1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: March 1, 2018

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda
   
   A. Aggregate side yard setback variance for a living space addition at 16119 Birch Lane.  
      
      Recommendation: Adopt the resolution approving the request (5 votes)
      
      - Final Decision Subject to Appeal
      - Project Planner: Susan Thomas

8. Public Hearings: Non-Consent Agenda Items
   
   A. Conditional use permit and site and building plan review for a concession stand and bathrooms at Hopkins High School, 10901 Hillside Lane West.  
      
      Recommendation: Recommend the city council approve the request (4 votes)
      
      - Recommendation to City Council (Tentative Date: April 2, 2018)
      - Project Planner: Drew Ingvalson

   B. Conditional use permit for Creo Arts and Dance Academy at 15100 Minnetonka Industrial Road.  
      
      Recommendation: Recommend the city council approve the request (4 votes)
      
      - Recommendation to City Council (Tentative Date: April 2, 2018)
      - Project Planner: Ashley Cauley
C. Conditional use permit for a microbrewery and taproom at 5959 Baker Road.

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

- Recommendation to City Council (Tentative Date: April 2, 2018)
- Project Planner: Susan Thomas

9. Other Business

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

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

- Recommendation to City Council (Tentative Date: April 2, 2018)
- Project Planner: Susan Thomas

10. Adjournment
Notices

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

2. Applications and items scheduled for the April 12, 2018 Planning Commission meeting:

   Project Description: Ridgedale Executive Apartments, LLC, is proposing to redevelop a portion of the existing property at 12501 Ridgedale Drive. As proposed, the existing, vacant restaurant building and associated parking lot would be removed and a new, five-story, 89-unit apartment building would be constructed. An existing office building and associated parking area on the western side of the property would remain. The proposal requires approval of rezoning, the master development plan and the final site and building plan.
   - Project No.: 96104.18a
   - Staff: Loren Gordon
   - Ward/Council Member: 2—Wagner
   - Section: 02

   Project Description: The applicant is requesting preliminary plat approval for a three lot subdivision with variances at 15500 Minnetonka Blvd.
   - Project No.: 18004.18a
   - Staff: Drew Ingvalson
   - Ward/Council Member: Open Seat
   - Section: 16
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 Sewall, Hanson, O’Connell, Powers, Schack, and Kirk were present. Knight was absent.

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

3. **Approval of Agenda**

Sewall moved, second by Schack, to approve the agenda as submitted with additional comments provided in the change memo dated March 1, 2018 and the removal of Item 9a, Morrie’s Minnetonka Ford, at the applicant’s request.

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

4. **Approval of Minutes:** Feb. 15, 2018

Powers moved, second by Schack, to approve the Feb. 15, 2018 meeting minutes as submitted.

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

5. **Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of February 26, 2018:

- Adopted a resolution approving previous preliminary and final plats approval of Tony’s Addition at 9597 Sandra Lane.
- Adopted a resolution approving preliminary and final plats for Simpson Park Addition at 15617 Lake Street Extension.
- Adopted a resolution approving a floodplain alteration permit, conditional use permit and setback variance for construction of a new house at 3533 and 3535 Orchard Lane.
• Adopted a resolution approving a conditional use permit with variances and an expansion permit for outdoor seating at The Copper Cow restaurant on 5445 Eden Prairie Road.
• Adopted a resolution approving items for iFly at 12415 Wayzata Boulevard.
• Adopted a resolution approving amendments to the design criteria for the Ridgedale restaurant properties at 12415 Wayzata Blvd.

Gordon reported that the 14 outreach events to discuss the comprehensive guide plan with residents have been completed. The next steering committee meeting will be March 21, 2018 which will discuss parks, trails and open space.

The next planning commission meeting will also be March 15, 2018.

Gordon welcomed new planning commissioner Alex Hanson.

6. Report from Planning Commission Members

Powers attended a meeting that discussed creating a park in the Ridgedale Shopping Center area. He said that the meeting went well and it laid the groundwork for parks moving forward in Minnetonka.

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Interim use permit for Garden City, a seasonal flower market, at 11400 Hwy. 7.

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

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

Camilo Reyes Ogando, applicant, stated that Cauley did a good job explaining the proposal. He was available to answer questions.

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

Hanson moved, second by Powers, to recommend that the city council adopt the resolution approving an interim use permit for Garden City at 11400 Highway 7.

Sewall, Hanson, O’Connell, Powers, Schack, and Kirk voted yes. Knight was absent. Motion carried.
This item is tentatively scheduled to be reviewed by the city council at its meeting on March 19, 2018.

B. A conditional use permit with a parking variance for Eden Prairie Islamic Community Center at 5640 Smetana Dr.

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

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

Mohamed Ibrahim, board member of the Eden Prairie Islamic Community Center, applicant, stated that things are going well and the use is expanding into the second building. There have been no parking issues. The parking lot has never been full.

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

Chair Kirk asked staff to comment on a letter received from a resident. Cauley stated that the city’s nuisance ordinance does not address light from headlights. Planning staff will visit the site and measure the light that the building emits to see if exceeds ordinance limits. Cauley spoke with the resident who wrote the letter and they discussed how after Xcel Energy upgraded street lights with LED bulbs, the intensity of those lights increased.

**Schack moved, second by Powers, to recommend that the city council approve the attached conditional use permit approving a banquet facility with a parking variance and the attached resolution amending and replacing Resolution 2016-054 for a conditional use permit with a parking variance for Eden Prairie Islamic Community Center at 5620 Smetana Drive.**

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

This item is tentatively scheduled to be reviewed by the city council at its meeting on March 19, 2018.

C. Conditional use permit, with variances, for a fast-food restaurant at 17603 Minnetonka 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.

Schack asked how much tenant turnover has occurred since the parking study was completed in 2005. Ingvalson answered that it is difficult to track tenants. The building is
the same size now as it was in 2005. Thomas provided that the primary change is the addition of Anytime Fitness. The remainder of the tenants are, generally, the same.

Chair Kirk asked for the difference in parking requirements between a dry cleaner and a fast-food restaurant. Thomas explained that a dry cleaner is considered a service use, so that has a requirement of one parking stall per every 250 square feet. A fast-food restaurant is required to have one parking stall for every 60 square feet.

O'Connell asked if there is a shared parking agreement currently in place. Ingvalson answered affirmatively. There is a parking agreement between the proposed site and the property to the south, the Caribou Building.

Bryant and Rachel Amundson, applicants, introduced themselves. Mr. Amundson stated that the report is accurate. The restaurant would be healthy, fast and casual. They would serve smoothies and healthy bowls. The parking lot has had no less than 40 percent of availability during peak times. Ms. Amundson agreed that the parking lot is a strange shape which makes navigating it sometimes difficult, but there is enough parking.

Schack asked if customers would typically stay and eat or take it to go. Ms. Amundson said that there would be tables, but the existing uses on the west coast have a lot of patrons take it to go.

O'Connell asked if the sign would be unique. Ms. Amundson said that they are working with the building owner to establish a uniform, updated look.

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

Powers asked if any complaints had been received for the shopping area. Ingvalson answered in the negative.

Chair Kirk confirmed with Ingvalson that the fence and cigar store provide a buffer to the residential area.

Sewall stated that the proposal is a different type of fast food restaurant. It would have no drive through and no speaker system. There would be adequate total parking, but navigating the parking lot to reach the site may be difficult. He supports staff’s recommendation.

Chair Kirk noted that employees could be requested to park further from the entrances to the businesses.

Schack said that the hours and type of use would be more low-key than other potential options. She encouraged the applicant to have a sign to remind customers that more parking is available in the back.

Chair Kirk was excited to see a healthy option for the spot.
Hanson asked if the business could have reserved parking spaces for its patrons. Mr. Amundson stated that he has not yet explored that option. He said that would be a possibility.

Powers stated that the proposal would increase the vitality of the area dramatically. He liked the presentation and the quality of the product.

O'Connell moved, second by Powers, to recommend that the city council adopt the resolution approving a conditional use permit with variances for a fast-food restaurant at 17603 Minnetonka Blvd.

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

This item is tentatively scheduled to be reviewed by the city council at its meeting on March 19, 2018.

D. Ordinance repealing and replacing City Code 300.34 Telecommunication Facilities.

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

Thomas reported. She recommended adoption of the ordinance.

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

Sewall moved, second by Schack, to recommend that the city council adopt the ordinance repealing and replacing City Code 300.34 Telecommunication Facilities.

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

This item is tentatively scheduled to be reviewed by the city council at its meeting on March 19, 2018.

9. Other Business

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

This item was removed from the agenda at the applicant's request.

10. Elections
Schack moved, second by O’Connell, to elect Kirk to serve as chair of the planning commission for 2018.

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

Kirk moved, second by Sewall, to elect Schack to serve as vice chair of the planning commission for 2018.

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

11. Planning Commission Bylaws and Policies

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

Gordon reported.

Schack moved, second by Powers, to adopt the planning commission bylaws and policies.

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

12. Adjournment

Powers moved, second by Sewall, to adjourn the meeting at 7:43 p.m. Motion carried unanimously.

By: ____________________________
Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
March 15, 2018

Agenda Item 7

Public Hearing: Consent Agenda
MINNETONKA PLANNING COMMISSION
March 15, 2018

Brief Description
Aggregate side yard setback variance for a living space addition at 16119 Birch Lane

Recommendation
Adopt the resolution approving the variance

Background
The subject property was created in 1958 as part of the WOODLAND HILLS 4th ADDITION subdivision. The existing home was built three years later, in 1961. Both the property and the home existed before adoption of the city’s first subdivision and zoning ordinances. While the property is considered non-conforming, as it does not meet current lot and dimension standards, the home exceeds all minimum setback requirements.

Proposal
The property owners, Scott and Andrea Belseth, are proposing a living space addition on the west side of the home. The addition, which would have a footprint of roughly 390 square-feet, would reflect the architectural style of the existing home. The addition requires an aggregate side yard setback variance from 30 feet to 26 feet.

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
<th>Rear</th>
<th>Side</th>
</tr>
</thead>
<tbody>
<tr>
<td>REQUIRED</td>
<td>35 ft</td>
<td>25 ft</td>
<td>30 ft aggregate, minimum 10 ft any one side</td>
</tr>
<tr>
<td>Existing</td>
<td>50 ft</td>
<td>26 ft</td>
<td>42 ft aggregate, minimum 14 ft one side</td>
</tr>
<tr>
<td>Proposed</td>
<td>47 ft</td>
<td>26 ft</td>
<td>26 ft aggregate, minimum 12 ft one side</td>
</tr>
</tbody>
</table>

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

- The proposed addition would meet the minimum 10-foot setback from the southwest property line.

- The subject property is significantly wider than at the front (north side) than at the rear (south side). Given this unique “pie shape,” the proposed addition would actually exceed the required aggregate setback on the front, but would not meet the requirement at the rear.

- Just 50 square-feet of the footprint of the proposed addition would encroach into the required setback. This can be considered a point intrusion.


**Staff Recommendation**

Adopt the resolution that approves an aggregate side yard setback variance for a living space addition at 16119 Birch Lane.

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

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

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

**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.

With the proposed addition, the subject property would have an FAR of 0.18. This would be equal to the highest existing FAR in the surrounding area. The McMansion Policy is met.

**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 fencing.

**Neighborhood Comments**
The applicants provided a petition from neighborhood residents in support of the proposal. (See attachments) In addition, the city sent notices to 54 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

June 14, 2018
Location Map
Project: Belseth Residence
Address: 16119 Birch Ln
LEGAL DESCRIPTION:
Lot 5, Block 3, Woodland Hills Fourth Addition, 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. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. 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. It should be noted that this survey was done under snow and ice conditions and that all improvements may or may not have been shown correctly. While we did our best to locate all improvements under the snow and ice, we can't be sure that all improvements were shown. Please look over the survey to be sure everything you need shown is shown correctly.
6. 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 hereon.
7. 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.
LEGAL DESCRIPTION:
Lot 5, Block 3, Woodland Hills Fourth Addition, 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. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. 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. It should be noted that this survey was done under snow and ice conditions and that all improvements may or may not have been shown correctly. While we did our best to locate all improvements under the snow and ice, we can't be sure that all improvements were shown. Please look over the survey to be sure everything you need shown is shown correctly.
6. 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 hereon.
7. 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.
BUILDING RENDERING (Street View — looking from North):

- Foundation: 12" concrete block; consistent with existing dwelling
- Siding: Lap siding; consistent with existing dwelling
- Roofing: Owens Corning Black Onyx Architectural; consistent with existing dwelling
- Windows: White Exterior Single- or Double Hung; consistent with existing dwelling

- Addition pitch height ~15'
  Assumes 5/12 pitch and existing soffit height of 9' 7/8".

- Existing pitch height ~15' 6"

- Rear Height ~9' 6" to soffit - match existing
WRITTEN STATEMENT:

The requested variance for the property at 16119 Birch Lane is due to the aggregate side setback requirement of 30’. Owners are requesting a variance to the aggregate setback to build an addition towards the west property line. The addition as proposed would be 17’ x 23’ and include a family room and dedicated home office space.

Building out 17’ from the existing dwelling would put the southwest corner of the addition within 11.8’ of the west property line (measured perpendicular to property line). Recent property survey results state the southeast corner of the dwelling (garage) is 13.9 feet from the east property line (measured perpendicular to property line). The proposed addition would require variance due to aggregate side setbacks being 25.7’ versus the 30’ required by city code.

Owners feel the request meets variance standard due to the restricting angles and irregular shape of the property and that the request is reasonable because the proposed addition would not exceed the more aggressive 10’ setback requirement to any one side of the property.

PRACTICAL DIFFICULTIES:

DESCRIBE WHY THE PROPOSED USE IS REASONABLE:

The proposed use of an addition is reasonable as it will meet the needs of a growing family and lifestyle, including dedicated home office & common family space, while still aligning to the overall characteristics of the neighborhood. Proposed use is not for commercial gain and would not cause disruptive activity (i.e. noise) within the neighborhood.

DESCRIBE:

CIRCUMSTANCES UNIQUE TO THE PROPERTY:

The lot is located on the inner curve of Birch Lane, which gives it a pie shape. From front-to-back the side boundaries run inward towards each other (165’ wide at front curb; only 92’ wide rear boundary).

WHY THE NEED FOR VARIANCE WAS NOT CAUSED BY THE PROPERTY OWNER:

Owners are not original to the home nor have they made modifications to the dwelling that push the boundaries of setback requirements.

WHY THE NEED IS NOT SOLELY BASED ON ECONOMIC CONSIDERATIONS:

Owners have reviewed options of adding square footage in all directions of the property and feel the proposed addition to the west is the most reasonable option. The current dwelling floor plan would fit best with the proposed addition. Building towards the back yard would require the demolition of main level laundry addition (built by previous owner) – a significant selling point for owners as they looked at older homes in Minnetonka. Wanting to maintain laundry on main level, the size of a rear addition would likely encroach on rear setbacks. A rear addition would also consume much of the modest back yard - challenging for a family with young kids. Building towards the front in comparable size/Scale as proposed would likely push 35’ front setback limits and be a challenge to keep the aesthetics in line with the neighborhood and fit the current floorplan of the home.

DESCRIBE WHY THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD:

The proposed addition and variance keeps with neighborhood character by respecting the modest style and size of homes nearby. It would not be disproportionately large compared to the current dwelling nor would it create a dwelling that stands out with nearby homes. The variance as requested does not break the more aggressive setback requirement of 10’ towards any one neighbor/property (~12’ to west; existing ~14’ to east) and thus, would not look out of character to surrounding properties.
This petition is to affirm support for Scott & Andrea Belseth’s variance request to exceed the aggregate 30’ side setback requirement by ~4’ in order to build a proposed family room addition to the west side of their existing dwelling (detail and rendering on opposite page) at 16119 Birch Lane. I have corresponded with Scott Belseth and understand the scope of the project and their family’s need for the proposed space.

Steven & Judy Laursen, 16201 Birch Lane

Reirhard Ruther, 16200 Birch Lane

Kelby & Amy Stine, 16124 Birch Lane

Tim & Anastasia Benz, 16116 Birch Lane

Victor & Diane Carlson, 16108 Birch Lane

Michael & Rachel Ableson, 16208 Birch Lane
Planning Commission Resolution No. 2018-

Resolution approving an aggregate side yard setback variance for
a living space addition at 16119 Birch 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 located at 16119 Birch Lane. It is legally described as: Lot 6, Block 3, WOODLAND HILLS 4th ADDITION.

1.02 Property owners Scott and Andrea Belseth are proposing a living space addition on the west side of the existing home.

1.03 By City Code §300.10, residential structures must maintain a minimum aggregate side yard setback of 30 feet and minimum side yard setback of 10 feet. The proposal requires an aggregate side yard setback variance from 30 feet to 26 feet.

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

Section 2. Standards.

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

Section 3. Findings.

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

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The intent of the aggregate side yard setback requirement is to: (1) ensure structures
are centrally located within property width; and (2) provide appropriate and consistent setbacks between individual structures. The proposed setback would meet this intent. The addition would be located 12 feet from the west (side) property line and roughly 40 feet from the closest adjacent home.

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 neighborhood, 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. The proposed setback is reasonable and would not negatively impact neighborhood character.
      1) The proposed addition would meet the minimum 10-foot setback from the west property line and would be located roughly 40 feet from the closest residential building.
      2) Just 50 square-feet of the footprint of the proposed addition would encroach into the required setback. This can be considered a point intrusion.
   b) UNIQUE CIRCUMSTANCE. The subject property is significantly wider than at the front (north side) than at the rear (south side). Given this unique “pie shape,” the proposed addition would actually exceed the required aggregate setback at its front, but would not meet the requirement at its rear. This is a unique circumstance 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, excepted as modified by the conditions below:
   - Survey dated Feb. 8, 2018
   - Building elevations and floor plans dated Feb. 8, 2018

2. Prior to issuance of a building permit:
a) A copy of this resolution must be recorded with Hennepin County.

b) Install erosion control fencing as required by staff for inspection and approval. The fencing must be maintained throughout the course of construction.

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 March 15, 2018.

Brian Kirk, Chairperson

Attest:

Kathy Leervig, Deputy City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on March 15, 2018.

Kathy Leervig, Deputy City Clerk
Minnetonka Planning Commission Meeting

March 15, 2018

Agenda Item 8

Public Hearing: Non-Consent Agenda
Conditional use permit and site and building plan review for a concession stand and bathroom facilities at Hopkins High School, 10901 Hillside Lane West

Recommends the city council approve the request.

Neil Tessier, on behalf of the Hopkins School District, is proposing to construct a concession stand and bathroom facilities at the Hopkins High School Campus at 10901 Hillside Lane West. The proposed concession stand would be located southeast of the existing football stadium and would have a concession area, ticket booth and bathroom facilities. The second building would be a new bathroom facility for the newly constructed softball field. This building would be located northeast of the football field, or directly west of the new softball field. The buildings would be neutral color brick siding with a blue roof. (See attached).

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

1. **Is the request reasonable?**
   
   Yes. Construction of a concession stand and bathroom facilities on school property is reasonable. The proposed buildings would:
   
   - Meet the required standards and ordinances for the conditional use permit and site and building plan review.
   - Comply with all required setbacks.
   - Not result in a significant increase in impervious surface on the site.

2. **Would the proposal negatively impact surrounding land uses?**
   
   No. The proposal would not negatively impact surrounding land uses, as:
   
   - The proposed buildings would be appropriately buffered from surrounding residential properties. There is existing vegetation, a soccer field and softball field buffering the new concession stand from residential properties. The new softball field bleachers, the existing road, and distance from residential properties north of the building would buffer the proposed bathroom facility.
The proposed concession stands would be located over 400 feet from the nearest residential property and the bathroom facilities would be located over 200 feet from the nearest residential property.

Staff Recommendation

Adopt the resolution approving a conditional use permit and final site and building plans for a concession stand and bathroom facilities at Hopkins High School, 10901 Hillside Lane West.

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

<table>
<thead>
<tr>
<th>Supporting Information</th>
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<tbody>
<tr>
<td><strong>Project No.</strong></td>
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<tr>
<td><strong>Property</strong></td>
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<tr>
<td><strong>Applicant</strong></td>
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<tr>
<td><strong>Surrounding Land Uses</strong></td>
</tr>
<tr>
<td>Northerly:</td>
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<tr>
<td>Easterly:</td>
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<tr>
<td>Southerly:</td>
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<td>Westerly:</td>
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<td><strong>Planning</strong></td>
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<td><strong>Recent Project Status</strong></td>
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<td><strong>Streets</strong></td>
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<td></td>
</tr>
<tr>
<td><strong>Storage Building</strong></td>
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</tbody>
</table>
Weather Station
In October 2017, the site received location and screening variances to construct a weather station. A building permit application has been submitted for the structure.

Existing Site/Proposed Location
The subject site area contains several recreation fields (football, baseball, softball, soccer), storage buildings, and obstacle courses. The proposed bathroom building would be located directly adjacent to the softball field. The concession stand would be located southeast of the football field, near the existing obstacle course. Based on the submittal, the obstacle course may potentially need to be relocated with the construction of the new concession stand. (See attached).

Building Architecture
The applicant is proposing to construct a 2,100 square foot concession stand (14 feet in height) and an approximately 500 square foot bathroom (12.5 feet in height). The proposed buildings would both be comprised of two different colored bricks and blue colored metal roof materials. (See attached).

Required Setbacks
The following chart describes the required and proposed setbacks for both buildings. These setbacks are measured to the exterior property lines:

<table>
<thead>
<tr>
<th></th>
<th>Required by ordinance</th>
<th>Proposed</th>
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<tbody>
<tr>
<td><strong>Concession Stand</strong></td>
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<tr>
<td>Northerly</td>
<td>50 ft.</td>
<td>± 800 ft.</td>
</tr>
<tr>
<td>Easterly</td>
<td>50 ft.</td>
<td>± 850 ft.</td>
</tr>
<tr>
<td>Southerly</td>
<td>50 ft.</td>
<td>± 450 ft.</td>
</tr>
<tr>
<td>Westerly</td>
<td>50 ft.</td>
<td>± 850 ft.</td>
</tr>
<tr>
<td><strong>Bathroom Facility</strong></td>
<td></td>
<td></td>
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<tr>
<td>Required by ordinance</td>
<td>50 ft.</td>
<td>± 160 ft.</td>
</tr>
<tr>
<td>Easterly</td>
<td>50 ft.</td>
<td>± 1,000 ft.</td>
</tr>
<tr>
<td>Southerly</td>
<td>50 ft.</td>
<td>± 1,150 ft.</td>
</tr>
<tr>
<td>Westerly</td>
<td>50 ft.</td>
<td>± 850 ft.</td>
</tr>
</tbody>
</table>

Screening
The proposed concession stand building would be located adjacent to the existing football stadium on the site. In this location, the proposed structure would be screened by:
- a soccer field and vegetation to the south;
- the football field, baseball fields, and storage buildings to the north and west; and
- the existing school/community center to the east.

The proposed bathroom facility would be located directly adjacent to the new softball field, or northeast of the existing football stadium. This structure would be screened by:
- the tennis courts and L.H. Tanglen Elementary School to the west;
• Softball and soccer fields to the east;
• the football stadium to the south; and
• proposed softball field bleachers, and Hillside Lane West to the north.

CUP General Standards

The proposed buildings would comply with the general conditional use permit standards.

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

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

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

4. The use would not have an undue adverse impact on the public health, safety or welfare of the community.

CUP Specific Standards

The proposed buildings would comply with the specific conditional use permit standards as outlined in city code.

1. Site and building plans subject to review pursuant to section 300.27 of this ordinance.
   
   **Finding:** This standard has been addressed within the SBP Standards section of this report.

2. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

   **Finding:** The Hopkins High School Campus is accessed via Hillside Lane and Lindbergh Dr.; both are collector roadways. However, the proposed concession stand and bathroom buildings themselves would not generate traffic.

3. Buildings setback 50 feet from all property lines;

   **Finding:** The proposed building would have setbacks to the exterior property lines of the Hopkins School District campus that are greater than 50 feet.

4. Parking spaces and parking setbacks subject to section 300.28 of this ordinance; and

   **Finding:** Parking on the subject property will be unchanged with the proposed improvement.
5. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and

**Finding:** The proposed buildings would only minimally increase the impervious surface on the property and would not put the site over 70 percent impervious surface.

6. Stand-alone utility buildings, such as lift stations, are only subject to site and building plan review.

**Finding:** The proposal is for a concession stand and bathroom buildings and they are subject to the conditional use permit.

### SBP Standards

The proposed building would comply with site and building standards as outlined in city code.

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

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

2. Consistency with the ordinance;

**Finding:** The proposal would meet all minimum ordinance standards.

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

**Finding:** The proposed building would only slightly increase the amount of impervious surface on the site and no trees would be removed.

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 proposed buildings would maintain a consistent relationship with the existing development of the site and would complement the uses of these improvements.

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;

**Finding:** The proposed buildings would be located in a desirable location. Their proposed locations, adjacent to the existing football stadium and softball field, would enhance the use of activities on the site.

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

**Finding:** The proposed buildings would be partially on an existing concrete surface and would only slightly reduce the amount of existing open space on the site.

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

**Finding:** Materials would be complementary to the adjacent structures, including the existing storage buildings.

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:** No vehicular circulation changes are proposed at this time and pedestrian circulation would be accommodated with new sidewalks.

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:** The proposed buildings would be appropriately located and designed, and would require only minimal grading.

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: Distance, existing buildings, fields, and other site improvements would provide adequate screening.

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

Neighborhood Comments
The city sent notices to 899 area property owners and has received one written comment.

Pyramid of Discretion

Motion Options
The planning commission has three options:

1. Concur with staff’s recommendation. In this case, a motion should be made to recommend approval of the proposal based on the findings outlined in the staff-drafted resolution.

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

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

Voting Requirement
The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council’s final approval requires an affirmative vote of a simple majority.

Deadline for Action
June 1, 2018
Location Map

Project: Hopkins HS Concessions
Address: 2400 Lindbergh Dr
Proposed Bathroom Location (facing South)
**LEGAL DESCRIPTION:**

For the following description as shown on Hennepin County Certificate of Title number 1200845:

Par 1: Lots 1, 2 and 3, Block 3, Westview Hills

Par 2: The Northwest Quarter of the Northwest Quarter, Section 12, Township 117, Range 22, except that part thereof embraced within the plat of Birchview.

Par 3: The Southeast Quarter of the Northwest Quarter of Section 12, Township 117, Range 22, except that part thereof embrace within the plat of Birchview.

Subject to a 25.00 foot wide perpetual easement for the installation and maintenance of storm sewer over part of land in Par 5 as shown in deed Doc. No. 1576368.

The following description is as shown on Hennepin County Certificate of Title number 1200845:

**LEGAL DESCRIPTION:**

Northwesterly of the following described line:

Land Survey No. 1194, except that part thereof lying West of the East 165 feet of the West 1/4 of said Northeast Quarter of the Southwest Quarter and South of point of beginning except the West 210 feet of the most Southerly 150 feet thereof.

of said Southwest Quarter of the Northwest Quarter; distant 726 feet East of the West line of the Southwest Quarter of the Northwest Quarter; thence South deflecting to the left 94 degrees, 20 minutes, a distance of 439 feet; thence Southerly to a point in a line drawn parallel to and 660 feet North of the South line thence West along the North line of the Southwest Quarter of the Northwest Quarter to a point 755.2 feet East of the Northwest corner thereof; thence

Tract F, Registered Land Survey No. 1194, Hennepin County, Minnesota, except that part thereof embraced within the plat of Birchview.

306.61 feet; thence Easterly 360.61 feet along a tangential curve concave to the North having a radius of 1432.39 feet and a central angle of 14 degrees 25 minutes 27.8 seconds; thence Northeasterly, tangent to said curve, a distance of 1185.74 feet; thence Northeasterly 1000.19 feet along a tangential curve concave to the Northwest having a radius of 1909.86 feet and a central angle of 30 degrees 00 minutes 21 seconds; thence Northeasterly tangent actual point of beginning of the line to be herein described; thence deflecting right 86 degrees 25 minutes, as measured North to East, a distance of 204.9 feet; thence Easterly 226.8 feet along a tangential curve concave to the North having a radius of 1373.31 feet and a central angle of 1 degree 13 minutes 58.4 seconds; thence Southwesterly, tangent to said curve, a distance of 110.67 feet; thence Southwesterly 164.31 feet along a tangential curve concave to the South having a radius of 1905.17 feet and a central angle of 1 degree 0 minutes 4.5 seconds; thence Southwesterly 76.28 feet along a straight line to the Southwest corner of Section 12, Township 117, Range 22; thence Northerly 978.40 feet along the West line of said Section 12 to the Northwest corner of said Section 12.

**SURVEY NOTES:**

The purpose of this survey is to show certain topographical features of the subject property as depicted on the survey and to locate any existing utility lines shown on the survey. This survey was approved by the Minnesota Board of Examiners of Land Surveyors.

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

My name is Margaret Sweeney and I live at 2255 Hillside Circle (directly across from the school athletic fields. I actually have two concerns that I would like to discuss.

First the construction: Last year when the high school athletic fields were re-done, our neighborhood was inundated with irritating, headache-inducing noise pollution from the constant beeping of large construction equipment from 7 AM to 6 PM from the day school let out to the day restarted in the fall. We could hear it with the windows closed inside the house. Outside was worse. We could not enjoy afternoons or dinner on our screen porch because of the noise and the thick layer of dust that covered everything. So what I want is your assurance that I will not spend another summer as miserable as I was last summer. I speak only for myself and my husband here, but I know that the noise bothered others in the cul-de-sac also. I think the people in this neighborhood deserve some consideration.

My second concern is not related to the construction, but to athletic events. Whenever there are events, people park on our street; they park on both sides; close to the ends of driveways making it almost impossible for us to get out if we wish to go somewhere. If an emergency vehicle were to need to get down the street, they could not do so when cars are parked on both sides. I would like to see our circle with no parking or parking only on one side. Mr. Wagner, can you make this happen?

Thanks for listening.

Margaret Sweeney

2255 Hillside Circle, Minnetonka, MN 55305
City Council Resolution No. 2018-

Resolution approving a conditional use permit and final site and building plans for a concession stand and bathroom facilities at Hopkins High School Campus, 10901 Hillside Lane West

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

Section 1. Background.

1.01 Neil Tessier, on behalf of the Hopkins School District, has requested approval of final site and building plans and conditional use permit for a concession stand and bathroom facilities.

1.02 The property is located at 10901 Hillside Lane West. It is legally described in Exhibit A of this resolution.

1.03 By City Code §300.10 Subd.4, educational institutions and facilities are conditionally-permitted land uses. The proposed buildings would increase the potential use of the Hopkins High School Campus.

1.04 On March 15, 2018, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit and final site and building plans.

Section 2. General Standards.

2.01 City Code §300.16, Subd. 2, states no conditional use permit shall be granted unless the city council determines that all of the following standards will be met:

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

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

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
4. The use does not have an undue adverse impact on the public health, safety or welfare.

2.02 City Code §300.16, Subd. 3, states that in addition to the general standards, no conditional use permit shall be granted unless the city council determines that all of the specific standards for a specific use will be met. For public buildings or facilities, except for recreational buildings that contain less than 1,000 square feet, and utility cabinets larger than 150 cubic feet:

1. Site and building plans subject to review pursuant to section 300.27 of the ordinance.
2. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
3. Buildings set back 50 feet from all property lines;
4. Parking spaces and parking setbacks subject to section 300.28 of this ordinance;
5. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and
6. Stand-alone utility buildings, such as lift stations, are only subject to site and building plan review.

2.03 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 meet the general conditional use permit standards outlined in the City Code §300.16, Subd. 2.

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

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

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

4. The use would not have an undue adverse impact on the public health, safety or welfare of the community.

3.02 The proposal would meet the specific conditional use permit standards outlined in the City Code §300.16, Subd. 3.

1. The proposal would meet site and building plan standards as outlined the Section 3.03 of this resolution.

2. The Hopkins High School Campus is accessed via Hillside Lane and
Lindbergh Dr.; both are collector roadways. However, the proposed concession stand and bathroom buildings themselves would not generate traffic.

3. The proposed building would have setbacks to the exterior property lines of the Hopkins School campus that are greater than 50 feet.

4. Parking on the subject property would be unchanged with the proposed improvement.

5. The proposed buildings would only minimally increase the impervious surface on the property and would not put the site over 70 percent impervious surface.

6. The proposal is for a concession stand and bathroom buildings and they are subject to the conditional use permit.

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

1. The proposal has been reviewed by planning, engineering, building, natural resources, fire, and public works and found to be generally consistent with the city’s development standards.

2. The proposal would meet all minimum ordinance standards.

3. The proposed buildings would only slightly increase the amount of impervious surface on the site and no trees would be removed.

4. The proposed buildings would maintain a consistent relationship with the existing development of the site and would complement the uses of these improvements.

5. The proposed storage building would have a functional and harmonious design with existing structures and site features.

   a) The proposed buildings would be located in a desirable location. Their proposed locations, adjacent to the existing football stadium and softball field, would enhance the use of activities on the site.

   b) The proposed buildings would be partially on an existing concrete surface and would only slightly reduce the amount of existing open space on the site.

   c) Materials would be complementary to the adjacent structures, including existing storage buildings.

   d) No vehicular circulation changes are proposed at this time and pedestrian circulation would be accommodated with new
sidewalks.

e) The proposed buildings would be appropriately located and designed, and would require only minimal grading.

f) Distance, existing buildings, fields, and other site improvements would provide adequate screening.

Section 4. City Council Action.

4.01 The final conditional use permit and final site and building plans for a storage building at 10901 Hillside Lane West are hereby approved. Approval is subject to the following conditions:

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

   • Site and Utility Plan North stamped Feb. 15, 2018
   • Site and Utility Plan South stamped Feb. 15, 2018
   • Grading Plan North stamped Feb. 15, 2018
   • Grading Plan South stamped Feb. 15, 2018
   • Building elevations dated Feb. 15, 2018
   • Floor plans dated Feb. 15, 2018

2. Prior to issuance of a building permit, submit the following items for staff review and approval or perform the following tasks:

   a) Perform a Gopher State One call and pothole the water main to confirm its location.

   b) Confirm the existence and exact sanitary sewer location and submit information to staff for review.

   c) Hillside Lane West may not be disturbed.

   d) Plans must be revised to relocate the water service to tie to watermain located west of the proposed bathroom building if the street will be impacted.

   e) Submit information confirming that the underground stormwater chambers installed with the ballfield project contain sufficient capacity to handle the additional impervious surface introduced through the proposed project.

      a. If sufficient capacity does not exist, the applicant must submit a stormwater plan and calculations demonstrating conformance with the city’s volume, rate, and water quality
provisions of the stormwater rule for additional impervious surfaces introduced on site.

b. A maintenance agreement will be required over all new stormwater facilities if additional treatment is required.

f) A landscaping plan must be submitted for staff review and approval.

g) A construction management plan must be completed by the applicant and submitted to staff for review.

h) 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.

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

4. The applicant must coordinate with staff for construction access to the site.

5. Install erosion controls for staff review and inspection. Inlet protection of storm drains is required as directed by staff. Erosion control measures must be maintained throughout the course of construction.

6. Fences over seven feet in height must receive a building permit prior to construction.

7. Construction work must abide by all city nuisance ordinances.

8. Construction must begin by Dec. 31, 2019, unless the planning commission grants a time extension.
Adopted by the City Council of the City of Minnetonka, Minnesota, on April 2, 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 April 2, 2018.

David E. Maeda, City Clerk
Exhibit “A”

Introduction

CREO Arts and Dance Conservatory (CREO) is requesting a conditional use permit to relocate its existing dance studio from Wayzata to a tenant space within the industrial building at 15100 Minnetonka Industrial Road. While the applicant is proposing interior remodeling, no exterior building or site improvements are proposed at this time. The existing conservatory in Wayzata has roughly 200 enrolled students ranging in age from 18 months through adults.

Proposal Summary

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

- **Existing Site Conditions.**

  The existing industrial building is roughly 75,000 square feet in size and is on two separate tax parcels (15000 and 15100 Minnetonka Industrial Road). Cumulatively, the properties have a lot area of roughly 2.25 acres. While pavement extends entirely around the building, parking only occurs on the west and south sides of the building.

- **Proposed Use.**

  The dance studio would occupy 7,000 square feet. Interior remodeling of the space would occur to create four studio spaces, offices, and a reception area. More information on the operation of CREO can be found in the “Supporting Information” section of this report. No exterior modifications of the building are proposed at this time.

Primary Questions and Analysis

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

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

  Yes. While the industrial district does not contain any specific provisions for dance and fitness studios, the industrial district does allow – as conditionally permitted uses – public buildings and “other uses similar to those permitted in this section, as determined by the city.”
Under the “other uses similar to” provision, the city has reviewed doggie daycares, churches, schools and other uses in which large groups of people gather at specified times for a specific purpose much like a public building.

The only specific conditional use permit standard required by ordinance for public buildings is that the proposal must receive site and building plan approval. Site and building plan standards are outlined in the “Supporting Information” section of this report. The proposal would meet all of the required standards.

- **Would the specific proposal be appropriate for the site?**

Yes. The proposed facility would be appropriate for the site. In its evaluation of the proposal, staff closely evaluated the traffic generation and parking requirements associated with the proposal.

Traffic. Staff often refer to the Institute of Traffic Engineers (ITE) handbook when reviewing development projects in order to make general traffic generation calculations for a variety of uses. While the ITE handbook does not provide specific information for dance studios, a local traffic consultant concurred that it would be reasonable to calculate traffic generation based on numbers consistent with health/fitness clubs and athletic clubs. Within the industrial district, office uses are considered a permitted use. Both health/fitness clubs and athletic clubs would generate less than half of the amount of traffic an office user would. The following table is intended to summarize how traffic would be calculated for the various types of users.

<table>
<thead>
<tr>
<th></th>
<th>Traffic generation calculation</th>
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<tbody>
<tr>
<td><strong>Industrial use</strong></td>
<td>6.97 trips per 1,000 sf</td>
</tr>
<tr>
<td><strong>Office use</strong></td>
<td>11.01 trips per 1,000 sf</td>
</tr>
<tr>
<td><strong>Health/fitness club</strong></td>
<td>3.53 trips per 1,000 sf</td>
</tr>
<tr>
<td><strong>Athletic club</strong></td>
<td>5.84 trips per 1,000 sf</td>
</tr>
</tbody>
</table>

Parking. While the parking demands of warehouse and office uses are very different, are both considered permitted uses within the industrial zoning district. The city’s parking ordinance accommodates these varied parking demands by calculating minimum parking requirements on the individual uses within the building. The following is intended to summarize the parking demands of the site:

<table>
<thead>
<tr>
<th></th>
<th>Required by ordinance</th>
<th>Based on ITE parking standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Office</strong></td>
<td>93 spaces</td>
<td>55 spaces</td>
</tr>
<tr>
<td><strong>Retail</strong></td>
<td>73 spaces</td>
<td>39 spaces</td>
</tr>
<tr>
<td><strong>Warehouse</strong></td>
<td>26 spaces</td>
<td>18 spaces</td>
</tr>
<tr>
<td><strong>Dance studio</strong></td>
<td>37 spaces</td>
<td>32 spaces</td>
</tr>
<tr>
<td><strong>Total required</strong></td>
<td>229 spaces</td>
<td>144 spaces</td>
</tr>
<tr>
<td><strong>Total available onsite</strong></td>
<td>183 spaces (46 deficit)</td>
<td>183 space (39 surplus)</td>
</tr>
</tbody>
</table>

By literal interpretation of the code, the property would be “under-parked.” However, staff finds that the parking variance is reasonable as:
Based on the users of the building, the proposed uses would experience peak parking demand at varied times.

In addition to city code, staff has often referred to the Institute of Transportation Engineers (ITE) manual for parking requirements to better understand the parking demands of varied uses. Unlike city code, which only contemplates a building use, the ITE manual also contemplates the varied scales of uses using real-life data. This allows an additional perspective when reviewing parking demands and needs of a particular site. While the site would be considered under-parked by city code, the site would have an excess of stalls when reviewed under the ITE manual.

Based what is occurring at the current CREO location, it is more likely that parents would drop-off and pick-up participating students than park and stay for the duration of the lesson.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit, with a parking variance, for CREO Arts and Dance Academy at 15100 Minnetonka Industrial Road

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

Project No. 91024.18a

Property 15100 Minnetonka Industrial Road

Applicant CREO Arts and Dance Academy

Surrounding Land Uses All properties to the north, south, east and west are zoned I-1, industrial and guided for industrial.

Planning

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

Proposed Use The applicants have provided the following information regarding CREO Arts and Dance Conservatory:

- **Enrollment.** Currently there are 200 enrolled student at the Wayzata location. The students range in age from 18 months to adult.

- **Studios.** As proposed, there would be four studios. Typical class sizes would range between nine and 15 dancers. Dance practice would occur onsite but all performances would be held offsite.

- **Staffing.** Each of the four studios would have a maximum of two teachers per class. Additionally the studio would have a maximum of five office staff when classes are not running.

- **Hours of operation.** The following chart is intended to summarize the studio’s hours of operation:

<table>
<thead>
<tr>
<th>Day</th>
<th>Office Hours</th>
<th>Winter Studio Hours (May-Sept)</th>
<th>Summer Studio Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>11 a.m. – 9:30 p.m.</td>
<td>10:30-11:45 a.m.; and 4:00-9:30 p.m.</td>
<td>9 a.m. – 3 p.m.</td>
</tr>
<tr>
<td>Tuesday</td>
<td></td>
<td>4:30 – 9:30 p.m.</td>
<td></td>
</tr>
<tr>
<td>Wednesday</td>
<td></td>
<td>4:00 – 6:00 p.m.</td>
<td></td>
</tr>
<tr>
<td>Thursday</td>
<td></td>
<td>4:30 – 9:30 p.m.</td>
<td></td>
</tr>
<tr>
<td>Friday</td>
<td>Closed</td>
<td>4:30 – 7:30 p.m.</td>
<td></td>
</tr>
<tr>
<td>Day</td>
<td>Time</td>
<td>Saturday</td>
<td>Sunday</td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
<td>----------</td>
<td>--------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9 a.m. –</td>
<td>closed</td>
</tr>
<tr>
<td></td>
<td>noon</td>
<td>4:30 p.m.</td>
<td>closed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9 a.m. –</td>
<td>closed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4:30 p.m.</td>
<td>closed</td>
</tr>
</tbody>
</table>

**CUP Standards**

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:

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

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

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

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

By City Code §300.21 Subd. 6(e) requires that public buildings meet site and building plan standards as outlined in City Code §300.27:

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

   **Finding:** The proposal has been reviewed by the city’s building, engineering, planning, natural resources, and fire staff to ensure consistency with the city’s development guides.

2. consistency with this ordinance;

   **Finding:** Aside from the parking variance, the proposal meets all minimum ordinance requirements.

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:** No exterior improvements are proposed at this time.

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:** All proposed changes are interior to the building. As such, the proposal would not change the site’s visual appearance.
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: No exterior site modifications are proposed at this time. However, the applicant has evaluated the site in order to propose a circulation plan. This plan would allow for improved and uninterrupted circulation of vehicular traffic.

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: During the remodel of the existing building, several energy efficiency improvements would be incorporated.

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

Finding: The proposal would not negatively impact adjacent or neighboring properties.

Approving Body

The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request. (City Code §300.06 Subd. 4)
Pyramid of Discretion

Voting Requirement
The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council’s approval requires an affirmative vote of five members, due to the parking variance.

Motion Options
The planning commission has three options:

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

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

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

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

Deadline for Decision
June 9, 2018
Location Map
Project: Creo Arts Conservatory
Address: 15100 Minnetonka Blvd
Conditional Use Permit

CREO Arts & Dance Conservatory

CUP Proposal Approx. 7,000 square foot space at

Westonka Business Center, 15100 Minnetonka Industrial Rd., Minnetonka, MN

Legal Description:

Addition, Lot, Block: Minnetonka Industrial Park, Lot 002, Block 001

PID: 1611722430011, 1611722430012

Property Details:

Size: 4.25 Acres (184,843 sq ft)

Bldg: 73,875 Sq Ft

Year Built: 1969

Parcel: Lot 2, Block 1

Type: Industrial – Non Preferred
Parking:

Proof of Parking: (See Parking diagram by Egan, Field & Novak, Inc.) = 182 spaces.

CREO Dance Tenant: 7,000 Sq Ft. If the ratio applied is 1:225 Sq Ft = 31.11 stalls required.

Second Shade Showroom: 18,251 Sq Ft

Office (1st & 2nd Floor): 23,183 Sq Ft

Warehouse: 25,441 Sq. Ft.

No Cross-Parking or Easements restricting parking on property.

Traffic Flow/Safety:

Parents would enter the west entrance and proceed along the west side of the building with dropoff and pickup on the right side of the car, against the curb by the building. Students will not need to cross in front of other cars, creating a safer pickup/dropoff scenario. Stacking of cars waiting to pickup would run along the west “warehouse” side of the building. The west side of the building has very low traffic flow due to the warehouse aspect of the building on that side, and further distance from the office and warehouse users, lending itself well to stacking for student pickup and drop at virtually any time. There would not be a need for tenant’s clients to drive through the truck loading/unloading/backing area along the north edge of property. The west side of the building would be a logical (natural) location for student drop off and pickup. The landlord is planning to update those light packs across the front of tenant’s space, around the corner and on that side of the building to increase safety with better lighting.

Classes are light in the summer months, generally. The greatest demand is Monday through Friday during the school year, is for school age children, after school and evening hours, starting with 4pm drop offs. Saturday is the single highest demand weekly. The operational hours are generally not during industrial park work days, with the greatest overlap with industrial park usage may occur between 4-5 pm with child drop-offs during that time, with lighter truck delivery traffic during that time since industrial workers are generally finishing their workday during those times.

Project Description:

CREO Arts & Dance Conservatory, owned and operated by Christa Anderson, builds strong ballet, modern, and contemporary jazz/hip-hop artists. We focus on the individual needs of each dancer. Whether a child desires to dance for fun, or train for a career in dance, our program encourages dancers of all aspirations. We place particular emphasis on arts and dance composition. Composition trains dancers to explore and build their own work. Our school offers competitive pricing, small class sizes, and a focus on performance rather than competition. Our dancers have the opportunity to perform in 2-3 full length dance performances per year at school or church venues, receive feedback from college professors at Elevate Youth Dance Festival, and Cathedral Dance Festival, perform in Project Dance New York, perform in their year end Gala held at a local school performing arts center, and perform regularly at senior care facilities. The emphasis on creativity and performance sets our school apart from the many other dance experiences.
Our school has served families in the Minnetonka, Wayzata, Plymouth, and Orono school districts for seven years. We were voted Minnetonka Magazine's best Children's Activity in 2016 and we have been recognized as an outstanding business by the Wayzata Chamber of Commerce. **CREO – A Latin Word Meaning I Think; I Create; I Believe**

**Mission:**
**CREO Arts & Dance Conservatory is committed to building strong, creative, commitment-minded, joyful, wholesome artists.** We provide high-quality dance classes to enhance the overall development of the child. We provide a safe and child-centered environment to encourage our students to explore dance with qualified, nurturing instructors.

The highest educational standards are expected from all CREO Arts & Dance Conservatory faculty members. They are lifelong learners who continue to educate and update themselves through certification programs, teacher-training schools, conferences, and through other learning venues.

**Staff**
We provide students with a positive, qualified, artistic staff, many of whom have earned Fine Arts Degrees in their field. Our staff is trained to nurture and encourage the individual. Through process, presentation, and performance we teach our students to refine an eye for excellence. Through encouragement, mentoring, and team-building, our students gain confidence, friendships, and positive experiences.

**Christa Anderson ~ Director/Instructor**
Christa Anderson is a graduate of the University of Minnesota with a BFA in Dance Performance. Christa has been teaching dance for 25 years at local schools including The Saint Paul City Ballet, Hopkins Dance, and Prairie School of Dance. She has run Tonka Dance Works through Minnetonka Community Ed for 11 years and CREO Arts & Dance Conservatory in Wayzata for 7 years. She has danced at the Kennedy Center and performed on stages from Italy to India. She was a member of local dance companies, the *Eclectic Edge Ensemble* and *Joe Chvala and the Flying Foot Forum*. Christa is the creator and choreographer of original children’s ballets: *Esther: For Such a Time As This*, *The Tales and Tails of Folks and Fairies*, and *A New Song*. Her work, *Enticed*, was performed live by the Saint Paul City Ballet to George Mauer’s original score.

**Betsy Nelson ~ Office Manager**
Betsy's dance training began as a young student at Hopkins Dance Center and continued at St. Olaf College where she earned her BA in Exercise Science and Dance. At St. Olaf she performed in faculty, student, and guest artist works as a member of Company dance and spent a summer serving on an undergraduate research team in the dance department. Since graduating she has enjoyed several internships in arts management and education as well as working as an administrative assistant at her father's law firm and performing around Minneapolis.
Julia Moser-Hardy ~Events Manager
Julia graduated from St. Olaf College with a Bachelors in Dance and Psychology, two fields that she feels see people as whole beings. Her dance training began with thirteen years of ballet at the Nela Barker School of Ballet in her hometown of Wayland, Massachusetts, and continued with other forms of dance in college. Julia has performed choreography by Stuart Pimsler Dance and Theater, Alexandra Bellar/Dances, and Jolene Konkel. She currently performs with the Gustavus alumni project, SEVEN DANCE. Julia has also had the pleasure of presenting research in dance education at the Minnesota Dance Education Summit and the National Dance Education Organization Conference. Julia is looking forward to another wonderful year teaching at CREO!

Additional Information:

Dance Instructors

- The proposed space will hold 4 dance studios.
- Each studio will have a minimum of 1 and a max of 2 teachers per class.
- Staffing is based on the number of classes per hour.

Office Staff

- One front desk attendant during studio hours
- One manager during studio hours
- Max. 3-5 office staff when classes are not running
  - costumer
  - office manager
  - director
  - events coordinator
  - school principals

Student Enrollment

- 200 currently enrolled students
- Ages 18 mo. – 18 years with some adult dance students
- 1 dancer per 100 square feet (industry standard)
- Each class (studio) ranges between 9 and 15 dancers.

Office Hours

- Monday – Thursday 11:00am-9:30pm
- Friday - Closed
- Saturday – 9:00am -12:00pm
- Sunday Closed

FEB 09 2018
Regular Dance Studio Hours Sept-May

- Monday 10:30am-11:45am & 4:00-9:30pm
- Wednesday 4:00-6:00pm
- Tuesday & Thursday 4:30pm – 9:30 pm
- Friday 4:30-7:30pm
- Saturday 9:00am-4:30pm
- Sunday Closed

Summer Dance Studio Hours

- Monday –Friday 9:00am-3:00pm
- Saturday –Sunday Closed
- June-July Minimal use. We often take 2 weeks off in June and 3 weeks off in July.

Parking Demand (peak times)

- Parking spaces for employees: 8
- Weekday customer parking spaces: 30
- Weekend customer parking spaces: 20
- Summer customer parking spaces: 15

Pick-up/Drop-off

- Currently the highest number of parents in the dance studio lobby during peak hours is no more than 30, after about 5pm.
- Once dancers reach 4th grade most parents drop their dancers off rather than coming in to watch.
- Parents are encouraged to drop dancers off for summer camps, rather than remain onsite.

Performances

- Off site (schools, churches, performing arts centers)

Sustainability:

- We plan to reduce energy costs by installing LED lighting in studios and offices.
- Registration, payments and communications are all paperless. This has significantly reduced waste such as paper, ink.
- CREO generally runs classes for 4-6 hours per day. Many dancers only spend one hour per day at the studio. We do not expect a high volume of water usage.
Timing:

Timing for opening the studio is key to the program. CREO’s current Wayzata lease ends July 1, 2018 and includes three studios. CREO would like to move to this location to better accommodate future growth with four studios. In addition, the largest number of participants come from Minnetonka Schools and this location would be optimal for current enrollment and projected growth. Classes start in September, and marketing of its classes is May/June. It is very important for CREO to begin marketing as soon as it can regarding its fall classes, and for that reason is hoping that a decision can be made soon whether this Minnetonka location can host its business versus remaining in Wayzata in a facility it has outgrown.

Thank you for considering this request.
ALTA/NSPS LAND TITLE SURVEY FOR:
CONTINENTAL WESTONKA, LLC

LEGAL DESCRIPTION:
Parcel 1:
That part of Lot 3 Zone D of City of Minnetonka Industrial Park North as plat entitled City of Minnetonka Industrial Park North, recorded in the office of the County Recorder of Hennepin County, Minnesota, in Book 1, page 85, and in the Northeast Quarter of Section 27, Township 114 North, Range 25 West of the 4th Principal Meridian, Hennepin County, Minnesota.

Parcel 2:
That part of Lot 4, being a portion of Lot 1 as plat entitled City of Minnetonka Industrial Park North as plat entitled City of Minnetonka Industrial Park North, recorded in the office of the County Recorder of Hennepin County, Minnesota, in Book 1, page 85, and in the Northeast Quarter of Section 27, Township 114 North, Range 25 West of the 4th Principal Meridian, Hennepin County, Minnesota.

NOTES:
1. The direction of this survey is based on the Hennepin County Coordinate Grid (NAD-83).  
2. The property lines of the property surveyed herein are 100.00 feet and are surveyed in accordance with the procedures and standards set forth in the standards for the Survey Practice, ALTA/NSPS Land Title Surveying.  
3. The parcel boundaries are shown for informational purposes only and are not to scale.

SURVEY ITEMS PER SCHEDULE B:
- Survey Items 8, 9, 10, 11, 12, 13, 14, and 15 are completed per Schedule B.
- Survey Items 16 through 20 are completed per Schedule B.

CERTIFICATION:
Egan, Field & Nowak, Inc.
1229 Tyler Street NE, Suite 160
Minneapolis, Minnesota 55413
FAX: (612) 466-3383
WWW.EGANsurvey.com

This certificate is to certify that the survey was performed in accordance with the applicable standards for the Survey Practice, ALTA/NSPS Land Title Surveying.  
This survey was completed on February 9, 2018.

Egan, Field & Nowak, Inc.
February 9, 2018

Surveyor's Certificate of Survey:
Egan, Field & Nowak, Inc.
1229 Tyler Street NE, Suite 160
Minneapolis, Minnesota 55413
FAX: (612) 466-3383
WWW.EGANsurvey.com

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This survey was completed on February 9, 2018.

Egan, Field & Nowak, Inc.
February 9, 2018

Surveyor's Certificate of Survey:
Resolution No. 2018-

Resolution approving a conditional use permit, with parking variance, for CREO Arts and Dance Conservatory at 15100 Minnetonka Industrial Road

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

Section 1. Background.

1.01 CREO Arts and Dance Conservatory has requested a conditional use permit to operate a dance studio within the industrial zoning district.

1.02 The building is located on the properties at 15000 and 15100 Minnetonka Industrial Road. The properties are legally described as:

Parcel 1: That part of Lot 2 lying Easterly of a line drawn North at right angles to the South line of said Lot from a point in said South line distant 194.48 feet West of the Southeast corner of said Lot, Block 1, Minnetonka Industrial Park, Hennepin County, Minnesota.

Parcel 2: That part of Lot 2 lying Westerly of a line drawn North at right angles to the South line of said Lot from a point in said South line distant 194.48 feet West of the Southeast corner of said Lot, Block 1, Minnetonka Industrial Park, Hennepin County, Minnesota.

Torrens Property: Being registered land as is evidenced by Certificate of Title No 1384300.

1.03 City Code §300.20 Subd. 4(e) allows public buildings as conditional uses within the I-1 zoning district.

1.04 City Code §300.20 Subd. 4(k) allows “other uses similar to those permitted within this section, as determined by the city” as conditional uses within the I-1 zoning district.

1.05 The proposed dance studio would be similar to a public building, as it is a place where a group of people would gather at a specified time for a specific purpose.

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

Section 2. Standards.

2.01 City Code §300.21 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

2.02 City Code §300.21 Subd. 3(e) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:

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 this ordinance;

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

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

5. creation of a functional and harmonious design for structures and site features, with special attention to the following:
   a. an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
   b. the amount and location of open space and landscaping;
   c. materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
   d. vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
6. promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

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

2.03 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 general conditional use permit standards outlined in City Code §300.16 Subd.2.

3.02 The proposal meet all but one of the specific conditional use permit standards outlined in City Code 300.16 Subd.3(a).

1. The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.

2. Aside from the requested parking variance, the proposal meets all minimum ordinance requirements.

3. No exterior modifications to the building or site are proposed at this time.

4. All proposed changes are interior to the building. As such, the proposal would not change the site's visual appearance.

5. No exterior site modifications are proposed at this time. However, the applicant has evaluated the site in order to propose a circulation plan. This plan would allow for improved and uninterrupted onsite circulation of vehicular traffic.

6. During the remodel of the existing building, several energy efficiency improvements would be incorporated.

7. The proposal would not negatively impact adjacent or neighboring
properties.

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

1. The proposal meets the purpose and intent of the zoning ordinance. The intent of the parking ordinance is to ensure the development provides adequate parking to meet the parking demand. The proposed uses of the building are complementary and would have varied peak parking demand times depending on the season, day and time.

2. The variance is consistent with the comprehensive plan. The plan encourages mixed-use developments, which are known to have varied peak parking demands.

3. There are practical difficulties in complying with the ordinance:
   a) It is reasonable to provide flexible parking requirements based on the actual programming of the site.
   b) By the Institute of Transportation Engineers (ITE)'s manual for parking generation, the site would exceed the number of stalls needed to accommodate the site's peak parking demand. It is likely that additional parking stalls could be accommodated on site by striping stalls on the north side of the building.
   c) The parking variance would not adversely impact the character of the surrounding industrial park, which experiences varied times of peak parking demands.

Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.

2. The building must comply with the requirements of the Minnesota state building, fire and health codes.

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

4. Any change to the approved use – including a significant increase in total enrollment or total building occupied – that could result in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 2, 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 April 2, 2018.

David E. Maeda, City Clerk
Conditional use permit for a microbrewery and taproom at 5959 Baker Road.

Recommend the city council adopt the resolution approving the conditional use permit.

Introduction

Brass Foundry Brewing Co. is proposing to operate a microbrewery and taproom in a currently vacant tenant space within the building at 5959 Baker Road. By city code, a microbrewery is defined as a facility that manufactures and distributes malt liquor or wine in total quantity not to exceed 250,000 barrels per year. A taproom is an area within or adjacent to a brewery where the products of the brewery may be sold and consumed.

Proposal Summary

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

- **Existing Site Conditions.**
  
  The subject property is located on the east side of Baker Road, near its intersection with County Road 62. The 12-acre Baker Technology Plaza site is improved with three office/warehouse buildings. The proposed brewery and taproom would be located in the smallest and most southerly of the buildings.

- **Proposed Building.**
  
  Brass Foundry Brewing would occupy the southernmost tenant space within the existing building. The roughly 8,550 square-foot space would divided between brewing operation and taproom/service areas. In addition to the interior remodeling necessary to accommodate the new business, the exterior of the space would also see minor changes. New windows, overhead doors, and windows would be added to the south and west façades and a new parapet wall would be added over the main entrance.

  A small outdoor seating space would be created west of the building. As proposed, the area would be surrounded by a decorative fence.

- **Proposed Use.**
  
  Brass Foundry Brewing Co. would offer a variety of beer brewed on site. No food would be served at the brewery/taproom. However, as is common for such businesses, patrons may bring food to the brewery/taproom or order food from local restaurants for delivery to the taproom. Additionally, food trucks would be on site on a regular basis.
Primary Questions and Analysis

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

- **Is the proposed brewery and taproom use appropriate?**
  
  Yes. Breweries and taprooms are conditionally-permitted uses in the industrial zoning district.

- **Are the proposed building changes reasonable?**
  
  Yes. From staff’s perspective, the proposed changes are reasonable. The inclusion of new windows and glass overhead doors would “freshen up” the older building and increase natural light within the space.

- **Can anticipated parking demands be accommodated?**
  
  Yes. In staff’s opinion, parking demand could be accommodated for several reasons.

  1. The Baker Technology Plaza site is zoned for, and generally occupied by, office and warehouse uses. The 5959 Baker Road building is served by 111 parking spaces. The Institute of Transportation Engineers (ITE) parking demand data suggests that average peak parking demand for the building could be accommodated with 100 parking spaces.

      | Use      | Area       | Parking Rate  | Peak Parking Demand |
      |----------|------------|---------------|---------------------|
      | Taproom  | 3,340 sq.ft. | 13.3 spaces/1000 sq.ft | 44 spaces         |
      | Brewery  | 5,210 sq.ft. | 0.41 spaces/1000 sq.ft  | 2 spaces          |
      | Office   | 18,873 sq.ft. | 2.84 spaces/1000 sq.ft. | 54 spaces        |
      | **TOTAL REQUIRED** | | | 100 spaces |

  2. ITE suggests – and anecdotal evidence confirms – that office and warehousing uses have a very different peak hour demand than the proposed brewery/taproom. The 100 parking spaces outlined in the chart above presumes that peak parking demand for all uses in the building occurs at the same time.

  3. The 5959 Baker Road is the southernmost of three buildings located on the same property. The buildings have a shared parking agreement. This agreement significantly increases available parking.

- **Can future nuisance issues be addressed?**
  
  Yes. While similar to a restaurant, staff recognizes a brewery/taproom could generate smells, noise, and activity of a different sort and level than other existing uses in the
office/warehouse area. However, the city has mechanisms in place to address issues associated with real and perceived nuisances:

1. The city’s noise ordinance essentially establishes community “quiet hours” from 10:00 p.m. to 7:00 a.m.

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

Staff Recommendation

Recommend the city council adopt the resolution approving a conditional use permit for a microbrewery and taproom at 5959 Baker Road.

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

Surrounding Land Uses
The subject property is surrounded by other industrial zoned sites.

Planning
Guide Plan designation: Mixed Use
Existing Zoning: I-1, industrial

City Actions
The proposal requires the following applications:

- Conditional Use Permit. By City Code §300.20 Subd.4 (j), microbreweries and taprooms are conditionally permitted uses in the B-2 zoning district.

Parking Requirements
Were staff to strictly calculate parking by rates outlined in the city code, the 5959 Baker Road building would be “under-parked.”

<table>
<thead>
<tr>
<th>Use</th>
<th>Area</th>
<th>Parking Rate</th>
<th>Peak Parking Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taproom</td>
<td>3,340 sq.ft.</td>
<td>1 space/50 sq.ft.</td>
<td>67 spaces</td>
</tr>
<tr>
<td>Brewery</td>
<td>5,210 sq.ft.</td>
<td>1 space/1000 sq.ft.</td>
<td>5 spaces</td>
</tr>
<tr>
<td>Office</td>
<td>18,873 sq.ft.</td>
<td>1 space/250 sq.ft.</td>
<td>76 spaces</td>
</tr>
<tr>
<td><strong>TOTAL REQUIRED</strong></td>
<td></td>
<td></td>
<td>148 spaces</td>
</tr>
</tbody>
</table>

However, in this case, staff has determined no parking variance is necessary due to some flexibility also provided in the code. By City Code §300.28 Subd.12(a)(4), “a land use may provide the required off-street parking area for additional land uses on the same development site if the following conditions are met:

- because of the hours of operation of the respective uses, their sizes and their modes of operation there will be available to each use during its primary hours of operation an amount of parking sufficient to meet the needs of such use; and

- the joint use of the parking facilities shall be protected by a recorded instrument, acceptable to the city.”

This code provision essentially allows the city to approve unique parking arrangements/provisions on unique sites. The applicant’s proposal presents just such a unique situation. The primary land use on the site is office/warehousing. The additional land use proposed is the brewery/taproom. The different peak parking demands and the shared parking agreement between several buildings mitigate any “under-parking.”
CUP Standards

The proposed microbrewery/taproom would meet the general CUP standards as outlined in City Code §300.21 Subd.2:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
4. The use is consistent with the city's water resources management plan;
5. The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and
6. The use does not have an undue adverse impact on the public health, safety or welfare.

The proposal requires a variance from the specific conditional use permit standards for microbreweries and taprooms as outlined in City Code §330.21 Subd.4(s):

1. Parking requirements: microbrewery, one parking space for each 1000 square feet of floor area. Taproom: one parking space for each 50 square feet of floor area.

*Finding:* Given the varied peak parking demands of building users and shared parking agreement, this provision is met.

2. Shall have parking and vehicular circulation in compliance with the requirements of section 300.28 of this code and which items must be adequate to accommodate the restaurant.

*Finding:* Given the varied peak parking demands of building users and shared parking agreement, this provision is met.

3. Shall only be permitted when it can be demonstrated that operation will not significantly lower the existing level of service as defined by the Institute of traffic engineers on the roadway system.

*Finding:* The proposal is not anticipated to significantly impact existing traffic volumes or levels of service.

Liquor License

As part of the Brass Foundry Brewing Co. proposal, the owner is requesting a liquor license. The city council has the authority to approve or deny liquor licenses; such licenses are not the purview of the planning commission. The commission must consider the
proposal’s conformance with the requirements and intent of conditional use permit standards.

Signage
Brass Foundry Brewing Co. did not make any specific request regarding signage. However, one of the submitted documents does show a sign on the new parapet wall. The sign would significantly exceed the size allowed for both industrial and commercial uses.

Neighborhood Comments
The city sent notices to 59 property owners and has received no comments to date.

Pyramid of Discretion

This Proposal

Motion Options
The planning commission has three options:

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

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

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

Voting Requirement
The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council’s final approval requires an affirmative vote of a simple majority.

Deadline for Action
June 4, 2018
Location Map

Project: Brass Foundry Brewing Co.
Address: 5959 Baker Rd
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.

Brass Foundry Brewing
5959 Baker Road

Sheet Title: Exterior

Brass Foundry Brewing
5959 Baker Road

Project Name: Brass Foundry Brewing

Sheet Title: Exterior

Brass Foundry Brewing
5959 Baker Road

Code Unit Price (C.U.P.) 01/22/2018

Brass Foundry Brewing
5959 Baker Road

Sheet Title: Exterior

Brass Foundry Brewing
5959 Baker Road

Project Name: Brass Foundry Brewing

Sheet Title: Exterior

Brass Foundry Brewing
5959 Baker Road

Project #:

Name: 

Scale: 

Date: 

License Number: 

C.U.P. 01/22/2018
Resolution No. 2018-

Resolution approving a conditional use permit for a microbrewery and taproom at 5959 Baker Road

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

Section 1. Background.

1.01 Brass Foundry Brewing Co. is requesting a conditional use permit to operate a microbrewery and taproom at 5959 Baker Road.

1.02 The property is legally described as:

Lot 1, Block 1, BAKER TECHNOLOGY PLAZA NO. 2

and

Lot 1, Block 1 BAKER TECHNOLOGY PLAZA NO. 3

Also

Tract B, RLS No. 1548

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

Section 2. Standards.

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

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

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

4. The use is consistent with the city’s water resources management plan;

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

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

2.02 City Code §300.21 Subd.4(s) lists the following specific conditional use permit standards for microbreweries and taprooms:

1. Parking requirements: microbrewery, one parking space for each 1000 square feet of floor area. Taproom: one parking space for each 50 square feet of floor area.

2. Shall have parking and vehicular circulation in compliance with the requirements of section 300.28 of this code and which items must be adequate to accommodate the restaurant.

3. Shall only be permitted when it can be demonstrated that operation will not significantly lower the existing level of service as defined by the Institute of Traffic Engineers on the roadway system.

2.03 By City Code §300.28 Subd. 12(a)(4), "a land use may provide the required off-street parking area for additional land uses on the same development site if the following conditions are met:

1. Because of the hours of operation of the respective uses, their sizes and their modes of operation there will be available to each use during its primary hours of operation an amount of parking sufficient to meet the needs of such use; and

2. The joint use of the parking facilities shall be protected by a recorded instrument, acceptable to the city."

Section 3. FINDINGS.

3.01 The proposed microbrewery and taproom would meet the general conditional use permit standards as outlined in City Code §300.21 Subd. 2 and the staff report associated with the applicant’s request.

3.02 The proposed microbrewery and taproom would meet the specific standards as outlined in City Codes §300.21 Subd. 4(s) and the staff report associated with the applicant’s request.
1. The site’s existing 111 parking spaces could accommodate parking demand.

2. The proposal is not anticipated to significantly impact existing traffic volumes or levels of service.

3.03 Parking is provided consistent with City Code §300.28 Subd. 12(a)(4):

1. The subject property is zoned for, and generally occupied by, office and warehouse uses. The existing building is served by 111 parking spaces. The Institute of Transportation Engineers (ITE) parking demand data suggests that average peak parking demand for the building could be accommodated with 100 parking spaces.

2. ITE suggests – and anecdotal evidence confirms – that office and warehousing uses have a very different peak hour demand than the proposed brewery/tap room.

3. The 5959 Baker Road is the southernmost of three buildings located on the same property. The buildings have a shared parking agreement. This agreement significantly increases available parking.

Section 4. City Council Action.

4.01 The above-described conditional use permit and variance are approved, subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
   - Site plan, dated Jan. 22, 2018
   - Floor plan, dated Jan. 22, 2018
   - Building elevations, Jan. 22, 2018

2. Prior to issuance a building permit:
   a) This resolution must be recorded at Hennepin County.
   b) Submit a landscaping plan for review and approval of city staff. The plan must meet minimum requirements as outlined in city code.

3. The outdoor patio must:
   a) be controlled and cordoned off with an uninterrupted enclosure, with access only through the principal building;
b) be equipped with refuse contains and regularly patrolled for litter pick-up; and

4. The brewery/taproom must conform to all aspects of the City Code Chapter 8, Public Health and Public Nuisance Ordinances.

5. This resolution does not approve any signs. Sign permits are required.

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

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 2, 2018.

Brad Wiersum, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on April 2, 2018.

David E. Maeda, City Clerk

SEAL
Minnetonka Planning Commission Meeting
March 15, 2018

Agenda Item 9

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

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

Morrie’s Minnetonka Ford is located at 13400 Wayzata Blvd. The 7.6-acre property has been used for automobile sales for nearly 60 years. It is zoned PID, planned I-394 development, and guided commercial. In 2012, Morrie’s Minnetonka Ford purchased the adjacent 0.6-acre property at 13205 Southridge Road. That property is zoned R-1, low-density residential, and guided medium-density residential.

The property owner has submitted a concept plan for a major remodel of the dealership building and site. The remodel includes additions to both the east and west sides of the building, as well as exterior façades upgrades. In addition, the concept plan incorporates the Southridge Road property into the larger Morrie’s site. The smaller parcel would be used for employee parking.

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

- **Guide Plan Amendment.** The Southridge Road property is currently guided for residential use. As presented, an amendment to the guide plan designation would be required. The potentially larger development implications of such amendment must be considered.

- **Site Design.** Setbacks, neighborhood buffering, impervious surface, and stormwater management must be evaluated.

The Concept Plan Review process includes the following:

- **Neighborhood Meeting.** A neighborhood meeting will be held on Tuesday, March 13. Staff will report on that meeting during the planning commission Concept Plan Review.

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

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

**Staff Recommendation**

Staff recommends the planning commission provide comment and feedback on the identified key issues and any others the planning commission deems appropriate. The discussion is intended to assist the applicant with the preparation of more detailed development plans and a formal application.

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner
ADDITIONAL INFORMATION

Making versus Applying Law

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

Next Steps

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

• **Planning Commission Review.** The planning commission would hold an official public hearing on the formal application and would subsequently recommend action to the city council.

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

Roles and Responsibilities

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

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

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

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

• **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.
Location Map
Project: Morrie's Ford
Address: 13400 Wayzata Blvd
February 5, 2018

Susan Thomas  
City of Minnetonka  
14600 Minnetonka Boulevard  
Minnetonka, Minnesota 55345

Re: Morrie’s Automotive Group  
Morrie’s Ford Site Plan Amendment

Dear Susan:

Morrie’s Automotive Group requests that the City of Minnetonka initiate review of a concept site plan relating to proposed site and building plan modifications for the existing Morrie’s Minnetonka Ford dealership located at the northwest quadrant of Plymouth Road and Wayzata Boulevard. The concept site plan includes a proposed 12,041 sf service area addition, together with a 4,483 sf two-level addition on the west side of the display area. Finally, Morrie’s proposes to incorporate into its site plan the vacant Morrie’s parcel situated at the corner of Plymouth Road and Southridge Road; Morrie’s would use the parcel addition for employee parking.

In recent months, Morrie’s has relocated its Lincoln dealership out of the formerly combined Minnetonka Ford Lincoln dealership. Morrie’s intends to make a substantial investment into the consolidated Minnetonka Ford dealership location. Morrie’s understands that this request will most likely trigger Master Development Plan review. Pursuing concept level review at this time will allow Morrie’s to determine the final make-up of its application.

We are attaching detailed site plan information, together with a conceptual exterior rendering of the remodeled Minnetonka Ford site. Please let us know if you require additional information in order to schedule this request for review by the City’s Planning Commission and City Council.

Sincerely,

Peter J. Coyne, for  
LARKIN HOFFMAN DALY & LINDGREN, Ltd.

Cc: Lynn Robson  
Attachments  
4832-1161-5324, v. 1
Morrie's Minnetonka Ford
Minnetonka, MN
10.31.2017
Dealer Submitted Design