neighborhood meeting where they could attend. She said it could be done if that was what the council directed. Schneider said he was assuming that type of meeting might occur during a formal application process. Allendorf said he thought it made more sense to have the General Growth representative attend a meeting as part of the comprehensive guide plan process for the area rather than a neighborhood meeting for this project. Bergstedt said given the quiet, yet unique use of this project and its location, he didn’t think many people would attend a neighborhood meeting other than hearing from a General Growth representative. He didn’t want to make the applicant fly in for a meeting that no one attended. Schneider said he supported separating the overall visioning of the Ridgedale area and this project.
Ordinance and Resolution
The City Of Minnetonka Ordains:

Section 1.

1.01 The subject property is located at 12415 Wayzata Boulevard. It is legally described as:

   Tract B, Registered Land Survey No. 1826, files of the Registrar of Titles.

1.02 In 2013, the city approved the master development plan for Ridgedale Shopping Center. The master development plan consisted of three phases. The third phase included the construction of three freestanding restaurants on the northwest side of the mall.

1.03 In 2017, the city approved site plans and design criteria for the three restaurant pads indicated on the master development plan as phase three. A conditional use permit and building plans were approved for the first and westernmost pad site.

1.04 SkyGroup Investments, LLC (‘iFly’) has submitted plans to develop the second pad site with a building intended to be used for indoor skydiving. While the use is still an entertainment use, it is significantly different than what was originally envisioned for the pad sites.

Section 2.

2.01 This ordinance is based on the findings that the proposed development would not negatively impact public health, safety or welfare.

Section 3.

3.01 Approval is subject to the following conditions:

   1. The site must be developed and maintained in substantial conformance with the following plans:
• Site layout and paving plan dated Jan. 10, 2018;
• Grading plan dated Jan. 10, 2018;
• Utility plan dated Jan. 10, 2018;
• Landscape plan dated Jan. 10, 2018;
• Performance irrigation plan dated Jan. 10, 2018;
• Site plan dated Jan. 9, 2018;
• Site and building elevations dated Jan. 9, 2018;
• Floor plan dated Jan. 9, 2018;

The above plans are hereby adopted as the master development plan and as final site and building plans.


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

Section 5. This ordinance is effective immediately.

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

Brad Wiersum, Mayor

ATTEST:

David E. Maeda, City Clerk

Action on this ordinance:

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

Date of publication:
I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on Feb. 26, 2018.

David E. Maeda, City Clerk
Resolution No. 2018-

Resolution approving final site and building plans and a sign plan for iFly at 12415 Wayzata Boulevard

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

Section 1. Background.

1.01 SkyGroup Investments, LLC ('iFly') has requested approval of final site and building plans for an indoor skydiving venue at 12415 Wayzata Boulevard. The request also includes a sign plan. (Project 17004.17a).

1.02 The subject property is located at 12415 Wayzata Boulevard. It is legally described as:

Tract B, Registered Land Survey No. 1826, files of the Registrar of Titles.

1.03 On Feb. 15, 2018, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve the request.

Section 2. General Standards.

2.01 City Code §300.27, Subd. 5, states that in evaluating a site and building plan, the city will consider its compliance with the following:

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

2. Consistency with the ordinance;

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

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

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

   b) the amount and location of open space and landscaping;

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

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

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

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

2.02 By City Code §300.30 Subd.9(h) the city may consider and approve sign plans with differing standards for properties located within the PID district. Factors used in determining if an individual sign plan will be considered include the following:

1. The development includes a high rise (greater than 3 story) structure;

2. The development includes multiple structures and/or substantial site area;

3. The development includes mixed uses;

4. A sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and

5. The sign plan includes permanent sign covenants, which can be enforced.
by the city.

Section 3. Findings.

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

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

2. The proposed site and building are consistent with minimum ordinance standards.

3. In 2017, the city approved a grading permit to remove a portion of the mall parking lot to create the pad sites. Under that permit, the site was prepared for the development of the subject property. As such, minimal site work is required to accommodate the proposal.

4. The proposal includes a building that incorporates many of the architectural features and aesthetics from Ridgedale Mall and the approved plans for the restaurant pads to the west.

5. The proposal would result in a high quality redevelopment with a logical placement of buildings, use of high quality materials, incorporation of landscaping and open space, and orderly routes for vehicle and pedestrian circulation and parking.

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

7. The proposal would not negatively impact neighboring land uses. Rather, it is anticipated that such redevelopment would result in both a physical and visual improvement to Ridgedale Mall.

3.02 The proposal would meet the sign plan standards outlined in the City Code City Code §300.30 Subd.9(h)

1. The proposed building would have a height of approximately 56-feet. This would be tall enough to be considered a high-rise structure.

2. While the sign plan would be intended to regulate signage on one, sole structure, the structure would be part of the larger Ridgedale Mall development, which includes multiple structures and a substantial site area.

3. The structure would be part of both the Ridgedale restaurant and mall sites. Both of these sites include a variety of uses and building scales.
4. Given the height and mass of the building, the proposed signage is scaled appropriately. The proposed signage on the front façade is reasonably scaled for pedestrian traffic. The signage proposed for the north, east and west facades are reasonably scaled for vehicular traffic and visibility from I394.

5. If approved, the proposed signage on the referenced plans would establish the placement, size and scale of the signs for the building. Changes to alter the approved location or changes to increase the size or scale of the signs would require further review by the planning commission.

Section 4. City Council Action.

4.01 The final site and building plans and sign plan for iFly are approved based on the findings outlined in section 4 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Site layout and paving plan dated Jan. 10, 2018;
   - Grading plan dated Jan. 10, 2018;
   - Utility plan dated Jan. 10, 2018;
   - Landscape plan dated Jan. 10, 2018;
   - Performance irrigation plan dated Jan. 10, 2018;
   - Site plan dated Jan. 9, 2018;
   - Site and building elevations dated Jan. 9, 2018;
   - Floor plan dated Jan. 9, 2018;

2. Prior to issuance of a building permit:
   a) Submit or complete items associated with site work:
      1) Submit an electronic PDF copy of all required plans and specifications.
      2) Submit a revised survey, which includes all right-of-way easements.
      3) Submit a final ADA compliant site plan.
      4) Submit a final utility plan:
         a. Areas within 10-feet of the building must comply with the plumbing code for materials and methods.
b. Confirm the sanitary sewer lateral size. Current plan indicates an 8-inch line whereas the 2017 grading plan indicates a 6-inch line. The 8-inch pipe cannot connect to the 6-inch main. If this condition exists, the lateral must be removed and replaced with 6-inch pipe.

5) Submit a final landscaping plan. The plan must meet minimum landscaping and mitigation requirements as outlined in ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on-site conditions.

6) Submit impervious surface calculations for the pad site to confirm that the installed stormwater management facility has sufficient capacity.

7) Submit individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct comply with grading permit and landscaping requirements and to restore the site. One itemized letter of credit is permissible, if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the underground facility has been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.

8) 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.

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

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

- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
10) This resolution must be recorded at Hennepin County.

11) Install 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.

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

b) Submit items associated with building work:

1) A final material and color palate board for staff review and approval.

2) All required hook-up fees.

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

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

6. Construction must begin by Dec. 31, 2019, unless the planning commission grants a time extension.

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 certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on Feb. 26, 2018.

David E. Maeda, City Clerk
Minnetonka Planning Commission Meeting
Feb. 15, 2018

Agenda Item 9

Other Business
Brief Description

Concept plan review for Chabad Center for Jewish Life at 11170 Mill Run and 2339 Hopkins Crossroad.

Action Requested

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

Background

The Chabad Center for Jewish Life purchased the properties at 11170 Mill Run and 2339 Hopkins Crossroad in July 2017. The organization is proposing to construct a religious facility on the combined site. By City Code 300.10 Subd.4(b), religious facilities are conditionally-permitted uses in the single-family residential zoning district. The proposed two-story building would have a total area of roughly 15,000 square feet. The building would be served by a 40-stall parking lot and would be used for a variety of activities including religious services, lectures, classes, and private study.

Concept Plan Review Process

Historically, the city has used the Concept Plan Review process for projects involving amendments to a property’s land use designation or zoning of a property. The city’s action on such amendments is “legislative” in nature. In other words, in adopting such amendments the city is creating regulations for a property. The city has broad discretion when creating regulations. The city has generally not used the process for conditional use permit (CUP) applications, as the city’s action on such permits is considered “quasi-judicial.” The city must evaluate a CUP request based on the regulations already established. (For more discussion on this topic, see the “Additional Information” section of this report.)

As there has been a great deal of public conversation regarding the Chabad Center proposal, staff suggested to Chabad that the Concept Plan Review process would be a way to receive additional feedback prior to submitting a formal application. Chabad agreed to go through the process.

Review Process

The Concept Plan Review process includes the following:

- **Neighborhood Meeting.** Chabad held a neighborhood meeting on Jan.6, 2018. Roughly, 30 area residents attended the meeting. Residents expressed concern about: (1) the non-residential use of the property; (2) mass and design of the proposed building; (3) site impacts, such as tree removal and stormwater runoff; (4) site access; and (5) traffic and parking.

- **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 property owner of
conceptual sketches and ideas, but not detailed engineering plans. 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 any comments and feedback that 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: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner
ADDITIONAL INFORMATION

Making versus Applying Law

“When creating, adopting and amending land use plans and zoning ordinances, a city is making law by exercising so-called “legislative” authority. The council sits as a body of elected representatives to make plans and laws (ordinances) for an entire community to advance health, safety, and welfare. When acting legislatively, the council has broad discretion and will be afforded considerable deference by any reviewing court. In contrast, when applying existing plans and laws, a city council is exercising so-called “quasi-judicial” authority. The limited task is to determine the facts associated with a particular request, and then apply those facts to the relevant law. A city council has less discretion when acting quasi-judicially, and a reviewing court will examine whether the city council applied rules already in place to the facts before it.” ¹

Next Steps

- **Formal Application.** If the property owner 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.

- **Planning Commission Review.** The planning commission would hold an official public hearing on the formal application 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.
Chabad Center for Jewish Life

Chabad Center for Jewish Life will contain approximately 15,000 gross square feet. There will be two wings to the building:

The East Wing will be a two story brick structure, with elevator, containing:
Ground Floor: Chabad offices, library/study/ daily services, mikveh (ritual bath); Second Floor: Classrooms, mechanical/storage

The West Wing will be a one story structure containing a large assembly space with a moveable partition separating the social hall from sanctuary/presentation/study room. These spaces will have be accessible from a pre-function space and will be connected via service hall to storage, kitchen/pantry and loading dock. There will be a small terrace north of the social hall accessible from three pairs of french doors.

**BUILDING ACCESS**

There will be two entrances to the facility between the East and West Wings – the main entrance from the north and a second entrance from the south side of the building which will also provide secure access to the men’s mikveh and the vessel mikveh. A covered, dedicated entrance to the women’s mikveh on the east side of the building (by appointment only).

**HOURS OF OPERATION AND OCCUPANCY LOAD**

**Monday – Friday**

Services in the morning 10-15 people
Some classes throughout the day 5-15 people
Evening classes and lectures. Regular 5-15, 3 courses x 6 up to 30-50 people at any given time

**Friday night** once a month 75 – 125 people

**Shabbos** 10am - 2 pm 50 -100 people

**Sunday** 8am 10-15 people, 9:45am -12pm 35-50 people

**Mikveh** approximately four people per week by appointment only.

**Holidays**: 75 - 150 people 5-10 times

NOTE: On Friday evening and Saturday (Shabbos) and holidays, some of the attendees will arrive on foot so there will be reduced parking demand from what one would typically calculate.
**MATERIALS**

**East Wing**

Exterior walls: Brick

Roof: Standing seam metal roof

Fence at mikvah garden: wood

**West Wing - Pre-function Space:**

Walls: Stucco and brick as shown.

Windowwall: Glass set into structural wood frame with exterior sunscreen of medium-density overlay (MDO) laser-cut board

Roof: EPDM

**West Wing - Service Wing:**

Walls: Medium-density overlay (MDO) laser-cut board over MDO backing on wood frame.

Mechanical yard (on roof): Medium-density overlay (MDO) laser-cut board screening mechanical equipment on roof.

Fencing around Loading/dumpster area.

**West Wing - Social Hall:**

Exterior walls: Stucco

Roof: Standing seam metal roof

**West Wing - Sanctuary/study room:**

Exterior walls: Stucco

Windows: Clerestory windows on north, south and west. Indirect, deep-cavity windows in thick wall on east facade.

Roof: EPDM

**LIGHTING**

Site lighting will be guided by two factors:

1) to provide for safety, security and visibility for visitors to the Chabad Center.

2) To limit light spill and glare off site – horizontally, towards neighboring land and vertically, light pollution to the sky. We follow the dictates of the International Dark Sky Association [www.darksky.org](http://www.darksky.org)

3) Interior lighting will be designed to effectively place light where it is needed for safety and visibility and affect and to limit lighting and energy use where and when not efficacious.
PARKING

The property will have forty (40) parking stalls including three HC accessible stalls. Thirty-two (32) stalls are arrayed in the main lot along the north property setback; five (5) and three (3) stalls will be located on the southwest and southeast sides of the south entrance, respectively.

LANDSCAPING & GRADING

Existing trees along the perimeter and other trees undisturbed by the construction of the facility will be preserved to the extent possible. The grove on the southwest corner will be tended, restored and limbed up to provide a permeable screened view to motorists traveling north. The northwest corner will be regraded and landscaped appropriately to frame views into the site while obscuring views of vehicles. The arborvitae hedge along the west property line will be tended and mended to provide a partial screening from Hopkins Crossroads.

The landscape plan has not been finalized. New plantings will be installed along the north and east property line to screen light and view from residences to the north and east. Species may be a mix of evergreens and, possibly, deciduous plantings with high twig density.

Regrading will primarily take place along the west side of the site, filling in the excavated access to the existing cellar garage and lowering the spoil hillock at the northwest corner. The main floor elevation of the new facility will be approximately +960’ above MHW. Thus, the main floor will be approximately 12’ below the grade at the southeast corner of the property.

The existing swale draining the site onto neighboring properties will be remediated. All precipitation falling on the site will be managed on site.

TRAFFIC & VEHICULAR ACCESS

Access to the site and traffic movements are currently being considered with decisions pending discussion with City and County officials.
Dear Susan and Ashley:

During our meeting last week you requested that we provide written feedback on the project by expressing both our concerns as well as outlining some of the things that we could live with if the project were to be approved. We have reviewed the information that has been uploaded on the eminnetonka web site and would like to share our thoughts in writing with you.

1. Concerns:

A) Traffic and turning on and off of Hopkins Crossroad. We calculate that every ten people arriving and departing the property at rush hour will result in 800 turns per month on and off of Hopkins Crossroad on weekdays alone. This is a real safety concern. Chabad currently estimates there will be 10-15 congregants on site for morning and evening prayers. Morning and evening prayer schedules roughly correspond to daily rush hours. That number of participants may be currently accurate, but we believe it will grow. If Chabad adds a preschool and/or day care, pick ups and drop offs will also take place during rush hours. Adding well over 1,000 rush hour turns a month to a two lane road that carries 15,000 cars a day at high speeds is unsafe and carries a real risk of injury and/or loss of life. This is contradictory to the safety language in the CUP.

B) Ingress/egress on Mill Run (MR) will lead to congestion during morning and afternoon rush hours as getting in and out of MR will become even more difficult. Wait times can already exceed five minutes per car to exit MR at rush hour. Ingress/egress on MR will also lead to parking on MR. An ingress/egress off of MR is contradictory to the language of the CUP because MR is not an arterial or collateral road. Any concerns about space for emergency vehicles can be addressed by creating a larger turnaround area for emergency vehicles on the site and making the building and parking lot smaller. The obligation to create sufficient space for emergency vehicles is on Chabad, not MR.

C) Large gatherings at the synagogue will lead to overflow parking on MR. We dispute the comment on the plans that enough people will walk to the synagogue on Saturday and Holy Days that there will be no overflow parking. Chabad’s “methodology” is to be very welcoming and to be somewhat proselytizing. That means they don’t shame those who are not that observant and who drive to Synagogue on Saturdays and Holy Days. Overflow parking on Mill Run is a likely consequence of well attended services. Overflow parking on Mill Run is a likely consequence of well attended life cycle events such as B’nai Mitzvahs, Brit Milahs, weddings and other celebratory events. Well attended community events such as films and lectures will likely lead to overflow parking on Mill Run. Rabbi Grossbaum is building a large facility with the expectation of making it a busy, active place. That means parking and traffic will exceed the capacity of the site.

D) It appears from the plans that the top height of the structure may approach fifty (50) feet. If correct, that is hugely disproportionate to any residential structure in the neighborhood, even higher than what was presented at the 1/16/18 neighborhood meeting and is contradictory to the language in the CUP about new structures fitting in with the neighborhood. The newly constructed Tanglen gymnasium is about thirty feet tall and that dwarfs any residential structure in the neighborhood. The drawings appear to indicate that Chabad’s building will be considerably taller than the gymnasium and it sits on a hill.
E) The structure has an institutional appearance that is esthetically unappealing and does not fit with a residential neighborhood. That is also contradictory to the CUP language about a new structure fitting in with the neighborhood.

F) A 15,000 square foot building is approximately two and a half times the size of the largest residential structure in the vicinity. That also contradicts the CUP language about a new structure fitting in with the neighborhood.

G) Forty parking stalls creates the risk of runoff in the event of heavy storms.

H) Chabad doesn’t charge dues and doesn’t charge for most of its programs. That means very little operating revenue. Therefore, we believe that it is advisable for the city to require that Chabad raise enough funds to provide the city with a 10 year maintenance and property management budget so that the property doesn’t fall into disrepair and become an eyesore. The city must be vigilant in determining how Chabad plans to maintain the property once it is built. A poorly maintained site will reduce property values in the surrounding neighborhoods.

I) No synagogue related parking in MR. Cars will be ticketed by the city.

2. Acceptable Uses:

A) Ingress/Egress off of Hopkins Crossroad only. Hopkins Crossroad is an arterial or collateral roadway, which is consistent with the language of the CUP. Right turns only out of the Chabad property during during rush hours. That will reduce the safety hazard and take some of the pressure off of cars turning out of MR and Fetterly at the same time.

B) Posts erected at the current curb cut on Mill Run to prevent MR become a Chabad traffic outlet.

C) A larger turnaround area on the Chabad site for emergency vehicles.

D) Right turn only out of the site onto Hopkins Crossroads during rush hours from the property. This helps with safety issues and alleviates some concern of the Fetterly and Mill Run neighborhoods.

E) Building size of no greater than 9,000 square feet, 1.5 times the size of the largest house in the neighborhood.

F) Building height of 24’, approx the same height as the tallest houses.

G) The structure should have a residential look and feel. Examples in the neighborhood exist. The Shelter Corporation (newer construction) and and Sharai Chesed Congregation (purchased building), both at 394 and Hopkins Crossroad, would be excellent models for the architect to consider. A structure with a residential look and feel would be consistent with the language in the CUP.

Thank you again for meeting with us last week and for your time and attention to this issue.

Best Regards,

Jim Moscowitz and Amy Taswell
Brief Description
Concept plan review for Solbekken Villas, a residential development at 5740 and 5750 Shady Oak Road.

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

Background

The combined properties at 5740 and 5750 Shady Oak Road are generally known as the Music Barn site. The roughly 2.2-acre site is currently zoned planned unit development (PUD) and guided medium-density residential. It contains at least two distinctive features: (1) the existing Music Barn building; and (2) a steep, wooded slope.

In 2015, the city approved a proposal to redevelop the site. As approved, Shelter Corporation would construct a three-story, 27-unit apartment building. The existing barn would be used as community gathering space and incorporated into the new building. All of the apartments would meet the Metropolitan Council’s affordable housing guidelines. The city understood that the project, which would be financed in part through the sale of tax credits, would not begin until financing was available.

In 2017, Shelter Corporation notified the city that, due to significant devaluation of housing tax credits, the affordable housing project was no longer financial feasible.

The 2015 site and building plan approvals are now expired, but the rezoning and approved master development plan remain in place.

Current Concept

Great Oaks Development has submitted a new concept plan for the combined 5740/5750 Shady Oak Road properties. The plan contemplates removal of all of the existing buildings and construction of 15 new homes – three detached townhomes and twelve condominium units contained with three condo buildings. This concept would likely require: (1) repealing and replacing the existing master development plan; and (2) approval of final site and building plans.

Key Issues

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

- **Site Access:** Hennepin County has jurisdictional control of access to Shady Oak Road. Both county and city engineers would need to evaluate the access location suggested by a formal development application.

- **Site Impact:** Utility access, tree preservation, grading and drainage must be evaluated. A portion of the combined site would be regulated by the city’s steep slope ordinance. As part of a formal application, staff would conduct a thorough site impact analysis.
Review Process

The Concept Plan Review process includes the following:

- **Neighborhood Meeting.** Great Oaks held a neighborhood meeting on Feb. 8, 2017. Roughly, 12 area residents attended the meeting. Residents had the following questions:
  
  - Where are the second floor unit mechanicals located?
  - Any regrading of the hill?
  - Will the barn remain?
  - Will a setback variance be needed? PUD?
  - Where do visitors park?
  - How does one get from the garage to a unit?
  - Will there be an association?
  - Which way do the decks face?
  - What is the landscaping plan?
  - Where is the Edina project located?
  - How does the grade work from north to south on the site?
  - Has the south setback for the building and parking been considered?

- **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 property owner of conceptual sketches and ideas, but not detailed engineering plans. 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:** Susan Thomas, AICP, Assistant City Planner  
**Through:** Loren Gordon, AICP, City Planner
ADDITIONAL INFORMATION

Making versus Applying Law

“When creating, adopting and amending land use plans and zoning ordinances, a city is making law by exercising so-called “legislative” authority. The council sits as a body of elected representatives to make plans and laws (ordinances) for an entire community to advance health, safety, and welfare. When acting legislatively, the council has broad discretion and will be afforded considerable deference by any reviewing court. In contrast, when applying existing plans and laws, a city council is exercising so-called “quasi-judicial” authority. The limited task is to determine the facts associated with a particular request, and then apply those facts to the relevant law. A city council has less discretion when acting quasi-judicially, and a reviewing court will examine whether the city council applied rules already in place to the facts before it.” ¹

Next Steps

• **Formal Application.** If the property owner 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) staff can review resident comments.

• **Planning Commission Review.** The planning commission would hold an official public hearing on the formal application 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: Solbekken Villas
Address: 5740 and 5750 Shady Oak Rd
SOLBEKKEN VILLAS
MINNETONKA

Developer
Solbekken, LLC
Maarten Kuik and Edward Briesemeister
P. O. Box 139  Delano, MN 55328
Contact: Ed Briesemeister  1 404 789 4447  neb@greatoaks.us.com

Civil Engineer & Surveyor
Loucks, Inc.
7200, Hemlock Lane N #300, Maple Grove, MN 55369
Contact: Michael St. Martin, PE  1 612 237 8532  MStMartin@loucksinc.com

Architect & Planner
Dan Ionescu Architects & Planners / DIAP
1611, Borel Place #230 San Mateo, CA 94402
Contact: Dan Ionescu NCARB, AIA  1 650 544 6681  diones@diap.com
PROJECT DATA:
574–5750 SHADY OAK RD, MINNETONKA MN
SITE AREA: − 96,541 SQ. FT. (2.22 AC.)
NUMBER OF UNITS: 3 SF HOMES + 12 CONDOMINIUM HOMES
NUMBER OF CARS: 30 + 12 GUEST PARKING

SECOND & THIRD LEVELS
PRIVATE RESIDENCES

GROUND LEVEL
PRIVATE GARAGES AND UTILITY SPACES