Planning Commission Agenda

June 14, 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: May 24, 2018
5. Report from Staff
6. Report from Planning Commission Members
7. Public Hearings: Consent Agenda
   
   A. Approval of an expansion permit and variance to construct a new single-family home at 5718 Eden Prairie Road.
      
      Recommendation: Adopt the resolution approving the requested expansion permit and variance (5 votes)
      
      • Final Decision Subject to Appeal
      • Project Planner: Drew Ingvalson

   B. Variance to construct a garage addition at 3707 Elmwood Place.
      
      Recommendation: Adopt the resolution approving the variance (5 votes)
      
      • Final Decision Subject to Appeal
      • Project Planner: Drew Ingvalson

   C. Front yard setback variance for a porch addition at 11606 Minnetonka Mills Road
      
      Recommendation: Adopt the resolution approving the variance (5 votes)
      
      • Final Decision Subject to Appeal
      • Project Planner: Susan Thomas
D. Resolution approving front yard setback variances for construction of a new home at 3105 Shores Boulevard.

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

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

8. Public Hearings: Non-Consent Agenda Items

A. Resolution approving property line and wetland setback variances, and a wetland buffer width variance, at 2071 Austrian Pine Lane.

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

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

B. Site and building plan review for additions to the existing auto dealership building at 13400 Wayzata Blvd.

Recommendation: Adopt the resolution approving the final site and building plans (5 votes)

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

C. Items concerning Ridgedale Executive Apartments located at 12501 Ridgedale Drive.

Recommendation: Recommend the city council deny the requests (4 votes)

- Recommendation to City Council (Tentative Date: July 9, 2018)
- Project Planner: Loren Gordon

9. Other Business

A. Concept Plan review for Hennepin County Medical Examiner’s Office at 14300 Co. Rd. 62.

Recommendation: Discussion only. No formal action required.

- Recommendation to City Council (Tentative Date: July 9, 2018)
- Project Planner: Loren Gordon

10. Adjournment
Notices

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

2. Applications and items scheduled for the June 28, 2018 planning commission meeting:

   Project Description: The applicant is proposing to redevelop the existing properties at 5517 and 5525 Eden Prairie Road. Existing structures would be removed and five new villa-style homes would be constructed. The proposal requires approval of: (1) rezoning; (2) site and building plans; and (3) preliminary and final plats.
   Project No.: 17027.18a                      Staff: Susan Thomas
   Ward/Council Member: 1—Ellingson          Section: 33

   Project Description: The applicant is proposing to add a 970 square foot addition onto an existing building to expand a medical clinic at 10653 Wayzata Boulevard. The proposal requires approval of: (1) parking variance and (2) conditional use permit amendment.
   Project No.: 98054.18a                      Staff: Drew Ingvalson
   Ward/Council Member: 2—Wagner              Section: 01

   Project Description: The applicant is proposing to add two additional parking levels onto an existing five level parking structure at 12700 Whitewater Drive. The proposal requires approval of: (1) Site and Building Plan Review and (2) Master Development Plan.
   Project No.: 96007.18a                      Staff: Drew Ingvalson
   Ward/Council Member: 1—Ellingson          Section: 34

   Project Description: Minnetonka ISD #276 is proposing to convert the existing office building at 18707 Old Excelsior Boulevard into classrooms for its Vantage (Advanced Professional Studies) program. The proposal requires a conditional use permit for an educational facility. The proposal requires approval of: (1) a conditional use permit.
   Project No.: 18019.18a                      Staff: Susan Thomas
   Ward/Council Member: 3—Happe                Section: 30
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

2. Staff presents their report on the item.

3. The commission will then ask city staff questions about the proposal.

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

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

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

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

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

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

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

11. Final decisions by the planning commission may be appealed to the city council. Appeals must be written and filed with the planning department within 10 days of the planning commission meeting.

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

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

2. **Roll Call**

Commissioners Hanson, Knight, O’Connell, Powers, Sewall, and Kirk were present. Schack was absent.

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

3. **Approval of Agenda**

_Sewall moved, second by Powers, to approve the agenda as submitted with the revisions and additional comments provided in the change memo dated May 24, 2018._

_Sewall, Hanson, Knight, O’Connell, Powers, and Kirk voted yes. Schack was absent. Motion carried._

4. **Approval of Minutes:** May 10, 2018

_Hanson moved, second by Knight, to approve the May 10, 2018 meeting minutes as submitted._

_Sewall, Hanson, Knight, O’Connell, Powers, and Kirk voted yes. Schack was absent. Motion carried._

5. **Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of May 14, 2018:

- Adopted a resolution approving items for the three-lot Arundel Addition at 15500 Minnetonka Blvd.
- Adopted a resolution approving the Adler Graduate School at 10225 Yellow Circle Drive.
- Adopted a resolution approving a roof-line amendment for the Copper Cow.
- Adopted a resolution approving items for Solbekken Villas on Shady Oak Road.
• Tabled action on items for Chabad Center at 2333 and 2339 Hopkins Crossroad and 11170 Mill Run.

The next planning commission meeting will be June 14, 2018.

6. Report from Planning Commission Members

Sewall thanked staff for hosting the boards and commissions’ dinner and exercise on diversity.

Knight heard from residents how impressed they were with staff acting professionally in a difficult situation.

7. Public Hearings: Consent Agenda

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

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

A. Minor amendment to the existing Minnetonka Hills master development plan and final site and building plans.

Adopt the resolution approving an amendment to the Minnetonka Hills master development plan and final site and building plans.

B. Expansion permit to construct a porch addition at 16485 Creekside Circle.

Adopt the attached resolution approving an expansion permit to construct a porch addition to the single-family home at 16485 Creekside Circle.

C. Expansion permit to construct an addition at 10107 Lakeview Drive West.

Adopt the attached resolution approving expansion permit to construct an addition to the single-family home at 10107 Lakeview Drive West.

D. Conditional use permit for an accessory structure exceeding 12 feet in height and aggregate accessory structures exceeding 1,000 square feet in total floor area at 4024 County Road 101.

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory structure exceeding 12 feet in height and aggregate accessory structures exceeding 1,000 square feet in total floor area at 4024 County Road 101.

E. Conditional use permit for an accessory apartment at 2920 Ellsworth Lane.
Recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 2920 Ellsworth Lane.

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

Chair Kirk stated that an appeal of a planning commission final decision must be made in writing to the planning division within 10 days. Recommendations to the city council are scheduled to be reviewed by the city council on June 4, 2018 or June 18, 2018. Please check eminnetonka.com for updates.

8. Public Hearings

A. Expansion permits and a variance to allow construction of three home additions at 16912 Grays Bay Blvd.

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.

Knight asked if the two adjoining lots could be combined with the proposed site at some point to create a buildable lot. Ingvalson responded that the property would still not meet minimum-lot-size requirements.

The public hearing was opened.

Paul Chamberlain, 16962 Grays Bay Boulevard, applicant, explained that the additions would provide room for a closet and kitchen.

No additional testimony was submitted and the hearing was closed.

Powers drove by the property and thought the proposal would be appropriate and work out really well. Ingvalson provided a good report.

Chair Kirk stated that the application is normal for the area. The two-and-a-half-foot setback is justifiable because of the unbuildable buffer lots. The unique condition of the property having unbuildable lots on both sides prevents a precedent from being set.

Sewall agreed that the proposal is a unique situation because of the adjacent lots. The gaps are being filled in the same footprint. He supports staff’s recommendation.

Hanson supports staff’s recommendation. The design would be efficient.

Powers agreed that each application is considered on a case by case basis.
Chair Kirk stated that the unique conditions of the property are connected to the motion. The two adjoining properties make it very unique.

Knight confirmed with Ingvalson that the lot lines shown on the aerial view are most likely not accurate. Ingvalson stated that a survey would be required to confirm the location of the property lines.

Sewall moved, second by Hanson, to adopt the resolution approving the expansion permits and variance for the three additions at 16912 Grays Bay Blvd.

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

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

B. Items concerning Ridgedale Executive Apartments located at 12501 Ridgedale Drive.

Chair Kirk introduced the proposal and called for the staff report. He disclosed his employment with the YMCA, but noted that there would be no conflict of interest by his participation on the planning commission.

Gordon reported. He recommended denial of the application based on the findings listed in the staff report.

Powers was confused why there would be a concern regarding disharmony between the design of both buildings when the buildings would not be visible from Ridgedale Drive. Gordon explained that staff determined that the functionality of the proposed layout of the site would not work. The mix of uses would be welcome in the Ridgedale area, but the way the buildings would be laid out locates the front of an office building facing a parking garage belonging to a new apartment building. That would not provide a good functional relationship. Powers did not see how that would harm the city.

Sewall asked for the width requirement of a standard-drive-aisle access. Gordon answered that the drive-aisle-width standard for a two-way access is 24 feet. The proposal’s drive aisle would be 22 feet in width.

Sewall asked if the applicant owning the office building was considered. Gordon stated that at some point ownership could change, so things need to be in place to ensure that the real estate would remain viable.

Sewall asked if staff would support the application if the office building would be removed. Gordon stated that would eliminate the problem with the disharmony between the layout of the two buildings.
In response to Hanson’s question, Gordon explained that the building behind a building layout would be concerning for long-term viability of a valuable piece of real estate. That may work for the current tenants, but would not be a good long-term solution for way finding and accessibility of future tenants.

Chair Kirk noted that the applicant could stay with the current PID zoning. Gordon agreed. He explained that PID zoning allows a mix of uses. The proposed setbacks would require variances in a PID.

In response to Chair Kirk’s question, Wischnack stated that the footprint issue was not resolved. That led to the issues listed in the staff report.

Powers asked if staff liked the look of the building from a pedestrian’s view. Gordon answered in the affirmative. It is an attractive building. It has a look that resembles parts of Ridgedale Center. There is compatibility with the materials. It works pretty well in a lot of aspects.

Tammy Diehm, attorney with Winthrop and Weinstine, representing the applicant, stated that:

- The site is one tax parcel with one legal description.
- The code requires only one standard to be met to justify rezoning a property to PUD.
- Staff has acknowledged that housing is appropriate for the area, specifically high-density housing. The city’s comprehensive guide plan specifically makes statements about adding diversity in housing types. Several Minnetonka residents expressed interest in having luxury rental units. This is a justification for rezoning the site to a PUD.
- She reviewed the history of neighborhood meetings and revisions to the plan. The applicant revised the plans to address concerns that were raised by neighbors, councilmembers, and commissioners.
- The architect has come up with some further modifications that could be made. The developer is in a difficult position. The developer needs to create a viable project to attract a certain demographic that fits the market demand. The architect provided staff yesterday with modifications that could be done to address the issues raised in the staff report.
- The two-lane drive aisle access on the west side would be widened to 24 feet in width.
- The applicant believes that the project does meet the city’s requirements and would be a wonderful project for the city of Minnetonka.
- The building height would be reduced from 55 feet to 51 feet.
- She provided a diagram that showed the reduction in the building height and footprint since the concept plan.
- The most recent changes removed the pool and the outside amenity area would be on ground level and hidden. Units that previously wrapped around the pool deck could be removed to reduce the massing on the
west side of the building as well as near the existing office on the southeast side.

• The number of parking stalls would be reduced to 178. That would include 123 spaces of underground parking.
• A traffic consultant found that, overall, the internal operations of the development work well. He had no concerns.
• The proposed PUD zoning would be appropriate.
• The development meets the city’s goals.
• She was available for questions. She requested that the commission recommend that the city council approve the project.

Sewall confirmed with Ms. Diehm that the recent modifications did not include changes to the office building. Ms. Diehm would appreciate commissioners’ feedback on the revisions.

The public hearing was opened.

Annette Bertelsen, 13513 Larkin Drive, stated that:

• The proposed building would not be allowed in a PID-zoned area because it would be too big. A lot of variances would be needed. Variances cannot be approved for economic reasons.
• The setbacks would be way too small.
• Apartments are required to provide 10 percent of the site to be used as outdoor recreation space. That would be another variance.
• The same standards in a PID are the guidelines in a PUD. There still needs to be a judgement on whether the proposed building and footprint would be appropriate.
• The proposal would be a big, dense use adjacent to single-family residences.
• The building would feel massive, be more intense, and provide no transition to single-family houses.

Mark Stesin, 2000 Norway Pine Circle, stated that he represents his wife and a coalition of neighbors. He stated that:

• They are excited about the Ridgedale redevelopment project and support high-density housing as long as it is compliant with the comprehensive guide plan and ordinances north of Ridgedale Drive and does not encroach on surrounding properties. They support the Trammel Crow project proposed on the Ridgedale Center property.
• They vehemently oppose the proposed project even with the revisions because it does not meet the comprehensive guide plan and ordinance requirements.
• The building and its footprint would be too big for the property. The height has been addressed.
• They agree with denying the request. His attorney provided a letter that is included in the agenda packet. It lists their concerns with the proposal changing the zoning from PID to PUD; not being compliant with the comprehensive guide plan; and not providing a sufficient transition from high density to single-family houses.

• The building would be very nice and upscale.

• They agree with staff’s recommendation to deny the proposal.

No additional testimony was submitted and the hearing was closed.

Gordon confirmed that PID zoning requires 10 percent of a site to be used as outdoor space.

O’Connell mainly supports the proposal. He understood staff’s concern, but the success of the office building is a risk for the building owner to bare. He thought the mass would be fine. He believed that the market would support the building, but that is not his concern as a planning commissioner.

Powers concurred with O’Connell. He favors the development. The developer has gone to extraordinary lengths to meet the requests of the neighborhood. The neighbors do not own the view. He has seen developments on Shady Oak Road that are much closer to residential areas and have much more impact on the view. He had no issue with the size of the building or the mass.

Knight agreed. A new resident in the apartment building has a choice to live there and view the office building. He agreed that the mass would be appropriate. He supports the proposal.

Sewall applauded the developer for making changes from the original concept plan to create a much more manageable design and scale. There would be over 400 feet and tree cover between the property and the nearest house. This would provide better view shed protection than a lot of other developments. He concurred with staff that the flow of the project is not what it should be and a different design could provide a better flow. He did not support the plan tonight. He felt good about the scale and was not as concerned with the detriment to a future property owner. A future property owner would know what he or she was getting into.

Chair Kirk noted that there would be a fair amount of buffer between the proposed building and the adjacent neighbor. The proposal would fit the harmony of being located north of Ridgedale Center. This proposal would pale in comparison to future development. He struggled with the density. He thought the two buildings could have a better layout. He thought the two buildings would appear poorly planned. He saw it as a detriment to the city if the site would not be organized well. He did not think the apartment building and office buildings worked well enough together. He did not have a problem with PID or PUD zoning. The setbacks could not be decreased any further. He was comfortable with the mass of the buildings. He did not think the proposal was quite there yet.
Hanson did not see a problem with the office building.

Powers appreciated the developer making revisions because it shows intent. Requiring a plan to be harmonious is too much of a burden on the applicant.

_Sewall moved, second by Hanson, to recommend that the city council adopt the attached resolution with revisions provided in the change memo dated May 24, 2018 denying rezoning, master development plan, and building plans for the Ridgedale Executive Apartments._

_Sewall, Hanson, and Kirk voted yes. Knight, O’Connell, and Powers voted no. Schack was absent. Motion carried._

This item is scheduled to be reviewed by the city council at its meeting on June 4, 2018.

### C. Items concerning Bren Road Development, a multi-family residential development by Dominium, at 11001 Bren Road East.

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

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

Sewall confirmed with Wischnack that the SWLRT is proceeding.

Ryan Lunderby, representing Dominium, the applicant, stated that he appreciated the commission’s consideration and he was available for questions.

In response to O’Connell’s question, Mr. Lunderby stated that the credits would have a 15-year compliance period and an additional 15-year-extended use. The whole property would be managed by Dominium, but owned by two entities because of the financing for the two buildings. Closing on the properties and construction would happen at the same time.

Wischnack provided that $1,000 is the typical rent for a one-bedroom affordable unit, for a qualifying tenant earning less than 60 percent of area median income. The rent is set annually by HUD.

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

In response to Hanson’s question, Gordon reviewed a graphic illustrating proposed trails and walkways. Wischnack added that an underpass would not be possible due to engineering constraints. Chair Kirk noted that the SWLRT station would have planned controlled crossing areas.
Chair Kirk favored developers providing funding in addition to park dedication fees for improvements linked to the proposal. A crossing at a road would benefit the development and SWLRT.

Chair Kirk asked if the St. Margaret’s cemetery could become a cut-through area. Gordon answered that that could happen. There is a fence, wooded area, and steep slope. It would not be an easy path to Shady Oak Road. Chair Kirk supports having a larger park in the area because of the potential pets.

Chair Kirk confirmed with Gordon that the Opus Station would have a park-and-ride area. Chair Kirk did not foresee a problem. The controlled entrance to the complex and its current design would be easier to modify into a controlled parking area if that would become necessary.

Powers moved, second by Hanson, to recommend that the city council adopt the following related to the Bren Road Development, a multi-family residential development by Dominium, at 11001 Bren Road East:

1) Ordinance rezoning the property from I-1, industrial, to PUD, planned unit development, and adopting a master development plan.

2) The resolution approving final site and building plans.

3) A motion making a negative declaration on the need for an Environmental Impact Statement.

4) The resolution declaring the proposal consistent with the comprehensive plan.

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

This item is scheduled to be reviewed by the city council at its meeting on June 18, 2018.

9. Adjournment

Sewall moved, second by Knight, to adjourn the meeting at 9:20 p.m. Motion carried unanimously.

By: ____________________________
Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting

June 14, 2018

Agenda Item 7

Public Hearing: Consent Agenda
Brief Description
Approval of an expansion permit and variance to construct a new single-family home at 5718 Eden Prairie Road

Recommendation
Adopt the resolution approving the requested expansion permit and variance

Background

In October 2016, the planning commission reviewed a lot-behind-lot property line setback variance and expansion permit request for the construction of a new home at 5718 Eden Prairie Road. While property line setbacks of 25 feet were required, the applicant was proposing property line setbacks of 23.8 feet (north and south property lines).

Staff recommended approval of the variance noting:

- The proposed property line setback was reasonable and would not negatively impact neighborhood character as the proposed home would be located over 80 feet from the closest home.
- The subject property had practical difficulties as the subject lot is only 97 feet in width at the setback. This is nonconforming with current city requirements (110-foot width at setback). In addition, the subject lot has increased southern and northern property line setbacks because the property is defined as a “lot behind lot.” The nonconforming width of the lot, combined with the “lot behind lot” required setbacks, create a practical difficulty with complying with the ordinance.

The commission concurred with staff and approved the variance and expansion permit with a variety of conditions. As is typical, one of the conditions required that the site be “developed and maintained in substantial conformance” with the site and building plans reviewed by the commission. (See attached.)

In October 2016, the applicant applied for and received a demolition permit. Since this time, the house has been demolished and the subject lot is currently vacant. (See attached).

Current Request

In spring 2018, the applicant approached staff with an alternative house plan for the subject property. This plan included a third stall onto the proposed two stall garage and a porch addition on the rear of the home. However, staff also noted that the proposed home would maintain the same setbacks and be in the same general location as the previously approved house plan.

Nevertheless, staff determined that due to the additions on the proposed home, it was not in “substantial conformance” with the previous approval. Additionally, the applicant requires the reaffirmation of the approvals from the planning commission as the 2016 approvals became void after December 31, 2017 because the applicant had not applied for a building permit for the subject property.
Though the changes for the plans are minor, this proposal requires a new approval from the planning commission due to both the changes to the original plan and the original variance and expansion permit approval expiring in December 2017.

**Staff Recommendation**

Adopt the resolution approving the expansion permit and property line setback variance and for a new home at 5718 Eden Prairie Road.

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

Project No. 16018.16b

Property 5718 Eden Prairie Road

Applicant Duane Simon (property owner)

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

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

Lot Behind Lot Setbacks
The subject lot is defined by city code as a “lot behind lot” because the property does not have any frontage on a public right-of-way. Lot behind lot properties are required to have a setback from all properties lines of 40 feet or 20% of the average distance between opposite lines, whichever is less, but no less than 25 feet. The proposal would not meet this setback requirement.

R-1 Setbacks (non-Lot Behind Lots)
As stated previously, the subject property is defined as a “lot behind lot” property, thus requiring different setbacks than properties with adequate frontage. Properties with adequate frontage have the following setbacks:

- Front: Minimum 35 feet from the right-of-way of local and neighborhood collector streets and railroad lines, or 50 feet from the right-of-way of major collector or arterial roadways.
- Side: The sum of the side yard setback shall not be less than 30 feet, with a minimum setback of 10 feet.
- Rear: Minimum of 40 feet or 20 percent of the depth of the lot, whichever is less.

Variance v. Expansion
A variance is required for any alteration that will intrude into one or more setback areas beyond the distance of the existing, nonconforming structure. An expansion permit is required for any alteration that maintains the existing non-conformity. The applicant’s proposal requires an expansion permit because the proposed structure would have greater setbacks to the northern property line than the existing, nonconforming structure. The applicant’s proposal requires a variance because the proposed structure would intrude into the southern property line setback, which is not obstructed by the existing structure.
**Expansion Permit**

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

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

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

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

**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)

**Tree Removal**

In 2016, the applicant removed trees prior to the variance approval. However, if approved, the city would not require mitigation for these tree removals since the trees were located within the allowed basic tree removal area for the approved 2016 variance and expansion permit and would be within the same tree removal area for this proposal.

**Pyramid of Discretion**

![Pyramid Diagram](image)
Motion Options  The planning commission has three options:

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

2. Disagree with staff’s recommendation. In this case, a motion should be made denying the request. This motion must include a statement as to why the request is denied.

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

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

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

Neighborhood Comments  The city sent notices to 41 area property owners and has received no comments.

Deadline for Decision  August 15, 2018
Location Map

Project: Simon Reaffirmation
Address: 5718 Eden Prairie Rd
BOUNDARY AND TOPOGRAPHIC SURVEY FOR
DUANE SIMON
IN THE NE 1/4 OF SEC. 33-117-22
HENNEPIN COUNTY, MINNESOTA

PROPOSED ELEVATIONS (VERIFY):

- GARAGE = 956.0
- TOP OF FOUNDATION = 956.3
- BASEMENT = 947.6

LEGAL DESCRIPTION OF PREMISES SURVEYED:

The North 96.6 feet of the South 452.3 feet of the West 490 feet of the Southwest Quarter of the Northeast Quarter of Section 33, Township 117 North, Range 22 West of the 5th Principal Meridian.

This survey shows the boundaries and topography of the above described property, and the location of an existing house, driveway and patio thereon. It does not purport to show any other improvements or encroachments.

- Iron marker found
- Iron marker set
- Existing contour line
- Proposed contour line
- Proposed spot elevation

SCALE IN FEET

0 30 60 120

N 07A
BOUNDARY AND TOPOGRAPHIC SURVEY FOR
DUANE SIMON
IN THE NE 1/4 OF SEC. 33-117-22
HENNEPIN COUNTY, MINNESOTA

PROPOSED ELEVATIONS (VERIFY)
GARAGE = 956.0
TOP OF FOUNDATION = 956.3
BASEMENT = 947.6

LEGAL DESCRIPTION OF PREMISES SURVEYED:
The North 96.8 feet of the South 452.3 feet of the West 400 feet of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117 North, Range 23 West of the 5th Principal Meridian.

This survey shows the boundaries and topography of the above described property, and the location of an existing house, driveway and patio thereon. It does not purport to show any other improvements or encroachments.

- Iron marker found
- Iron marker set
- Existing contour line
- Proposed contour line
- Proposed spot elevation

Additions to Previous Approval
UPPER LEVEL PLAN 1/4" = 1'-0"
Resolution No. 2018-
Resolution approving a lot-behind-lot setback variance and expansion permit for construction of a new home at 5718 Eden Prairie Road

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

Section 1. Background.

1.01 The property is located at 5718 Eden Prairie Road. It is legally described as:

The North 96.8 feet of the South 452.3 feet of the West 490 feet of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117 North, Range 22 West of the 5th Principal Meridian.

1.02 The applicant, Duane Simon, is proposing to construct a single story home in order to construct a new, two-story home.

1.03 The applicant received approval for a variance and expansion permit in 2016 (Project No. 16018.16b). However, this approval expired on December 31, 2017 and the applicant has submitted a revised house plan for approval. The subject request requires city approval due to these circumstances.

1.04 The previous house was constructed in 1944 with non-conforming setbacks, prior to the adoption of the city’s first zoning ordinance. This house was demolished in 2016 after approval of the previous variance and expansion permit.

1.05 The proposed new home would have the following setbacks, which are the same as the previously approved expansion permit and variance, but requiring a new variance and expansion permit as the previous approval has since expired:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot behind lot property line setback (North)</td>
<td>25 ft.</td>
<td>3.9 ft.</td>
<td>23.8 ft.*</td>
</tr>
<tr>
<td>Lot behind lot property line setback (South)</td>
<td>25 ft.</td>
<td>51 ft.</td>
<td>23.8 ft.**</td>
</tr>
</tbody>
</table>

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

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

1.08 On June 14, 2018, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission approved the variance and expansion permit.

Section 2. Standards.

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

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

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

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

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

Section 3. Findings.

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

1. REASONABLENESS: It is reasonable to construct a new home that maintains the existing setbacks of a previously existing home. Despite
vertical and horizontal expansion within the established setback, the proposed house, garage and porch would not encroach further into the existing northern property line setback.

2. UNIQUE CIRCUMSTANCE: The expansion permit is the result of the property’s unique, nonconforming lot configuration. The subject lot is only 97 feet in width at the setback. This is nonconforming with current city requirements (110-foot width at setback). In addition, the subject lot has an increased northern property line setback because the property is defined as a “lot behind lot.” The nonconforming width of the lot, combined with the lot-behind-lot required setbacks, create a practical difficulty with complying with the ordinance.

3. NEIGHBORHOOD CHARACTER: The proposal would not negatively impact the character of the surrounding neighborhood. Approval of the expansion permit would allow the applicant to make reasonable improvements to the property without encroaching further into existing setbacks.

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

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The proposal, and resulting variance request, would be in keeping with the city’s zoning ordinance. The intent of setback requirements is to ensure that neighborhoods retain residential characteristics and provide adequate space between homes and public right-of-ways. The proposed home would be located 80 feet from the closest home.

2. CONSISTENT WITH 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 existing neighborhoods. If approved, the setbacks would be similar to those of homes within the subject neighborhood.

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

   a) REASONABLENESS: The request to construct a new single-family home is reasonable and the new home would enhance the property and neighborhood. The proposed structure would encroach just 1.2 feet into the required southern property line setback.

   b) UNIQUE CIRCUMSTANCE: The current nonconformity of the subject lot is a circumstance unique to the property. The subject lot is only 97 feet in width at the setback. This is nonconforming with current city requirements (110-foot width at setback). In addition, the subject lot has increased southern and northern
property line setbacks because the property is defined as a lot-behind-lot. The nonconforming width of the lot, combined with the lot-behind-lot required setbacks, create a practical difficulty with complying with the ordinance.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described expansion permit and 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:

   - Survey revision dated June 6, 2018
   - Building Plans dated September 6, 2016
     - This approval includes the addition of a rear porch and third garage stall not shown on these plans.

2. Prior to issuance of a building permit:

   a) A copy of this resolution must be recorded with Hennepin County.

   b) The property owner must:

      1) Submit a conservation easement for review and approval to the city attorney. The easement must cover the wetland and 25-foot wetland buffer. The easement must be recorded against the property.

      2) Provide a private sewer and water utility maintenance agreement and easement for services that cross the lot.

      3) Provide a stormwater management plan to the city's engineering staff for review, comment, and approval. The plan must show a proposed stormwater practice and supplemental calculations that detail conformance with one inch of volume abstraction over the site's impervious surface.

      4) Provide payment for delinquent taxes and sewer and water bills.
5) Provide plans for sprinklering the home to the city’s fire department staff for review, comment, and approval.

6) The property owner must upgrade the driveway to 12 feet in width with bituminous concrete, blacktop or equivalent paving. Final driveway pavement may not drain to the adjacent property to the north.

7) Provide final tree preservation plan subject to staff approval.

8) 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.

9) Erosion control and tree protection must be installed and inspected prior to building permit being issued.

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

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 14, 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 June 14, 2018.

Kathy Leervig, Deputy City Clerk
MINNETONKA PLANNING COMMISSION
June 14, 2018

Brief Description
Variance to construct a garage addition to at 3707 Elmwood Place.

Recommendation
Adopt the resolution approving the variance

Proposal
The applicants, Evan and Eva Christianson, are proposing to build a garage addition on to the existing home at 3707 Elmwood Place. The proposed garage would be located in front of an existing tuck under garage over the existing driveway. The existing garage would be converted into living space. The proposed garage would be 22 feet by 24 feet, with a 9-foot by 6-foot entryway space.

This proposal requires:

- **Variance:** The principal structure would encroach into the required front yard setback.

<table>
<thead>
<tr>
<th>Side Yard Setback</th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>35 ft.</td>
<td>42 ft.</td>
<td>31.9 ft.*</td>
</tr>
</tbody>
</table>

* requires variance

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

1. **Reasonableness:** The proposed construction of a 22-foot by 24-foot (528 square foot) garage is reasonable.
   - The proposed addition would enhance the existing property.
   - The proposed garage addition would be set back approximately 58 feet from the curb of Elmwood Place.

2. **Circumstance Unique to the Property:** The front property line is setback particularly far from the paved surface of Elmwood Place.
   - There is approximately 26 feet between the Elmwood Place curb and the front property line. This is a particularly large setback between the road and property line.
   - If approved, the subject garage addition would be set back approximately 58 feet from Elmwood Place.
   - Due to the curve of the road and positioning of the home, only a 15 square foot corner of the proposed...
garage would actually encroach into the front yard setback. The rest of the addition would meet the front yard setback requirement. (See attached).

3. Neighborhood Character: If approved, the proposed project would not alter the essential character of the neighborhood.
   
   • The two homes located directly south of the subject property, along with six other homes within 400 feet of the subject property, appear to have non-conforming front yard setbacks.
   
   • The city has approved three other variances within 400 feet of the subject property for front yard setback variance.
   
   • Due to the large right-of-way, the subject home will be located 58 feet from Elmwood Place. This distance will provide the appearance that the subject addition meets the front yard setback.

Staff Recommendation

Adopt the resolution approving the variance to construct a garage addition to the single-family home at 3707 Elmwood Place.

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

<table>
<thead>
<tr>
<th><strong>Project No.</strong></th>
<th>18016.18a</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property</strong></td>
<td>3707 Elmwood Place</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Evan and Eva Christianson</td>
</tr>
<tr>
<td><strong>Surrounding Land Uses</strong></td>
<td>All of the properties to the north, south, east, and west are zoned R-1, single family residential, and guided for low density residential.</td>
</tr>
</tbody>
</table>
| **Planning**    | Guide Plan designation: Low Density Residential  
R-1 Single Family Residential |
| **Property**    | The Staring’s Tonkawood-Croft Addition was platted in 1927. The subject property includes Lots 16 and 17 and is 19,400 square feet in area. The site has a high elevation on the north side of the property and generally slopes downward as you travel south. |
| **Existing Home** | The subject home was constructed in 1958. The home is a 1,640 square foot, split-level with a tuck under garage. The existing garage is approximately 18 feet 8 inches wide (at its widest point) by 23 feet deep. The home currently meets all setback requirements. |
| **Non-conforming Properties** | There are several properties within 400 feet of the subject home that do not conform to the required front yard setback. Specifically, there are eight properties with non-conforming front yard setbacks, based on aerial photography. Additionally, the city has approved three front yard setback variances and three side or rear yard setback variances within this area. |
| **McMansion Policy** | The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.  
As proposed, the property would comply with the McMansion Policy. Currently, the property’s FAR is 0.11. The proposed porch and attached garage additions would increase the property’s FAR to 0.14. This is still significantly below the largest FAR within 400 feet, which is 0.24. |
| **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)

**Neighborhood Comments**

The city sent notices to 37 area property owners and received no comments.

**Pyramid of Discretion**

- **The current proposal.**

**Motion Options**

The planning commission has three options:

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

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

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

**Appeals**

Any person aggrieved by the planning commission’s decision about the requested variance 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.

**Voting Requirement**

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

**Deadline for Decision**

Sept. 12, 2018
Location Map

Project: Christianson Residence
Address: 3707 Elmwood Pl
LEGAL DESCRIPTION:
Lots 16 and 17, Block 4, STARING'S TONKAWOOD-CROFT, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Setting survey markers or verifying existing survey markers to establish the corners of the property.
3. While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.
5. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown heron.
6. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

STANDARD SYMBOLS & CONVENTIONS:
● Denotes iron survey marker, set, unless otherwise noted.

LEGEND
- "Portion Required Front Yard Setback"
Non-conforming properties within 400 feet of the Subject Property

Map prepared by: City of Minnetonka

Not a Survey. Not to Scale
Application for Variance – Practical Difficulties

3707 Elmwood Place
Lots 16 and 17, Block 4, Staring’s Tonkawood-Croft

Describe why the proposed use is reasonable:

The existing home has limited options for adding living space due to drainage concerns related to the rear topography of the property. Also, the existing garage is substandard in width, averaging 18 feet 8 inches and in some places as narrow as 17 feet. The request is reasonable as the proposed garage addition would allow for a garage of adequate size, though still smaller than the 24x24 standard two-car garage size defined in current planning policy. The addition of a new garage will allow for conversion of the existing garage to living space. The proposed addition would result in the same front setback as the neighboring property.

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 property was platted and home was built prior to the incorporation of current ordinance. The property has an irregular right-of-way that does not parallel the street. The distance from the street to the property line on the south is 18.7 feet; on the north side this distance is an abnormally large 29.4 feet. The irregular configuration of the right-of-way causes the buildable area to be constricted for the northern portion of the property. The property also does not meet current standards for lot width at the setback; current standards are 110 feet and the property is 100 feet. The property is approximately 19,400 square feet, which is 2,600 square feet smaller than current standards.

The proposed addition meets set-back requirements on the south side of the addition but not on the north side due to the irregular right-of-way. The proposed addition would be a minimum of 58 feet from the street.

Alternative designs were considered and found to not be feasible due to grade differences and side-yard setback requirements.

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

The neighborhood was platted and the majority of the homes were built prior to incorporation of the current ordinance. Many homes in the neighborhood do not conform to the current setback requirements. The two homes to the south, and on the same side of the street, both do not meet current front-yard setback requirements, and the home to the north does not meet side-yard setback requirements. The proposed addition would be the exact same front setback as the home to the south. Currently the home is set back further from the street than many homes in the neighborhood and the proposed addition would make it more conformable to other homes. The proposed addition is a two-car garage, 22 feet by 24 feet, which is slightly smaller than what is considered standard in current planning policy and is consistent in size with other two-car garages in the neighborhood.
Planning Commission Resolution No. 2018-

Resolution approving variance for construction of a garage addition
at 3707 Elmwood Place.

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 3707 Elmwood Place. It is legally described as:
Lots 16 and 17, Block 4, Staring’s Tonkawood-Croft, Hennepin County, Minnesota.

1.02 The applicants, Evan and Eva Christianson, are proposing to build a garage addition on to the existing home at 3707 Elmwood Place. The proposed garage would be located in front of an existing tuck under garage over the existing driveway. The existing garage would be converted into living space. The proposed garage would be 22 feet by 24 feet, with a 9-foot by 6-foot entryway space.

1.03 The proposed addition would encroach into the required front yard setback.

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<td>31.9 ft.*</td>
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</tbody>
</table>

* requires variance

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

1.05 On June 14, 2018, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments and the staff report, which are incorporated by reference into this resolution.

Section 2. Standards

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

1. INTENT OF THE ORDINANCE. The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the front yard setback requirement is to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes and roadways. Multiple homes within 400 feet of the subject property do not meet the required front yard setback requirements due to being constructed prior to the adoption of city ordinance or being granted a variance by the city. Additionally, the subject addition would be located approximately 58 feet from the Elmwood Place curb. Considering these two facts, the proposed addition would be generally consistent with perceived setback of the other existing homes within the neighborhood.

2. CONSISTENT WITH COMPREHENSIVE PLAN. The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide an investment into a property to enhance its use.

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

a) REASONABLENESS: The proposed construction of a 24-foot by 22-foot, 528 square foot, garage is reasonable.

1) The proposed addition would enhance the existing property.

2) The proposed garage addition would be set back approximately 58 feet from the curb of Elmwood Place.

b) UNIQUE CIRCUMSTANCE: The front property line is setback particularly far from the paved surface of Elmwood Place.

1) There is approximately 26 feet between the Elmwood Place curb and the front property line. This is a particularly large setback between the road and property line.
2) If approved, the subject garage addition would be set back approximately 58 feet from Elmwood Place.

3) Due to the curve of the road and positioning of the home, only a 15 square foot corner of the proposed garage would actually encroach into the front yard setback. The rest of the addition would meet the front yard setback requirement.

c) CHARACTER OF THE LOCALITY: If approved, the proposed project would not alter the essential character of the neighborhood.

1) The two homes located directly south of the subject property, along with six other homes within 400 feet of the subject property, appear to have non-conforming front yard setbacks.

2) The city has approved three other variances within 400 feet of the subject property for front yard setback variances.

3) Due to the large right-of-way, the subject home will be located 58 feet from Elmwood Place. This distance will provide the appearance that the subject addition meets the front yard setback.

Section 4. Planning Commission Action

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

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Survey date stamped May 15, 2018
   - Building elevations date stamped May 15, 2018
   - Floor plans date stamped May 15, 2018

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

3. A building permit must be issued prior to any work being completed on the property.

4. The applicant must install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the
5. This variance approval will end on December 31, 2019, unless the city has issued a building permit for the project covered by this approval or the city has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 14, 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 June 14, 2018.

__________________________
Kathy Leervig, Deputy City Clerk
The home at 11606 Minnetonka Mills Road was constructed in 1895. A front porch, which was subsequently added to the home, was changed in its configuration and use over the next many years. By 2017 the front porch was in disrepair and was removed entirely. The property owners, William and Catherine Avery, are now proposing to construct a new front porch in a slightly different configuration than that of the porch which was removed. The new porch requires a front yard setback variance from 45 feet to 32 feet.

Staff Analysis

Staff finds that the proposed living space addition would meet the variance standard outlined in city code:

- The home as an existing non-conforming front yard setback of roughly 38 feet.
- Given an unusually wide boulevard area adjacent to the property, the proposed porch would be set back over 50 feet from the traveled portion of the Minnetonka Mills Road.
- The age and non-conforming setback of the existing home are unique characteristics of this proposal, not common to all other similarly zoned properties.
- The proposed porch would not negatively impact the character of the surrounding neighborhood. Rather, the replacement porch would add visual and historically accurate interest to the property and the area.

Staff Recommendation

Adopt the resolution approving a front yard setback variance for a front porch addition at 11606 Minnetonka Mills Road.

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

**Surrounding**
The subject property is surrounded by single-family properties zoned R-1

**Land Uses**

**Planning**
Guide Plan designation: Low-density residential
Zoning: R-1

**Setback**
By City Code 300.15 Subd.9(a), the architectural features of a home may extend five feet into required front yard setbacks without variance. The required front yard setback adjacent to Minnetonka Mills Road is 50 feet. Under the architectural feature provision of the code, the required setback for the proposed porch is 45 feet.

**McMansion Policy**
The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.

FAR does not include unenclosed porches. As such, the proposal would not impact the FAR of the existing home.

**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)

**Neighborhood Comments**
The city sent notices to 62 area property owners and received no comments to date.

Pyramid of Discretion

The current proposal.
Motion Options

The planning commission has three options:

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

2. Disagree with staff’s recommendation. In this case, a motion should be made denying the request. This motion must include a statement as to why the request is denied.

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

Voting and Appeals

By City Code §300.07 Subd. 4, the planning commission has authority to approve variances from city code requirements. Approval requires the affirmative vote of five commissioners. 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.

Deadline for Decision

August 27, 2018
Location Map

Project: Avery Residence
Address: 11606 Minnetonka Mills Rd
Certificate of Survey
Prepared for
William Avery

Address: 11606 Minnetonka Mills Rd.
Minnetonka, MN 55305

Legend
- Found Iron Monument
- Set Spike or PK Nail

SW cor. of Outlot 4
ROBINWOOD 2ND ADDN. (per
survey by Schoell & Medson,
Inc. dated 3-14-84).
Pinched pipe found 0.7 ft.
N'ly of computed position.

Parcel 1
Parcel Area:
3,668 sq. ft. (includes R.O.W.)
1,533 sq. ft. (not including R.O.W.)

Parcel 2
22,130 sq. ft.

SCALE
1 inch = 50 feet

Parcel 1 Description (supplied by client): That part of the Northwest Quarter of the Northeast Quarter of Section 23, Township 117, Range 22, Hennepin County, Minnesota, lying North of County Road No. 71.

Parcel 2 Description (supplied by client): Those parts of the following described properties:
Outlot 4, ROBINWOOD 2ND ADDN., according to the plot thereof on file or of record in the office of the Registrar of Titles, Hennepin County, Minnesota.

That part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 117, Range 22, Hennepin County, Minnesota, described as follows: Beginning at the Southwest corner of the Southeast Quarter of said Section 14, thence North along the West line of said tract 560 feet; thence at right angle East 9 feet; thence Southwesterly in a straight line to the point of beginning.

Which is Southerly of the following described line and its extensions:
Beginning at a point on the West line of said Outlot 4 distant 124.55 feet Northerly from the Southwest corner of said Outlot 4; thence Easterly along a line passing through a point on the East line of said Outlot 4 distant 160.37 feet Northerly from the Southeast corner of said Outlot 4; to the East line of the above described property and said line there terminating.

Except the West 20 feet of said Outlot 4.

SCHOBORG
LAND SERVICES
INC.
763-972-3221
8997 Co Rd. 13 SE
www.SchoborgLand.com

Surveyor's Note:
The plot of ROBINWOOD 2ND ADDN. was recorded Oct. 14, 1954. Since then, the name of County Road No. 71 has been revised to Minnetonka Mills Road and the new alignment is described in Des. No. 845009 recorded May 12, 1966. For the purposes of this survey, it is assumed that the boundary for Parcel 1 was intended to extend to the historical center line of County Road No. 71.

Bearings based on Hennepin County coordinates.

Job Number: 8549
Survey Dates: 11-07-17
Drawing Name: avery.dwg
Drawn by: KLB
Revision:

Paul B. Schoebb

Date: Feb 3, 2018 Registration No. 14700
This is in regards to the setback variance request.

We have no concerns regarding this request and ask that you grant it. We are so happy that they are making improvements to the property. We live next door and have watched the changes there for the last 44 years and relieved that no one has torn it down.

The house has special meaning to me since it was my Great Grandfather who built it in 1895. It is one of the oldest houses still standing in Minnetonka and we would like to see it go on by making improvements as needed to keep it viable.

Thank you!

Joe and Nancy Holasek
11516 Minnetonka Mills Rd.
Planning Commission Resolution No. 2018-
Resolution approving front yard setback variance for a front porch addition
at 11606 Minnetonka Mills 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 11606 Minnetonka Mills Road. It is legally described on Exhibit A of this resolution.

1.02 The home on the property was constructed in 1895, several decades prior to adoption of the city’s first zoning ordinance.

1.03 In 2017, an existing front porch – which was in disrepair – was removed.

1.04 Property owners William and Catherine Avery are proposing to replace the front porch in a slightly different configuration than that which was removed.

1.05 By City Code §300.10, the required front yard setback adjacent to Minnetonka Mills Road is 50 feet.

1.06 By City Code §300.15 Subd.9(a), architectural features may extend up to five feet into the required setback without variance. As such, the required setback for the proposed porch would be 45 feet.

1.07 The proposed porch requires a front yard setback variance from 45 feet to 32 feet.

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

Section 2. Standards.

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

Section 3. Findings.

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

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The intent of the front yard setback requirement is to: (1) ensure adequate separation from the traveled portion of a roadway and a structure; and (2) provide a consistent building line in a neighborhood. The proposed setback would meet this intent. The new porch would be located over 50 feet from the paved portion of Minnetonka Mills Road and would have a setback similar to those of adjacent structures.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the site, and would provide investment in the property to enhance its use.

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

a) REASONABLENESS and NEIGHBORHOOD CHARACTER. The proposed setback is reasonable and would not negatively impact neighborhood character.

1) Given an unusually wide boulevard area adjacent to the property, the proposed porch would be set back over 50 feet from the traveled portion of the Minnetonka Mills Road.

2) The proposed porch would not negatively impact the character of the surrounding neighborhood. Rather, the replacement porch would add visual and historically accurate interest to the property and the area.

b) UNIQUE CIRCUMSTANCE. The age and non-conforming setback of the existing home are unique characteristics of this proposal, not common to all other similarly zoned properties.

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 November 7, 2017
- Building Elevation, dated July 7, 2017

2. Prior to issuance of a building permit:
   a) A copy of this resolution must be recorded with Hennepin County.
   b) Any outstanding utility bills must be paid.

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

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 14, 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 June 14, 2018.

Kathy Leervig, Deputy City Clerk
EXHIBIT A

Parcel 1: That part of the Northwest Quarter of the Northeast Quarter of Section 23, Township 117, Range 22, lying North of County Road No. 71.

Parcel 2: Those parts of the following described properties:

Outlot 4, Robinwood 2nd Addition, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County.

That part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 117, Range 22 described as follows: Beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 14; thence North along the West line of said tract 660 feet; thence at a right angle East 9 feet; thence Southerly in a straight line to the point of beginning.

Which lie Southerly of the following described line and its extensions:

Beginning at a point on the West line of said Outlot 4 distant 124.55 feet Northerly from the Southwest corner of said Outlot 4; thence Easterly, along a line passing through a point on the East line of said Outlot 4 distant 180.37 feet Northerly from the Southeast corner of said Outlot 4, to the East line of the above described property and said line there terminating.

Except the West 20 feet of said Outlot 4.
Brief Description

Resolution approving a front yard setback variances for construction of a new home at 3105 Shores Blvd.

Recommendation

Adopt the resolution approving the variances.

Background

The subject property is located at the intersection of Cottage Grove Avenue, Shores Blvd., and Prospect Place. A commercial building was constructed on the property in 1925. City records indicated that, over the next several decades, the building was occupied by a variety of commercial uses including a tavern, a Veterans of Foreign Wars (VFW) gathering space, and several different catering companies. With the adoption of the city’s first zoning ordinance, both the building and its commercial use became non-conforming.

In 2016, the property owner – Heather Terry – proposed to remove the old commercial building and parking lot and construct a new single-family home on the site. The planning commission approved setback variances to allow for such construction. However, the owner chose not to move forward with the plans presented and approved in 2016 and the variances have since expired.

Current Request

The owner has now submitted revised plans for construction of a home on the subject property. The plans differ from the 2016 plans in several ways, as outlined below.

<table>
<thead>
<tr>
<th>SETBACKS</th>
<th>Required</th>
<th>Approved 2016</th>
<th>Current Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>North setback (front yard)</td>
<td>35 ft</td>
<td>50 ft</td>
<td>35 ft</td>
</tr>
<tr>
<td>East setback (side yard)</td>
<td>10 ft</td>
<td>10.5 ft</td>
<td>10 ft</td>
</tr>
<tr>
<td>South setback (front yard)</td>
<td>25 ft</td>
<td>20 ft *</td>
<td>45 ft</td>
</tr>
<tr>
<td>West setback (front yard)</td>
<td>25 ft</td>
<td>16 ft *</td>
<td>17 ft* porch</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>22 ft* stairwell bump out</td>
</tr>
<tr>
<td>MISC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Footprint</td>
<td>NA</td>
<td>2,670 sq.ft.</td>
<td>3,340 sq.ft.</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR)**</td>
<td>0.47 max.</td>
<td>0.43</td>
<td>0.43</td>
</tr>
<tr>
<td>Stories</td>
<td>NA</td>
<td>2 story walkout</td>
<td>1.5 story walkout</td>
</tr>
</tbody>
</table>

* variance required
** max FAR applies only to homes requiring variances

As proposed, a front yard setback variance is required for an unenclosed porch space and enclosed stairwell bump out.
Staff Analysis

Staff finds the requested variances to be reasonable for several reasons:

1) The requested variances can be considered point intrusions. Approximately 120 square feet, or 3.6 percent of the proposed building footprint, would encroach into the required setbacks. The area of encroachment would be comprised of an unenclosed porch and stairwell area.

2) The configuration of the property, and the fact that it is subject to front yard setback requirements from three property lines, creates a circumstance unique to the property.

3) The Shores Boulevard area contains lots that vary in size and configuration and homes that vary in age, design, and setbacks. The proposed home and associated setbacks would not negatively impact this already unique neighborhood.

Staff Recommendation

Adopt the resolution approving front yard setback variances for construction of a new home at 3105 Shores Blvd.

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

#### Surrounding Land Uses
- **North:** Single-family homes; zoned R-1
- **South:** Single-family homes; zoned R-1
- **East:** Single-family homes; zoned R-1
- **West:** Single-family homes; zoned R-1

#### Planning
- **Guide Plan designation:** Low-density residential
- **Zoning:** R-1

#### Small Lots
“Small lots” qualify for reduced structural setbacks. By city code, a “small lot” is one that:

- Is less than 15,000 square feet;
- Was a lot of record as of February 12, 1966; and
- Is located in an area in which the average size of all residential lots within 400 feet is less than 15,000 square feet.

Average lot size within 400 feet of the subject property is 15,240 square feet. As such, the subject property is not considered a “small lot” by city code definition.

#### McMansion Policy
The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.

The proposed home would have an FAR of 0.43, under the highest area FAR of 0.47.

#### 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)

#### Neighborhood Comments
The city sent notices to 54 area property owners and received no comments to date.
Pyramid of Discretion

Motion Options

The planning commission has three options:

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

2. Disagree with staff’s recommendation. In this case, a motion should be made denying the request. This motion must include a statement as to why the request is denied.

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

Voting and Appeals

By City Code §300.07 Subd.4, the planning commission has authority to approve variances from city code requirements. Approval requires the affirmative vote of five commissioners. 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.

Deadline for Decision

August 27, 2018
Location Map

Project: Terry Residence
Address: 3105 Shores Blvd
Describe why the proposed use is reasonable:

We are proposing that the existing structure at 3105 Shores Boulevard be torn down and a single family home be put up in its place. Currently the existing structure is a commercial building that has been there and been an operating business for decades. It is in the middle of a residential area and is currently not consistent with the neighborhood. We are looking to build a single family home that will improve the look and feel of the neighborhood. We would like the orientation of the single family home to face the corner of Shores and Beverly. The variance request is to reduce the front corner setback (Southwest corner) requirement on the Beverly Place side of the lot to 17 feet from the original 25 feet. The reason for the variance request is due to the odd shape of the lot, to utilize the existing driveway entrance, to utilize the natural elevations of the property, and to prevent the home from facing the back corner of 3113 Shores Boulevard.

Describe:

The lot at 3105 Shores Boulevard is unique in that it is bordered by streets on 3 sides, and the city owned right of way is a large portion of the lot. *(see Footprint page 2)* This makes the buildable area very narrow. The Beverly Place side of the lot has 17 ft. of city owned right of way from street to the property line. This is more city-owned property than the majority of the existing homes in the neighborhood. There are other properties in the neighborhood that have much shorter setbacks than what we are requesting. These properties are all neighboring the 3105 Shores lot and include: 16814 Cottage – Porch is 16’ from the street and 10½’ from the property line, house is 21’ from street and 15½’ from the property line; 3108 Beverly - the photography studio is 22’ from the street and 18’ from the property line; 3120 Shores – is 18’ from the street and less than 12’ from the property line. We are requesting that the house to be built on 3105 Shores is 36½’ from the street and 17’ from the property line. Secondly, the natural slope of the lot goes from the highest point at Shores Boulevard to the lowest point on the NE corner of the lot on Cottage Grove Avenue. To use this natural slope to build a walk-out without altering the current grading, we are requesting that the house face Shores Boulevard. This neighborhood is a mix of old and new homes of varying sizes. The footprint of the home we want to build has a modest size width which includes a 3 car garage. Even with this width we need to request a variance on the Beverly Place side of the lot to accommodate the footprint of the home in the orientation that would look the best on the lot and that would allow us to utilize the natural elevations. This orientation will also provide the neighboring property of 3113 Shores additional privacy. We will be able to leave more of the existing wood fence in place if the proposed house is placed on the lot as displayed on page 15. This request is not due to economic considerations, but primarily due to the unique layout of the lot itself.
Describe why the variance would not alter the essential character of the neighborhood:

The variance request will not alter the essential character of the neighborhood. First and foremost it is an improvement due to the fact that there is currently asphalt covering the majority of the property that was used as a parking lot. Secondly, the home would still be set back from the street 36 feet which is more than the three homes that directly neighbor the lot (16814 Cottage, 3108 Beverly, 3120 Shores) and equal to or more than many of the other homes in the neighborhood. The remaining setbacks from Shores Blvd.(25 ft.), Cottage Grove Ave.(35 ft.), and the side setback of 10 feet from the property line will not need variances. The orientation and location of the proposed home on 3105 Shores will utilize the natural elevations, provide additional privacy for the neighboring property at 3113 Shores, and will fit into the essential character of the neighborhood more than the existing building.
REGISTERED LAND SURVEY NO. 653
CERTIFICATE OF SURVEY
3105 Shores Boulevard, Minnetonka, MN

LEGAL DESCRIPTION:
Tract A, REGISTERED LAND SURVEY NO. 653,
according to the plat thereof, on file and of record
in the Office of the Hennepin County Recorder.

LOT AREA SQUARE FOOTAGE:
16,049 SQUARE FEET

ZONING: R1A

SETBACKS: (PER JOSEPH TERRY'S MEETING WITH JEREMY
AND CELESTE FROM THE CITY OF MINNETONKA)
25' HOUSE TO SHORES BLVD & BEVERLY R.O.W.
35' HOUSE TO COTTAGE GROVE AVE. R.O.W.
10' HOUSE TO SOUTH AND EAST LINES

SURVEYOR:
Stonebrooke Engineering, Inc.
12278 Nicollet Ave. S.
Burnsville, MN 55337
Phone: 952-402-9202
Fax: 952-403-4803
www.stonebrookeengineering.com

CERTIFICATE OF SURVEY
TRACT A
REGISTERED LAND SURVEY NO. 653
LEGAL DESCRIPTION:
Tract A, REGISTERED LAND SURVEY NO. 653,
according to the plat thereof, on file and of record
in the Office of the Hennepin County Recorder.

LOT AREA: 16,049 SQUARE FEET

ZONING: R1A

SURVEYOR:
Stonebrooke Engineering, Inc.
12278 Nicollet Ave. S.
Burnsville, MN 55337
Phone: 952-402-9202
Fax: 952-403-6803
www.stonebrookeengineering.com
3500 Cottage Grove Ave.
2016 APPROVAL

CURRENT PROPOSAL
Planning Commission Resolution No. 2018-

Resolution approving front yard setback variances for a new home at 3105 Shores Blvd.

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

Section 1. Background.

1.01 The property is located at 3105 Shores Boulevard. It is legally described as:

Tract A, Registered Lane Survey No. 653, according to the plat thereof, on file and of record in the Office of the Hennepin County Recorder.

1.02 City records indicate that the existing building on the site was constructed in 1925 and was occupied by a variety of commercial uses over the next several decades. Upon adoption of the city’s first zoning ordinance, both the building and its commercial use became non-conforming.

1.03 By City Code §300.10, the minimum front yard setbacks for an enclosed principal structure is 35 feet. On a corner or double frontage lot, one of the front yard setbacks may be reduced by 10 feet without variance.

1.04 The subject property has frontage on three public streets. As such, by ordinance, the property is considered both a double-frontage lot and a corner lot. The required setbacks are as follows:

<table>
<thead>
<tr>
<th>Required</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>North setback (front yard)</td>
<td>35 ft</td>
</tr>
<tr>
<td>South setback (front yard)</td>
<td>25 ft</td>
</tr>
<tr>
<td>East setback (side yard)</td>
<td>10 ft</td>
</tr>
<tr>
<td>West setback (front yard)</td>
<td>25 ft</td>
</tr>
</tbody>
</table>

1.05 Property owner Heather Terry is proposing to remove the old commercial building and parking lot and construct a new single-family home on the site. The proposal requires setback variances from the required west property line setback:
1.06 Minnesota Statute §462.357 Subd.6, and City Code §300.07 authorizes the Planning Commission to grant variances.

Section 2. Standards.

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

Section 3. Findings.

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

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The purpose of the zoning ordinance is to encourage planned and orderly development to provide for the compatible integration of different land uses. Despite the property being located in a residential area, the existing building has been used exclusively for commercial purposes since at least 1958. The proposal would bring the use of the property into compliance with the zoning ordinance.

2. CONSISTENT WITH COMPREHENSIVE PLAN: There requested variances are consistent with the comprehensive plan. The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variances would enhance the residential character of the neighborhood.

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

   a) REASONABLENESS: The requested variances are reasonable, as they can be considered point intrusions. Approximately 120 square feet, or 3.6 percent of the proposed building footprint, would

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>North setback (front yard)</td>
<td>35 ft</td>
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<td>South setback (front yard)</td>
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<tr>
<td>East setback (side yard)</td>
<td>10 ft</td>
<td>10 ft</td>
</tr>
<tr>
<td>West setback (front yard)</td>
<td>25 ft</td>
<td>17 ft porch 22 ft stairwell bump out</td>
</tr>
</tbody>
</table>
encroach into the required setbacks. The area of encroachment would be comprised unenclosed porch and stairwell area.

b) UNIQUE CIRCUMSTANCE: The configuration of the property, and the fact that it is subject to front yard setback requirements from three property lines, creates a circumstance unique to the property.

c) NEIGHBORHOOD CHARACTER: The Shores Boulevard area contains lots that vary in size and configuration and homes that vary in age, design, and setbacks. The proposed home and associated setbacks would not negatively impact this already unique neighborhood.

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 included as an attachment of the June 14, 2018 staff report.
   • Floor plans, dated May 1, 2018.
   • Elevations, dated May 2, 2018.

2. Prior to issuance of a building permit:

   a) A copy of this resolution must be recorded with Hennepin County.

   b) Submit a survey that includes the proposed home and driveway.

   c) Submit a tree preservation plan for staff review and approval.

   d) Submit a stormwater management plan. This plan must illustrate the amount of removed bituminous pavement under current and proposed conditions. At a minimum, the proposed conditions must include no more impervious surface than existing conditions.

   e) Pay any outstanding property taxes.

   f) Install erosion control and tree protection fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
3. This variance will end on December 31, 2019, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 14, 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 June 14, 2018.

______________________________
Kathy Leervig, Deputy City Clerk
Minnetonka Planning Commission Meeting

June 14, 2018

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION
June 14, 2018

Brief Description  Resolution approving property line and wetland setback variances, and a wetland buffer width variance, at 2071 Austrian Pine Lane

Recommendation  Adopt the resolution approving the variances.

Background

AUSTRAIN PINES is a 6-lot subdivision situated at the north end of Austrian Pine Lane. As approved in 2003, the subdivision included five "standard" lots and one "lot-behind-lot", which is the subject property at 2071 Austrian Pine Lane.

In 2003, city code required that homes constructed on a “lot-behind-lot” maintain a minimum setback of 25 feet from all property lines. These “lot-behind-lot” setbacks, together with required setback from an area wetland, resulted in an oddly shaped buildable area on the subject property.

Since 2003, two things have occurred which have further impacted the lot’s buildable area:

1) Code requirements pertaining to “lot-behind-lots” have changed. Homes constructed on such properties are now required to maintain a minimum setback of “40 feet or 20 percent of the average distance between opposite lot lines, whichever is less, but no less than 25 feet.” (City Code §300.10 Subd. 5) The intent of this change was to provide more separation between existing homes and homes constructed on “lots-behind-lots”. On the subject property, this change increased the required setbacks to 35 feet from the east and west property lines and 40 feet from north and south property lines.

2) Site wetland is larger than what was originally designed and approved. As part of the AUSTRIAN PINES approval, a small area of wetland was to be filled on the larger development site and would be recreated on the subject property. The developer proposed, and the city approved, a total resulting wetland area of 2,326 square feet. As is required, the original site wetland and mitigation area was monitored for five years. At the end of that time, the total wetland area was found to be 5,656 square feet, over twice as large as what was required.

In 2013, the city approved a variance to allow for home construction subject to the 25-foot setbacks required at the time of AUSTRIAN PINES approval, rather than the current, larger setback requirements. (Wetland variances were not requested at that time.) However, no home was constructed and the variance has since expired.

Current Request

Sustainable 9 Design + Build, on behalf of prospective property owners, have requested that the property be subject to the 25-foot setbacks required at the time of AUSTRIAN PINES approval. In addition, the applicant requested wetland setback variance from 35 feet to 19 feet and wetland buffer variance from 25 feet to 10–15 feet as depicted on the attached staff-drafted exhibit.
<table>
<thead>
<tr>
<th>Required</th>
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<th>* variance requested</th>
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<td>South Property Line Setback</td>
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<td>East Property Line Setback</td>
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<tr>
<td>Buffer Width</td>
<td>25 feet</td>
<td>10 feet to 25 feet*</td>
</tr>
</tbody>
</table>

**Staff Analysis**

Staff finds the requested variances to be reasonable for several reasons:

1) The request reflects the construction potential of the property recognized during the 2003 review and approval.

2) The 2007 city code amendment reduced the buildable area on the subject property by approximately 30 percent. Given the already oddly shaped buildable area, this reduction is impactful.

3) The request would not have significant negative impact on the site’s wetland.

**Staff Recommendation**

Adopt the resolution approving property line and wetland setback variances, and a wetland buffer width variance, for construction of a new house at 2071 Austrian Pine Lane.

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

<table>
<thead>
<tr>
<th>Surrounding Land Uses</th>
<th>North: YMCA; zoned R-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>South: Single-family homes; zoned R-1</td>
<td></td>
</tr>
<tr>
<td>East: Single-family homes; zoned R-1</td>
<td></td>
</tr>
<tr>
<td>West: Single-family homes; zoned R-1</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Planning</th>
<th>Guide Plan designation: Low-density residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning: R-1</td>
<td></td>
</tr>
</tbody>
</table>

| Tree Removal | The subject property is an existing lot of record. The tree protection ordinance does not establish a maximum threshold for tree removal on existing lots of record. Under the tree protection ordinance, trees can be removed without mitigation within the footprint of the home and driveway and 20 foot and 10 foot perimeters respectively. Mitigation is required for trees removed outside of these areas and that tree removal/mitigation would be evaluated during the review of the building permit. |

| McMansion Policy | The McMansion Policy is a tool the city can be utilized to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property. The proposed home would have an FAR of 0.15, well under the highest area FAR of 0.23. |

| 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) |

| Natural Resources | Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance erosion control and tree protection fencing. |

| Neighborhood Comments | The city sent notices to 36 area property owners and received no comments to date. |
Motion Options

The planning commission has three options:

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

2. Disagree with staff’s recommendation. In this case, a motion should be made denying the request. This motion must include a statement as to why the request is denied.

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

Voting and Appeals

By City Code §300.07 Subd. 4, the planning commission has authority to approve variances from city code requirements. Approval requires the affirmative vote of five commissioners. 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.

Deadline for Decision

August 27, 2018
Location Map

Project: Luger Residence
Address: 2071 Austrian Pine Ln
R EVALUATION OF SOIL CONDITIONS IS RECOMMENDED PRIOR TO BUNDING FOUNDATIONS.

EXHIBIT REPRESENTS 2000 SEMI-SECTIONS OF 25".

CONCEPT PLANS SUBJET TO CHANGE WITHOUT NOTICE. REFER TO BUILDERS SPECIFICATIONS FOR INCLUDED FEATURES. OPTIONAL ITEMS MAY BE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.

2071 AUSTRIAN PINES LANE, MTKA, MN

LUGER RESIDENCE | Concept Plans
LUGER RESIDENCE  |  Concept Plans

2071 AUSTRIAN PINES LANE, MTKA, MN

CONCEPT PLANS ONLY, SUBJECT TO CHANGE WITHOUT NOTICE. REFER TO BUILDERS SPECIFICATIONS FOR INCLUDED FEATURES. OPTIONAL ITEMS MAY BE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. LANDSCAPING MAY NOT BE REPRESENTATIVE OF THE ACTUAL SITE OR LANDSCAPE MATERIALS.
LUGER RESIDENCE | Concept Plans

CONCEPT PLANS ONLY. SUBJECT TO CHANGE WITHOUT NOTICE. REFER TO BUILDERS SPECIFICATIONS FOR INCLUDED FEATURES. OPTIONAL ITEMS MAY BE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.

March 20, 2018

1030 SQ FT GARAGE
1360 SQ FT MAIN LEVEL FINISHED
238 SQ FT SCREEN PORCH
322 SQ FT MECH, STORAGE AND FUTURE SPACE
1037 SQ FT FINISHED LOWER LEVEL
1717 SQ FT FINISHED UPPER LEVEL
1360 MAIN
1717 UPPER
3077 SQ FT FINISHED MAIN & UPPER
1037 LOWER
4114 TOTAL FINISHED SQ FT

2071 AUSTRIAN PINES LANE, MTKA, MN
PRELIMINARY SITE PLAN FOR:
SUSTAINABLE 9 DESIGN + BUILD

WETLAND BUFFER EXHIBIT

WETLAND BUFFER

LEGEND

- Edge of Woods
- Underground Storm, Inc.
- Underground Electrical
- Sanitary Sewer
- Storm Drain
- Water Main
- Telephone Pedestal
- Curb Pedestal
- Sidewalk
- Sanitary Manhole
- Hydrant
- Water Shutoff
- Wetland Subdivision Pug
- Existing Division
- Top of Cut/Deposit
- Bridging/Curbing
- Roadway/Walkway

NOTES:
- All existing building dimensions are measured to the finished grading and not the building foundation.

- No survey was made for any encroachments.

- The location of all utilities shown on the plan is subject to change by the utility companies and could be verified for factual basis before any excavation.

SCALE IN FEET
Planning Commission Resolution No. 2018-

Resolution approving property line and wetland setback variances, and wetland buffer variance, for construction of a new home at 2071 Austrian Pine Lane

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

Section 1. Background

1.01 The subject property is “lot-behind-lot” located at 2071 Austrian Pine Lane. It is legally described as:

LOT 3, BLOCK 1 AUSTRIAN PINES

1.02 In 2003, the city council granted preliminary and final plat approval to the AUSTRIAN PINES subdivision.

1. At the time of approval, city 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.

2. The approval included filling a small area of wetland on the larger development site, which would be recreated on the subject property. The resulting total wetland area would be 2,326 square feet in size.

1.03 In 2007, city code requirements pertaining to lot-behind-lot setbacks were changed. By City Code §300.10 Subd.5(e), minimum setbacks for homes on lots-behind-lots is 40 feet or 20 percent of the average distance between opposite lot lines, whichever is less, but no less than 25 feet. The code amendment impacted the buildable area of the site.

1.04 The original site wetland and mitigation area was monitored for five years. At the end of that time, the total wetland area was found to be 5,656 square feet, over twice as large as what was required. The increase in the wetland size impacted the buildable area of the site.

1.05 Sustainable 9 Design + Building, on behalf of prospective property owners, is requesting the following 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.

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 Zoning Ordinance:
   a) The intent of the ordinance as it pertains to setbacks from property lines is twofold: (1) to provide adequate space between property lines and structures; and (2) to establish neighborhood consistency. The proposed 25-foot setback meets this intent. Any principal structure constructed on the property would be over 50 feet from the closest structure to the south.
   b) The intent of the ordinance as it pertains to wetland setbacks and buffer area is to protect natural areas. The proposed setback meets this intent.

2. Consistency with Comprehensive Plan: The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variances would not negatively impact the existing residential character of the neighborhood and would provide for investment in the property.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance:
   a) Reasonableness and Unique Circumstances:
      1) The 2007 city code amendment reduced the buildable area on the subject property by approximately 30 percent. Given the already oddly shaped buildable area, this reduction is impactful. The requested property line setback variance is
reasonable as it would reflect the construction potential of
the property recognized during the 2003 review and
approval.

2) The wetland setback and buffer requests are reasonable.
They are based on the fact the total wetland area on the site,
after mitigation, is two times larger than what was required
under the AUSTRIAN PINE development approvals.

3) Character of Locality: Given that the requested variances
would simply reflect the construction potential of the
property recognized during the 2003 review and approval,
the variance would not negatively impact the character of
the surrounding area.

Section 4. PLANNING COMMISSION ACTION

4.01 The planning commission hereby approves setback variances described in
Section 1 of this resolution. Approval is based on the findings outlined in Section
2 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:

   • Survey, dated June 4, 2018
   • Floor plans and building elevations, dated March 20, 2018

2. Prior to issuance of a building permit:

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

   b) Pay any outstanding property assessments.

   c) Submit a grading plan for staff review and approval. The grading
      plan must be generally consistent with the approved AUSTRIAN
      PINE grading plan, ensuring the drainage directed/treated by the
      stormwater pond to the south.

   d) A revised conservation easement must be submitted for the review
      and approval of the city attorney. The easement, which must be
      recorded against the property, must generally reflect the staff
      drafted buffer exhibit presented in the June 14, 2018 staff report.

   e) Install erosion control fencing as required by staff for inspection
      and approval. These items must be maintained throughout the
      course of construction.
3. Per the 2003 AUSTRIAN PINES approvals:
   a) Minimum low floor elevation is 956.9.
   b) A private ejector pump is required for the lower level.
   c) The home must be equipped with a fire sprinkler system as required by the fire marshal.

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

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 14, 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 June 14, 2018.

Kathy Leervig, Deputy City Clerk
Brief Description
Site and building plan review for additions to the existing auto dealership building at 13400 Wayzata Blvd.

Recommendation
Adopt the resolution approving the final site and building plans

Background
Historical aerial photos and city records indicate the property at 13400 Wayzata Blvd. has been used for auto sales since at least 1972. These sales pre-date the city’s Planned I-394 District (PID) ordinance, which generally prohibits exterior display, sales, and storage of commercial goods within the I-394 corridor. Morrie’s Ford operates from the property as an existing, non-conforming use.

In March 2018, the planning commission and city council reviewed a concept plan that contemplated a major remodel of the dealership building and site. The plan included additions to both the east and west sides of the building, as well as exterior façades upgrades. In addition, the concept plan incorporated a residentially-zoned property, at 13205 Southridge Road, into the larger Morrie’s site. The smaller parcel would be used for employee parking. Both the commission and council generally supported the building remodel and additions, but noted they would not support the conversion of the vacant lot into parking space.

Current Proposal
Brannin Gries, on behalf of Morrie’s Automotive Group, has now submitted formal application for building additions and remodel. The proposed plans include the following:

1) West Addition. A roughly 4,480 square foot addition is proposed in the southwest corner of the existing building. The 2,240 square foot ground floor would be a “Celebration” space – an area for delivery of new cars to buyers. The mezzanine level space would include new restrooms, breakroom, and conference room.

2) East Addition. A roughly 12,400 square foot addition is proposed on the east side of the building. This space would be used for new showroom, lounge, service counters, drive-thru service reception areas, as well as relocated car wash bays.

3) Facade Upgrade. The proposed plans call for installation of metal panels and glass, as well as painting of existing masonry.

The formal application does not include a parking lot expansion onto the Southridge Road lot.

Staff Analysis
Staff finds the applicant’s proposal to be reasonable for a variety of reasons:

1) The proposed additions would meet all minimum setback requirements as outlined in the PID ordinance.
2) The proposal would not increase impervious surface on the site.

3) The proposed additions and façade changes would refresh a dated building.

**Staff Recommendation**

Adopt the resolution approving final site and building plan for additions to the existing auto dealership building at 13400 Wayzata Boulevard.

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

Surrounding Land Uses
Northerly: Single-family homes; zoned R-1
Easterly: Plymouth Road
Southerly: I-394
Westerly: Commercial; zoned PID

Planning
Guide Plan designation: Commercial
Zoning: PID

Requirements
The proposal would meet minimum requirement of the PID ordinance:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>50 ft</td>
<td>&gt; 350 ft</td>
</tr>
<tr>
<td>South</td>
<td>50 ft</td>
<td>&gt; 180 ft</td>
</tr>
<tr>
<td>East</td>
<td>50 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>West</td>
<td>50 ft</td>
<td>84 ft</td>
</tr>
<tr>
<td><strong>Misc.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impervious surface</td>
<td>80 percent max.</td>
<td>no change</td>
</tr>
<tr>
<td>FAR</td>
<td>0.3 max.</td>
<td>0.17</td>
</tr>
</tbody>
</table>

SBP Standards
The proposal would be consistent with the site and building plans standards as outline in City Code §300.27, Subd.5:

1. Consistency with the elements and objectives of the city’s development guides, including the comprehensive plan and water resources management plan;
   
   **Finding:** Members of the city’s community development, engineering, fire, and public works staff have reviewed the proposal and find that it is generally consistent with the city’s development guides.

2. Consistency with the ordinance;
   
   **Finding:** The proposal would meet the development standards outlined in the PID 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;
Finding: The subject property is fully developed, with no area in a “natural state.” The proposed additions would occur over existing impervious surfaces.

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

Finding: The subject property is fully developed, with no area in a “natural state.” The proposed additions would occur over existing impervious surfaces.

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, particularly the addition on the east side of the existing building, would improve the internal sense of order on the already developed subject property.

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

Finding: As new construction, the proposed additions would incorporate updated technologies as required by the energy code.

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.
Finding: The proposal would continue retail use of a site that has long been used for commercial purposes. It would not negatively impact adjacent properties or the neighboring area.

Parking

City code requires parking based on the size of the building and the number of service bays it contains. The code does not specify how many spaces must, or may, be occupied by inventory automobiles. The balance between available stalls and inventory occupied stalls is up to the dealership.

After the proposed building additions, code would require 196 parking stalls and the site would contain 546 stalls.

<table>
<thead>
<tr>
<th>Required Stall Calc.</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service Bays</td>
<td>4 + 3 per service bay</td>
</tr>
<tr>
<td>Non-Service Bay</td>
<td>1/250</td>
</tr>
<tr>
<td><strong>TOTAL REQUIRED</strong></td>
<td></td>
</tr>
</tbody>
</table>

Existing Pavement Concerns

During review of the current proposal, staff noted issues with some existing parking areas on the Morrie's Ford site.

1) There is a portion of the parking lot that directly abuts the public sidewalk adjacent to the north/south “curve” of Wayzata Blvd. Aerial photos and construction plans seem to indicate that this condition has existed since Wayzata Blvd. was constructed. The city would not require removal of the segment of parking area or sidewalk. However, the city has long been concerned about conflict between cars parked in these area and sidewalk snow removal. Staff would suggest the property owner install some type of bollard along the property line in this area.

2) There are four “bump-out” parking stalls located on the south side of the parking lot. These “bump-outs” would not be allowed under current ordinance provisions. However, again based on historical aerial photographs, it appears that this general condition has existed since before construction of Wayzata Blvd. Staff believes that one of the “bump-outs” may have impacted an on-site stormwater pipe. Staff would suggest that the property owner replace the eastern driveway culvert if it is found to be settled/crushed due to over-burden from the existing drive.

Neighborhood Comments

The city sent notices to 34 area property owners and received no comments.

Deadline for Action

August 27, 2018
Location Map

Project: Morrie’s Ford
Address: 13400 Wayzata Blvd
EXISTING BUILDING
FIRST FLOOR: 33,770 S.F.
SECOND FLOOR: 7,645 S.F.

ADDITION
FIRST FLOOR: 12,041 S.F.
SECOND FLOOR: 2,242 S.F.
SECOND FLOOR: 2,241 S.F.

WAYZATA BLVD
RAMP

7'-0" UTILITY EASEMENT

PLYMOUTH ROAD
EXISTING PAVING TOP LAYER TO BE MILLED AND RESURFACED
EXISTING EDGE OF PAVING TO REMAIN 35' BUILDING SETBACK LINE
EXISTING PAVING TOP LAYER TO BE MILLED AND RESURFACED

NEW CONC. APRON
NEW RAMP

DEMO EXISTING PLATFORM AND PATCH AS REQUIRED

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

Print Name: Stephen Andrew Gries
Signature: 
Date: 08-25-2017    License # 40792
EXISTING BUILDING
FIRST FLOOR: 33,770 S.F.
SECOND FLOOR: 7,645 S.F.
ADDITION
FIRST FLOOR: 12,041 S.F.
SECOND FLOOR: 2,241 S.F.

REVIEW
REVISING
DRIVEWAY GRADE TO 3% SLOPE, MAX.

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

Print Name: Stephen Andrew Gries
Signature:
Date: 08-25-2017    License # 40792
BUILDING ALTERATIONS & ADDITION FOR:
MORRIES MINNETONKA FORD
MINNETONKA, MINNESOTA

1/16" = 1'-0"}

1 NORTH ELEVATION

1/8" = 1'-0"

2 PARTIAL NORTH ELEVATION

3 PARTIAL NORTH ELEVATION

4 EAST ELEVATION
EXISTING PLATFORM TO REMAIN

EXIST.

ELEC.

SERVICE ACCESS DOOR TO TECH BREAK (2ND FLOOR)

EXISTING WALL ABOVE DETAIL

DETAIL

DETAIL

NEW FINISHES

11'-11"

14'-0"

RETAIL PARTS

EXIST.

PARTS MGR.

EXIST.

PARTS COUNTER

EXIST.

PARTS WOMEN'S TECH./LOCKER

EXIST.

TECH. TOI.

TOOLS

SERVICE MGR.

A-2.2

3

A-5.2

F&I

CLO.

F&I WORK RM

KID LOUNGE

JAN.

WOMEN'S

TECH.

PARTIAL FIRST FLOOR PLAN - AREA 'C'

KEY PLAN - AREA 'C'

BUILDING ALTERATIONS & ADDITION FOR:

MORRIS MINNETONKA FORD

MINNETONKA, MINNESOTA

1/8" = 1'-0"

1 PARTIAL FIRST FLOOR PLAN - AREA 'C'

100' - 0"

17'-4"

20'-0"

200' - 0"

This plan was prepared by

Stephen Andrew Gries

Print Name:

Signature:

Date: 08-

25-

2017

License # 40792

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Gries Architectural Group Inc.

500 North Commercial Street

Neenah, Wisconsin  54956

Phone: 920-722-2445   Fax: 920-722-6605

www.gries.design

BUILDING ALTERATIONS & ADDITION FOR:

MORRIS MINNETONKA FORD

MINNETONKA, MINNESOTA
O’Connell moved, second by Hanson, to recommend that the city council adopt the resolution approving a conditional use permit for a microbrewery and taproom at 5959 Baker Road.

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

9. Other Business

A. Concept plan review for Morrie’s Ford at 13400 Wayzata Blvd. and 13205 Southridge Road.

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

Thomas reported. She recommended that the planning commission provide comments and feedback on the identified key issues and any other issues commissioners deem appropriate. The discussion is intended to assist the applicant with the preparation of more detailed development plans and a formal application.

Lynn Robson, Morrie’s Automotive Group facilities director, applicant, stated that:

- She thanked Gordon and Thomas for their direction during the process.
- The intent of the project would be to improve site circulation and traffic flow and create a better experience for customers and staff.
- As part of a buy/sell Morrie’s went through in 2016, the manufacturer conditioned the purchase to some improvements to the facility. Ford has reviewed and approved the plans.
- She requested the commissioners’ comments and feedback.

Brandon Greize, representing the applicant, explained that:

- Ford wants to put corrugated metal over the brick and EIFS.
- A new pedestrian ramp would be added to increase access.
- There would be a 12,000 square-foot addition on the east side and the addition of service stalls, a three-lane service drive, and two-bay carwash. All of the drying would take place inside the drive-through car wash.
- There would be a place to deliver vehicles to customers on the west side.
- There would be an elevator to the second floor. There would be a display room on the second floor overlooking Interstate 394.
- Fifty parking stalls would be added on the north side for employee parking. The site would look cleaner and have a better appearance.

Chair Kirk invited the public to comment.

Rob Haas, 13224 Southridge Road, stated that:
• The proposal would set a bad precedent. There would be nothing to prevent Sears from tearing down three houses it owns. Sears also has issues with its parking area.
• Salespeople frequently set off vehicle alarms to locate vehicles.

Jan Rivers, 13317 Southridge Road, stated that:

• She lives adjacent to the Sears’ owned residential properties.
• She is not a fan of a parking lot being located at the entrance to her neighborhood. It would not fit in the neighborhood.
• The proposal would set a precedent.
• She did not care what would happen with the building. She opposed the parking lot.

In response to Sewall’s question, Thomas explained that a residential property does not have a hard-surface maximum unless it is adjacent to a lake. A commercial property is allowed to have up to 85 percent of its surface covered by an impervious surface.

Chair Kirk asked if the residential properties owned by Sears are being used to store vehicles. Thomas answered that staff will be following up with those properties to see if ordinances are being followed.

Schack said that the comprehensive guide plan steering committee meetings have discussed how the changes in the landscape of areas happens over time. Thomas recalled an example of a residential area becoming more commercial when a rezoning and guide plan amendment were approved for the North Memorial clinic. Gordon noted that often commercial areas have become residential uses.

Powers could understand that more parking may be needed for employees. He did not know how restricting the lot to employee parking could be enforced. The applicant knew that the property is zoned R-1 when it was purchased. Changing the zoning from residential to commercial would change the character of the neighborhood.

Chair Kirk confirmed with Thomas that the area is guided for medium-density residential.

Sewall asked for the number of parking stalls the site currently has and how many would be removed due to the addition on the building. Ms. Robson estimated that 50 stalls would be removed due to the addition of the building. Eighty employees are usually on site every day. Employee parking would create fewer trips and less of an impact on the neighbors than vehicle storage for the dealership. Having motion-activated lights is being considered.

Sewall visited the site and it is very tight.

Schack thought that the neighborhood is in favor of refreshing the look of the building. The changes to the car wash would be a big enhancement. She was concerned with a
parking lot changing the character of the neighborhood. Turning a residential area into parking when parking needs would be changing in the future makes it more difficult to support the proposal.

In response to Chair Kirk’s question, Thomas answered that changing a residential site to a parking lot would require rezoning and a comprehensive guide plan amendment. Thomas explained the pyramid of discretion.

Chair Kirk felt that the integrity of the neighborhood needs to be protected. All of the vehicle dealerships need to be held to a line with a buffer to provide some degree of separation between the businesses and residential houses.

Powers asked if it would be possible to require a buffer so the surrounding neighbors would not see the vehicles. Thomas explained that if the zoning would be changed, then the city would be bound by the parameters provided in the zoning classification. A buffer could not be a condition of approval for a rezoning request.

Knight likes the idea of refreshing the building. A business owner can do that. The proposal shows that there would be a lot of green space around the perimeter of the proposed parking lot. At the moment, the site is doing a reasonable job of trying to hide the vehicles.

Hanson understood where the neighborhood was coming from. He saw the danger of setting a precedent. He saw no way of guaranteeing that the parking would change its use from employee parking to storage of merchandise.

Sewall thought that storage of new vehicles might have less of an impact than employee parking.

Chair Kirk reviewed that commissioners are apprehensive regarding the proposed change in the use of the residential property. There is a gray area in determining what would be the less obtrusive manner to manage the proposed parking lot. Commissioners support the renovations and freshening up the building, but struggle with the use encroaching on the neighborhood.

10. Adjournment

Sewall moved, second by Powers, to adjourn the meeting at 7:53 p.m. Motion carried unanimously.

By: ____________________________
Lois T. Mason
Planning Secretary
C. On-sale brewer’s taproom and Sunday liquor license, and off-sale liquor license (for growlers) for Brass Foundry Brewing Co., 5959 Baker Road

Barone noted staff needed more time to complete the background check.

Acomb moved, Calvert seconded a motion to continue the public hearing to April 16, 2018. All voted “yes.” Motion carried.

14. Other Business:

A. Concept plan review for Morrie’s Ford at 13400 Wayzata Blvd. and 13205 Southridge Road

City Planner Loren Gordon gave the staff report.

Wagner said the ordinance associated with auto dealerships along the 394 corridor was revised around 10 years ago. New dealerships were required to do structured parking. He asked what would trigger the ordinance if there was a more major plan. Gordon said if a new dealership was involved, the requirement would be that half of the vehicles on the property needed to be screened or were in structured parking. He said he would research what the trigger was for an existing dealership.

Wiersum asked if there were height restrictions for the buildings and if so, what the restrictions were. Gordon said the height was a function of the building setbacks.

Lynn Robson, facilities director for Morrie’s Automotive Group, said Morrie’s went through a buy/sell in March 2016. As part of the manufacturer approvals, they conditioned consent based on some facility improvements. Ford required the relocation of the Lincoln franchise. Ford and Lincoln are now standalone franchises. Lincoln was relocated in January 2018. The goal of this project was to improve the site circulation, traffic flow and to create a better experience for customers and employees. She said 12,000 square feet had been added to accommodate additional service capacity including a three lane service drive to accommodate peak hour traffic, and a two bay carwash.

Brannin Gries, the project architect, said he was working with Ford’s architects out of Detroit to bring the facility up to their standards. He said around 45 stalls would be lost in the parking area on an already tight site so they were looking at another area to expand the parking. After hearing the concerns of the planning commission and neighbors, images were developed to better represent the corner and maintain a residential feel. A solid brick fence would not only keep the residential feel but would also block the cars.

Wagner asked for more information about the inventory that left the site when Lincoln relocated. Robson said there were around 100 new vehicles in inventory at the Lincoln store. Some of those had been in offsite storage. She said this time of the year the inventory increases while other times of the year it decreases.
Rob Haas, 13224 Southridge Road, said he lived in the neighborhood for 39 years. He said this plan was one of the most disturbing things he had seen as far as encroaching on the neighborhood. The lot had been vacant for around 10 years. Before that, it was a home. There was agreement that the changes to the dealership itself was OK. The existing carwash was extremely noisy. Using the vacant lot as a parking lot would mean cars coming and going all the time. Motion sensor lighting would probably make it even worse. He said his biggest concern was this would set a very bad precedent. Sears Imported Auto owned three houses in the neighborhood. If Morrie’s was allowed to use the vacant lot for parking, nothing could prevent Sears from doing the same thing.

Steve Anderson, 13208 Southridge Road, said he lived in the neighborhood off and on for 63 years. He said when the upper lot was done, the vehicles were supposed to face toward the highway. A biological barricade was supposed to be installed. This was not done, instead most of the trees that were there were removed. Residents were opposed to the strip mall that went in across the street. He said his bedroom window is lit up by vehicles from both Whole Foods and Morrie’s. He agreed a bad precedent would be set by allowing parking on the vacant lot. He suggested Morrie’s sell the property to the city for a Pickleball court or a playground. He said every spring Canadian geese land on the property. The plan would take away a feeding source for a federally protected animal.

Acomb asked if the applicant had any plans to address the lighting issues. Gries said he was unaware of any lighting issue from the upper lot.

Gordon referred back to Wagner’s question about the trigger for screening for existing dealerships and dealerships operating under a conditional use permit. He said there were a number of standards for a conditional use permit. There were not any standards for an existing dealership making changes.

Wagner said he passes by the site often. He thought the service improvements and building expansion were both merited and would likely lead to better functionality. He said the 394 ordinance was created because auto dealerships can cause a challenging neighborhood relationship with the amount of unloading, cars and traffic. From a parking expansion standpoint if there was a desire to store more cars, the expectation in the ordinance was for structured parking. Although 40 spaces were lost, there was a gain of 100 from the vehicles that were no longer at this facility. He agreed with the neighbors about an expansion of parking into the residential neighborhood. This was not the desired intent of the council. He said he would not support that expansion but would support the building renovation.

Acomb agreed the improvements to the building would be welcomed. She had concerns about the creep into the neighborhood. She said there had been questions raised at the planning commission hearing about the use of the residential properties owned by Sears. Gordon said he was unaware of any current violations on those properties although there had been some complaints.
Planning Commission Resolution No. 2018-

Resolution approving final site and building plan for additions to the existing auto dealership building at 13400 Wayzata Blvd.

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

Section 1. Background.

1.01  Brannin Gries, on behalf of Morrie’s Automotive Group, has requested approval of final site and building plans for additions to the existing Morrie’s Minnetonka Ford dealership building.

1.02  The subject property is located 13400 Wayzata Boulevard. It is legally described on EXHIBIT A of this resolution:

1.03  On June 14, 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.

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.

Section 3. Findings.

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

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

2. The proposal would meet the development standards outlined in the PID ordinance.

3. The subject property is fully developed, with no area in a “natural state.” The proposed additions would occur over existing impervious surfaces.

4. The proposal, particularly the addition on the east side of the existing building, would improve the internal sense of order on the already developed subject property.

5. As new construction, the proposed additions would incorporate updated
technologies as required by the energy code.

6. The proposal would continue retail use of a site that has long been used for commercial purposes. It would not negatively impact adjacent properties or the neighboring area.

3.02 The proposed addition and façade changes would refresh a dated building.

Section 4. Planning Commission Action.

4.01 The Planning Commission approves the final site and building plans. Approval is 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 plan, dated May 5, 2018
   • Floor plans, dated May 5, 2018
   • Building elevations, dated May 5, 2018

2. Prior to issuance of a building permit.

   a) This resolution must be recorded at Hennepin County.

   b) Submit the following:

   1) A civil plan set including final site, grading, drainage, utility, and landscape plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

      a. Final landscaping 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.

   2) A survey illustrating all existing easements and proposed additions. In the event that the proposed additions conflict with any existing easement, utilities must be relocated, existing easement vacated, and new easements established prior to construction.

   3) Letter of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to comply with landscaping requirements. The city will not fully release the letters of credit or cash escrow until: (1) vegetated ground cover has
been established; and (2) required landscaping or vegetation has survived one full growing season.

4) 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.

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

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

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

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

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

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

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 14, 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 June 14, 2018.

___________________________________________
Kathy Leervig, Deputy City Clerk
EXHIBIT A

The East 218.42 feet of West 795 feet of that part of the Southwest 1/4 of the Northeast 1/4 lying South of the North 30 rods thereof in Section 3, Township 117, North Range 22, West of the 5th Principal Meridian.

That part of the Southwest 1/4 of the Northeast 1/4 of Section 3, Township 117, Range 22, described as follows: Beginning at a point in the North line of Superior Boulevard (now Wayzata Boulevard), which point is 50 feet North of the South line and 798 feet East of the West line of the Northeast 1/4 of said Section 3; thence East along the North line of said Superior Boulevard, a distance of 300 feet; thence North parallel with the West line of the Northeast 1/4 of said Section to a point 35 rods South of the North line of the Southwest 1/4 of the Northeast 1/4 of said Section 3; thence West parallel with the North line of said Southwest 1/4 of the Northeast 1/4 a distance of 300 feet; thence South parallel with the West line of the Northeast 1/4 of said Section to the point of beginning, according to the Government Survey thereof.

That part of the Southwest 1/4 of the Northeast 1/4 of Section 3, Township 117, Range 22, described as follows: Beginning at a point in the North line of Superior Boulevard which is 50 feet North of the South line of said subdivision and 1000 feet East of the West line thereof; thence North parallel to the West line of said subdivision to a point 35 rods South of the North line of said subdivision; thence East parallel with said North line to the point of intersection of said line with the East line of said subdivision; thence South along said latter line to a point therein 300 feet North along said line from the Southeast corner of said subdivision; thence West on a line parallel to the South line of said subdivision a distance of 200 feet; thence South parallel with the East line of said subdivision to an intersection with the North line of said Boulevard; thence West 5.5 feet to the point of beginning, according to the Government Survey thereof.

all in Hennepin County, Minnesota.

Bench Mark. ELEV. 680.20
Spike in P.U., North side of service drive
3rd P.U. east from Plymouth Road & Hwy. 12

Minnow Closure exceeds 1 in 20,000

Plymouth Road which formerly was Hennepin County Rd. No. 72 has been established by usage, there is no alignment of record.
MINNETONKA PLANNING COMMISSION
June 14, 2018

Brief Description
Items concerning Ridgedale Executive Apartments located at 12501 Ridgedale Drive.

1) Rezoning from Planned I-394 District (PID) to Planned Unit Development (PUD);
2) Master development plan;
3) Final site and building plan

Recommendation
Recommend the city council deny the requests.

Background
Rotenberg Companies, property owner and applicant, appeared before the planning commission on May 24, 2018 with a proposal to redevelop a portion of the property located at 12501 Ridgedale Drive. The project consisted of demolishing the existing restaurant building and constructing a new four-story, residential apartment building with underground parking. The building would include 77 apartment units with a number of indoor and outdoor amenities.

At the May 24, 2018 planning commission meeting a public hearing was held. Two people provided input on the proposal generally stating that the project was too big and dense for the property, its adjacency to single-family residences, and did not meet city ordinances.

The commission discussed the proposal and split on their opinion of the project, namely the use of the site for the apartment and office building. Some of the commissioners stated that the building layout was poorly planned and a detriment to the site as they did not work well together. Other commissioners felt that the layout was the owner’s risk and should not be a concern of the city. A common area of support from the commission was that the apartment building was much better designed in its height and mass than the plan provided in the concept plan review. Various commissioners reacted positively to an additional revised drawing that was shown by the applicant that removed portions of the building. The commission split 3-3 on a motion to deny the project; therefore there was no affirmative vote.

Since the Planning Commission meeting
Since the planning commission meeting, the applicant has decided to further revise of the plans. The revised plans were previewed at the May 24th meeting which show removal of portions of the building including residential living space, parking garage and amenity deck.

Revised Plans
The applicant’s revised building plans show an overall reduction in the building size from the original plans, mostly due to removal of the lower level parking garage. Comparisons of the original and revised plan sets of the building elevations. The areas colored red represent the portions of the original plans that are removed in the revised plans.
The revised plans do reduce the overall above grade building size by approximately 25,000 square feet. The living area of the building remains nearly the same, increasing by 318 square feet. Although the unit count increases by 1 unit (77 to 78), the bedroom count decreases by two (108 to 106).

The site plan has some minor changes, mostly to parking areas in the front and rear of the building. The front parking area changes from angled to parallel parking spaces west of the building entry. In the rear of the building, surface parking spaces replace the area previously occupied by the parking garage. The plan revisions include the following:

<table>
<thead>
<tr>
<th></th>
<th>Original Plans</th>
<th>Revised Plans</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Units</td>
<td>77</td>
<td>78</td>
<td>-1</td>
</tr>
<tr>
<td>Bedrooms</td>
<td>108</td>
<td>106</td>
<td>-2</td>
</tr>
<tr>
<td></td>
<td>46 1-bedroom</td>
<td>50 1-bedroom</td>
<td>+4</td>
</tr>
<tr>
<td></td>
<td>31 2-bedroom</td>
<td>28 2-bedroom</td>
<td>-3</td>
</tr>
<tr>
<td>Building Size (SF)</td>
<td>199,105</td>
<td>174,060</td>
<td>-25,045</td>
</tr>
<tr>
<td>including parking garage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Size (SF)</td>
<td>130,653</td>
<td>130,971</td>
<td>+318</td>
</tr>
<tr>
<td>(living area above grade; excluding the parking garage)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floor to Area Ratio</td>
<td>0.79</td>
<td>0.78</td>
<td>-0.01</td>
</tr>
<tr>
<td>Parking Garage (SF)</td>
<td>68,451</td>
<td>43,140</td>
<td>-25,311</td>
</tr>
<tr>
<td>Parking spaces</td>
<td>206</td>
<td>178</td>
<td>-28</td>
</tr>
<tr>
<td></td>
<td>(45 exterior)</td>
<td>(55 exterior)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(161 interior)</td>
<td>(123 interior)</td>
<td></td>
</tr>
</tbody>
</table>

**Staff Comment**

Staff reviewed the proposal for its consistency with the city code standards. One of the primary project deficiencies from staff’s review that remains unchanged from the original proposal is the lack of site organization. The tight “building behind building” approach for this site is one primary reason the project does not meet code standards. A site and building plan standard in city code is “harmonious design for structures and site features.” This is a basic urban planning and design principle that help bring order to development. Intuitive and organized site design and building placement creates positive and productive environments. It is staff’s opinion the organization of this site does not provide the necessary organizing principles that bring about harmonious design. As staff stated at the public hearing, the fact that the office building lacks visibility from Ridgedale Drive and does not have convenient access and parking supports the site and building plan review standards.

Staff has stated that redevelopment of this site for a mix of uses is certainly appropriate. Staff is also willing to work with the applicant to improve the project. However, at this time, this plan does not further the basic planning and design principles identified in city code. For that reason and those included in the staff report, staff is recommending denial of the revised application. Staff is continues to recommend denial of the proposal finding the request is not reasonable.
Staff Recommendation

Recommend the city council adopt the attached resolution denying rezoning, master development plan and site and building plans for the Ridgedale Executive Apartments.

Originator: Loren Gordon, AICP, City Planner
Subject: Ridgedale Executive Apartments, 12501 Ridgedale Drive

Supporting Information

**Surrounding Land Uses**
- North: Ridgedale Center mall; zoned PID
- South: residential property; zoned R-1
- East: YMCA; zoned R-1
- West: Stormwater ponding; zoned R-1
  - Hennepin County Service Center and Ridgedale Library; zoned PID

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

**Required Actions**
The proposal requires the following:

**Land Use**
- **Rezoning.** The applicant is requesting that the property be rezoned to PUD. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the rezoning.

- **Master Development Plan.** Under the zoning ordinance, a master development plan is required in conjunction with PUD zoning. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the master development plan.

- **Final Site and Building Plans.** By city code, site and building plan review is required in conjunction with PUD zoning. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the final site and building plans.

**Previous Reviews**
The project has changed since the initial concept plan. The building height and unit count has reduced from 6-stories and 117-units to 5-stories and 89 units to the current 4-stories and 78 units. The placement of the apartment building on the site has changed very little in each of the revised plans with the exception of additional setback from Ridgedale Drive.

**Grading**
The property would require excavation to construct the below grade parking garage which is approximately 7 to 10 feet below the existing site grade. As proposed, finished grades surrounding the proposed building would be very similar to the elevations of the existing site.

**Tree Impact**
Based on the proposed grading plan, the majority of high-priority and significant trees would be preserved.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Removed</th>
<th>% Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority</td>
<td>14</td>
<td>11</td>
<td>79%</td>
</tr>
</tbody>
</table>
By city code, a tree is considered removed if 30 percent or more of the critical root zone is compacted, cut, filled or paved.

As the proposal is for redevelopment of property, the proposed level of tree removal/impact would be permitted under the tree protection ordinance.

**Stormwater**

As proposed, stormwater runoff would be directed to several catch basins and directed via pipe to one of three stormwater facilities located under the proposed drive isles.

Engineering staff has reviewed the plans associated with the proposal and finds them to be generally acceptable. As a condition of approval, final plans must meet both the city’s Water Resources Management Plan standards and Bassett Creek WMO rules.

**Utilities**

Public water and sewer facilities are available at the site. Fire hydrants must be provided around the perimeter of the apartment building. Hydrants should be no more than 500’ apart as measured along the drive aisles. Newly installed private hydrants would require a private hydrant maintenance agreement.

Private water service to southern most building is thought to come from the main on the eastern side of the property. Applicant needs to confirm and may need to relocate service to the southern building. Provide a looped connection to the proposed building.

**Parking and Circulation**

As proposed, parking would be constructed as follows:

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interior</td>
<td>0</td>
<td>123</td>
</tr>
<tr>
<td>Surface</td>
<td>181</td>
<td>55</td>
</tr>
<tr>
<td>TOTAL</td>
<td>181</td>
<td>178</td>
</tr>
</tbody>
</table>

The parking ratio proposed would be slightly less than at other apartment buildings in the community. However, it would be consistent with Institute of Transportation Engineers suggested parking demand. Although a secondary concern, it is unclear how the proposal would address where office tenants would park. The plan provides 32 parking spaces immediately adjacent to the office building. The 14,361 square-foot office building is required 57 parking spaces by city code.

The two-way circulation driveway is designed at 24 feet of width which is deficient from the 26 feet minimum width requirement.
Pedestrian Improvements

The project proposed to connect to future Ridgedale Drive sidewalk and trail systems. Additional sidewalk connections are provided along the east side of the site along the access drive. The west access drive does not contain sidewalk connections to the office building.

Setbacks, Etc.

The PUD ordinance contains no specific development standards relating to setbacks, lot coverage, etc. However, the following chart outlines these items for informational purposes:

<table>
<thead>
<tr>
<th>Proposed Apartment Building</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>North property line</td>
<td>50 feet</td>
</tr>
<tr>
<td>South property line</td>
<td>405 feet</td>
</tr>
<tr>
<td>East property line</td>
<td>35 feet</td>
</tr>
<tr>
<td>West property line</td>
<td>37 feet</td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td>54 feet</td>
</tr>
<tr>
<td><strong>FAR</strong></td>
<td>0.78 - property total</td>
</tr>
<tr>
<td></td>
<td>1.19 - northern portion of property</td>
</tr>
<tr>
<td><strong>Impervious Surface</strong></td>
<td>51.3 percent</td>
</tr>
</tbody>
</table>

SBP Standards

Staff review of the site and building standards as outlined in City Code §300.27 Subd.5 are as follows:

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

   **Finding:** The proposed high-density residential development is generally consistent with the 2030 Comprehensive Guide Plan and water resources management plan.

2. Consistency with this ordinance.

   **Finding:** The proposal is not consistent with ordinance requirements including with parking drive isle width and parking minimums.

3. Preservation of the site in its natural state to the extent practicable by keeping tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing properties.
Finding: The proposal would not negatively impact the developed portion of the existing site or the undeveloped southern natural site area.

4. Creation of 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 does not result in a harmonious relationship of buildings. The project fails to adequately transition between land use and architectural types and spatial relationships. The tight “building behind building” approach for this site is one primary reason the project does not meet code standards. This is a basic urban planning and design principle that help bring order to development. Intuitive and organized site design and building placement creates positive and productive environments. The organization of this site does not provide the necessary organizing principles that bring about harmonious design.

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

- 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.

- the amount and location of open space and landscaping.

- materials, textures, colors and details of construction as an expression of the design concept and compatibly of the same with the adjacent and neighboring structures and uses.

- Vehicular and pedestrian circulation, including walkways, interior drivees 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 fails to:

- Create 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. The lack of visibility to the office building from Ridgedale Drive is concerning to its long term viability.

- The developed portion of the site provides no open space for the enjoyment of residents.
• Provide intuitively designed vehicular and pedestrian circulation, adequately designed internal driveways and circulation and the arrangement and location 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.

**Finding:** The project if approved, would be required to meet minimum building and landscaping requirements.

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and site 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 visually and physically alter the property and the immediate area. However, this change would occur with any redevelopment of the site.

---

### Pyramid of Discretion

![Pyramid of Discretion Diagram](image)

- **This proposal:**

### Motion Options

The planning commission has three options:

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

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

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

**Voting Requirement**

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

**Neighborhood Comments**

The city sent notices to 1114 property owners and has received no written comments to date.

**Deadline for Action**

July 9, 2018
Location Map

Applicant: Rotenberg Companies
Address: 12501 Ridgedale Dr

City of minnetonka
Where quality is our nature
CITY SUBMITTAL - MODIFICATION - OPTION B

Ridgedale Executive Apartments
12501 RIDGEDALE DRIVE, MINNETONKA MN

SOUTHWEST ISOMETRIC

NORTHWEST ISOMETRIC
Below is a recap of the history of the project design and City Submittals. This highlights the major changes made during the City approval process, starting with the original site plan review submittal. This shows how we progressed from a 6 story 111 unit building to the current 4 story 78 unit building.

Ridgedale Apartments History & Comparison

Original Site Plan Review Submittal (11-20-17)
Height: 6 Stories (75’)
Number of Units: 111 units
Gross Square Footage: 253,404 sf
Building Footprint: 47,171 sf
F.A.R.: 1.06
Setback from North Property Line: 27’
Setback from East Property Lines: 31’
Interior Parking: 192 stalls
Exterior Parking: 58 stalls
Notes: Original design presented to the neighborhood and the planning commission

Development Application Submittal (01-24-18)
Height: 5 Stories (67’)
Number of Units: 89 units
Gross Square Footage: 219,754 sf
Building Footprint: 44,992 sf
F.A.R.: 0.89
Setback from North Property Line: 50’
Setback from East Property Lines: 36’
Interior Parking: 183 stalls
Exterior Parking: 46 stalls
Notes: Made the building skinnier and added additional stepbacks to north facade to increase the setbacks along the north and east sides of the property. Removed 6th floor. Reduced units and parking. Added enhanced pedestrian connection to Ridgedale Drive.

Revised Development Application Submittal (03-29-18)
Height: 4 Stories (55’)
Number of Units: 77 units
Gross Square Footage: 199,105 sf
Building Footprint: 44,920 sf
F.A.R.: 0.79
Setback from North Property Line: 50’
Setback from East Property Lines: 36’
Interior Parking: 161 stalls
Exterior Parking: 45 stalls
Notes: Removed 5th floor. Reduced the size of the 2nd level pool deck to add units on 2nd, 3rd, and 4th floors. Reduced units and parking. Made very minor changes to footprint resulting in a 72 sf reduction in footprint square footage.
Revised Development Application Submittal (OPTION B) (06-01-18)
Height: 4 Stories (50’)
Number of Units: 78 units
Gross Square Footage: 174,060 sf
Building Footprint: 43,140 sf
F.A.R.: 0.78
Setback from North Property Line: 50’
Setback from East Property Lines: 36’
Interior Parking: 123 stalls
Exterior Parking: 55 stalls
Notes: Eliminated the first floor indoor parking. Reduced the size of the amenity deck and relocated it from the second floor to the first floor. Eliminated the “extra” wings of the building and their associated units and massing, which formerly surrounding the amenity deck. Added additional units and relocated amenity space to the first floor.

One of the sacrifices that we needed to make for this new Option B plan with reduced massing was the elimination of our pool at the amenity deck. The reason for this is because of the elimination of the first level parking garage. In the initial design the height of the first floor, and thus the first floor parking garage, was set in order to permit a pool at the second floor amenity deck. The first floor level garage was tall enough to support the pool, which was recessed into the garage space below, and still allowed the necessary minimum clearance for parking below it.

Once the first floor garage is eliminated and the amenity deck lowered to the first floor, this is no longer a viable option. The underground garage is not tall enough to permit a pool above the parking. Unfortunately, lowering the level of the underground garage is not an option because we want to stay at least a couple of feet above the highest recorded water table level. We cannot simply carve out a few parking stalls directly beneath the pool location either. (Not that we want to lose more parking.) This is because we reduced the footprint of the amenity deck to allow for additional on-grade parking, a pool at the first floor amenity deck would need to be situated, at least partially, over a drive aisle in the garage below, which obviously cannot be carved out.
Ridgedale Executive Apartments
12501 RIDGEDALE DRIVE, MINNETONKA MN

Entry Rendering

CITY SUBMITTAL - MODIFICATION - OPTION B
NEW APARTMENT BUILDING

EXISTING OFFICE BUILDING

GARAGE FLOOR ELEVATION: 933' - 0"

EXISTING POND

BUILDING AREA ABOVE GRADE NOT INCLUDING GARAGE
1st Floor 32725 SF
2nd Floor 32829 SF
3rd Floor 32787 SF
4th Floor 32630 SF
Grand total 130971 SF

BUILDING AREA ABOVE GRADE INCLUDING GARAGE

OFFICE REQUIRED PARKING SPACES:
MINNETONKA ORDINANCE OR STANDARDS:
BY ORDINANCE:
78 UNITS X 2 SPACES/UNIT = 156 SPACES REQUIRED
BY STANDARDS:
78 UNITS X 1.5 SPACES/UNIT = 117 SPACES REQUIRED
TOTAL PARKING REQUIRED BY ORDINANCE:
213
TOTAL PARKING REQUIRED BY STANDARDS:
174
TOTAL PARKING PROVIDED:
178

UNIT MIX BY TYPE

1 BED 50 63%
2 BED 28 37%
Grand total 78 100%

PARKING SCHEDULE

PARKING REQUIRED BY ORDINANCE: 213
PARKING PROVIDED: 178
PARKING PROVIDED: 178

CENTURY
PERCENTAGE

1 BED 50 63%
2 BED 28 37%
Grand total 78 100%

GROSS BUILDING AREA
174,060 SF

LOSS/GAIN SQUARE FOOTAGE
+11245 SF
-3,892 SF
-3,663 SF
-3,424 SF
+ 267 SF

1ST FLOOR GARAGE
0 SF

NON GARAGE BUILDING AREA (130,920 SF) + EXISTING OFFICE AREA (14,361 SF) / BUILDABLE LAND AREA (186,209 SF) = 0.78 FAR

MINNETONKA ZONING
PLANNED I - 394 DISTRICT:

2035 RIDGEDALE VILLAGE CENTER VISION:
• PEDESTRIAN FRIENDLY
• REVITALIZE USE
• ADDITIONAL RESIDENTIAL GROWTH
• VITALITY ENCOURAGED BY MIXED USES

FAR CALCULATION

TOTAL SITE AREA
4.43 ACRES/183,247 SF
TOTAL PROTECTED WETLAND AREA
938 SF
TOTAL BUILDABLE AREA
186,209 SF
NON GARAGE BUILDING AREA (130,920 SF) + EXISTING OFFICE AREA (14,361 SF) + BUILDABLE LAND AREA (186,209 SF) = 0.78 FAR

ARCHITECTURAL SITE PLAN

1" = 20'-0"
WEST INTERIOR COURTYARD ELEVATION

WEST ELEVATION

1" = 10'-0"
SWPPP NOTES:
1. This project is greater than one acre and will require an SWPPP. The Contractor is responsible for determining any erosion control permits required by the City.
2. Design notes 2.9.3.1 for all erosion control notes, designations, and practices.
3. Submit plans for additional grading and erosion control notes.
4. Contractor is responsible for SWPPP implementation, inspections, and compliance with SWPPP permits.

CITY OF MINNETONKA EROSION CONTROL NOTES:
1. Reserve for city specific erosion control notes.
ALL SPECIFIED EROSION AND SEDIMENT CONTROL PRACTICES, AND EQUIPMENT, TOGETHER WITH THE SWPPP ARE THE MINIMUM REQUIREMENTS. ADDITIONAL PRACTICES MAY BE REQUIRED DURING OCCURRENCE OF CONSTRUCTION.

SWPPP NOTES:
1. THIS PROJECT IS GREATER THAN ONE ACRE AND WILL REQUIRE AN MNR SWPPP PLAN. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY EROSION CONTROL PERMITS REQUIRED BY THE CITY.
2. DESIGNER TO SUBMIT SWPPP FOR ALL EROSION CONTROL NOTES, DESIGNS, AND PRACTICES
3. DESIGNER TO SUBMIT SWPPP FOR ADDITIONAL EROSION AND EROSION CONTROL NOTES.
4. CONTRACTOR IS RESPONSIBLE FOR SWPPP IMPLEMENTATION, INSPECTIONS, AND COMPLIANCE WITH MNR RETAIN.

CITY OF MINNETONKA EROSION CONTROL NOTES:
1. RESERVE FOR CITY SPECIFIC EROSION CONTROL NOTES.
1. **EBB**

   - **NOTES**
     - 1. PROVIDE APPROPRIATE TRANSITION BETWEEN STABILIZED CONSTRUCTION SURFACE AND UNSTABILIZED GROUND.
     - 2. THE EMBEDDING DEPTH SHALL BE MANAGED TO MINIMIZE WIND SHEAR AND TRASH DISPLACEMENT. THE CHECKED LINE DEPTH IN FIGURE 1 IS FOR THE LAYOUT OF THE SYSTEM. EMBERS IN FIGURE 1 ARE FOR THE EMBERS THAT ARE TO BE USED IN THE INSTALLATION OF THE SYSTEM.
     - 3. PROVIDE APPROPRIATE TRANSITION BETWEEN STABILIZED CONSTRUCTION SURFACE AND UNSTABILIZED GROUND.

2. **PROFILE**

   - **NOTES**
     - 1. PROVIDE APPROPRIATE TRANSITION BETWEEN STABILIZED CONSTRUCTION SURFACE AND UNSTABILIZED GROUND.
     - 2. THE EMBEDDING DEPTH SHALL BE MANAGED TO MINIMIZE WIND SHEAR AND TRASH DISPLACEMENT. THE CHECKED LINE DEPTH IN FIGURE 1 IS FOR THE LAYOUT OF THE SYSTEM. EMBERS IN FIGURE 1 ARE FOR THE EMBERS THAT ARE TO BE USED IN THE INSTALLATION OF THE SYSTEM.

3. **EROSION BLANKET**

   - **NOTES**
     - 1. PROVIDE APPROPRIATE TRANSITION BETWEEN STABILIZED CONSTRUCTION SURFACE AND UNSTABILIZED GROUND.
     - 2. THE EMBEDDING DEPTH SHALL BE MANAGED TO MINIMIZE WIND SHEAR AND TRASH DISPLACEMENT. THE CHECKED LINE DEPTH IN FIGURE 1 IS FOR THE LAYOUT OF THE SYSTEM. EMBERS IN FIGURE 1 ARE FOR THE EMBERS THAT ARE TO BE USED IN THE INSTALLATION OF THE SYSTEM.

4. **SEDIMENT BIO-ROLL / COMPOST FILTER LOG**

   - **NOTES**
     - 1. PROVIDE APPROPRIATE TRANSITION BETWEEN STABILIZED CONSTRUCTION SURFACE AND UNSTABILIZED GROUND.
     - 2. THE EMBEDDING DEPTH SHALL BE MANAGED TO MINIMIZE WIND SHEAR AND TRASH DISPLACEMENT. THE CHECKED LINE DEPTH IN FIGURE 1 IS FOR THE LAYOUT OF THE SYSTEM. EMBERS IN FIGURE 1 ARE FOR THE EMBERS THAT ARE TO BE USED IN THE INSTALLATION OF THE SYSTEM.

5. **SEDIMENT FENCE**

   - **NOTES**
     - 1. PROVIDE APPROPRIATE TRANSITION BETWEEN STABILIZED CONSTRUCTION SURFACE AND UNSTABILIZED GROUND.
     - 2. THE EMBEDDING DEPTH SHALL BE MANAGED TO MINIMIZE WIND SHEAR AND TRASH DISPLACEMENT. THE CHECKED LINE DEPTH IN FIGURE 1 IS FOR THE LAYOUT OF THE SYSTEM. EMBERS IN FIGURE 1 ARE FOR THE EMBERS THAT ARE TO BE USED IN THE INSTALLATION OF THE SYSTEM.

**NOTE:**
1. THE VERTICAL EMBERS SHALL BE MANAGED TO MINIMIZE WIND SHEAR AND TRASH DISPLACEMENT. THE CHECKED LINE DEPTH IN FIGURE 1 IS FOR THE LAYOUT OF THE SYSTEM. EMBERS IN FIGURE 1 ARE FOR THE EMBERS THAT ARE TO BE USED IN THE INSTALLATION OF THE SYSTEM.

SW1.2
### ATTACHMENT B: SWPPP INSPECTION FORM

**NOTE**: This inspection is to be performed at all times for the purpose of monitoring the compliance with the SWPPP regulations and the effectiveness of the best management practices (BMPs) as outlined in the SWPPP Plan. The inspection must be performed by a qualified person who is familiar with the site and the BMPs. This inspection must be conducted at least once per week, or as determined by the site manager or owner.

#### INFORMATION

**Date**: [Insert Date]

**Location**: [Insert Location]

**Inspector**: [Insert Name]

**Inspection ID**: [Insert ID]

**Project Name**: [Insert Name]

**Project Address**: [Insert Address]

**Contractor**: [Insert Name]

**Contractor Address**: [Insert Address]

**Inspection Requirements**: [Insert Requirements]

**Inspection Group**: [Insert Group]

**Inspection Date**: [Insert Date]

**Inspection Time**: [Insert Time]

**Inspection Duration**: [Insert Duration]

**Inspection Results**: [Insert Results]

**Inspection Signature**: [Insert Signature]

**Inspection Date**: [Insert Date]

### EROSION CONTROL REQUIREMENTS

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<td>Y</td>
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#### COMMENTS

**Comments**: [Insert Comments]

**Inspector**: [Insert Name]

**Inspection Date**: [Insert Date]

**Inspection Time**: [Insert Time]

**Inspection Duration**: [Insert Duration]

**Inspection Signature**: [Insert Signature]

**Inspection Date**: [Insert Date]

### ATTACHMENT C: MAINTENANCE PLAN FOR PERMANENT STORM WATER TREATMENT SYSTEM

#### FACILITY MANAGEMENT SCHEDULE

1. **All stormwater management systems and treatment basins must be inspected at least once per year to determine that existing retention and treatment characteristics are adequate. Stormwater treatment basins will be considered sufficient in size if constructed to treat the maximum rainfall runoff from the site for a design storm using the Rational Method.**

2. **All catch basins, catch basins, and manholes must be inspected for structural stability. Any basins or manholes that are not stable must be repaired or replaced.**

3. **All sediment and debris traps must be inspected for effectiveness. Any traps that are not functioning properly must be cleaned or replaced.**

4. **All vegetation areas around basins and treatment basins must be inspected for effectiveness. Any vegetation that is not functioning properly must be removed.**

5. **All stormwater management systems and treatment basins must be inspected at least once per year to maintain integrity.**

6. **All stormwater management systems and treatment basins must be inspected at least once per year to determine that existing retention and treatment characteristics are adequate. **

#### SWPPP ATTACHMENTS

**Ridgeglen Executive Apartments, Inc.**

**Date**: [Insert Date]

**Contractor**: [Insert Name]

**Contractor Address**: [Insert Address]

**Inspection Group**: [Insert Group]

**Inspection Date**: [Insert Date]

**Inspection Time**: [Insert Time]

**Inspection Duration**: [Insert Duration]

**Inspection Signature**: [Insert Signature]

**Inspection Date**: [Insert Date]
COMPARISON OF PLANS
Formal Plan Submission – 4-stories (north elevation)

Comparison of Revised Concept Plan (5-stories) to Formal Plan Submission – (4-stories)

Comparison of all plans

Original Concept Plan (6-stories)  Revised Concept Plan (5-stories)  Formal Plan Submission – (4-stories)
CONCEPT PLAN MINUTES
A. Concept plan for Ridgedale Executive Apartments, a 112-unit luxury apartment building, at 12501 Ridgedale Drive.

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

Gordon reported. He recommended that the planning commission provide comments 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.

Chair Kirk noted that he is the YMCA director of architectural services, but there is no conflict for him with the proposed application as a member of the planning commission.

Schack confirmed with Gordon that the density would equal 25 to 30 units per acre.

Richard Rotenberg, applicant, stated that he purchased the property in 1986. He built the office building at 12455 Ridgedale Drive. Red Stone Grill recently terminated its lease agreement. The site is fantastic. The proposed plan fits with the city’s 2035 vision.

Charlie Carpenter, attorney for the applicant, stated that he has studied the city’s vision statement for Ridgedale Village. The concept would fit pretty well. The property lies at the center of Ridgedale Drive. Given its prominent location and natural beauty, the proposal would create a center piece for the Ridgdale Center Village. There is a substantial demand not being met for up-scale rental housing. The largest demand is from empty nesters who want high-quality homes, freedom, and the amenities of a luxury apartment. Young professionals would also reside in the proposal. The proposal would serve as a catalyst for investment in the Ridgedale area. The project would include heated parking, electronic vehicle charging stations, wash bays, a private yoga studio, boardrooms equipped with communication technology, virtual golf, a putting green, and a concierge. The high quality of the project would set it apart. It would become an iconic presence.

Jesse Hamer, design architect for the applicant, stated that he was directed to create a luxury, elegant, and beautiful building. The proposal would have 111 units, 6 stories, and exterior made of natural stone.

Knight moved, second by Calvert, to extend the meeting until midnight.
Calvert, Knight, O’Connell, Powers, Schack, Sewall, and Kirk voted yes. 
Motion carried.

Mr. Hamer stated that glass with glazing would be used to allow more light to come inside. Details at the base would include metal panels. The building was designed to be pushed up against Ridgedale Drive to make it part of the community, maximize the number of parking stalls between the buildings, and create as much distance between the neighbors on the south side as possible. The site is wooded which is a big amenity. There would be wood floors and marble countertops in the units. The proposal would be an asset to the neighborhood.

Dan Rhodes, applicant’s landscape architect, addressed the concerns expressed at the neighborhood meeting. The building would be pushed close to Ridgedale Drive and away from neighbors on the south. The closest residence would be 130 feet from the nearest point of the building. The Ridgedale Library and YMCA are further south than the proposed building. The bluff between the site and adjacent south neighbors would provide effective screening. The applicant has agreed to work with neighbors to add more screening such as evergreens that would be more effective in the winter. There would be a path along the pond and a path that would tie in with the government center.

Mr. Rotenberg is looking forward to doing a great project. The Ridgedale area is the center and hub of the city. It belongs to the entire city of Minnetonka. It would be a great project for everyone and would be impressive when done.

Powers confirmed with Mr. Rotenberg that the existing building and proposed building would complement each other.

The public was invited to comment.

Kim Leventhal, 2030 Norway Pine Circle, asked if 4.3 acres encompasses the entire site. Gordon answered affirmatively. It includes the developed portion of the site and the portion that would be in a conservation easement.

Dr. Mark Stesin, 2000 Norway Pine Circle, stated that he spoke on behalf of the neighborhood. He did not believe that one would not be able to see a six-story building through the trees from his house. The path would cause people to walk through the residents’ back yards. There is not enough room to tear down trees, put in a path, and install railings to prevent people from falling into the pond. Commissioners need to visit the site. He welcomed commissioners to his back yard. He was not opposed to building on the property, but six stories would be way out of proportion for the density and proximity to the neighborhood.
Gary Van Cleave, attorney on behalf of Mark and Heather Stesin at 2000 Norway Pine Circle, Felix and Donna Ricco at 2010 Norway Pine Circle, and Andy and Zhanna Schectman at 2074 Austrian Pine Circle stated that:

- The property owner has the right to develop the property, but the proposal is not the right size. There are inconsistencies between the proposal and the comprehensive guide plan and zoning ordinances. The building would exceed the allowed size and scale for the area. He disagreed that the proposal would fit within the context of the surrounding neighborhood.
- The PID I-494 district does not allow a mixed-use development.
- The height and mass would be grossly out of scale and character with the surrounding area.
- There would not be adequate buffering between different land uses.
- The proposal would increase traffic, noise, and light exposure. Balconies would face sideways toward the neighborhood.
- The zoning district limits FAR to .75. The proposed FAR is 1.06.
- The trail adjacent to the single-family residences would not provide adequate buffering, would cause tree removal, and result in bluff destabilization.
- The neighbors he represents strongly object to the proposed project. He urges commissioners and city councilmembers to direct the applicant to work with staff to develop a project consistent with policies and law and work with neighbors.

Annette Bertelsen, 13513 Larkin Drive, stated that:

- The proposed path would be a park trail that would be paid for with park and trail improvement funds. It would be maintained by the park and trail budget. Adding a trail around the pond had never been mentioned before this proposal. The trail would be 10 feet from houses. The trail would be a loop that would go nowhere. The trail is not needed. The funds should be used for other parks and trails.

Zhanna Schectman, 2074 Austrian Pine, stated that:

- Her house was built four years ago. The back of the house is all windows. The second floor of her house would overlook the proposed building. Her fear is that people with binoculars would look in her windows. Her house would have no privacy if the building would be six stories tall. The back of her house would be lit up all night long. She opposed the proposal.

Richard Campion, 12700 Sherwood Place, stated that:
• The easement travels to Woodbine.
• When the leaves are down, the Ridgedale Service Center is visible and residents are used to the view. When the leaves are on, none of the buildings are visible.
• He understood that the trail could connect to Plymouth Road and the sidewalk. He asked if that would be the grand plan. He questioned if another path is necessary.
• Two lanes of traffic are needed instead of making it look green and pretty. Adding hundreds of people around Ridgdale would cause a traffic problem. Cops could tell commissioners about traffic better than an engineer.
• Bike paths provide escape routes for burglars.
• He did not think the trail would be necessary.

Heather Stesin, 2000 Norway Pine Circle, stated that:

• The swing set in her back yard would be 25 feet from the path. She did not think it would be safe.
• Helicopters have looked for shoplifters in the woods before. The path would make it more convenient for criminals to leave a getaway car on her cul de sac.
• The building would be an albatross. The library is two stories and the Sheraton Hotel is three stories. The proposal would not fit in the neighborhood. She would be fine with a three-story building.

Felix Ricco, 2010 Norway Pines Circle, stated that he agrees with his neighbors’ comments.

In response to Schack’s question, Gordon explained that the trail would not travel south into the neighborhood. It would go around the pond.

Powers requested Dr. Stesin provide photos from his house of the view. Powers liked the idea of a luxury apartment building. There is a demand. The Ridgedale Center area would be the right place. He did not have enough visual evidence yet to determine if six floors would be appropriate.

Calvert agreed that there is a market for luxury, high-density residential housing. The Ridgedale area would be a likely spot for it. She asked what sustainable features would be utilized. A green roof might reduce the mass or industrial look of the building. She drove all of the streets south of the site. In her mind, a six-story building would be intrusive to the neighborhood. It would be an abrupt transition from high density to a single-family resident’s back yard. It would be a valuable project. The proposal looks very attractive. The stone exterior would be beautiful. She was concerned with the mass being located so close to a residential area. It would have an urban feel and what people love about Minnetonka is the suburban feel, so she has conflicted feelings.
Schack understood that, generally, it has been agreed that the Ridgedale area is an area suitable for high density. The proposed mass seems large to be adjacent to single-family houses. She noted that a 10-story office building would not be any better. The need for high-density housing is great, but 6 stories at the proposed location does seem like a lot. She commended the inclusion of electric-vehicle plugins, but would look for more than that from a sustainability perspective.

Sewall felt that the land use would be appropriate. There is a compromise to be made. He saw dense housing orbiting Ridgedale and funneling people towards Ridgedale.

Powers asked if the proposal would move forward if the SWLRT would not be completed. Mr. Rotenberg answered in the affirmative. He noted that the illustrations were created using actual elevations and a survey. Trees that would be planted were included in the illustration. The white building is the building based on the survey. The light pole is 15-feet tall. The building would be visible in the winter without additional buffering, but not in the summer.

Knight thought that the angle would be so low that a six-story building would not look like a six-story building from the houses. The density would work. It does not look too big. View corridors are not property rights. He would like staff, the developer, and city councilmembers to add some clarity around the favored zoning districts.

Chair Kirk wondered about the FAR in regard to high-density housing. He would be comfortable not including the trail or creating two dead-end trails that would not encroach on the neighborhood. He saw the center of Ridgedale Center as a bullseye. He thought the mass would be too large. He preferred four stories.

Calvert agreed with Chair Kirk.
B. Concept plan review for Ridgedale Executive Apartments at 12501 Ridgedale Drive

Gordon and Wischnack gave the staff report.

Wagner noted the close proximity to Ridgedale Drive. He said he understood this was a concept plan, but questioned the setbacks as shown in the plan. Gordon said staff had not done any detailed review with how the building sits on the property. Wischnack said she thought the setbacks were similar to the Ridge.

Allendorf said he always thought there was a lot going on even with past use of the property. This concept plan would be even more in terms of footprint. He wondered if the building would even fit on the site. Gordon said staff had not run any numbers on the property. He said the plan was denser than other things on Ridgedale Drive.

Richard Rotenberg, 13924 Emerald Ridge, said he owned the property since 1996. The reason he purchased it was because of the beauty of the property including the pond. It was a serene setting. He owned Redstone and built the office building. He looked at a number of ideas for the site and determined the best thing was for a luxury apartment building. He attempted to fit in with the city’s vision for 2035 and thought this plan was ideal.

Charlie Carpenter, an attorney with the Fabyanske Westra Hart & Thomson law firm, provided information about the concept plan. He said there was high demand for upscale rental housing. The upscale apartment building would serve as a catalyst for investment in the Ridgedale center concept. The goal was for the building to become an iconic presence that everyone in the city would be proud of.

Rotenberg said the average one bedroom apartment would be around 969 square feet. This contrasts to other units in the area where the average is around 750-850 square feet. Two bedroom units would average around 1,500 square feet. There would be high ceilings and the appliances would be luxurious.

The project architect, Jesse Hamer from Momentum Design Group, presented further details about the plan. Pushing the building north maximized the parking between it and the office building. It also increased the distance between the building and the neighbors to the south. The
majority of parking would be enclosed both underground and at grade at the first level. The six story building would be approximately 55 feet in height. The natural screening of the site was very important to maintain and was a big amenity. This was set as a priority at the beginning of the process.

Dan Rosen, an attorney with the Kluger, Kaplan, Silverman, Katzen & Levine law firm, said Rotenberg only did things at the highest level. Rosen noted the council received a letter from the Larkin Hoffman law firm representing some of the neighbors. He said the legal argument in the letter was a considerable reach and was inconsistent with the city’s comprehensive guide plan and zoning code. At the end of the day the fundamental opposition was not wanting a six story building. The common response to a development was “But I can see it and I couldn’t see it before.” In the summer, the neighbors would not be able to see the building. In the winter, there was no question something would be seen but the question was what the developer was doing to elevate the neighborhood. The choice was the luxurious vertical surface or a horizontal surface that might be asphalt roadways, driveways or rooftops. These were the only alternatives available. He said the city was looking for density in housing for the area. Without this plan, it would be difficult to achieve that goal. The idea then was to do it in the nicest way possible. He pledged the developer would be 100 percent respectful to the neighbors. The plan would be a tremendous upgrade from Redstone.

Jacob Steen, an attorney with the Larkin Hoffman, said the law firm was representing several of the most affected neighbors who live in the low density residential neighborhood to the south. There was no doubt this would be a nice facility and that it was appropriate for some level of development to occur on the site. It was apparent there was just too much being shoehorned onto the site with this plan. He said looking at the massing in context was important because the city spent a considerable effort with the community to develop policies that specifically address the south end of the Ridgedale area. The comp plan in several places referenced this single family, low density neighborhood by name specifically in the context of the buffers, the transition, massing and height. The buffers and transition were supposed to be buffering from the mall over this property to the single family residential neighbors. This plan would create a high density residential development directly abutting the lowest density residential development in the area. He urged the council to look through this lens as it was evaluating the plan. The comp plan specifically referenced minimizing the impacts of development on this property with managing impacts on nearby low density to the south. He said he hoped the idea of a proposed trail would be dropped because it
was one of the neighbors’ biggest concerns. He encouraged the council to direct the applicant to right size the project.

Dr. Mark Stesin, 2000 Norway Pine Circle, said he was speaking not only as a neighbor whose property abuts the development property but also on the behalf of many neighborhoods. Residents on many streets in the area were concerned about the plan. They do not begrudge the property owner from building on his property, but the question was what was appropriate to be built on the property. He said he was very concerned about the mass impacts. This high density building would directly abut the single family residential homes without any transition. Currently he can see the two story office building so he does not buy into the claim the six story apartment building would not be visible. In addition to the building, there would be an issue with lights. This would impact many people in the neighborhood. Noise would also be a factor with the pool and recreation area as well as many of the balconies that will face the neighborhood. Traffic would also be an issue. At question was what the hub of the Ridgedale area project actually was. He said the apartment building was way out of proportion. Another issue was if the path was built as in the plan, his backyard would be about 10 feet away. This would cause safety issues related to crime creating an escape route from Ridgedale.

Heather Stesin, 2000 Norway Pine Circle, said Allendorf was right about being concerned with the footprint. The massive building would impose on the neighboring properties. She showed pictures from her property looking at the development property. She questioned if anyone would want a path so close to their property with the amount of crime in the world. She noted she and her husband along with some neighbors own the property in the center of the cul-de-sac so nothing will be built there. She showed a picture of the current three story building lit up at night and said she couldn’t imagine all the light coming from a six story building. She said people move in and out of apartments all the time and there would be many deliveries. Traffic would be an issue as will noise and lights for the entire neighborhood.

Wagner said one of the things that came up at the planning commission hearing was concern about the trail. He said during the discussion about the reconstruction of Ridgedale Drive, there were comments about making the area more walkable, and opening up Crane Lake as a park, although it was unknown how that would be funded. This would be a much better place for park dedication funds to be used than for a path around this building. He asked Gordon the distance between the west edge of Highland Bank and the neighborhood. Gordon indicated it was around 850 feet. Wagner said the council had indicated support for density around Ridgedale as part of the vision for the area as well as a mixed use of
housing. He strongly supported that strategy. The council had also discussed stepping down density as it gets closer to residential neighborhoods. He didn’t begrudge the idea of apartments on this site but he did have concern about a six story building. He said there was a desire to do a lot of the density on the Ridgedale property itself but that would require a approval from the mall owner as well as the anchors of the mall.

Bergstedt said he agreed with much of Wagner’s comments. He thought the trail was a terrible idea for a lot of reasons. The building had a massive footprint and was six stories high. He thought the proposed use of luxury apartments was fine for the site but more creativity was needed because the concept plan was too massive.

Wiersum said it was an attractive concept from a building perspective but he agreed the mass and scale were too much. He said it clearly needed to be a smaller building to get his support.

Acomb said housing was appropriate for the site. She was concerned about the setback from the road. She said the apartment building would dwarf the office building so it felt out of scale. The mass not only was too big as a transition to the single family residential neighborhood but also with the office building. She questioned if there was a council policy around an affordability component if a property was rezoned. Wischnack said the council adopted a resolution that an affordable component may be required by the council as part of rezoning. Acomb said while she appreciated that there was a market for executive and luxury apartments, she wondered if affordable housing could be included as well. She agreed park dedication fees would be better spent elsewhere in the Ridgedale area.

Allendorf said everybody loved trails but not in their yard. He didn’t think a trail belonged in this plan either. He said he wasn’t just concerned about the height of the building but also what was going on within the property. The footprint was too big. Something had to be shrunk in order for him to support it. The issue of lights was unfortunate but did not concern him because there would be lights even with a four story building. He thought the site was the perfect place for luxury apartments but didn’t think a mix with affordable apartments made sense.

Ellingson agreed the trail was not appropriate. When Cherrywood Pointe was approved there was discussion about a trail for that development. This would have required cutting into the hillside and removing trees and would have ruined the natural area. He was concerned about the setback from Ridgedale Drive although he appreciated the effort to add distance
from the single family home neighborhood. He agreed it would be better if the building wasn’t so big.

Schneider said when the council discussed the vision for the area there was a lot of discussion about the YMCA moving to a different location. When the YMCA decided to stay and upgrade the site the council discussed four or five story apartment buildings in the area that would have been even higher than this building given the topography. He said the desire to implement the vision incrementally for higher density housing in the Ridgedale area was still, for him, a top priority. The question was whether this concept was right or wrong and he thought it wasn’t right. He wasn’t sure what it would take to make it fit right. The visual impacts on the immediate adjacent homes would be similar with a four, five, or six story building. He encouraged Rotenberg to move forward with a high density project, and to work with the neighbors with landscaping their view shed so when the leaves were gone there still would be screening. His biggest concern was the building was 300 feet long, six stories high, and close to the road. He thought the Highland Bank was different because it had a lot of character to it with a lot of ins and outs, balconies and softer colors. This plan looked like a long wall. He would like to see more articulation.
C. Concept plan review for Ridgedale Executive Apartments at 12501 Ridgedale Drive

Robert Weinstine, an attorney with the Winthrop & Weinstine law firm, said he represented the property owner. Since the council last saw the concept plan, the property owner seriously considered all the feedback he received from the council. Neighborhood issues were reflected upon. Earlier in the day there was a neighborhood meeting that was attended by five or six people and also city staff. He said the plan was generally well received. As a result of listening to the neighbors, the building height was reduced from six stories to five stories. This was a significant financial contribution from the property owner given all the amenities that were being included to make it a first class development. For comparison, he noted the building at 1700 Plymouth Road was six stories. The building southeast of the YMCA was four stories and was much closer to residential homes and the topography was much higher. In addition to reducing the size of the building, the building was moved further back on the property. As a result the closest home would be 423 feet away. The area was wooded and the plan would not affect the trees in any way. The design of the building has been softened. The proposed path was removed. He said the development would be very attractive to empty nesters and young professionals.

Gordon and Community Development Director Julie Wischnack gave the staff report.

Wagner noted the reduced height was about seven feet while most apartment buildings a story was eight to 12 feet high. He asked if part of the reason for this was the amount of parking, which was 250 parking spots for 93 units. He asked if this was discussed at the neighborhood meeting. Gordon said the information Wagner was referencing was a staff interpretation and not from the architect. He said the concept plan indicated floor to ceiling heights around 10 feet. There would also be around two to three feet between floors. As far as the parking, he noted the office building was part of the site. The plan was for two to three spots per unit, visitor parking spots, plus spots for the office building. Staff would do more analysis on the parking if an application was submitted.

Jesse Hamer, from Momentum Design Group, the architect for the project, said the revised height of the building would be about 65 feet, about a nine foot reduction. The current plan met the city’s full parking requirement. There were two spaces per units and 57 spaces for the office building. He said in addition to moving the building back, there was an effort to increase the connection to the pedestrian walk area. There also was a plaza area added in front of the building.

Dr. Mark Stesin, 2000 Norway Pine Circle, said he was speaking on behalf of a coalition of neighbors. None of the coalition attended the neighborhood meeting earlier in the day and they remain opposed to the project. They do not oppose bringing in new residents to the city with high density apartment buildings as long
as they comply with the comprehensive plan and do not encroach on neighbors who have lived in the city for decades. He said the change in the height of the building doesn’t get at the core issues discussed at the previous council meeting. The building was still too big, bulky and dense for the property. There still were balconies facing the neighborhood, a pool, a recreation area and now an outdoor barbeque area. The trees may buffer the building from being seen but they would not buffer the noise. The entire character of the neighborhood abutting the property would change. There was not enough buffer for going from high density to low density.

Acomb said the she appreciated the developer making changes to address concerns but looking at a drawing of the building it looks like a big wall along Ridgedale Drive. While there had been some accommodations she liked, she didn’t think there were enough. She noted some developments had stepped things down to break up the look of the building. She didn’t know if this was an option for this plan. She appreciated Stesin’s comments about transitioning from single family homes to high density. She thought high density was appropriate for the site although five stories still might be too high. She noted there was a lot of the development in the Ridgedale area and none of it included affordable housing. This put the city in the situation of not having any affordable housing in a commercial area. She encouraged the developer to look at including affordable housing and for the council to hold developers to the standard especially for a commercial area.

Calvert said this also was a project she reviewed as part of the planning commission. She appreciated the reduction in height. She said there seemed to be some changes in the design that helped break up the blank wall feel. She liked the materials being used and that they were really attractive. She noted the view from the east Ridgedale Drive perspective made it look like the building was almost sitting on the road. She appreciated the developer moving the building as far away from the residential property as possible, but in doing so it placed the building close to the road. This gave it a claustrophobic feeling. It also robbed the site of a suburban feeling and gave it a very urban feeling. She was concerned this might create issues given some of the changes to Ridgedale Drive. She agreed with Acomb’s comments about affordable units. She also thought the city needed to be mindful as it promoted its values and priorities, in promoting sustainability. She had not heard that discussed much for this concept plan.

Wagner said he continued to believe high density housing was appropriate for the site. While he recognized the removal of a story from the building, he encouraged the developer to evaluate concepts associated with how the parking was treated on the site. In general the council’s comments indicated although it was an appropriate use being looked at, the mass with the existing office building remained too much. Even though the look was softened, the wall along Ridgedale Drive was a concern.

Ellingson said the building was attractive and it was appropriate to have high density housing on the site. He thought it was unfortunate such a high density building was right next to a single family residential neighborhood. He noted such
an abrupt situation existed with the Best Buy site so he understood and appreciated the concerns from the neighbors. He questioned what might be acceptable for the site.

Wiersum agreed the building was an attractive building but as he considered the location and the amount of buildable land, he thought it was an overly ambitious project. The mass was still too much. A high end building built to high standards with a lot of amenities on such a small footprint next to a single family residential neighborhood with no real buffer was too ambitious. He appreciated the changes that were made to the plan, but he thought it still needed to be downscaled.
8. **Public Hearings**

B. **Items concerning Ridgedale Executive Apartments located at 12501 Ridgedale Drive.**

Chair Kirk introduced the proposal and called for the staff report. He disclosed his employment with the YMCA, but noted that there would be no conflict of interest by his participation on the planning commission.

Gordon reported. He recommended denial of the application based on the findings listed in the staff report.

Powers was confused why there would be a concern regarding disharmony between the design of both buildings when the buildings would not be visible from Ridgedale Drive. Gordon explained that staff determined that the functionality of the proposed layout of the site would not work. The mix of uses would be welcome in the Ridgedale area, but the way the buildings would be laid out locates the front of an office building facing a parking garage belonging to a new apartment building. That would not provide a good functional relationship. Powers did not see how that would harm the city.

Sewall asked for the width requirement of a standard-drive-aisle access. Gordon answered that the drive-aisle-width standard for a two-way access is 24 feet. The proposal’s drive aisle would be 22 feet in width.

Sewall asked if the applicant owning the office building was considered. Gordon stated that at some point ownership could change, so things need to be in place to ensure that the real estate would remain viable.

Sewall asked if staff would support the application if the office building would be removed. Gordon stated that would eliminate the problem with the disharmony between the layout of the two buildings.

In response to Hanson’s question, Gordon explained that the building behind a building layout would be concerning for long-term viability of a valuable piece of real estate. That may work for the current tenants, but would not be a good long-term solution for way finding and accessibility of future tenants.

Chair Kirk noted that the applicant could stay with the current PID zoning. Gordon agreed. He explained that PID zoning allows a mix of uses. The proposed setbacks would require variances in a PID.

In response to Chair Kirk’s question, Wischnack stated that the footprint issue was not resolved. That led to the issues listed in the staff report.
Powers asked if staff liked the look of the building from a pedestrian's view. Gordon answered in the affirmative. It is an attractive building. It has a look that resembles parts of Ridgedale Center. There is compatibility with the materials. It works pretty well in a lot of aspects.

Tammy Diehm, attorney with Winthrop and Weinstine, representing the applicant, stated that:

- The site is one tax parcel with one legal description.
- The code requires only one standard to be met to justify rezoning a property to PUD.
- Staff has acknowledged that housing is appropriate for the area, specifically high-density housing. The city’s comprehensive guide plan specifically makes statements about adding diversity in housing types. Several Minnetonka residents expressed interest in having luxury rental units. This is a justification for rezoning the site to a PUD.
- She reviewed the history of neighborhood meetings and revisions to the plan. The applicant revised the plans to address concerns that were raised by neighbors, councilmembers, and commissioners.
- The architect has come up with some further modifications that could be made. The developer is in a difficult position. The developer needs to create a viable project to attract a certain demographic that fits the market demand. The architect provided staff yesterday with modifications that could be done to address the issues raised in the staff report.
- The two-lane drive aisle access on the west side would be widened to 24 feet in width.
- The applicant believes that the project does meet the city’s requirements and would be a wonderful project for the city of Minnetonka.
- The building height would be reduced from 55 feet to 51 feet.
- She provided a diagram that showed the reduction in the building height and footprint since the concept plan.
- The most recent changes removed the pool and the outside amenity area would be on ground level and hidden. Units that previously wrapped around the pool deck could be removed to reduce the massing on the west side of the building as well as near the existing office on the southeast side.
- The number of parking stalls would be reduced to 178. That would include 123 spaces of underground parking.
- A traffic consultant found that, overall, the internal operations of the development work well. He had no concerns.
- The proposed PUD zoning would be appropriate.
- The development meets the city’s goals.
- She was available for questions. She requested that the commission recommend that the city council approve the project.
Sewall confirmed with Ms. Diehm that the recent modifications did not include changes to the office building. Ms. Diehm would appreciate commissioners’ feedback on the revisions.

The public hearing was opened.

Annette Bertelsen, 13513 Larkin Drive, stated that:

- The proposed building would not be allowed in a PID-zoned area because it would be too big. A lot of variances would be needed. Variances cannot be approved for economic reasons.
- The setbacks would be way too small.
- Apartments are required to provide 10 percent of the site to be used as outdoor recreation space. That would be another variance.
- The same standards in a PID are the guidelines in a PUD. There still needs to be a judgement on whether the proposed building and footprint would be appropriate.
- The proposal would be a big, dense use adjacent to single-family residences.
- The building would feel massive, be more intense, and provide no transition to single-family houses.

Mark Stesin, 2000 Norway Pine Circle, stated that he represents his wife and a coalition of neighbors. He stated that:

- They are excited about the Ridgedale redevelopment project and support high-density housing as long as it is compliant with the comprehensive guide plan and ordinances north of Ridgedale Drive and does not encroach on surrounding properties. They support the Trammel Crow project proposed on the Ridgedale Center property.
- They vehemently oppose the proposed project even with the revisions because it does not meet the comprehensive guide plan and ordinance requirements.
- The building and its footprint would be too big for the property. The height has been addressed.
- They agree with denying the request. His attorney provided a letter that is included in the agenda packet. It lists their concerns with the proposal changing the zoning from PID to PUD; not being compliant with the comprehensive guide plan; and not providing a sufficient transition from high density to single-family houses.
- The building would be very nice and upscale.
- They agree with staff’s recommendation to deny the proposal.

No additional testimony was submitted and the hearing was closed.
Gordon confirmed that PID zoning requires 10 percent of a site to be used as outdoor space.

O'Connell mainly supports the proposal. He understood staff's concern, but the success of the office building is a risk for the building owner to bare. He thought the mass would be fine. He believed that the market would support the building, but that is not his concern as a planning commissioner.

Powers concurred with O'Connell. He favors the development. The developer has gone to extraordinary lengths to meet the requests of the neighborhood. The neighbors do not own the view. He has seen developments on Shady Oak Road that are much closer to residential areas and have much more impact on the view. He had no issue with the size of the building or the mass.

Knight agreed. A new resident in the apartment building has a choice to live there and view the office building. He agreed that the mass would be appropriate. He supports the proposal.

Sewall applauded the developer for making changes from the original concept plan to create a much more manageable design and scale. There would be over 400 feet and tree cover between the property and the nearest house. This would provide better view shed protection than a lot of other developments. He concurred with staff that the flow of the project is not what it should be and a different design could provide a better flow. He did not support the plan tonight. He felt good about the scale and was not as concerned with the detriment to a future property owner. A future property owner would know what he or she was getting into.

Chair Kirk noted that there would be a fair amount of buffer between the proposed building and the adjacent neighbor. The proposal would fit the harmony of being located north of Ridgedale Center. This proposal would pale in comparison to future development. He struggled with the density. He thought the two buildings could have a better layout. He thought the two buildings would appear poorly planned. He saw it as a detriment to the city if the site would not be organized well. He did not think the apartment building and office buildings worked well enough together. He did not have a problem with PID or PUD zoning. The setbacks could not be decreased any further. He was comfortable with the mass of the buildings. He did not think the proposal was quite there yet.

Hanson did not see a problem with the office building.

Powers appreciated the developer making revisions because it shows intent. Requiring a plan to be harmonious is too much of a burden on the applicant.

_Sewall moved, second by Hanson, to recommend that the city council adopt the attached resolution with revisions provided in the change memo dated May 24, 2018 denying rezoning, master development plan, and building plans for the Ridgedale Executive Apartments._
Sewall, Hanson, and Kirk voted yes. Knight, O’Connell, and Powers voted no. Schack was absent. Motion carried.

This item is scheduled to be reviewed by the city council at its meeting on June 4, 2018.
Resolution No. 2018-_______

Resolution denying rezoning, master development plan, final site and building plans at 12501 Ridgedale Drive

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

Section 1. Background.

1.01 Ridgedale Executive Apartments, LLC, has proposed construction of a multi-family residential development at 12501 Ridgedale Drive. The site is legally described as:

Lot 3, Block 1, Ridgedale Center Fifth Addition, Hennepin County, Minnesota

1.02 The proposal requires a rezoning from Planned I-394 District (PID) to Planned Unit Development (PUD), master development plan and final site and building plan review.

1.03 On May 24, 2018, the Planning Commission held a hearing on the proposal. On June 14, 2018, the Planning Commission reviewed revised plans. 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. At the May 24, 2018 meeting, the commission split 3-3 on a motion to deny the project; therefore there was no affirmative vote and no formal recommendation to the city council. At the June 14, 2018 meeting, the commission made a motion to the council to deny the project.

1.04 On July 9, 2018, the city council reviewed the proposal recommending the application be denied on the following findings.

Section 2. Findings.

2.01 The decision to rezone property to a PUD is a policy decision that the council makes in its legislative capacity.
2.02 The current zoning of Planned I-394 District is consistent with the city’s comprehensive plan, and the proposed change in zoning is not needed to conform the zoning ordinance to the comprehensive plan.

2.03 Section 300.22, Subd. 2 of the city code provides that the council may consider rezoning to PUD if the proposed development would result in one (or more) enumerated public benefits. However, even if one or more of the enumerated benefits exists, the council has the discretion to rezone as it determines to be in the public interest. The enumerated public benefits in Section 300.22, Subd. 2 are addressed below:

a) Greater preservation of existing natural resources, in number or quality, than would otherwise be provided under non-PUD development. The proposed development does not provide additional natural resource preservation than could be provided under the existing zoning.

b) Provision of affordable housing. The proposed development does not provide any affordable housing units.

c) Provision of a housing type or target housing price that is desirable to the city. The proposed development would provide luxury rental apartments. The city has not determined that the unit type or price is needed or desirable.

d) A mix of land use types. The proposal does provide a mix of land use types, but the same mix of land use types could be obtained under the existing zoning. This aspect of the proposal provides no additional public benefit that would support rezoning to PUD.

e) Development that is compatible with existing, surrounding development type and intensity that is no longer allowed in other existing zoning districts. The proposed development type and intensity would be allowed in the existing Planned I-394 zoning district.

f) Greater energy conservation through building and site design than would otherwise be achieved under non-PUD development. The proposed development proposes no greater energy conservation gains with building and site design than could be achieved under non-PUD development.

2.02 The proposal does not meet the following site and building standards as outlined in City Code §300.27 Subd.5:

a) The proposal is not consistent with ordinance requirements including with parking drive isle width and parking minimums.

b) The proposal does not result in a harmonious relationship of buildings. The project fails to adequately transition between land use and architectural types and spatial relationships.
c) The proposal fails to create a functional and harmonious design for structures and site features including:

1) 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. The lack of visibility to the office building from Ridgedale Drive is concerning to its long term viability.

2) The developed portion of the site provides no open space for the enjoyment of residents.

3) The proposal does not provide intuitively designed vehicular and pedestrian circulation, adequately designed internal driveways and circulation and the arrangement and location of parking.

4) 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 is not achieved.

2.03 The proposal does not provide a logical development program for the site. The proposed apartment building would not afford easy access and visibility to the existing office building on the site. The tight “building behind building” approach for this site is one primary reason the project does not meet code standards. This is a basic urban planning and design principle that help bring order to development. Intuitive and organized site design and building placement creates positive and productive environments. The organization of this site does not provide the necessary organizing principles that bring about harmonious design.

2.04 The proposed apartment building is placed on the property with little consideration for the long term viability of the office building. This building-behind-building relationship does not promote an active and walkable environment the city desires for the Ridgedale area.

Section 3. Action

3.01 Based on the above findings, the applications for rezoning, master development plan approval and final site and building plan approval are denied.

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 9, 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 July 9, 2018.

David E. Maeda, City Clerk
Minnetonka Planning Commission Meeting
June 14, 2018

Agenda Item 9

Other Business
MINNETONKA PLANNING COMMISSION
June 14, 2018

Brief Description
Concept plan review for Hennepin County Medical Examiner’s Office at 14300 Co. Rd 62.

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

Background
Hennepin County is proposing to build a new Medical Examiner’s Office on the County Home School property located at 14300 Co. Rd 62. The current office is located in downtown Minneapolis. All operations from the downtown location would be moved to the Minnetonka site. The Medical Examiner’s Office also serves Dakota and Scott Counties.

As proposed, the 68,510 square-foot building would be sited on the eastern portion of the 161-acre Home School site. The building, parking and access road would occupy approximately 10 acres of the property. As a public facility, access would be open to all. A new roadway would be constructed at the southwestern site access at County Road 62, but separated from the access to the Home School.

The building would include office, autopsy and conference spaces. The county anticipates the facility would also serve as a teaching and training facility for students, university faculty and practitioners. There would not be a crematorium in the building.

The immediate area has a mix of existing land uses. Glen Lake Golf Course, also owned by Hennepin County, is located to the west. Single family neighborhoods and Glen Lake are located to the north. To the east and south are industrial uses. Major transportation corridors also define the eastern and southern borders - County Road 62, the Minnesota River Bluffs LRT Regional trail and Soo Line railroad.

The site is zoned Planned Unit Development District and guided as Institutional use in the 2030 comprehensive plan.

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

- **Site Plan:** The proposed building location on the undeveloped eastern portion of the site would require construction of a number of roadway, utility and building pad area improvements. These improvements will likely result in tree removals, large amounts of grading and large retaining walls for the roadway.

- **Impact to Site Character:** The eastern upland area of the site contains valued woodland and prairie natural resources. A tamarack wetland is also located east of this upland area along the regional trail. The proposed facility would introduce development of this natural area. Minimizing site impacts should be a goal of the project. Additional
plan perspectives of the proposed office will be needed to evaluate building siting and character.

- **Planned Unit Development:** The zoning of the site is planned unit development. Further site development will need to demonstrate public purpose.

**Review Process**

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

- **Neighborhood Meeting.** The developer held a neighborhood meeting on June 7, 2018. Five people attended the meeting raising a few questions about the project schedule, uses within the building and if future housing development was planned for the site.

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

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

**Staff Recommendation**

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

Originator:  Loren Gordon, AICP, City Planner
ADDITIONAL INFORMATION

Next Steps

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

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

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

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

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

Roles and Responsibilities

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

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

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

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

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

Project: Hennepin County Medical Examiner's Office
Address: 14300 Co Rd 62
NEW REGIONAL MEDICAL EXAMINER'S

SITE HISTORY

1937

1916 - GLEN LAKE SANATORIUM BUILT
1947 - SITE ACQUIRED BY HENNEPIN COUNTY
1961 - Oak Terrace Nursing Home Joins Glen Lake Sanatorium
1968 - Pine Tree Stand Planted
1976 - Glen Lake Sanatorium Closes
1991 - Oak Terrace Nursing Home Closes
1993 - Sanatorium and Nursing Home Demolished
1997 - Glen Lake Golf Course Built
NEW REGIONAL MEDICAL EXAMINER’S SITE INFLUENCES

- 100 YEAR FLOODPLAIN
- WETLAND SETBACK
- WOODLAND
- CONIFEROUS TREES
- WOODLAND PRESERVE
- 100 YEAR FLOODPLAIN
- TAMARACK BOG
- WETLAND

- COUNTY ROAD 62
- COUNTY HOME SCHOOL
- GLEN LAKE GOLF COURSE
- RAILROAD

100 YEAR FLOODPLAIN
WETLAND
WOODLAND
CONIFEROUS TREES
WETLAND
WOODLAND PRESERVE
COUNTY ROAD 62
GLEN LAKE GOLF COURSE
RAILROAD

100 YEAR FLOODPLAIN
TAMARACK BOG
WETLAND
WOODLAND
CONIFEROUS TREES
WETLAND
WOODLAND PRESERVE
COUNTY ROAD 62
GLEN LAKE GOLF COURSE
RAILROAD
NEW REGIONAL MEDICAL EXAMINER’S VIEWS TO SITE

VIEW ONE

VIEW TWO
NEW REGIONAL MEDICAL EXAMINER'S

VIEW TWO TO SITE

SITE IS BEHIND TREES
### NEW REGIONAL MEDICAL EXAMINER’S

#### PROJECTS FACTS

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<tr>
<td>AUTOPSY WING INCLUDING SALLY PORT</td>
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<td>35,570 GSF</td>
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<td>ADMINISTRATION WING/CONFERENCE CENTER</td>
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**BUILDING INCLUDES:**

- AUTOPSY TABLES: 10
- ISOLATION/BSL-3 AUTOPSY TABLES: 2
- OFFICES: 21
- OPEN WORKSTATIONS: 37

**SITE INCLUDES:**

- STAFF PARKING: 55 STALLS
- VISITOR/CONFERENCE PARKING: 29 STALLS
- CONFERENCE OVERFLOW PARKING: 13 STALLS
- TOTAL PARKING: 94 STALLS