1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes: August 16, 2018
5. Report from Staff
6. Report from Planning Commission Members
7. Public Hearings: Consent Agenda
   A. Resolution approving an aggregate side yard setback variance for a garage and living space addition at 4660 Caribou Dr.
      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. Resolution denying a variance and approving an expansion permit to construct a garage addition to at 5039 Clear Spring Dr.
      Recommendation: Adopt the resolution approving the request (5 votes)
      • Final Decision Subject to Appeal
      • Project Planner: Drew Ingvalson
   B. Resolution approving a conditional use permit, with variances, for a restaurant at 14725 Excelsior Blvd.
      Recommendation: Recommend the city county approve the request (4 votes)
      • Recommendation to City Council (Tentative Date: September 17, 2018)
      • Project Planner: Ashley Cauley
Other Business

C. Concept Plan for redevelopment of the property at 1809 Plymouth Rd.

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

- Forward to City Council (Tentative Date: September 17, 2018)
- Project Planner: Susan Thomas

9. Adjournment
Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.

2. Applications and items scheduled for the September 6, 2018 planning commission meeting:

   **Project Description:** McDonald’s USA, LLC is proposing to make site, façade and interior improvements to the existing building at 4637 Shady Oak Road. An expansion permit is required to increase the height of the existing building within the required setback. No changes to the building footprint are proposed at this time.

   Project No.: 05082.18a
   Ward/Council Member: 1, Ellingson
   Staff: Ashley Cauley
   Section: 26

   **Project Description:** Quest Development is proposing to redevelop the existing properties at 5517 and 5525 Eden Prairie Road. As proposed five new lots would be created and five villa-style homes would be constructed. The proposal requires approval of: (1) rezoning; and (2) preliminary and final plats.

   Project No.: 17027.18a
   Ward/Council Member: 1, Ellingson
   Staff: Susan Thomas
   Section: 33

   **Project Description:** LDK Builders, Inc. is proposing to divide the existing lot at 14916 Highwood Drive into two lots meeting all minimum ordinance standards. The existing home would be removed and two new homes would be constructed. The proposal requires approval of preliminary plat.

   Project No.: 18030.18a
   Ward/Council Member: 3, Happe
   Staff: Susan Thomas
   Section: 21

   **Project Description:** City staff is proposing an ordinance amending city code as it pertains to signs.

   Project No.: n/a
   Ward/Council Member: City-wide
   Staff: Drew Ingvalson
   Section: City-wide
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, Henry, Knight, Powers, and Kirk were present.

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

3. Approval of Agenda: The agenda was approved as submitted with additional comments provided in the change memo dated Aug. 16, 2018.

4. Approval of Minutes: Aug. 2, 2018

Knight moved, second by Powers, to approve the Aug. 2, 2018 meeting minutes as submitted.

Sewall, Henry, Knight, Powers, and Kirk voted yes. Motion carried.

5. Report from Staff
Gordon briefed the commission on land use applications considered by the city council at its meeting of Aug. 6, 2018:

- Adopted a resolution approving a conditional use permit with a wetland setback variance for an accessory apartment on Hillside Circle.
- Introduced an ordinance amendment to amend the master development plan for a two-level parking ramp at 12501 Whitewater Drive.

Gordon thanked planning and economic development advisory commissioners who went on the bus tour for Aug. 9, 2018.

The next planning commission meeting is scheduled to be held Sept. 6, 2018.

A joint city council and commissions study session is scheduled to be held Sept. 4, 2018.

6. Report from Planning Commission Members
Powers said that the bus tour was informative and helped provide a sense of the direction the city is heading.
Gordon welcomed Matt Henry to the commission. Henry recommended residents participate in the citizen’s academy. He learned a lot from the experience.

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion or separate action.

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

A. Conditional use permit for an adult daycare facility within an existing tenant space at 11581 K-Tel Drive.

Recommend that the city council adopt the attached resolution approving a conditional use permit for Salaama Learning Center, an adult daycare facility, at 11581 K-tel Drive.

Sewall, Henry, Knight, Powers, and Kirk voted yes. Motion carried and the item on the consent agenda was approved as submitted.

8. Public Hearings

A. Resolution approving an expansion permit for construction of a detached garage at 3500 Meadow Lane.

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

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

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

Powers moved, second by Henry, to adopt the resolution approving an expansion permit for construction of a detached garage at 3500 Meadow Lane.

Sewall, Henry, Knight, Powers, and Kirk voted yes. Motion carried.

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

B. Front yard setback variance to construct a detached garage at 5509 Co. Rd. 101.

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.

Powers asked if other locations were considered. Cauley explained that the proposed garage would require a variance if located anywhere on the property. The proposed variance seems more reasonable than the alternatives.

Doryan Corona, 5509 County Road 101, applicant, asked that the proposal be approved. It would allow vehicles to be parked in the driveway in the winter.

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

Powers felt the request would be reasonable.

_Sewall moved, second by Powers, to adopt the resolution approving a front yard setback variance for the construction of a detached garage at 5509 County Road 101._

_Sewall, Henry, Knight, Powers, and Kirk voted yes. Motion carried._

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

C. Items concerning a two-phase parking ramp at 12501 Whitewater Drive.

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

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

In response to Henry’s question, Thomas stated that she spoke to the property owner on the north side of Whitewater Drive. He was concerned with the appearance of façade materials. Staff has concerns with the height of the light standards. Staff would work with the applicant to address those concerns. The proposed ramp would be relatively short for the area. Across the street, there will be a seven-story ramp.

Sean Moore with Ryan Companies, applicant, stated that he appreciated the commissioners’ consideration. The ratio between office space and user is declining which is driving the need for additional parking.

Powers asked if the ramp would be built to accommodate additional stories in the future. Mr. Moore answered in the negative.

The public hearing was opened.
Jason Miller, part owner of 12500 Whitewater Drive, stated that it is pretty easy to build parking ramps to look good. He was curious to see what the finishes would be on the project. Making it look good will impact the value of his property. His building may have to do something similar in the future.

No testimony was submitted and the hearing was closed.

Powers felt that it would be reasonable to require the proposal to be aesthetically consistent with the area in terms of berms and landscaping. He was confident that staff would insist on that.

Chair Kirk asked staff about the trees and landscaping plan. Colleran explained that there is a ring of trees between the road and existing parking area. There are approximately 25 trees located near the west entrance that circle around on the north side to the east entrance of the parking lot. The trees are primarily ash and different types of evergreen, spruce, and pine. Those would all remain. All of the construction would occur south or east or west within the parking area. There should be no impact to the existing vegetation. A condition of approval would require some screening of the first level.

Powers moved, second by Knight, to recommend that the city council adopt the ordinance amending the existing master development plan on Minnetonka Corporate Center as it pertains to the property at 12501 Whitewater Drive and a resolution approving final site and building plans for Phase One of a two-phase parking ramp for 12501 Whitewater Drive.

Sewall, Henry, Knight, Powers, and Kirk voted yes. Motion carried.

The city council is tentatively scheduled to review this item at its meeting on Aug. 27, 2018.

9. Other Business

A. Concept plan for redevelopment of the property at 14317 Excelsior Blvd.

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

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

Mike Waldo, representing Ron Clark Construction, applicant, stated that:

- The proposal would be three stories of residential housing.
- Rooftops are needed to continue to make the area vibrant.
- The area needs to be filled in.
He is available for questions.

Tim Whitten, of Whitten and Associates, representing the applicant, stated that:

- The first goal is to make it work with three stories.
- Retail would generate more traffic and the need for more parking areas.
- The proposal would be a 60-unit, market-rate apartment building. It would not be as big of a building as a typical 60-unit apartment building.
- The Gold Nugget parking entrance is now awkward. Surface parking would be level with Excelsior Blvd. There would be 66-enclosed-parking spaces. The proposal would have more than one parking space per bedroom.
- The proposal would add a sidewalk along Stewart Lane.

Powers asked why the applicant opposed retail on the bottom floor with residential housing on the top floors. Mr. Waldo stated that 10 percent of locations with retail on the bottom floor and multi-family residential housing on the top floors work in the twin cities. The area already provides every service that makes sense. Mr. Waldo added that the proposal would create less traffic than a retail use.

Chair Kirk invited those present to provide comments.

Doris Pagelkopf, 14319 Stewart Lane, stated that:

- More of Glen Lake Shores abuts the property than Zvago.
- She is not opposed to an apartment building there. It would be a fine use of the property. Sixty units would be huge. Thirty units would be manageable. She is opposed to the size.
- Glen Lake Shores and Zvago already access Stewart Lane. Sixty more residents accessing Stewart Lane would make driving quite dangerous.
- She encouraged commissioners to drive around the area.
- She questioned the sewer and water studies.

Jim Stroebel, 14319 Stewart Lane, stated that:

- The distance between the curb cuts is about 50 feet. His major concern is safety and the ability of the site to handle additional traffic. Traffic is not a new issue. He suggested doing a formal traffic study now. He found it disturbing that a traffic study would not include public input.
- There are already difficulties with snow removal now.
- He is indifferent to how the property will be developed. His concern is with Stewart Lane. It is being used as a shortcut between Eden Prairie Road and Excelsior Blvd.

Pamela Malley, 14501 Atrium Way, stated that:
• She was concerned with the driveway accessing Woodhill Road. The lanes are being narrowed to allow a bike and walking path. There are two stoplights within a short distance of Woodhill Road and Excelsior Blvd. There would be backups between the stoplights. She questioned why there would have to be a stoplight for this proposal when it was not required before.

• Her condominium association has 84 units, but it has eight acres of land. The density seems to be an issue.

Ann Hossfeld, 14616 Glendale Street, stated that:

• She appreciated the process.
• She was concerned with density of the site and density creep in general.
• She was concerned with the traffic impact on Excelsior Blvd. and Stewart Lane.
• A building with three to four stories and 60 units was not discussed for the area previously. She was not aware of “some plan” that needed filling in. She feared the density creep. She objected to the idea that existing four-story buildings create a precedent. She provided photographs of what existed in 2006. The Oaks, Zvago, and St. Therese have been built since then and are all four stories. The field would be developed and trees removed. This is a commentary on the loss of topography and mature trees.

• Sixty units would be too big. The existing four-story buildings should not be used as a precedent for Glen Lake. She preferred the charming one-story style of development.

• Drivers on Excelsior Blvd. already slow down for traffic waiting for vehicles to turn into the parking lot of The Oaks. She opposed development that would increase density and traffic at the intersection.

• She was interested to hear what the engineers thought of the proposal.

Kathy Wolf, 14319 Stewart Lane, stated that:

• She used to work at The Gold Nugget. She questioned why another multi-unit building would be added to the area. The building would be huge.
• She wants the area to feel like a small-town community. That is what draws people to the area.
• The new restaurant will create more traffic and parking issues.
• She encouraged commissioners to drive Stewart Lane. Delivery trucks parked behind a building are hard to pass.
• She suggested a pharmacy instead.

Pam Bromme, 14319 Stewart Lane, stated that:

• There are a lot of vehicles emptying into one area. That is craziness.
• There would be hardly any green space anymore.
• She questioned if there would be variances.
• The proposed lot is smaller than The Oaks’ site. The Oaks’ has 54 units.
• She asked if commissioners want Glen Lake to have cement buildings or some green space.

Julie Friedman, 14319 Stewart Lane, stated that:

• She agreed with her neighbors.
• She questioned the impact on stormwater runoff. Her residence is lower than the proposed site.
• She was concerned with the high density, noise pollution, and character and charm of the neighborhood.

Beth Burgan, 14301 Stwart Lane, stated that:

• There are steps on the path that restrict access to Kinsel Park for strollers, bicyclists, and wheelchair users.
• The proposed building would be allowed to have dogs. Right now there are issues with dogs on the path who are not leashed attacking other dogs and a problem with dog owners not cleaning up after their dogs.

No one else chose to speak.

Thomas explained that visioning studies are utilized to picture what could happen on a site. The most recent vision-study plans for the site discuss a building with one to two stories of a commercial/office use and a mixed-use building with retail and multi-family residential units that would be three to four stories in height. The vision study is not a master plan for the site. Wischnack explained that having the study done prior to receiving an application for development shows some concept of change for the parcel.

Gordon explained that review of the concept plan allows communication between the developer and the community. The ideas are preliminary and do not require a large investment. Sometimes the projects do not go forward. A traffic light at Woodhill was previously acknowledged as a possibility. A traffic study would evaluate the past studies.

Chair Kirk explained the formal application process. There would be another public hearing with the planning commission if an application is submitted.

In response to Chair Kirk’s question, Thomas stated that it is the decision of the property owner whether to allow pets or not. Colleran said that it is incumbent on each dog owner to pick up after his or her dog.

Sewall was comfortable with high-density residential, a mixed use, or an office use for the site. The market conditions do not allow for an office use. In terms of retail and housing, he guessed the economics would make the residential building taller and mass larger. He was comfortable with the current three-story building. It would be a change for
the neighborhood, but it would be shorter than other buildings in the area. It would provide some transition. Sixty units seems like it would create a lot of vehicles and traffic. He questioned if there is a number of units would please everyone. He suggested the developer see what could be done to reduce the density, but not the footprint or mass of the building. There is a distinction between inconvenience and safety. Safety is important to him. The proposal would make the area more walkable. He suggested considering adding traffic controls such as stop lights at the intersections of Woodhill Road and Excelsior Blvd. and Stewart Lane and Eden Prairie Road. Dog owners should be responsible and be a good neighbor.

Knight has lived in the Glen Lake area for 33 years. He liked being able to pull out of Glenview Drive in the morning. It was much easier when the temporary stoplight was operating at Woodhill Road and Excelsior Blvd. He questioned how noticeable additional vehicle trips would be during peak travel times. He has driven down Stewart Lane. Taking out the hills on Stewart Lane might cause traffic to travel faster. It would have been nice to see a sketch of the view of the proposed buildings from Woodhill Road.

Powers struggled to find how the proposal would add to the character of the Glen Lake area. He first thought that the proposal would be too much. There would not be enough green space or “Glen Lake” in the project.

Henry thought there was not enough green space in the front and other places. He loves the area and it is an asset to the city. The mass of the building would cover the vast majority of the property.

Chair Kirk noted how tired Glen Lake looked prior to redevelopment. Glen Lake is considered a city center. The proposal may create too much mass on the site. There would be a relatively tall building and small setback that would almost create an alley between the two buildings. He struggled with that and how close the building would be located to Stewart Lane. There is some green space, but he questioned if large trees would be able to survive there.

Chair Kirk stated that Stewart Lane is a problem. It is similar to a drive lane in a parking lot. The Woodhill intersection probably deserves a stop light. It is difficult for a pedestrian to cross. He would like the drive lane to continue south, past the two buildings and figure out how to get an access lane into the housing complex from the west. That would keep the traffic off of Stewart Lane and provide a controlled access off of Excelsior Blvd. and provide a greater separation between The Oaks and the proposal. He supports including some affordable units with the proposal for single-bedroom, market-rate apartments. The site should provide a transition from high density to low density residential uses. Putting mixed uses in the area would not provide a transition. The site would not accommodate all front-end parking that would be needed for a retail use. He preferred an all-residential use, lower density, greater separation between the buildings, and more of a buffer with mature trees.

The city council is scheduled to review this item at its meeting on Aug. 27, 2018.
Chair Kirk called for a five-minute recess and reconvened the meeting.

B. Concept plan for Marsh Run redevelopment at 11650 and 11706 Wayzata Blvd.

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

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

Anne Behrendt, chief operating officer at Doran Companies, applicant, introduced Ben Lindau, chief concept architect for the project, and Cody Dietrich, senior development associate. Ms. Behrendt stated that:

- Doran Companies has its development team in house. There are 30 architects on staff. Doran Companies constructs and manages all of its projects. In order to do high-quality projects, Doran Companies controls the whole process.
- Amenities are used to create a sense of community.
- Tony Kuechle was not able to attend the meeting, but he will be the main point of contact person in the future.
- The project is a high-density, residential, six-story apartment building. It would be built on a concrete podium with five stories of wood-frame construction.
- The proposal would very likely have an affordable housing component. The details are being worked out with staff. There would need to be 230 units in order to make the project work economically and have the amenities to make this type of project work.
- The amenity deck would be located on the podium level. She provided an example of a similar building on Interstate 394.
- There would be a number of direct-entry townhomes that would walk out to the street. She provided an example of a project done in Minneapolis, Mill and Main, that has the amenity podium and town homes that walk out to the street.
- The buildings would have important touches that make the buildings stand apart such as having all solid-wood doors, insulation in every wall of the building, ceiling fans in every bedroom, dimmer switches in the kitchens, and acoustical design. There would be a dog run on the property and DNA testing to enforce disposal rules if needed.
- There would be a pool deck, business center, and spa room.
- She provided an example of a building Doran built in Hopkins, The Moline, with similar massing. The applicant would like to host an open house at The Moline.
- The building would contain entertainment suites.
There would be two entrances. One off of Fairfield Road and one off of Wayzata Blvd.

Mr. Lindau stated that:

- The applicant will work with staff and commissioners to make a vibrant place to live.
- The proposal would be a 230-unit, high-density residential building right on the Interstate 394 corridor. There would be walk-out townhomes to provide a transition and keep the street safe and active.
- Restaurants and other amenities would be within a walkable distance.
- The proposal would be five stories of apartments on top of one story of parking garage. The garage would be adjacent to the residents.
- There would be numerous plantings and landscaping.
- He provided a townhome street scape. Most of the tree buffer would be preserved and deciduous and coniferous trees would be added.

Ms. Behrendt stated that a neighborhood meeting was held the prior evening. A lot of comments related to the mass of the building and how it would relate to the neighboring buildings were provided. There would be 109 feet from building face to building face. The townhomes would be about 63 feet away from each other. The building would be 73 feet in height. The height of The Bay Hill condominiums building is 65 feet. The distance from The Bay Hill condominium building to the nearest townhome is about 65 feet. The applicant wants to make sure to provide an adequate buffer for the townhomes. One hundred and nine feet and mature trees is a good start. Right now the view is a parking lot of a commercial building. Neighbors suggested a fence which the applicant would do if that is what the neighbors want. The area needs definition and direction. The proposal is in line with what exists. She is available for questions.

Sewall asked if there would be parking and a sidewalk on the north side. Ms. Behrendt answered in the affirmative. There would be 30 surface parking spaces. The vast majority of the parking would be underground.

Knight asked how far the shadow of the proposed building would extend. Ms. Behrendt provided the results of a shadow study. The building would provide a buffer to noise and visibility to Interstate 394.

Laura Cohen, 798 Fairfield Circle, stated that:

- She saw a posted comment that said that the development in Minneapolis, Mill and Main, had staff change three times, amenity areas were crowded in the summer, and it has a fraternity feel.
- Another posted comment for The Bridges said that it is the “worst place” and loud 24/7.
- She was concerned that residents would bring additional people into the low-key, residential area and create noise.
• She was concerned that the 230 residents of the proposed building would go onto the neighboring properties and cause damage from vehicles and dogs. Her association fees would have to pay for the upkeep.
• She left the traffic aspect to the experts.
• Drivers now travel on the private roads which are maintained with association dues. Parking is limited for guests.
• The current office building is lovely and blends in with nature. The landscaping is beautiful. The office building hours are different than the peak driving times for residents and no one is there on the weekends.
• She opposed the zoning change.
• She invited commissioners to visit the site. She would provide a tour.
• She was concerned this would not be the right project.

Don Knox, 921 Fairfield Way, stated that:

• Surrounding buildings have similar exteriors that incorporate stone accents. He found the proposed building a fit for the uptown area, but not a suburban area. It would be a stark contrast to the surrounding townhomes.
• The buildings would be too large for the space.
• He provided a letter that is in the agenda packet.
• Cohen did a good job of covering the issues including noise.
• He was concerned what would happen to the property values.
• He requested that the size and architecture be looked at.

Carrie Martin, 1004 Fairfield Spur, stated that:

• She provided pictures of the office building. It is a quiet area. She does not want to see more people than the three she usually sees when she goes for a walk.
• The proposed building would be a monstrosity viewed from her bedroom window.
• She was concerned vehicles would use her driveway to turn around. There are only two guest parking stalls on her street.
• The pine trees block the view of a one-story structure, but a forest would be needed to block a six-story structure.
• She was concerned with snow removal.
• She did not want a shadow on her house in the winter.
• The proposal would have balconies and cause a privacy issue.

Andrew Jackson, 1012 Fairfield Spur, stated that:

• There would be 230 units, not just 230 people. This is a quiet, residential neighborhood.
• The six-story building would be too close.
• He was afraid for his property value.
• The proposed building would fit in uptown, not the proposed location.
• He likes the sunlight in the winter.
• There would be three accesses. Two for the underground parking and one for the ground-level parking on the north side.
• The residents of the proposed building would look into his townhouse.

Calla Beal, 1000 Fairfield Square, stated that:
• Her bedroom and deck would face the residents of the proposed building looking right at her. It would be devastating.
• She does not want to look at the apartment building.
• It is quiet on the weekends and in the evenings.
• She does not care about the amenities. She cares what it would do to the community. Everybody in the community loves it there.
• She has real concerns.

Daryl Ansel, resident of Bay Hill Condominiums, stated that:
• Fairfield Road is very narrow. He questioned how the overflow parking would be handled.
• The bridge completion caused an increase in traffic on Wayzata Blvd.
• The success of the Westridge parking center is terrific, but motorists block Hopkins Crossroad. The proposal would cause a traffic problem on the frontage road.

Bill Kottner, 11460 Fairfield Road, stated that:
• He was concerned with noise after 10 p.m., broken beer bottles, and people congregating at the pool.
• The traffic is already bad in the Hopkins Crossroad area.
• He questioned what would happen to the property values.

Pam Lewis, 980 Fairfield Court, stated that:
• She was concerned with the impact on the protected wetland.
• This feels like urban slam instead of urban creep.
• The neighborhood is lovely. The building would be monstrous. There are four-story condominium buildings. This would be six and look like a hotel.
• Traffic is already crowded.
• There are limited restaurants and amenities.
• There is a small park.
• There would be no restriction on the number of residents living in each unit.
• She is terrified. She values the quiet.
Enid Uhlhorn, 907 Fairfield Way, stated that:

- The concept does not fit the neighborhood. It would be too massive for the site. She described the wildlife in the suburban area.
- Traffic traveling on Fairfield Road goes too fast.
- There would be a lot more people using the walkway to the shopping area.

Karen Dahlman, Fairfield Way, stated that:

- She questioned if a study supports the traffic considerations.
- The six-story height would change the look of the neighborhood.
- She was concerned with the property values.
- She was concerned with construction noise and noise created by additional people and garbage haulers. She recommended adding a condition that would require the applicant to financially compensate the residents every time a delivery service or garbage hauler made noise prior to 7 a.m.
- She appreciated the opportunity to speak.

Wischnack explained that the noise ordinance allows garbage haulers and snow plowers to begin operating at 6 a.m. and noise is allowed starting at 7 a.m.

Lois Joseph, 11472 Fairfield Road, stated that:

- The proposal would dwarf everything in the area.
- The project would be “unnecessary” to be located on the corner of a quiet residential street.
- The project would be inappropriate. It would belong in the North Loop or Uptown.
- The area is now quiet and pristine. The building does not belong in the city.

Bob Uhlhorn, 907 Fairfield Way, stated that:

- He walks in the area. Residents of the proposal would walk through the surrounding property to reach Trader Joes and Dick’s Sporting Goods.
- He questioned how the applicant calculated the economic return.
- The site is too small for the proposed building.
- The surrounding property values would go down and there would be assessments to pay for the increase in traffic.

No one else chose to speak.
Chair Kirk asked staff about The Moline building in Hopkins. Gordon stated that it filled a housing need in Hopkins that was not previously filled.

Cauley clarified that Fairfield Road is a public street. Fairfield Circle and Fairfield Way are private streets. Staff will create a map illustrating the public amenities including trails in the area.

Wischnack will provide the results of the housing study to anyone who would like to see it. There are only so many locations for the city to utilize diversified housing types.

Sewall asked staff to address the correlation between new development and property values. Cauley explained that assessing staff conducted a study and found that there is no evidence of a decrease in value of surrounding properties of new apartment buildings. Property values have decreased when a commercial site redevelops into another commercial use due to an automatic devaluation assuming that the new commercial use would be more intense.

Knight noted that the residents of the Fairfield area love it as it is. He did not see a single swimming pool or exercise room. The area is packed. He suggested adding more townhomes. He has been in The Moline and it is a really nice place to live.

Henry noted that the location near Interstate 394 is an attractive site for high-density development. He saw a disconnect between the existing townhouses and proposed six-story building.

Chair Kirk felt that development is inevitable. The question is to what scale. It would be unrealistic to think that a new building would match 20-year old architecture. The existing architecture is pleasant and should be recognized. Even though the building would be located on Interstate 394, it would not have to have an urban vibe. The fact that a sun-angle study was completed tells him that the building would be too big for the neighboring uses. It would not be too big for the retail store to the east or Interstate 394, but it would be too big for the neighbors on the north. The complex would need to step from potentially high density on the south to low density on the north in order to keep the character of the neighborhood. It would be a mistake to locate parking on the north. The guest parking should be the easiest to find. There is an expectation that the view from the existing townhomes would change.

Powers concurred with Chair Kirk. The project would create confusion that does not exist now. The area will grow and change. No one would want to tolerate the shadowing. There is a limit to accepting change. The project would not create clarity. A zoning change needs to be done deliberately.

Sewall stated that Doran does a nice job constructing buildings. He has been in several and found the quality top notch. The building would have no transition or have any unity with the neighborhood. He agreed that locating a parking area on the north side would be a mistake. The parking area should be on the south side. Housing would be an appropriate land use. A pitched roof would be better. If he lived in the proposed building,
he would take Fairfield instead of Wayzata Blvd. because it would be faster. His biggest challenge is with the density and proximity. Six months of shadow would not be reasonable at all. A view is not guaranteed, but casting a shadow over a townhouse for six months would be unreasonable. Stepping the building back farther from the north to the south would be a way to improve the plan. He supports higher-density housing, but not this dense and not located so close to the neighbors on the north.

Chair Kirk noted that Doran is a great developer. The city council may have a different reaction to the concept plan. It is logical that the property be redeveloped. He supports housing, but it would be unreasonable to expect townhouses to extend all the way to Interstate 394. He appreciated everyone’s patience.

Cauley explained how the project may be followed on the project page on eminnetonka.com. This item is scheduled to be reviewed by the city council at its meeting on Aug. 27, 2018.

10. Adjournment

_Sewall moved, second by Powers, to adjourn the meeting at 10:45 p.m. Motion carried unanimously._

By: ___________________________

Lois T. Mason  
Planning Secretary
MINNETONKA PLANNING COMMISSION  
September 6, 2018

**Brief Description**  
Resolution approving an aggregate side yard setback variance for a garage and living space addition at 4660 Caribou Drive.

**Recommendation**  
Adopt the resolution approving the request

---

**Background**

The subject property is located in the DEERWOOD HILLS SECOND ADDITION subdivision. Platted in 1955, prior to adoption of the city’s first subdivision ordinance, the lot is non-conforming in size and configuration. The existing home was constructed in 1963 and meets current setback requirements.

**Proposal**

The property owners, Juli and Sean McGuire, are proposing to remove the existing garage and construct a new garage and living space addition. The addition requires an aggregate side yard setback variance.

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front Yard Setback</strong></td>
<td>35 ft</td>
<td>42 ft</td>
<td>42 ft</td>
</tr>
<tr>
<td><strong>Aggregate Side Yard Setback</strong></td>
<td>30 ft</td>
<td>33 ft</td>
<td>27 ft*</td>
</tr>
<tr>
<td><strong>Minimum Side Yard Setback</strong></td>
<td>10 ft</td>
<td>16 ft</td>
<td>10 ft</td>
</tr>
<tr>
<td><strong>Rear Yard Setback</strong></td>
<td>30 ft</td>
<td>70 ft</td>
<td>64 ft</td>
</tr>
</tbody>
</table>

*variance required

**Staff Analysis**

Staff finds that the applicants’ proposal is reasonable and meets the expansion permit standards as outlined in city code.

1. The proposed addition would meet the minimum 10-foot side yard setback of the south property line.

2. Though the property is just 15,000 square feet in size, it is not considered a “small lot” by city code definition. Were it a defined “small lot” no aggregate side yard setback requirement would be applied and the proposal could be administratively approved.

3. The proposed two-story addition may have a visual impact on the predominately rambler-style neighborhood. However, the requested setback variance itself would not impact the residential character of the neighborhood.
Staff Recommendation

Adopt the resolution approving an aggregate side yard setback variance for a garage and living space addition at 4660 Caribou Drive.

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

**Surrounding Land Uses**

- **North:** single-family homes, zoned R-1
- **South:** single-family homes, zoned R-1
- **East:** single-family homes, zoned R-1
- **West:** single-family homes, zoned R-1

**Planning**

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

**Small Lots**

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

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

The subject property is not code-defined small lot, as:

- It is just over 9,000 square feet in size, was platted in 1927, and
- The average lot size within 400 feet of the subject property is 17,500 square feet.

**McMansion Policy**

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

The proposed home would have an FAR of 0.25, well under the highest area FAR of 0.37.

**Variance Standard**

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

**Natural Resources**

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance erosion control and tree protection fencing.
Neighborhood Comments
The city sent notices to 49 area property owners and received no comments to date.

Pyramid of Discretion

Motion Options
The planning commission has three options:

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

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

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

Deadline for Decision December 9, 2018
Location Map

Project: McGuire Residence
Address: 4660 Caribou Dr

Subject Property
LEGAL DESCRIPTION:
Lot 5, Block, DEERWOOD HILLS SECOND 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. 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.
5. 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.
Planning Commission Resolution No. 2018-

Resolution approving an aggregate side yard setback variance for a garage and living space addition at 4660 Caribou Drive

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

Section 1. Background

1.01 The subject property is located at 4660 Caribou Drive. It is legally described as:

Lot 5, Block 1, DEERWOOD HILLS SECOND ADDITION

1.02 Property owners Juli and Sean McGuire are proposing to remove an existing garage and construct a new garage and living space addition on the subject property. The addition requires an aggregate side yard setback variance from 30 feet to 27 feet.

Section 2. Standards

2.01 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance.

Section 3. FINDINGS

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

1. Purpose and Intent of Zoning Ordinance. The intent of the ordinance as it pertains to aggregate side yard setbacks is to generally “center” a principal structure within the width of a residential lot. The proposed 27 foot setback would meet this intent.

2. Consistency with Comprehensive Plan: The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variance would not negatively impact the existing residential character of the neighborhood and would provide for investment in the property.
3. Practical Difficulties: There are practical difficulties in complying with the ordinance:
   a) Reasonableness. The proposed addition would meet the minimum 10-foot side yard setback of the south property line. In other words, it would not get any closer to the adjacent home that would otherwise be allowed.
   b) Unique Circumstances. Though the property is just 15,000 square feet in size, it is not considered a “small lot” by city code definition. Were it a defined “small lot” no aggregate side yard setback requirement would be applied and the proposal could be administratively approved.
   c) Character of Locality. The proposed two-story addition may have a visual impact on the predominately rambler-style neighborhood. However, the requested setback variance itself would not impact the residential neighborhood character.

Section 4. PLANNING COMMISSION ACTION

4.01 The planning commission hereby approves the setback variance described in Section 1 of this resolution. Approval is 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:
   • Survey and site plan, dated June 25, 2018
   • Floor plans and building elevations, August 2, 2018

2. Prior to issuance of a building permit:
   a) A copy of this resolution must be recorded with the county and a copy of the recorded document returned to the city.
   b) Install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on September 6, 2018.

Brian Kirk, Chairperson

Attest:
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 September 6, 2018.

__________________________
Kathy Leervig, Deputy City Clerk
Brief Description
A front yard setback variance to construct a garage addition to at 5039 Clear Spring Dr.

Recommendation
Adopt the resolution denying the variance request and approving an expansion permit for an alternative plan

Proposal
The applicant, Jason Lake, is proposing to build a garage addition on to the existing home at 5039 Clear Spring Drive. The existing home has a non-conforming front yard setback. The proposed garage addition would extend 2.6 feet closer to the front property line than the existing home. The proposed garage would be 25.1 feet wide by 44.7 feet deep, or 1,122 square feet. (See attached).

This proposal requires:

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

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Applicant’s Proposal</th>
<th>Staff’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Yard Setback</td>
<td>35 ft.</td>
<td>26 ft.</td>
<td>23.9 ft.*</td>
<td>26.5 ft.**</td>
</tr>
</tbody>
</table>

* requires variance
** requires expansion permit

Staff Analysis
The applicant has requested a front yard setback variance to extend the attached garage 2.6 feet towards the front property line. Staff has reviewed and provided analysis for this request and has also provided analysis for an alternative plan. The alternative plan would maintain the existing non-conforming front yard setback and would only require an expansion permit. (See attached).

Applicant’s Variance Request: Front yard setback variance to permit a 23.9-foot front yard setback for a garage.

Staff finds that the applicant’s proposal is not reasonable:

1. **INTENT OF THE ORDINANCE.** The proposal is not in harmony with the general purposes and intent of the zoning ordinance. The intent of the front yard setback requirement is to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes and roadways. Multiple homes within 400 feet of the subject property do not meet the required front yard setback requirements due to being constructed prior to the adoption of city ordinance. However, based on aerial photographs, none
of these properties appear to have front yard setback less than 26 feet.

2. CONSISTENT WITH COMPREHENSIVE PLAN. The proposed variance would not be consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. While the subject request would enhance the subject property, it would establish a front yard setback that is less than neighboring homes.

3. REASONABLENESS: The request to widen the subject garage from 20 feet to 25.1 feet is reasonable. However, the request to encroach further into the front yard setback is not reasonable as a similar garage addition could be accomplished without acquiring a variance. Simply shifting the proposed structure 2.6 feet towards the rear of the property would allow it to maintain the same structure setback as the existing structure without altering the proposed size. (See attached.)

4. CIRCUMSTANCE UNIQUE TO THE PROPERTY: The current front yard setback encroachment of the home and garage is a unique circumstance, but this unique circumstance does not create a practical difficulty for the property owner to maintain the existing non-conforming setback of the garage. The subject property has adequate space to accommodate alternative garage options that would, at a minimum, maintain the existing non-conforming setback.

5. NEIGHBORHOOD CHARACTER: While the design of the proposed garage addition is consistent with several homes in the neighborhood, the proposed structure would encroach farther into the front yard setback than other neighboring properties. The subject home is currently set back 26 feet from the front property line, which is consistent with the adjacent neighboring homes and other homes within the area. However, the proposed garage addition would seek to extend closer than the existing home and these neighboring homes, which would not be consistent with the rest of the neighborhood.

Staff-Drafted Alternative: Staff recommends that, rather than a variance, the planning commission approve an expansion permit to allow a garage addition that maintains the 26.5-foot front yard setback of the existing garage and home.

1. REASONABLENESS: Such garage addition is reasonable, as it would:
• Enhance the existing property;
• Maintain the established front yard setback of the home; and
• Maintain a similar front yard setback as adjacent and neighboring homes.

2. CIRCUMSTANCE UNIQUE TO THE PROPERTY: The existing home currently encroaches into the front yard setback.

• The existing structure has a legal non-conforming front yard setback. The existing home was built in 1964 and sits approximately 26 feet from the front property line.
• To meet ordinance, a new garage addition would need to be setback 9 feet behind the front line of the existing home.

3. NEIGHBORHOOD CHARACTER: If approved, the garage addition maintain the existing front yard setback would not alter the essential character of the neighborhood.

**Staff Recommendation**

Adopt the resolution denying a variance and approving an expansion permit to construct a garage addition to the single-family home at 5039 Clear Spring Drive.

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

Project No. 18031.18a

Property 5039 Clear Spring Dr.

Applicant Jason Lake

Surrounding Land Uses All of the properties to the north, south, east, and west are zoned R-1, single family residential, and guided for low density residential.

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

Property The Clear Spring Hills Addition was platted in 1961. The subject property is nearly 28,000 square feet in area. The property has conforming frontage (92 feet, 80 feet required), but has slightly non-conforming width at setback (102 feet, 110 feet required).

Existing Home The subject home was originally constructed in 1964 and is a two-story home without living space over the garage the attached garage. The gross building area of the home is 2,500 square feet. The existing garage is approximately 20 feet wide by 26 feet deep.

The subject home and existing garage encroach within the 35-foot front yard setback. The garage and home are both setback approximately 26 feet from the front property line.

Non-conforming Properties There are several properties within the subject neighborhood that do not conform to the required front yard setback. Specifically, there are 13 homes with non-conforming front yard setbacks within 400 feet of the subject property. Based on aerial photography, the non-conforming setbacks of these homes appear to range from 26 feet to 34 feet from the front property line. The majority of these homes, including the subject home, are non-conforming because they were built just prior to the adoption of the first city ordinance in 1966.

Additionally, the city has approved one front yard setback expansion permit within this area.

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

As proposed, the property would comply with the McMansion Policy. Currently, the property’s FAR is 0.13. The proposed attached garage
addition would increase the property’s FAR to 0.15. This is still below the largest FAR within 400 feet, which is 0.17.

**Measuring Setbacks**
The city of Minnetonka measures front yard setbacks from property lines to building foundations. Roof overhangs are not included when measuring setback distances.

**Expansion Permit v. Variance**
An expansion permit is required for an expansion of a non-conforming structure when that expansion maintains the same setbacks as the existing non-conformity. A variance is required for expansion of a non-conforming structure when the expansion would intrude into one or more setback areas beyond the distance of the existing structure.

By definition, a non-conforming structure is one that is not in full compliance with the regulations of the ordinance and either: (1) was legally established before the effective date of the ordinance provision with which it does not comply; or (2) became non-conforming because of other governmental action, such as a court order or a taking by a governmental body under eminent domain or negotiated sale.

The existing home is considered non-conforming as the structure was built prior to the adoption of the city ordinance. Any addition maintaining the same setback as the existing structure may be reviewed for an expansion permit. Alternatively, a variance is needed for any requests that encroach farther into required setbacks.

**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)

**Expansion Permit**
By City Code §300.29, an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

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

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

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

Neighborhood Comments
The city sent notices to 46 area property owners and received no comments.

Pyramid of Discretion

The current proposal.

Motion Options
The planning commission has four options:

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

2. Disagree with staff’s recommendation and approve the applicant’s variance request. In this case, a motion should be made directing staff to prepare a resolution for approving the applicant’s proposal. This motion must include findings for approval.

3. Disagree with staff’s recommendation and denying both the variance and expansion permit. In this case, a motion should be made directing staff to prepare a resolution for denial. This motion must include findings for denial.

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

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

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

Deadline for  
December 6, 2018
Location Map

Project: Lake Residence
Address: 5039 Clear Spring Dr

CITY OF MINNETONKA
SITE PLAN for JASON LAKE

LEGEND

- DENOTES SET 1/2" X 18" REBAR WITH PLASTIC CAP "PLS 22102"
- DENOTES BOUNDARY LINE
- DENOTES LOT LINE
- DENOTES SITE LINE
- DENOTES EASEMENT LINE
- DENOTES EXISTING CONTOUR LINE
- DENOTES EXISTING ELEVATION
- DENOTES RETAINING WALL
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES PATIO Paver SURFACE
- DENOTES WOOD FENCE
- DENOTES OVERHEAD ELECTRIC
- DENOTES ELECTRIC POWER POLE
- DENOTES GUY ANCHOR
- DENOTES ELECTRIC TRANSFORMER
- DENOTES ELECTRIC METER
- DENOTES GAS METER
- DENOTES DECIDUOUS TREE
- DENOTES CONFERENCE TREE
- DENOTES DRAINAGE FLOW
- DENOTES FINISH "L" OR ELEVATION

NOTES
1. THE EARS OF THE BEARING SYSTEM IS ASSUMED.
2. NO SPECIFIC SOIL INVESTIGATION HAS BEEN COMPLETED.
3. CONTRACTOR SHALL VERIFY PROPOSED ELEVATIONS.
4. NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
5. SURVEY UTILITIES AND SERVICES SHOWN HEREIN OWNER LOCATED EITHER PHYSICALLY ON THE GROUND DURING THE SURVEY OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY RESIDENT TESTIMONY.
6. OTHER UTILITIES AND SERVICES MAY BE AMONG VERIFICATION AND LOCATION OF UTILITIES AND SERVICES SHOULD BE OBTAINED FROM THE OWNERS OF RESPECTIVE UTILITIES BY CONTACTING GOPHER STATE ONE CALL AT (951) 404-0802 PRIOR TO ANY DESIGNED PLANNING OR EXCAVATION.

LEGAL DESCRIPTION
Lot 1 Block 6 Clear Spring Hills ADDITION, Hennepin County, Minnesota, according to the recorded plat thereon.

REFERENCE BENCHMARK
ELEVATION = +93.366 DPW 83 HENNIPIN COUNTY CONTROL DISK "RENEE" AT THE NORTHWEST QUADRANT OF THE INTERSECTION OF OLD EXCELSIOR BLVD & DELTON AVE.

BUILDING SETBACKS
- HOUSE: FRONT = 35 FT, SIDE = 30 FT, MIN 10 FT, REAR = 40 FT

HARD COVERED
- PROPOSED IMPERVIOUS SURFACES 1,073 SQ FT, 2,210 SQ FT, 16.7 %
- PROPOSED HARD COVER 3,068 SQ FT, 27,941 SQ FT

EXISTING ELEVATED HOUSE: FTE=60.27

EXISTING GARAGE

APPRAISER'S VARIANCE REQUEST
Call 48 Hours before digging
GOPHER STATE ONE CALL
Twin Cities Area 651-454-0002
MN, Toll Free 1-300-252-1166

JOB NAME: JASON LAKE
LOCATION: 9039 CLEAR SPRING DR
MINNEAPOLIS, MN 55435
FIELD BOOK NO.: EDS-15
FIELD WORK DATE: 11/15/17
PROJECT NO.: 17-154
CHECKED BY: VS
CHARACTER No. 1 OF 1

DRAWN BY: EP
DATE: 11/09/17
DRAFTED BY: EP
DATE: 11/09/17

EDS - ENGINEERING DESIGN & SURVEYING
11380 PARK DR, SUITE 500
MINNEAPOLIS, MN 55426
PHONE: 763-541-9960 FAX: 763-541-0081
EMAIL: info@edsinc.com WEBSITE: http://edsinc.com

A DRAFTING PROFESSIONAL HAS PERFORMED THE SURVEYING AND BOUNDARY WORK AS SHOWN.
A DRAFTING PROFESSIONAL HAS DRAWN THE DRAWINGS AS SHOWN.
AND THAT I AM A DRAFTING PROFESSIONAL UNDER THE LAWS OF THE STATE OF MINNESOTA.

(7,838,621) 10.00
(131,504) 10.00
(283,740) 10.00
(131,504) 10.00
Written Statement for the variance request
Jason Lake, home owner

The desired outcome of the proposed design is to update and upgrade the look of the house and the curb appeal along with additional garage space. This house was built in 1964 before the city ordinance was in place with the 35’ set back rule, the house was built 26.4’ from the street with a 4’ overhang on the garage that ties into the overhang for the front entry.

The finished eve with the new garage will match the existing eve’s 4’ overhang on the front entry, the overhang on the garage will be 18” which will create more depth and update the look of the house. This moves the garage foundation 2.5’ closer to the street.

Many houses in this neighborhood have had similar work done, I have spent years looking at these houses along with my designer to come up with a look that’s both classic and befitting of this neighborhood.
The current look of the house is dated, the new garage and front entry with the dormers and offset front garage wall drastically improve the look and brings this old house up to date with the other houses in the neighborhood that have been remodeled.

I truly love this house and this neighborhood, this plan was put together over many years with input from designers as well as my neighbors. Thank you for your time and consideration.

Sincerely,

Jason Lake
FOUNDATION NOTES:

- NEW FOOTINGS TO BE MIN. OF 30’ WIDE x 10’ DEEP WITH 2# 5 RE-BARS
- TOP OF FOOTINGS TO MATCH EXIST., VERIFY MIN. DEPTH OF 42” BELOW GRADE
- NEW CMU FOUNDATION WALL TO HAVE VERTICAL CORE FILL WITH REBAR REINFORCEMENTS AT EVERY 5’ (MINN.) TOP OF CMU TO HAVE BOND BEAM W/ (1) #4 REBAR
- ATTACH ALL NEW FOOTING AND FOUNDATION WALLS TO EXISTING FOUNDATION
  WITH (2) #4 RODS AT FOOTINGS & (3) AT FOUNDATION WALL (HORIZONTAL CONNECTIONS.)

- FIELD VERIFY ALL EXIST. DIMENSIONS PRIOR TO PLACING CONC.
- INSTALL WATERPROOFING MASTIC TO OUTSIDE FACE OF FOUNDATION WALL AND FOOTING.
- INSTALL 4” DRAIN TILE W/ SOCK AND ROCK AROUND PERIMETER OF NEW FOUNDATION. CONNECT TO EXISTING DRAIN TILE AND SUMP BASKET. NOTE DRAIN TILE TO BE PLACED AT SAME DEPTH OF FOOTING.
SITE PLAN

for

JASON LAKE

LEGEND
- DENOTES SET 1/2" X 18" REBAR WITH PLASTIC CAP "PLS 22102"
- DENOTES BOUNDARY LINE
- DENOTES LOT LINE
- DENOTES SETBACK LINE
- DENOTES EASEMENT LINE
- DENOTES EXISTING CONTOUR LINE
- DENOTES EXISTING ELEVATION
- DENOTES RETAINING WALL
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES PATIO PAVING SURFACE
- DENOTES WOOD FENCE
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- DENOTES ELECTRIC POWER POLE
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- DENOTES ELECTRIC METER
- DENOTES GAS METER
- DENOTES DECIDUOUS TREE
- DENOTES CONFERNESUS TREE
- DENOTES DRAINAGE FLOW
- DENOTES FINISH "L"EATHER ELEVATION

NOTES
1. THE EARS OF THE BEARING SYSTEM IS ASSUMED.
2. NO SPECIFIC SOIL INVESTIGATION HAS BEEN COMPLETED.
3. CONTRACTOR SHALL VERIFY PROPOSED ELEVATIONS.
4. NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
5. EXISTING UTILITIES AND SERVICES SHOWN HEREON OWNER LOCATED EITHER PHYSICALLY ON THE GROUND DURING THE SURVEY OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY RESIDENT TESTIMONY. OTHER UTILITIES AND SERVICES MAY BE PRESENT. VERIFICATION AND LOCATION OF UTILITIES AND SERVICES SHOULD BE OBTAINED FROM THE OWNERS OF RESPECTIVE UTILITIES BY CONTACTING GOPHER STATE ONE CALL AT 651-404-0502 PRIOR TO BEGINNING WORK.

LEGAL DESCRIPTION
Lot 3 Block 6, CLEAR SPRING HILLS ADDITION, Hennepin County, Minnesota, according to the recorded plat therefor.
5039 Clear Spring Dr

Garage Plans & Neighborhood Support
For front of garage being 7.5' closer to foundation while maintaining existing Eves distance to the street.

James Donaldson 5036 Clear Spring Dr.
Paul Winters 5031 Clear Spring Dr
John Branson 5023 Clear Spring Dr.

Michael Velet & Toni Warren 5020 Clear Spring Drive

Dan Kerr 5015 Clear Springs Dr.
Kevin McVicka 4962 Clear Spring Rd.
James Brackin 4949 Clear Spring Rd

Brian Koehler 4944 Clear Springs Rd
Jim & Margaret May 4940 Green Valley Rd.
Bruce Anderson 5055 Clear Spring Drive, MTKA, MN.
Neighborhood Properties with Similar Garage Style

5015 Clear Springs Drive
5140 Westmill
5297 Westmill
5296 Westmill
4947 Clear Valley
5007 Westmill
5008 Westmill
5015 Westmill
4989 Clear Springs Road

5016 Westmill

Extend same style garage with front wall 2' plus in front of house.

5016 Westmill extensive remodel with front mound forward.
Gentlemen,

I am writing in support of project #18031.18a at 5039 Clear Spring Dr. I live next door to the proposed project, where my family has resided since 1968.

When I received notice of the public hearing, I was shocked to see that a 12' variance was required. I was generally familiar with what Jason hoped to accomplish with his garage expansion. My understanding was that he wished to move the garage foundation forward on the street side a distance of 2'.

If this two foot expansions lies only 23' back from the property line, then the existing garage and house are setback only 25'. All of the nearby homes are set back roughly the same distance. The property at 5039 is not unusually close to the street. The requirement for a 35' setback must have been instituted after these homes were built. I understand the need for zoning requirements and appreciate the need to set standards of conformity. But I think it's fair to evaluate this project on the basis of what exists in this neighborhood.

As I understand the existing structure distances, the garage foundation is set back at 25'. The existing garage roof line, with a four foot overhang, is at 21'. The proposal calls for the new garage roof line to remain at 21'. The main mass of the proposed project actually moves no closer to the street than it is currently. This remains consistent with the adjoining properties and the character of the neighborhood. Though the height of the proposed garage will increase, this is also consistent with a property on the street that created living space above their attached garage.

I've had a chance to look at the plans for the proposed garage and feel that it will fit in nicely and look forward to seeing the finished project. I urge the Planning Commission and City Council to allow the 2' expansion at the front of the garage foundation.

Thanks for your time.

Sincerely,

Paul R Winters
5031 Clear Spring Dr
Planning Commission Resolution No. 2018-

Resolution denying a variance and approving an expansion permit for construction of a garage addition at 5039 Clear Spring Drive.

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

Section 1. Background

1.01 The subject property is located at 5039 Clear Spring Drive. It is legally described as:

Lot 5, Block 6, Clear Spring Hills Addition, Hennepin County, Minnesota.

1.02 The home on the subject property has a non-conforming front yard setback of 23.9 feet.

1.03 The applicant, Jason Lake, has submitted a proposal to build a garage addition. As proposed, the addition would extend 2.6 feet towards the front property line, requiring a variance to allow a 23.9-foot front yard setback.

1.04 City staff drafted an alternative plan that repositions the garage addition such that it would maintain the home’s existing, non-conforming setback. This plan requires an expansion permit.

1.05

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Applicant’s Proposal</th>
<th>Staff Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Yard Setback</td>
<td>35 ft.</td>
<td>26 ft.</td>
<td>23.9 ft.*</td>
<td>26.5 ft.**</td>
</tr>
</tbody>
</table>

* requires variance
** requires expansion permit

1.06 On September 6, 2018, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments and the staff report, which are incorporated by reference into this resolution.
Section 2. Standards

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

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

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.

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

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

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

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

Section 3. Findings

3.01 The requested variance would not meet the variance standard as outlined in

1. INTENT OF THE ORDINANCE: The proposal is not consistent with the general purposes and intent of the zoning ordinance. The intent of the front yard setback requirement is to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes and roadways. Multiple homes within 400 feet of the subject property do not meet the required front yard setback requirements due to being constructed prior to the adoption of city ordinance. However, based on aerial photographs, none of these properties appear to have front yard setback less than 26 feet.
2. **REASONABLENESS**: The request to widen the subject garage from 20 feet to 25.1 feet is reasonable. However, the request to encroach further into the front yard setback is not reasonable, as a similar garage addition could be accomplished without acquiring a variance. Simply shifting the proposed structure 2.6 feet towards the rear of the property would allow it to maintain the same structure setback as the existing structure without altering the proposed size.

3. **CIRCUMSTANCE UNIQUE TO THE PROPERTY**: The current front yard setback encroachment of the home and garage is a unique circumstance, but this circumstance does not create a practical difficulty for the property owner to maintain the existing non-conforming setback of the garage. The subject property has adequate space to accommodate alternative garage options that would, at a minimum, maintain the existing non-conforming setback.

4. **NEIGHBORHOOD CHARACTER**: The proposed garage addition would extended closer than the existing home and neighboring homes, which would not be consistent with the rest of the neighborhood.

3.02 The staff-drafted plan, which maintains the home's existing non-conforming setback, would meet the expansion permit standards as outlined in City Code §300.29 Subd.7(c):

1. **REASONABLE EXPANSION**: The proposed garage addition is reasonable.
   a) The proposed addition would enhance the existing property.
   b) The proposed garage addition would maintain the established front yard setback of the home.
   c) The proposed garage addition would maintain a similar front yard setback as adjacent and neighboring homes.

2. **CIRCUMSTANCES UNIQUE TO THE PROPERTY**: The existing home currently encroaches into the front yard setback.
   a) The existing structure has a legal non-conforming front yard setback. The existing home was built in 1964 and sits approximately 26 feet from the front property line.
   b) To meet ordinance, a new garage addition would need to be setback 9 feet behind the front line of the existing home.

3. **NEIGHBORHOOD CHARACTER**: If approved, the proposed project would not alter the essential character of the neighborhood.

**Section 4. Planning Commission Action**
4.01 The above-described variance is hereby denied based on the findings outlined in section 3.01 of this resolution.

4.02 The above-described expansion permit is hereby approved based on the findings outlined in section 3.02 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Survey labeled Alternative Expansion Permit Plan, within the staff report attachments
   - Building elevations dated July 19, 2018
   - Floor plans date stamped July 19, 2018

2. Prior to issuance of a building permit:
   a) This resolution must be recorded with the county.
   b) Revised building plans and survey must be submitted for review and approval. These plans must display the garage maintaining the existing 26.5-foot front yard setback.
   c) A revised survey must be submitted showing all platted easements.
   d) The applicant must install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
   e) A compliance escrow must be provided, with the amount to be determined by staff at the time of issuance of the building permit.

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

4. The trees on the south side of the proposed garage and front yard must be protected during construction.

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

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on September 6, 2018.
Resolution No. 2018-16

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 September 6, 2018.

Kathy Leervig, Deputy City Clerk
MINNETONKA PLANNING COMMISSION  
September 6, 2018

Brief Description  Resolution approving a conditional use permit, with variances, with variances, for a restaurant with an on-sale liquor at 14725 Excelsior Boulevard.

Recommendation  Recommend the city council adopt the resolution approving the request.

Introduction

DelSur L.L.C. (DelSur) originally formed in 2014. Since that time, the business has expanded from selling empanadas online to include the DelSur Empanadas Food Truck (a mobile food vendor). Earlier this year, DelSur began operating their commissary kitchen in the former Glen Lake Café space at the Glen Lake Shopping Center. Since this did not include the sale of food to customers within the tenant space, a conditional use permit was not required. DelSur has recently submitted a proposal to reconfigure the interior of the space to accommodate a restaurant, with on-sale liquor. The proposal requires a conditional use permit with parking and setback from residential property variances.

Proposal Summary

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

- **Existing Site Conditions.**

  The subject property is located in the southwest corner of the Excelsior Boulevard/Eden Prairie Road intersection. The site is improved with a roughly 31,200 square foot neighborhood commercial center – originally constructed in 1958 – and a surrounding parking lot.

- **Proposed Use.**

  The DelSur tenant space is roughly 2,000 square feet in size. No changes are proposed for the commissary kitchen area. To accommodate the restaurant space, the interior would be reconfigured to allow for restaurant seating for up to 50 people, a bar area, and a new food display case. Generally, the restaurant would operate from 11 a.m. to 9 p.m. Monday through Sunday and would employ up to 12 people. The applicant has submitted a liquor license application to serve beer and wine.

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 DelSur proposal and staff’s findings.
• **Is the proposed restaurant use appropriate?**

Yes. The restaurant would be located within a tenant space previously used for food-related users. Since the shopping center’s construction in 1958, a number of food-related uses including a coffee shop, pastry shop and most recently a restaurant, with an on-sale liquor license, have occupied the tenant space.

• **Is the variance to the residential setback reasonable?**

Yes. By code, restaurants should not be located within 100-feet of a low-density residential use. The ordinance does allow for a reduced amount of separation when the use and associated parking and lighting would be reasonably screened or be unobtrusive to the surrounding residential uses.

While the proposed restaurant use would be within 100-feet of residential properties to the south, the restaurant would be located more than 100-feet from the closest residential structure. Additionally, the parking and restaurant entrance would be on the north side of the shopping center and orientated away from the residential properties, which are further separate from the site by a vegetative buffer.

• **Can the anticipated parking demands be accommodated?**

Yes. The neighborhood commercial center currently contains 133 parking spaces. The Institute of Transportation Engineers (ITE) parking demand data suggests that the average parking demand of the center would require 153 parking stalls. However, the existing tenants of the shopping center have varying hours of operation and, therefore, the parking demand of the site also varies. Staff conducted parking observations during times when the restaurant would have the highest anticipated parking demand. Ultimately, during these observations, the existing lot was less than 50-percent occupied. This would suggest that the parking demand of the restaurant could be accommodated within the existing parking lot.

**Staff Recommendation**

Recommend the city council adopt the resolution approving a conditional use permit, with variances, for a restaurant with an on-sale liquor at 14725 Excelsior Boulevard.

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

Project No. 91043.18a

Property 14725 Excelsior Blvd

Applicant Diego Montero, on behalf of DelSur, L.L.C.

Surrounding 
Land Uses 
Northerly: Excelsior Boulevard, daycare under construction
Easterly: Eden Prairie Road, commercial buildings beyond
Southerly: single-family home
Westerly: neighborhood commercial center

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

City Actions The proposal requires the following applications:

- Conditional Use Permit, with a residential setback variance. By City Code §300.18, Subd. 4(i), restaurants having on-sale intoxicating liquor license are conditionally permitted uses within the B-2 zoning district. One of the conditional use permit standards is a minimum distance from low-density residential properties. The proposed restaurant would be located within the 100-foot setback to residential properties. As such, a variance is required.

- Parking variance. The neighborhood commercial center would not contain the total number of parking stalls as required by ordinance. As such, a parking variance is required.

Outdoor Seating The submitted plans include four outdoor tables located on the adjacent sidewalk. Customers would be able to take their food out of the restaurant to eat on these table. However, staff would not serve the outdoor tables. No liquor would be allowed to be consumed outside of the restaurant. In the past, staff has not considered these types of informal seating areas as “conditionally permitted outdoor seating area/patios.” If the applicant desires more formalized the seating area, a conditional use permit is required.

Parking In 2016, the city approved a parking variance to reduce the amount of required parking from 178 to 132 for Unmapped Brewery. Currently there is 133 parking spaces onsite.

By city code, the existing tenants and uses would require 209 parking stalls. As such, a parking variance is required.

ITE suggests that the parking demand rates for the commercial center would be less than city code requires.
<table>
<thead>
<tr>
<th>Code</th>
<th>Use</th>
<th>Area</th>
<th>Rate</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unmapped (brewery)</td>
<td>5,125 sf</td>
<td>1/1000 sf</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Unmapped (taproom)</td>
<td>3,600</td>
<td>1/50 sf</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>Commercial Center</td>
<td>20,480 sf</td>
<td>4.5/1000</td>
<td>92</td>
</tr>
<tr>
<td></td>
<td>DelSur</td>
<td>2,000 sf</td>
<td>1/50 sf</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td></td>
<td></td>
<td>209</td>
</tr>
</tbody>
</table>

| ITE Average | Brewery                  | 5,125 sf | 1.02/1000 sf | 5        |
|             | Taproom*                 | 3,600    | 16.3/1000 sf | 59       |
|             | Commercial Center*       | 20,480 sf | 3.02/1000 sf | 62       |
|             | DelSur                   | 50 seats | 0.47/per seat | 24       |
|             | TOTAL                    |         |          | 150      |

* Friday p.m. peak hour = highest demand rate.

Actual parking observations on the site suggest that the parking demand is lower than what ITE standards. Staff believes that this is likely the result of the varied hours of operation of the users within the center. Please note that there is one vacant tenant space that is not included below. This chart below summarizes the current tenants and hours of operation:

<table>
<thead>
<tr>
<th>Mon</th>
<th>Tues</th>
<th>Wed</th>
<th>Thurs</th>
<th>Fri</th>
<th>Sat</th>
<th>Sun</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unmapped</td>
<td>4 –10 p.m.</td>
<td>3-10 p.m.</td>
<td>3-11 p.m.</td>
<td>Noon – 11 p.m.</td>
<td>Noon – 6 p.m.</td>
<td></td>
</tr>
<tr>
<td>State Farm</td>
<td>9 a.m. – 5 p.m.</td>
<td>9 a.m. – 4:30 p.m.</td>
<td>Closed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E Cig</td>
<td>10 a.m. – 9 p.m.</td>
<td>10 a.m. – 9 p.m.</td>
<td>Noon – 9 p.m.</td>
<td>11 a.m. – 8 p.m.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gina Maria’s</td>
<td>9 a.m. – 11 p.m.</td>
<td>3 – 11 p.m.</td>
<td>Noon – 11 p.m.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio 13</td>
<td>9:30 a.m. – 8:30 p.m.</td>
<td>9 a.m. – 6 p.m.</td>
<td>9 a.m. – 4 p.m.</td>
<td>Closed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annie’s nails</td>
<td>9:30 a.m. – 6 p.m.</td>
<td></td>
<td>9 a.m. – 4 p.m.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ken’s barber shop</td>
<td>-</td>
<td>7 a.m. – 5 p.m.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DelSur</td>
<td>11 a.m. – 9 p.m.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sir Knights</td>
<td>7 a.m. – 7 p.m.</td>
<td>7 a.m. – 3 p.m.</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Based on actual parking observations of the site, the parking demands of the restaurant could be accommodated onsite. Should the parking demands exceed the site’s available amount of parking, staff believes there are opportunities within the surrounding area for shared parking agreements.

Traffic

The proposed restaurant would be located within a neighborhood shopping center located at the intersections of Excelsior Blvd/ Willison Road and Excelsior Blvd/ Eden Prairie Road.

<table>
<thead>
<tr>
<th>Roadway classification</th>
<th>Designed capacity</th>
<th>2015 Traffic volumes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Williston Road</td>
<td>Collector</td>
<td>1,000 – 15,000</td>
</tr>
<tr>
<td>Excelsior Blvd</td>
<td>Minor Arterial</td>
<td>5,000 – 30,000</td>
</tr>
<tr>
<td>Eden Prairie Rd</td>
<td>Minor Arterial</td>
<td>5,000 – 30,000</td>
</tr>
</tbody>
</table>

By ITE standards, the proposed restaurant would generate roughly 37 trips during the p.m. peak hour. Based on existing traffic volumes of the adjacent roadways, the anticipated impact of the proposed restaurant would be minimal.

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.

The proposal would meet the general conditional use permit standards as outlined in City Code §300.21 Subd. 4(i) for restaurants having on-sale liquor or dance hall licenses:

1. parking shall be in compliance with the requirements of Section 300.28 of this ordinance;

Finding: The commercial center would not meet the parking requirements and a variance is required. Staff finds the parking
variance request reasonable as noted in the variance section of this report.

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

Finding: Based on ITE standards, the proposed restaurant use is not anticipated to significantly impact existing traffic volumes or levels of service.

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

a. landscaping and berming to shield the restaurant use;

b. parking lots not located in proximity to residential uses; and

c. lighting plans which are unobtrusive to surrounding areas.

Finding: The proposed restaurant would be located within 100-feet of the low density residential to the south. However, the nearest residential structure would be more than 100-feet away. Additionally, the restaurant would be screened by existing vegetation separating the shopping center and the single family homes. The parking lot and restaurant entrance would be located on the north side of the shopping center further separating the most intense part of the restaurant use from the single family homes.

Variance Standard

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

The requested variances would meet the variance standard:

Intent of the ordinance:

- The intent of the ordinance as it relates to parking requirements is to ensure adequate parking is provided to
meet anticipated parking demands. Based on ITE standards, the shopping center would have a much lower parking demand than city code requirements. Further, parking observations suggest that the site’s actual parking demand is even less than anticipated by the ITE standards. While staff does not anticipate parking issues, staff does believe that if issues should arise in the future there are opportunities for shared parking agreements within the area.

- The intent of the ordinance as it relates to the location of restaurant and residential uses is to ensure appropriate separation of uses which are known to have much different levels of activity and intensities. In this case, the shopping center building is located 40-feet from the shared property line, however, the restaurant entrance would be 200 feet from the nearest residential structure. Additionally, the restaurant is screened by existing vegetation and topography.

Consistency with the comprehensive guide plan:

The subject property is located within the Glen Lake village center. One of the overall themes outlined in the guide plan is to “provide development and redevelopment opportunities to increase vitality, promote identity and improve livability” within village centers. The requested variances would allow for the reuse of a space previously occupied by a restaurant user. Further, the restaurant use would be compatible to existing uses within the village center.

Practical difficulties:

- Reasonable and Unique Circumstance:

The requested parking variances is reasonable. Based on the center’s users and ITE standards, the parking ordinance would require more stalls than needed to accommodate the anticipated parking demand. Further, parking observations suggest that the parking demands of the site are even lower than ITE standards anticipate. Staff finds that this is likely the result of the diversity of the center’s tenants and varied hours of operation. In combination, these circumstances are unique and not common to other similarly zoned properties.

The requested variance to reduce the required separation between the restaurant and residential uses is reasonable. Construction of the original Glen Lake Center occurred in 1958. This predates the adoption of the city’s first zoning ordinance. The variance would allow a restaurant user to occupy a space previously occupied by restaurant and other food-related uses. The restaurant entrance and parking would be orientated away from the residential uses and would be
visually separated from them by existing vegetation and topography.

- Character of the locality:

The requested variances would not significantly impact the character of the locality. Rather, the variance would allow for reuse of a space previously occupied by a restaurant and a use generally compatible to existing uses within the shopping center.

Liquor License

DelSur, L.L.C. is requesting a liquor license. The city council has the authority to approve or deny liquor licenses. The final hearing for the liquor license is scheduled for the October 8, 2018 city council meeting.

Pyramid of Discretion

This proposal:

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 requested variances.

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.
<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 162 area property owners and received no comments.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadline for Decision</td>
<td>December 1, 2018</td>
</tr>
</tbody>
</table>
Location Map

Project: Del Sur
Address: 14725 Excelsior Blvd
Business Plan

OWNERS
Nicolas Nikolov and Diego Montero
Business name: DelSur LLC
Address: 14725 Excelsior Blvd Minnetonka, MN 55345
Telephone: (612) 554-4615
E-mail: contact@delsurempanadas.com

Form of ownership: Partnership L.L.C.

DelSur L.L.C. was formed in June of 2014. Initially, selling ready-to-bake empanadas online. In December 2014, DelSur started doing pop-ups at craft breweries in Minneapolis. In March 2016, DelSur Empanadas Food Truck started operating in the City of Minneapolis serving mostly local breweries and special events. In February 2017, DelSur expanded to serve the greater Metro area by obtaining the Minnesota Mobile Food Vendor License and participated in all (5) Food Truck festivals around the Twin Cities. February 2018, DelSur leased a former Café Space in Minnetonka and has been using the space as commissary kitchen since. The store will become DelSur Cocina Argentina and will have seating for a maximum of 50 people. The core menu will be empanadas but will also include, salads, traditional sandwiches, dessert, wine and beer. Target opening is October 2018.

General Company Description

Mission statement: to provide the Twin Cities area with authentic, affordable, freshly made Argentinian cuisine with a strong focus on empanadas.

We operate the only Argentinian Food Truck in Minnesota and are expanding our business to include a sit-down restaurant in Minnetonka were we currently have our commissary kitchen. The restaurant will include an expanded selection of empanadas as well as other items not currently offered in the Food Truck. Made from scratch and handcrafted individually, our food meets the highest standards of quality, freshness and seasonality combining both modern-creative and traditional Argentinian styles of cooking. Argentina is well known for its meat, soccer, tango, and Malbec wine amongst other things. As the first empanada focused and Argentinian restaurant in the twin Cities area, we plan on having a small selection of wines and local craft beers to satisfy the customers that enjoy having their food with a glass of wine or a local craft brew.
Our Target
Food Truck target:
- Downtown Minneapolis and Saint Paul Lunch
- Craft Breweries
- Corporate Campuses Lunch
- Private Parties (graduations, Weddings, Birthdays, corporate fundraisers, etc)
- Festivals (community, food truck festivals, Art, Music)

Our Minnetonka Restaurant:
- Capacity for seating 50 people inside and 4 tables outside
- Hours of Operation: 11am to 9pm Monday through Sunday
- 8 to 12 employees
- Food to wine/beer ratio: 90-95% food to 5-10% wine/beer
- DelSur will participate in the Best Practices Program “Project Smart Choice” offered by the city of Minnetonka to train all new hires (servers and Managers) within 60 days from hire. DelSur shares and fully supports the goal of this program to keep alcohol out of the hands of young adults. DelSur will be responsible for clearing tables of any left behind alcohol as soon as the customer leaves the premises.
- DelSur is committed to provide a clean and comfortable space for our customers and for the customers of surrounding businesses, we will be responsible for keeping our premises free of litter generated by the operation of the restaurant or left behind by our customers.

Most important strengths and core competencies: Making empanadas from scratch is labor intensive. Over the years, we have developed a system that allows us to optimize the empanada making process to be more efficient and productive. Besides being the only Argentinian Food Truck in MN, we are the only ones selling “Baked” empanadas as well as the only ones that make our own dough mitigating the dependency on suppliers or availability of the product and adding the craftsmanship and uniqueness of our product. Food aside, our operating model gives us an advantage over other food trucks because the serving time from the moment our customers order until they get their food is second to none without compromising the quality of our product. This is super advantageous in situations such as lunch hour in Downtown or Food Truck festivals where customers do not want to wait 15+ minutes for their food.

Significant challenges the company faces now and in the near future: The biggest challenge we might be facing, as well as many food businesses, will be to get the right talent to be able to produce the amount of empanadas required to supply the Food Truck and the retail shop, we estimate we will need to produce 10000 empanadas a month.

Short-Mid term: DelSur is ready for growth. Having a dedicated commercial kitchen (commissary) allowed us to significantly increase production while also facilitating the addition of a sit-down restaurant.
**Long Term:** DelSur will be able continue to grow by offering our product wholesale to restaurants, caterers and grocery stores. To achieve this level of production we would need to scale our operation even further (~8000 empanadas/week). This will be achieved by hiring more talent and acquiring the appropriate production equipment (already identified).

In the 5-year horizon and depending on demand, we envision DelSur to replicate the model we are using in the first sit-down restaurant into smaller, satellite stores with minimal investment (not full kitchen required) without compromising the quality and freshness of the product. To sum up the 5-yr plan, DelSur will have these different revenue streams:

a) Food Truck(s)  
b) Catering  
c) Sit-down  
d) Take-out, delivery  
e) Wholesale  
f) Small empanada shops

**Products and Services**

Empanadas are simple, tasty and convenient. Their popularity has spread beyond the traditional countries like Argentina to become truly international. Empanada literally means “wrapped in bread” but this description does not do justice to the wonder of this Argentine staple. But don’t make the mistake of believing all empanadas are created equal. Made from scratch and handcrafted individually, our empanadas meet the highest standards of quality, freshness and seasonality combining both modern-creative and traditional Argentinian styles of cooking.

**Products**

For the past 3 years we have gathered customer’s feedback and it has been great. Some customers would write something on social media, some will come back to the truck to tell us how the food was, we haven’t received any negative feedback thus far. We have received requests for different types of empanadas, for example another vegetarian option beside Spinach, we listened and incorporated the Caprese and sweet corn to the menu, more to come. We are working on gluten free and vegan options and have tested those options with great results and feedback. Overall customers seemed to be happy and satisfied with both, quality and price of product.

**Features and Benefits**

**Empanadas:** Our Core product. Hand-crafted, Freshness,
growing in popularity, convenient (finger food), ethnic. The customer experience is all about eating something new to them but yet with familiar ingredients.

**Lomitos:** Simple, new, familiar ingredients and yet no many customers had eaten a sandwich prepared in this manner. The options for the lomito sandwich include: steak, chicken and a vegetarian option (eggplant).

**Choripan:** Traditional and popular Argentinian Sausage sandwich

**Saladas**

**Quiche**

**Customers**

As a mobile food vendor, customer vary depending upon where we are located. For example, Downtown Minneapolis would be professionals with the core group being between 24 and 40. At a brewery the crowd can range from College students to 60 with varying income and education levels. For the sit-down in Minnetonka our customers will be mostly families looking for more food options that currently are very limited to American style pub or pizza, craft brewery goers (we are in the same shopping center as Unmapped Brewing Co.), Argentinians and people from Latin America looking for and empanada shop in the cities.

**Competition**

Sit-Down:
Currently there are three places to eat around our location: Gold Nugget, an American style bar, and Gina Maria’s a take-out Pizza place and Dragon Jade, a typical Chinese food restaurant.

Food Truck:
Every Food Truck parked around us is competition. The difference is that we are selling a unique, high quality product and are the only Argentinian Food Truck in the cities. We are not the only empanada truck in the cities but competition with the other truck is minimal since our products are very different (baked vs. deep fried; from scratch vs, store bought dough; ethnic vs. generic).

**Distribution Channels**

- Retail Shop
- Food Truck
• Food delivery services
• Catering or private events
• Food Truck Festivals
1. SEPARATE PERMIT AND SHOP DRAWINGS FOR FIRE SUPPRESSION SYSTEM, BY CONTRACTOR.
2. SEPARATE PERMIT AND SHOP DRAWINGS FOR FIRE ALARM SYSTEM, BY CONTRACTOR.
3. ALL DOORS IN THE MEAN OF EGRESS SHALL BE SINGLE ACTION RELEASE AND SHALL NOT REQUIRE THE USE OF A KEY, TOOL, OR SPECIAL KNOWLEDGE TO OPEN FROM THE EGRESS SIDE.
4. A KNOX BOX WILL BE SUPPLIED AND SHALL BE MOUNTED 5' A.F.F. NEAR THE MAIN ENTRY DOOR, UNDER OVERHANG TO PROTECT FROM WEATHER DAMAGE FOR ACCESS TO FIRE ALARM PANEL. NFPA 1 3-6.
5. ALL FIRE EXTINGUISHERS SHALL BE INSPECTED AND TAGGED BY A LICENSED FIRE EQUIPMENT COMPANY.

**LIFE SAFETY PLAN LEGEND**

- FC
- FE
- FE-K

**LIFE SAFETY PLAN KEY NOTES**

1. BUTTON FOR EXTINGUISHING GAS FIRES
2. WINE ROOM
3. MEN'S RESTROOM
4. WOMEN'S RESTROOM
5. KITCHEN
6. OFFICE
7. SERVICE STATION
8. DINING
9. STORAGE
10. BAR
11. STAIRS
12. MECHANICAL

**NOT IN SCOPE**

- LIFE SAFETY PLAN GENERAL NOTES

- LIFE SAFETY PLAN LEGEND

- LIFE SAFETY PLAN KEY NOTES
FINISH PLAN NOTES

1. ALL CONSTRUCTION BASE MATERIALS AND ORNAMENTAL FINISHES THAT ARE PROJECTED TO BE PAINTED MUST BE PREPARED IN THE MANNER KNOWN AS PROPER PRIMER OR PAINT APPLICATIONS.

2. GENERAL CONTRACTOR SHALL SAND AND PREPARE FLOORS FOR CLEAR FINISH. ALL EXISTING GYPSUM BOARD CEILINGS, SOFFITS AND DRYWALL PARTITIONS THAT ARE TO BE PAINTED MUST BE SHARPED AND PREPARED IN THE MANNER KNOWN AS PROPER PRIMER OR PAINT APPLICATIONS.

3. ALL WALLS, CEILINGS, BASES, AND EXISTING SUBWAY TILES THAT ARE TO BE PAINTED MUST BE SHARPED AND PREPARED IN THE MANNER KNOWN AS PROPER PRIMER OR PAINT APPLICATIONS.

4. ALL WALLS, CEILINGS, BASES, AND EXISTING SUBWAY TILES THAT ARE TO BE PAINTED MUST BE SHARPED AND PREPARED IN THE MANNER KNOWN AS PROPER PRIMER OR PAINT APPLICATIONS.

5. ALL WALLS, CEILINGS, BASES, AND EXISTING SUBWAY TILES THAT ARE TO BE PAINTED MUST BE SHARPED AND PREPARED IN THE MANNER KNOWN AS PROPER PRIMER OR PAINT APPLICATIONS.

6. ALL WALLS, CEILINGS, BASES, AND EXISTING SUBWAY TILES THAT ARE TO BE PAINTED MUST BE SHARPED AND PREPARED IN THE MANNER KNOWN AS PROPER PRIMER OR PAINT APPLICATIONS.

7. ALL WALLS, CEILINGS, BASES, AND EXISTING SUBWAY TILES THAT ARE TO BE PAINTED MUST BE SHARPED AND PREPARED IN THE MANNER KNOWN AS PROPER PRIMER OR PAINT APPLICATIONS.

8. ALL WALLS, CEILINGS, BASES, AND EXISTING SUBWAY TILES THAT ARE TO BE PAINTED MUST BE SHARPED AND PREPARED IN THE MANNER KNOWN AS PROPER PRIMER OR PAINT APPLICATIONS.

9. ALL WALLS, CEILINGS, BASES, AND EXISTING SUBWAY TILES THAT ARE TO BE PAINTED MUST BE SHARPED AND PREPARED IN THE MANNER KNOWN AS PROPER PRIMER OR PAINT APPLICATIONS.

10. ALL WALLS, CEILINGS, BASES, AND EXISTING SUBWAY TILES THAT ARE TO BE PAINTED MUST BE SHARPED AND PREPARED IN THE MANNER KNOWN AS PROPER PRIMER OR PAINT APPLICATIONS.

FINISH PLAN SYMBOLS

- **Ceiling Materials**: Differentiate between ceiling materials.
- **Floor Materials**: Differentiate between floor materials.
- **Wall Materials**: Differentiate between wall materials.
- **Finish Materials**: Differentiate between finish materials.

FINISH PLAN KEY NOTES

- **Sheet Title**: Indicates the title of the sheet.
- **Date**: Indicates the date of the sheet.
- **Reg. No.**: Indicates the registration number.
- **Date Issued**: Indicates the date of issuance.
- **Signature**: Indicates the signature of the person responsible.
- **Printed Name**: Indicates the printed name of the person responsible.

FINISH SPECIFICATIONS

- **Paint Colors and Types**: Indicate the colors and types of paint used.
- **Finish Materials**: Indicate the materials used for finishes.
- **Wall Finishes**: Indicate the types of wall finishes.
- **Floor Finishes**: Indicate the types of floor finishes.

CONTACT: TBD

1. PROVIDE 10 S.F. OF EACH SIZE, COLOR AND SURFACE FINISH OF TILE SPECIFIED.

2. PROVIDE TWO LAYERS OF CRAFT PAPER OVER ALL TILE AND GROUT ON FLOORS. TAPE INSTALLATION.

3. DO NOT PERMIT TRAFFIC OVER FINISHED FLOOR SURFACE FOR 4 DAYS AFTER INSTALLATION.

4. PROVIDE 10 S.F. OF EACH SIZE, COLOR AND SURFACE FINISH OF TILE SPECIFIED.

5. PROVIDE 10 S.F. OF EACH SIZE, COLOR AND SURFACE FINISH OF TILE SPECIFIED.

6. PROVIDE 10 S.F. OF EACH SIZE, COLOR AND SURFACE FINISH OF TILE SPECIFIED.

7. PROVIDE 10 S.F. OF EACH SIZE, COLOR AND SURFACE FINISH OF TILE SPECIFIED.

8. PROVIDE 10 S.F. OF EACH SIZE, COLOR AND SURFACE FINISH OF TILE SPECIFIED.

9. PROVIDE 10 S.F. OF EACH SIZE, COLOR AND SURFACE FINISH OF TILE SPECIFIED.

10. PROVIDE 10 S.F. OF EACH SIZE, COLOR AND SURFACE FINISH OF TILE SPECIFIED.
NOT IN SCOPE

FURNITURE & EQUIPMENT PLAN

FURNITURE & EQUIPMENT SCHEDULE

FURNITURE PLAN KEY NOTES

1. DRAWINGS.  SCHEDULE.  REPORT ANY DISCREPANCIES TO ARCHITECT AND VERIFY WITH ENGINEERS MATCHES EQUIPMENT PLAN AND MODEL NUMBER IN THE EQUIPMENT/ FURNITURE VENDORS ALL EQUIPMENT AND QUANTITIES.  CONFIRM THE ORDERED EQUIPMENT IT IS THE GENERAL CONTRACTORS RESPONSIBILITY TO VERIFY AND CONFIRM W/ 2. DESIGN OF MILLWORK.  SUBMIT SHOP DRAWING TO DESIGNER FOR APPROVAL.  3. CONDITIONS PRIOR TO FABRICATION.  SEE INTERIOR ELEVATIONS AND DETAILS FOR 4. G.C. TO FIRMLY ANCHOR ANY FURNITURE OR EQUIPMENT REQUIRED TO BE FIXED. DRAWINGS.  SCHEDULE.  REPORT ANY DISCREPANCIES TO ARCHITECT AND VERIFY WITH ENGINEERS MATCHES EQUIPMENT PLAN AND MODEL NUMBER IN THE EQUIPMENT/ FURNITURE VENDORS ALL EQUIPMENT AND QUANTITIES.  CONFIRM THE ORDERED EQUIPMENT IT IS THE GENERAL CONTRACTORS RESPONSIBILITY TO VERIFY AND CONFIRM W/ 5. G.C. TO COORDINATE ELECTRICAL STORAGE EQUIPMENT W/ ELECTRICAL.  MECHANICAL 6. WALLS AND FLOOR.  SEE INTERIOR ELEVATIONS AND DETAILS FOR 7. G.C. TO COORDINATE MECHANICAL STORAGE EQUIPMENT W/ MECHANICAL.  ELECTRICAL 8. ACCESSIBLE EQUIPMENT 9. ACCESSIBLE SEATING.

FURNITURE PLAN KEY NOTES

1. DRAWINGS.  SCHEDULE.  REPORT ANY DISCREPANCIES TO ARCHITECT AND VERIFY WITH ENGINEERS MATCHES EQUIPMENT PLAN AND MODEL NUMBER IN THE EQUIPMENT/ FURNITURE VENDORS ALL EQUIPMENT AND QUANTITIES.  CONFIRM THE ORDERED EQUIPMENT IT IS THE GENERAL CONTRACTORS RESPONSIBILITY TO VERIFY AND CONFIRM W/ 2. DESIGN OF MILLWORK.  SUBMIT SHOP DRAWING TO DESIGNER FOR APPROVAL.  3. CONDITIONS PRIOR TO FABRICATION.  SEE INTERIOR ELEVATIONS AND DETAILS FOR 4. G.C. TO FIRMLY ANCHOR ANY FURNITURE OR EQUIPMENT REQUIRED TO BE FIXED. DRAWINGS.  SCHEDULE.  REPORT ANY DISCREPANCIES TO ARCHITECT AND VERIFY WITH ENGINEERS MATCHES EQUIPMENT PLAN AND MODEL NUMBER IN THE EQUIPMENT/ FURNITURE VENDORS ALL EQUIPMENT AND QUANTITIES.  CONFIRM THE ORDERED EQUIPMENT IT IS THE GENERAL CONTRACTORS RESPONSIBILITY TO VERIFY AND CONFIRM W/ 5. G.C. TO COORDINATE ELECTRICAL STORAGE EQUIPMENT W/ ELECTRICAL.  MECHANICAL 6. WALLS AND FLOOR.  SEE INTERIOR ELEVATIONS AND DETAILS FOR 7. G.C. TO COORDINATE MECHANICAL STORAGE EQUIPMENT W/ MECHANICAL.  ELECTRICAL 8. ACCESSIBLE EQUIPMENT 9. ACCESSIBLE SEATING.

CONTACT: JEREMY NELSON
348 EAST 44TH STREET
MINNEAPOLIS, MN 55409
jnelson@littleboxinc.com
Resolution No. 2018-
Resolution approving a conditional use permit, with variances, for a restaurant at 14725 Excelsior Boulevard

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

Section 1. Background.

1.01 DelSur L.L.C. is requesting a conditional use permit to allow a restaurant having on-sale intoxicating liquor license within the B-2 zoning district. The request includes the following variances:

1. Parking variance from 209 to 133 spaces; and
2. Setback variance from a residential area from 100 feet to 41 feet.

1.02 The property is located at 14725 Excelsior Boulevard. It is legally described on Exhibit A.

1.03 On September 6, 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 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, Subdivision 4(i) lists the following specific standards for restaurants having an on-sale intoxicating liquor license must be met for granting the permit:

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

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

3. Shall not be located within 100 feet of any low density residential parcel or adjacent to medium or high density residential parcels. The city may reduce the separation requirements if the following are provided:
   a) Landscaping and berming to shield the restaurant use;
   b) Parking lots not located in proximity to residential uses; and
   c) Lighting plans which are unobtrusive to surrounding uses.

2.03 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 §300.21 Subd.4.

3.02 The proposal requires variances from the specific conditional use permit standards outlined in City Code §300.21, Subdivision 4(i):

1. The commercial center would not meet the parking requirements and a variance is required. The parking variance request reasonable, as is outlined following section of this resolution.
2. Based on ITE standards, the proposed restaurant use is not anticipated to significantly impact existing traffic volumes or levels of service.

3. The proposed restaurant would be located within 100 feet of the low density residential to the south. However, the nearest residential structure would be more than 100 feet away. Additionally, the restaurant would be screened by existing vegetation separating the shopping center and the single-family homes. The parking lot and restaurant entrance would be located on the north side of the shopping center further separating the most intense part of the restaurant use from the single-family homes.

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

1. Intent of the ordinance:
   a) The intent of the ordinance as it relates to parking requirements is to ensure adequate parking is provided to meet anticipated parking demands. Based on ITE standards, the shopping center would have a much lower parking demand than city code requirements. Further, parking observations suggest that the site’s actual parking demand is even less than anticipated by the ITE standards. While the city does not anticipate parking issues, if issues should arise in the future there are opportunities for shared parking agreements within the area.
   b) The intent of the ordinance as it relates to the location of restaurant and residential uses is to ensure appropriate separation of uses which are known to have much different levels of activity and intensities. In this case, the shopping center building is located 40-feet from the shared property line, however, the restaurant entrance would be 200 feet from the nearest residential structure. Additionally, the restaurant is screened by existing vegetation and topography.

2. Consistency with the comprehensive guide plan: The subject property is located within the Glen Lake village center. One of the overall themes outlined in the guide plan is to “provide development and redevelopment opportunities to increase vitality, promote identity and improve livability” within village centers. The requested variances would allow for the reuse of a space previously occupied by a restaurant user. Further, the restaurant use would be compatible to existing uses within the village center.

3. There are practical difficulties in complying with the ordinance:
   a) Reasonable and Unique Circumstance:
      1) The requested parking variances is reasonable. Based on
the center's users and ITE standards, the parking ordinance would require more stalls than needed to accommodate the anticipated parking demand. Further, parking observations suggest that the parking demands of the site are even lower than ITE standards anticipate. This is likely the result of the diversity of the center's tenants and varied hours of operation. In combination, these circumstances are unique and not common to other similarly zoned properties.

2) The requested variance to reduce the required separation between the restaurant and residential uses is reasonable. Construction of the original Glen Lake Center occurred in 1958. This predates the adoption of the city's first zoning ordinance. The variance would allow a restaurant user to occupy a space previously occupied by restaurant and other food-related uses. The restaurant entrance and parking would be orientated away from the residential uses and would be visually separated from them by existing vegetation and topography.

b) Character of the locality: The requested variances would not significantly impact the character of the locality. Rather, the variance would allow for reuse of a space previously occupied by a restaurant and a use generally compatible to existing uses within the shopping center.

Section 4. City Council Action.

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

1. Subject to staff approval, the property must be developed and maintained in general conformance with the plans dated July 16, 2018 and the business plan date-stamped August 21, 2018.

2. This resolution must be recorded with Hennepin County.

3. The restaurant must obtain all applicable food and liquor licenses.

4. The building must be comply with all requirements of the Minnesota state building code, fire code, and health code.

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

6. The outdoor tables must not obstruct pedestrian or vehicular traffic.

7. No table service or liquor is allowed under this conditional use permit for the outdoor tables. A conditional use permit is required for formal outdoor
seating.

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

9. 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. Specifically, if the approved use is observed to create a parking demand that exceeds the parking availability onsite, a revised conditional use permit that includes a solution to the parking issue will be required.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 17, 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 September 17, 2018.

David E. Maeda, City Clerk
EXHIBIT A

Tract I

That part of Section 33, Township 117, Range 22, described as follows: That part of the Northeast Quarter of the Northeast Quarter of said Section bounded on the North by the Excelsior Road and on the South by the Southerly line of the abandoned right-of-way of the Minneapolis & St. Paul Suburban Railroad company and on the East by the Eden Prairie Road, also sometimes known as County Road No. 4, and on the West line of the Northeast Quarter of the Northeast Quarter of said Section 33, according to United States Government Survey thereof and situate in Hennepin County, Minnesota.

Tract II

That part of Lot 21, “Glen Oak Addition”, and that part of the abandoned right-of-way of the Minneapolis & St. Paul Suburban Railroad company running through the Northeast Quarter of Section 33, Township 117, Range 22, described as follows: Commencing at the Northeast corner of said Lot 21; thence Southwesterly along the Northerly line of said Lot 21 a distance of 231.25 feet; thence Southeasterly to a point on the Southerly line of said right-of-way line and the East line of said Northwest Quarter of the Northeast Quarter of said Section 33; Thence North along the East line of said Northwest Quarter of the Northeast Quarter and along the East Line of said Lot 21 to the point of beginning, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

The above described tracts are subject to easements of record, if any and existing roads.
Brief Description
Concept Plan for redevelopment of the property at 1809 Plymouth Road

Action Requested
Provide comments and feedback. No formal action is required.

Background
The property at 1809 Plymouth Road is roughly two-acres in size and is improved with a 35,350 square-foot, three-story bank/office building and associated parking lot. The property is zoned PID, planned I-394 district, and holds a mixed-use designation in the 2030 Comprehensive Guide Plan.

Concept Plan
Oppidan Development has submitted a concept plan for the property. The plan contemplates construction of a one-story, freestanding bank building south of the existing bank/office building. The plan further suggests remodeling of the existing building.

A formal proposal based on the concept plan would likely require approval of the following approval: (1) major amendment to the existing master development plan; (2) final site and building plans.

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

- **Neighborhood Meeting.** Oppidan will host a neighborhood meeting on September 5, 2018. Staff will report on the meeting during the staff presentation on September 6, 2018.

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

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

Staff requests commission and council comment/feedback on the following key issues and any other issues the commission and council deem appropriate. The comments/feedback provided are intended to assist Oppidan Development should the company chose to put together a formal application package. However, the commission and council decisions on any formal redevelopment application are not suggested or restricted by concept plan review comments/feedbacks.

- **Land Use.** The Ridgedale Village Center study suggests greater land use intensity within the Ridgedale Village Center, particularly adjacent to the regional mall. This intensity consideration was also raised as the city reviewed multiple redevelopment concepts for the TCF property, which is immediately north of the subject property. Feedback related to intensity of land use is requested.

- **Building and Site Design.** The concept plans suggests a one-story building generally located within an existing parking lot. Feedback on building and site design is requested.

Staff Recommendation

Staff recommends the planning commission provide comment and feedback on the identified key issues and any others the planning commission deems appropriate.

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

Next Steps

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

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

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

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

City Roles and Responsibilities

- **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.

- **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 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: Wells Fargo
Address: 1809 Plymouth Rd
NEW SITE PLAN

WELLS FARGO

Minnetonka, MN
January 13, 2016
ISG Project No. 19851

ARCHITECTURE + ENGINEERING + ENVIRONMENTAL + PLANNING

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