Planning Commission Agenda
June 13, 2019 – 6:30 p.m.
City Council Chambers – Minnetonka Community Center

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes: May 16, 2019
5. Report from Staff
6. Report from Planning Commission Members
7. Public Hearings: Consent Agenda
   A. Resolution approving an expansion permit for a detached garage at 13436 Orchard Road.
      Recommendation: Adopt the resolution approving the proposal (4 votes)
      • Final approval, subject to appeal
      • Project Planner: Drew Ingvalson
   B. Resolution approving a variance and expansion permit for an existing home and greenhouse addition at 4811 Highland Road.
      Recommendation: Adopt the resolution approving the proposal (5 votes)
      • Final approval, subject to appeal
      • Project Planner: Drew Ingvalson
   C. Resolution approving an amendment to the existing sign plan at 12700 Whitewater Drive.
      Recommendation: Recommend the city council approve the proposal (4 votes)
      • Final approval, subject to appeal
      • Project Planner: Susan Thomas
8. Public Hearings: Non-Consent Agenda Items
   A. Resolution approving preliminary and final plats of RUTZICK RIDGE, a two-lot subdivision at 3564 Shady Oak Road.
      Recommendation: Recommend the city council approve the proposal (4 votes)
      • Recommendation to City Council (June 24, 2019)
      • Project Planner: Susan Thomas
   B. Items concerning Walser Nissan at 15906 Wayzata Blvd.
      Recommendation: Recommend the city council approve the proposal (4 votes)
      • Recommendation to City Council (June 24, 2019)
      • Project Planner: Drew Ingvalson

9. Other Business
   A. Concept plan for The Mariner at 10400, 10500, and 10550 Bren Road East.
      Recommendation: Discuss the concept plan with the applicant. No formal action required.
      • Forward to the City Council (June 24, 2019)
      • Project Planer: Loren Gordon
Notices

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

2. There are currently no applications or items scheduled for the June 27, 2019 planning commission meeting.

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Smolau Residence, variance</th>
</tr>
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<tbody>
<tr>
<td>Project Address</td>
<td>18724 South Lane</td>
</tr>
<tr>
<td>Assigned Staff</td>
<td>Drew Ingvalson</td>
</tr>
<tr>
<td>Ward Councilmember</td>
<td>Tim Bergstedt, Ward 4</td>
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<tr>
<td>Assigned Staff</td>
<td>Susan Thomas</td>
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<td>Ward Councilmember</td>
<td>Mike Happe, Ward 3</td>
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<tr>
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<td>Ashley Cauley</td>
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<td>Ward Councilmember</td>
<td>Bob Ellingson, Ward 1</td>
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<tr>
<th>Project Description</th>
<th>Chipotle, multiple items</th>
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<tr>
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<td>Ward Councilmember</td>
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<tr>
<th>Project Description</th>
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<td>Assigned Staff</td>
<td>Susan Thomas</td>
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<tr>
<td>Ward Councilmember</td>
<td>city-wide</td>
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Minnetonka Planning Commission Meeting
June 13, 2019

Agenda Item 4

Previous Meeting Minutes from May 16, 2019
1. Call to Order

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

2. Roll Call

Commissioners Powers, Sewall, Hanson, and Kirk were present. Henry, Knight and Luke were absent.

Staff members present: City Planner Loren Gordon.

3. Approval of Agenda

Hanson moved, second by Powers, to approve the agenda as submitted with an additional comment provided in the change memo dated May 16, 2019.

Powers, Sewall, Hanson, and Kirk voted yes. Henry, Knight and Luke were absent. Motion carried.

4. Approval of Minutes: April 25, 2019 and May 2, 2019

Hanson moved, second by Sewall, to approve the April 25, 2019 and May 2, 2019 meeting minutes as submitted.

Powers, Sewall, Hanson, and Kirk voted yes. Henry, Knight and Luke were absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of May 6, 2019:

- Adopted a resolution approving a conditional use permit for an accessory structure on Old Excelsior Blvd.
- Reviewed an application and tabled action for the Walser Nissan Dealership on Wayzata Blvd. until the next city council meeting.
- Reviewed an application and tabled action on Highcroft Meadows until the city council meeting scheduled for June 3, 2019.

The third Opus Launch meeting was held May 14th. A potential developer made a presentation. A concept plan is anticipated to be submitted after 90 days. More information is posted on eminnetonka.com.

The next planning commission meeting is scheduled to be held June 13, 2019.
6. **Report from Planning Commission Members**: None

7. **Public Hearings: Consent Agenda**: None

8. **Public Hearings**

   A. **Resolution approving a minor amendment to the existing Solbekken master development plan at 5743, 5742, and 5754 Shady Oak Road**.

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

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

Chair Kirk confirmed with Gordon that the plat needs to be redone to increase the depth. The area of land that the retaining wall sits on requires the easements and boundary paperwork to be redone.

Chair Kirk confirmed with Gordon that the rear area is required for drainage and utility easements.

Chair Kirk thought the north unit appeared located pretty close to Shady Oak Road. Gordon explained that the property line is skewed along the trail in that area on Shady Oak Road. He pointed out the easements and property lines which are not parallel.

Ed Briesemeister, of Solbekken, LLC., representing the applicant, stated that:

- The goal of the proposal is to have a minimum amount of site disturbance and a maximum amount of preservation of the trees on the site.
- The first house would appear more urban looking, especially until the landscaping would be completed. The house is located where it belongs.
- The plan could have pushed the retaining wall 10 feet back. The applicant tried to save as much green space as possible.
- The landscape plan does not include grass. Trees would be irrigated. The landscaping would be designed to be as sensitive as possible to the long-term impact.
- The proposal is designed to be compact and blend into Lone Lake Park.
- The floor plans would be the same size as what was already approved. Each building would be the same distance from front to back. The foundation would be wider. In the previous proposal, in order to keep six feet of green space, six feet of the unit was cantilevered. The proposal would not change the size of the building, but remove six-feet of cantilevered area. He agreed with the way Gordon described it.
- The hydrology was checked and the Nine-Mile Creek Watershed District approved the proposal.
The public hearing was opened.

Steve Grohoski, 5542 Bimini Drive, stated that:

- He thought approval of the project was one of the worst decisions ever made by a city. It is equivalent to putting 20 lbs. of potatoes into a 10 lb. sack. The property is too small for that many units. The setbacks make the houses too close to the street.
- It probably makes sense to make some corrections to the previously approved plan.
- The units are currently priced at $750,000 to $800,000. He thought they would be hard to sell.

No additional testimony was submitted and the hearing was closed.

Hanson agreed that the setbacks are small. He supports the proposal and looks forward to seeing the landscaping completed.

Powers appreciated Mr. Grohoski’s comments. It was such a challenging site. It was a relief when a reasonable idea was proposed. He liked that the housing type is unique to Minnetonka. He likes the project even with the challenges.

Sewall appreciated the applicant trying to save more green space. He did not think the changes would make a difference in appearance. The grading plan makes practical sense.

Chair Kirk noted the uniqueness of the site. He appreciated Mr. Grohoski’s comments.

_Hanson moved, second by Powers, to adopt the resolution approving a minor amendment to the existing Solbekken master development plan at 5743, 5742, and 5754 Shady Oak Road._

_Powers, Sewall, Hanson, and Kirk voted yes. Henry, Knight and Luke were absent. Motion carried._

The associated plat amendment is tentatively scheduled to be reviewed by the city council at its meeting on June 3, 2019.
9. Adjournment

_Sewall moved, second by Powers, to adjourn the meeting at 7:10 p.m. Motion carried unanimously._

By: ______________________

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
June 13, 2019

Agenda Item 7

Public Hearing: Consent Agenda
Expansion permit to allow the demolition of an existing detached garage and construction of new detached garage at 13436 Orchard Road.

Adopt the resolution approving the request

David and Karen Harvey are proposing to demolish their existing 528 square foot detached garage to construct a new 864 square foot detached garage. The proposed garage would maintain the setback of the existing non-conforming detached garage. However, the new garage would expand outside the footprint of the existing structure towards the north, south, and west (See attached.)

This proposal requires:
- Expansion Permit: Principal structure encroaching into the required side yard setback.

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<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Side Yard Setback</td>
<td>10 ft.</td>
<td>4 ft.</td>
<td>4 ft.*</td>
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</table>

* requires expansion permit

Staff finds that the applicants’ proposal is reasonable:

1. Reasonableness:
   The request to expand the existing garage is reasonable as:
   - The proposed garage would maintain the same, reduced setback as the existing structure and meet all other setback requirements; and
   - The proposed structure would be an enhancement to the property, as it would be replacing a deteriorating structure that is at least 60 years old.

2. Circumstance Unique to the Property:
   The existing legal non-conformity of the subject detached garage is a unique characteristic of the property. Staff was unable to determine the exact construction date of the existing detached garage; however, aerial photography shows that the structure was in place as early as 1956, prior to the adoption of city ordinance. The existing structure is located four feet from the side property line. The proposed garage addition
would maintain the existing structure’s non-conforming side yard setback.

3. Neighborhood Character:

If approved, the proposed structure would not alter the essential character of the neighborhood. The existing detached garage has been encroaching into the required side yard setback for over 60 years and the proposed detached garage would maintain this setback.

**Staff Recommendation**

Adopt the resolution approving a side yard setback expansion permit to construct a detached garage addition at 13436 Orchard Road.

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

<table>
<thead>
<tr>
<th><strong>Project No.</strong></th>
<th>19009.19a</th>
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<tbody>
<tr>
<td><strong>Property</strong></td>
<td>13436 Orchard Road</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>David and Karen Harvey</td>
</tr>
<tr>
<td><strong>Surrounding Land Uses</strong></td>
<td></td>
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</tbody>
</table>
  - **East:** Single family home, zoned R-1, guided for low density residential  
  - **West:** Single family home, zoned R-1, guided for low density residential  
  - **North:** Lot without a principle structure (owned by David and Karen Harvey), zoned R-1, guided for low density residential  
  - **South:** Baseball field owned by ISD 270, zoned R-1, guided for institutional |
| **Planning**    | Guide Plan designation: low density residential  
  Zoning: R-1 |
| **Site Features** | The subject property was established in its current configuration in 1953. The lot is just under 22,000 square feet in size, with a nonconforming lot width (100-foot wide lot, 110 feet required).  
  The property is improved with a 2,300 square foot, two-story home that was originally constructed in 1995. The subject home has a two-stall, attached garage. The existing home meets all setback requirements. (See attached.)  
  The subject property also has a 22-foot by 24-foot detached garage. The exact construction date of this structure is unknown; however, aerial photography shows that this structure was in place in 1956. The subject structure has a legal non-conforming 4-foot side yard setback. |
| **Proposed Structure** | The proposed detached garage would be 24 feet wide by 36 feet deep (864 square feet). The total height of the garage from the front would be 19 feet; however, per ordinance, the structure height would be only 7.5 feet (significantly shorter than city code’s 12-foot maximum height).  
  The proposed detached garage would sit in roughly the same location as the existing detached garage. Specifically, the proposed detached garage would expand outside the existing structure’s footprint towards the south and east a few feet and extend towards the north 9 feet. (See attached.) |
| **Northern Lot** | North of the subject property is a lot without a principal structure. This property is also owned by David and Karen Harvey. The lot is used for open space and contains a garden and 120 square foot shed. |
Per city code, the garden shed is permitted on the northern lot as the structure:

- does not exceed 120 square feet;
- is located over 50 feet from the front property line; and
- meets all other setback requirements.

The shed is not included in the 1,000 square foot accessory structure maximum calculation as it is located on a separate lot (13368 Wyola Road) from the subject property (13436 Orchard Road).

**Expansion Permits and Variances**

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. 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 proposed detached garage qualifies for an expansion permit, as the detached garage was originally constructed prior to the adoption of city ordinance and the proposed detached garage would not encroach farther into the side yard setback than the existing structure.

**Pyramid of Discretion**

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance erosion control fencing.
**Motion Options**
The planning commission has three options:

1. Concur with staff’s recommendation. In this case, a motion should be made approving the expansion permit.

2. Disagree with staff’s recommendation. In this case, a motion should be made denying the expansion permit. 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 be made include a statement as to why the request is being tabled with direction to staff, the applicant or both.

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

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

**Neighborhood Comments**
The city sent notices to 27 area property owners and has received no comments.

**Deadline for Decision**
August 26, 2019
Location Map

Project: Harvey Residence
Address: 13436 Orchard Rd
PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>Property Address</th>
<th>13436 Orchard Road, Minnetonka, MN 55305</th>
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<tbody>
<tr>
<td>Parcel ID Number</td>
<td>15-117-22 43 0024</td>
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OWNER INFORMATION

<table>
<thead>
<tr>
<th>Owner Name</th>
<th>David and Karen Harvey</th>
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<tbody>
<tr>
<td>Owner Address</td>
<td>13436 Orchard Road, Minnetonka, MN 55305</td>
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<tr>
<td>Owner Phone</td>
<td>952 412 3372</td>
</tr>
<tr>
<td>Owner Email</td>
<td><a href="mailto:davekarenharvey@gmail.com">davekarenharvey@gmail.com</a></td>
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APPLICANT INFORMATION

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<th>Applicant Name</th>
<th>David and Karen Harvey</th>
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DESCRIPTION OF EXPANSION PERMIT REQUEST

We currently have a 22ft x 24ft detached garage that is in need of repair or replacement. We have chosen to replace it in order to match the existing exterior of the house. We are requesting approval to increase the size of the new garage to be 24ft x 36ft which will allow us to keep our utility trailer in the garage along with our boat. We will continue to maintain the existing 4 foot setback to the east property line. The front of the new garage will be positioned 3 feet further south and will be 2 feet wider to the west. Lastly, the position of the new garage will be 9 feet further north of the exiting garage and create a 16 foot setback to north lot line.

The existing garage is a concrete block garage tucked into the hillside. The existing garage north wall was damaged from the stand of Hackberry trees to the north that are in the process of being removed. Additionally seven arborvitae on the retaining wall on the east side of the driveway will be removed. The arborvitae will be replaced with a narrower and shorter screen of cedar fence panels and shorter shrubs.

OWNER'S STATEMENT

I am the owner of the above described property and I agree to this application. By signing this application, I certify that all fees, charges, utility bills, taxes, special assessments and other debts or obligations due to the city by me or for this property have been paid. I further certify that I am in compliance with all ordinance requirements and conditions regarding other city approvals that have been granted to me for any matter. (If the owner is a corporation or partnership, a resolution authorizing this action on behalf of the board or partnership must be attached.)

APPLICANT'S STATEMENT

This application should be processed in my name, and I am the party whom the city should contact about this application. I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct.
Existing Detached Garage (facing Northeast)
Building Permit Survey
Prepared for:
Lee Lyn Construction

Legend
- Found Iron Monument
\# 000.0 Existing Elevation
RW Retaining Wall

Proposed Detached Garage Location

Site Address:
13436 Orchard Road
Minnetonka, MN 55305

PID No. 1511722430024 Description (supplied by client)
Tract F, REGISTERED LAND SURVEY NO. 182, according to
the recorded plat thereof, Hennepin County, Minnesota.
Subject to any and all easements of record.

PID No. 1511722430026 Description (supplied by client)
Tract H, REGISTERED LAND SURVEY NO. 182, according to
the recorded plat thereof, Hennepin County, Minnesota.
Subject to any and all easements of record.

SCHOBORG LAND SERVICES INC.
763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

Job Number: 8381
Book/Page: JL
Survey Date: 3/9/17
Drawing Name: leelyn.dwg
Drawn by: DMS
Revisions:

Date: March 15, 2017 Registration No. 14700
Planning Commission Resolution No. 2019-

Resolution approving a side yard setback expansion permit to demolish an existing detached garage and construct a new detached garage at 13436 Orchard Road

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

Section 1. Background.

1.01 The property is located at 13436 Orchard Road. It is legally described as:

Tract F, Registered Land Survey No. 182, according to the recorded plat thereof, Hennepin County, Minnesota.

1.02 David and Karen Harvey are proposing to demolish an existing detached garage to construct a new, 864 square foot detached garage on the property. The proposed detached garage would maintain the setback of the existing non-conforming structure and meet all other setback requirements.

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<td>4 ft.</td>
<td>4 ft.*</td>
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* requires expansion permit

1.03 City Code §300.10 Subd. 6(c)(1) requires a minimum side and rear yard setback of 10 feet for accessory structures.

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

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

1.06 City Code §300.29 Subd. 7(c) authorizes the city to grant expansion permits.

Section 2. Standards.

2.01 City Code §300.29 Subd. 7(c) states that an expansion permit may be granted, but is not mandated, when an applicant meets the burden of proving that:
1. The proposed expansion is a reasonable use of the property, considering such things as functional and aesthetic justifications for the expansion; adequacy of off-site parking for the expansion; absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and improvement to the appearance and stability of the property and neighborhood.

2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the 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.

Section 3. Findings.

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

1. REASONABLENESS: The request to expand the existing garage is reasonable as:

   • The proposed addition would maintain the same setback as the existing structure and meet all other setback requirements; and

   • The proposed structure would be an enhancement to the property, as it would be replacing a deteriorating structure that is at least 60 years old.

2. UNIQUE CIRCUMSTANCE: The existing legal non-conformity of the subject detached garage is a unique characteristic of the property. City staff was unable to determine the exact construction date of the existing detached garage; however, aerial photography shows that the structure was in place as early as 1956, prior to the adoption of city ordinance. The existing structure is located four feet from the side property line. The proposed garage addition would maintain the existing structure's non-conforming side yard setback.

3. CHARACTER OF THE LOCALITY: If approved, the proposed structure would not alter the essential character of the neighborhood, as the existing detached garage has been encroaching into the side yard setback for over 60 years and the proposed detached garage would maintain this setback.
Section 4. Planning Commission Action.

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

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Survey date stamped May 2, 2019.
   - Plans and elevations date stamped May 2, 2019.

2. Prior to issuance of a building permit:
   a) A copy of this resolution must be recorded with Hennepin County.
   b) The applicant must confirm the anticipated excavation volume. If over 50 cubic yards are disturbed, a best management practice that captures 1.0 inch of runoff over new site impervious area needs to be provided.
   c) The applicant must install tree protection and erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
   d) The property must be current on all utility bills.

4. This variance will end on Dec. 31, 2020, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 13, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, Deputy City Clerk
Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on June 13, 2019.

______________________________
Fiona Golden, Deputy City Clerk
Variances to allow construction of a greenhouse and acknowledge a non-compliant setback at 4811 Highland Road

Adopt the resolution approving the request

Todd and Connie Ortberg are proposing to construct a 371 square foot, attached greenhouse on an existing deck. The proposed greenhouse addition would encroach into the required northern property line setback. (See attached.)

During the review of this request, staff became aware that the existing home was not constructed in compliance with the survey submitted at the time of its construction in 1985. A 15-foot setback was required and shown on the original survey. The updated survey shows the home at 7.4 feet. As such, there is an additional variance included to acknowledge the homes’ existing, reduced setback.

Proposal requirements:
This proposal requires:

Variance: Principal structure encroaching into the required property line setback.

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<th>Previous Requirement</th>
<th>Current Requirement</th>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Property Line Setback</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(Green House)</td>
<td>15 ft.</td>
<td>32.4 ft.</td>
<td>N/A</td>
<td>30 ft.</td>
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<tr>
<td>Property Line Setback</td>
<td>15 ft.</td>
<td>32.4 ft.</td>
<td>7.4 ft.</td>
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<tr>
<td>(Home)</td>
<td></td>
<td></td>
<td>(existing)</td>
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Staff finds that the applicant’s proposal is reasonable:

1. INTENT OF THE ORDINANCE:

   The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the lot-behind-lot setback requirement is to provide for adequate separation between buildings.

   Green House: The proposed greenhouse would be setback further from the property line than the existing home, it would have met the previous property line setback requirement of 15 feet, which was in place at the time of the construction of the home, and the proposed addition
would be significantly buffered from adjacent homes by existing vegetation.

- Existing Home: The subject home is located over 70 feet from the nearest structure and has significant vegetation that buffers neighboring views of the home.

2. CONSISTENT WITH COMPREHENSIVE PLAN

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

3. REASONABLENESS:

The subject request is reasonable as:

- Greenhouse: The request for a rear home addition (greenhouse) that is 30 feet from a property line is reasonable. Specifically, the proposed greenhouse would be setback 22.5 feet further from the northern property line than the existing home.

- Existing Home: The variance request to acknowledge the existence of the non-compliant home is reasonable as it has been in place for 34 years.

4. Circumstance Unique to the Property:

The subject home was originally constructed in 1985 within the required side yard setback. The subject structure did not receive city approval for the non-conformity. The existing non-conformity of the home is a unique characteristic of the property.

- Greenhouse: As stated previously, the proposed greenhouse would be set back significantly further from the northern property line than the existing home. The encroachment of the subject home leaves few areas in the rear of the home to construct an attached greenhouse.

- Existing Home: The subject home is a lot-behind-lot property and was constructed 34 years ago within the property line setback requirement without city approval. This is a circumstance unique to the property.
5. Neighborhood Character:

The neighborhood character would not be altered by the proposal.

- Greenhouse: The greenhouse would be located further from the northern property line than the subject home and the addition would be placed on an existing deck. Additionally, the proposed greenhouse would be buffered by vegetation on the subject property and neighboring properties.

- Existing Home: The subject home was constructed within the required setback over three decades ago. The continued presence of the home would not alter the essential character of the neighborhood.

Staff Recommendation

Adopt the resolution approving a property line setback variance for a greenhouse and acknowledging a property line setback variance for the existing home and deck at 4811 Highland Road.

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

Project No. 19011.19a

Property 4811 Highland Road

Applicant Todd and Connie Ortberg

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

Planning Guide Plan designation: low density residential
Zoning: R-1

Site Features The subject property was platted in its current configuration in 1983. The lot is classified as a lot-behind-lot, as it does not have frontage on a public road. The lot is 1.25 acres in size.

The property is improved with a 2,500 square foot, two-story home that was originally constructed in 1985. The existing home has a non-compliant (northern) property line setback. Currently, the home is setback 7.4 feet from the northern property line; however, in 1985, the city code would have permitted only a 15-foot setback. During the review of the current proposal, staff found a proposed survey, which was submitted with the building permit, which showed the structure should have been located 15 feet from the northern property. Staff researched for variances or city approvals on the property but did not find any approval for the non-compliant northern property line setback. Based on the information available, staff has concluded that the home was incorrectly built into the property line setback during its construction.

<table>
<thead>
<tr>
<th>Northern Property Line Setback</th>
<th>Current Requirement</th>
<th>Previous Requirement</th>
<th>Existing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>32.4 ft.</td>
<td>15 ft.</td>
<td>7.4 ft.</td>
</tr>
</tbody>
</table>

Acknowledgment of Non-conformity City staff was previously unaware of the non-compliance of the home as structure locations are typically verified on-site during construction and as-built surveys are not required as part of the permitting process. Staff has added an acknowledgment of the structure’s current non-conformity into the variance request to formalize the approval of the existing structure’s location.

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

With the subject lot, the average distance between the north and south property lines is 162 feet. As such, the required setback distance from both of these lot lines is 32.4 feet. The subject proposal, with a 30-foot setback from the north property line, would not meet this setback requirement.

Proposed Greenhouse

The proposed greenhouse would be located on an existing deck, located on the east side of the subject home. The greenhouse would be approximately 17-foot by 22-foot and would extend 10 feet above the floor of the deck. The applicant has stated that the greenhouse would be used for personal use only.

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 0.09. The proposed greenhouse addition would increase the property’s FAR to 0.10. This is still significantly below the largest FAR within 400 feet, which is 0.23.

Expansion Permits and Variances

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. 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 proposed greenhouse addition does not qualify for an expansion permit as the subject home – which does not meet the 1985 setback requirements – was not originally constructed prior to the adoption of city ordinance.

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)

Pyramid of Discretion

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

Motion Options
The planning commission has three options:

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

2. Disagree with staff’s recommendation. In this case, a motion should be made denying the variance. 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 be made include a statement as to why the request is being tabled with direction to staff, the applicant or both.

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

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

Neighborhood Comments
The city sent notices to 23 area property owners and has received one response in support of the project.

Deadline for Decision
Aug. 26, 2019
IMPORTANT NOTES: All dimensions are to the outside of greenhouse frame.
For layout purposes only, drawing does not show all infrastructure included.
Roof Slope: 2:6/12
Door Drop: 6'
LEGAL DESCRIPTION:
Lot 2, Block 1, HIGHLAND RIDGE, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:
1. Showing the length of the North boundary line 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 herein.
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.
Good afternoon, Tim.

We have received the public hearing notice related to the Ortberg Residence dwelling addition at 4811 Highland Road and scheduled for Thursday, June 14, at 6:30pm.

My wife and I will be away from home on that date and unable to attend the meeting, so we are reaching out via this email.

We share a property line with the Ortberg Residence and are documenting here that we support both the variance to acknowledge the non-conforming home and the variance for the construction of the proposed addition.

Please let us know if you have any questions regarding our support for the stated variances.

Best regards,

Paul Menick
15209 Crown Drive
Minnetonka, MN  55345
Planning Commission Resolution No. 2019-
Resolution approving variances to allow construction of a greenhouse and acknowledgement of a home with a non-conforming setback at 4811 Highland Road

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

Section 1. Background.

1.01 The property is located at 4811 Highland Rd. It is legally described as:
Lot 2, Block 1, Highland Ridge, Hennepin County, Minnesota.

1.02 Todd and Connie Ortberg are proposing to construct a 371 square foot, attached greenhouse on an existing deck. The proposed greenhouse addition would encroach into the required property line setback.

1.03 City Code §300.10 Subd. 5(e) requires minimum setbacks for principal buildings on lot-behind-lots of 40 feet of 20% of the average distance between opposite lot lines, whichever is less. The required setback distance for the subject home to the northern property line is 32.4 feet.

1.04 The applicant is proposing a property line setback of 30 feet for the greenhouse addition and acknowledgment of the home and deck’s non-conforming 7.4-foot setback to the northern property line.

<table>
<thead>
<tr>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Line Setback (Green House)</td>
<td>32.4 ft.</td>
<td>7.4 ft.</td>
</tr>
<tr>
<td>Property Line Setback (Home)</td>
<td>32.4 ft.</td>
<td>7.4 ft.</td>
</tr>
</tbody>
</table>

1.05 The subject home that was originally constructed in 1985. The existing home has a non-compliant (northern) property line setback. Currently, the home is setback 7.4 feet from the northern property line; however, in 1985, the city code would have permitted only a 15-foot setback. During the review, city staff found a proposed survey, which was submitted with the original building permit. The survey showed the structure located 15 feet from the northern property. City records do not contain any variances or other city approvals on the property related to the non-compliant northern property line setback. Based on the information available, city staff has concluded that the home was incorrectly built into the required property line setback during its construction.
Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances.

Section 2. Standards.

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

Section 3. Findings.

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

1. INTENT OF THE ORDINANCE:

The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the lot-behind-lot setback requirement is to provide for adequate separation between buildings.

- Green House: The proposed greenhouse would be set back further from the property line than the existing home and the proposed addition would be significantly buffered from adjacent homes by existing vegetation.

- Existing Home: The subject home is located over 70 feet from the nearest structure and has significant vegetation that neighboring views of the home.

2. CONSISTENT WITH COMPREHENSIVE PLAN

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

3. REASONABLENESS:

The subject request is reasonable as:
4. Circumstance Unique to the Property:

The subject home was originally constructed in 1985 within the required side yard setback. The subject structure did not receive city approval for the non-compliance. The existing location of the home is a unique characteristic of the property.

• Greenhouse: The proposed greenhouse would be set back significantly further from the northern property line than the existing home. The encroachment of the subject home leaves few areas in the rear of the home to construct an attached greenhouse.

• Existing Home: The subject home is a lot-behind-lot property and was constructed 34 years ago within the property line setback requirement without City approval. This is a circumstance unique to the property.

5. Neighborhood Character:

The neighborhood character would not be altered with the subject proposal.

• Greenhouse: The subject greenhouse would be located further from the northern property line than the subject home and the addition would be placed on an existing deck. Additionally, the proposed greenhouse would be buffered by vegetation on the subject property and neighboring properties.

• Existing Home: The subject home was constructed within the required setback over three decades ago. The continued presence of the home would not alter the essential character of the neighborhood.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described variances based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:
1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Survey date stamped May 14, 2019.
   - Plans and elevations submitted with application and date stamped May 14, 2019.

2. Prior to issuance of a building permit:
   a) A copy of this resolution must be recorded with Hennepin County.
   b) 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.
   c) Stormwater management will be required if the project exceeds 50 cubic yards of excavation or 5,000 square feet of disturbance.

4. This variance will end on December 31, 2020, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 13, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, Deputy City Clerk

Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on June 13, 2019.

Fiona Golden, Deputy City Clerk
MINNETONKA PLANNING COMMISSION
June 13, 2019

Brief Description
Amendment of the Minnetonka Corporate Center sign plan as it pertains to the building at 12700 Whitewater Drive

Recommendation
Adopt the resolution approving the request

Background

The subject property is located within the Minnetonka Corporate Center. Signs within the roughly 76-acre office park are not regulated by the city’s sign ordinance. Rather, the signs are governed by a sign plan that was approved in 1984. Unlike other sign plans which uniformly apply sign standards to a building or series of buildings, the Minnetonka Corporate Center sign plan “assigns” the size and location of signs on each of the office park’s properties and buildings.

Proposal

Albrecht Sign Company, on behalf of United Health Group, is proposing to install two wall signs and refurbish an existing monument sign on the property at 12700 Whitewater Drive. The proposed signs would exceed the number and size allowed by the existing sign plan for Minnetonka Corporate Center.

<table>
<thead>
<tr>
<th></th>
<th>Sign Plan</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wall</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height</td>
<td>not noted</td>
<td>6 ft</td>
<td>6 ft</td>
</tr>
<tr>
<td>Monument Area</td>
<td>30 sq.ft.</td>
<td>70 sq.ft.</td>
<td>70 sq.ft.</td>
</tr>
<tr>
<td>Copy Area</td>
<td>not noted</td>
<td>7.5 sq.ft.</td>
<td>30.5 sq.ft.</td>
</tr>
<tr>
<td><strong>Monument</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number</td>
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<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Copy Height</td>
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<td>36 inches</td>
<td>36 inches</td>
</tr>
<tr>
<td>Area</td>
<td>Not noted</td>
<td>133 sq.ft. (N)</td>
<td>79.7 sq.ft (N)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>79.7 sq.ft (S)</td>
</tr>
</tbody>
</table>

Staff analysis

The proposed sign plan amendment is reasonable for two primary reasons:

- **Previous Amendments.** Over last the five years, the city has approved several amendments to the Minnetonka Corporate Center sign plan. In each case, the amendments allowed for: (1) multiple wall signs; and (2) sign copy height/area larger than that allowed by the sign plan.

- **Sign Ordinance.** But for the two wall signs, the applicant’s proposal would meet the sign ordinance were it applicable in the Minnetonka Corporate Center.
<table>
<thead>
<tr>
<th>Wall</th>
<th>Allowed Sign Plan</th>
<th>Allowed Code</th>
<th>Proposed Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height</td>
<td>not noted</td>
<td>15 ft</td>
<td>6 ft</td>
</tr>
<tr>
<td>Monument Area</td>
<td>30 sq.ft.</td>
<td>72 sq.ft.</td>
<td>70 sq.ft.</td>
</tr>
<tr>
<td>Copy Area</td>
<td>not noted</td>
<td>36 sq.ft.</td>
<td>30.5 sq.ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Monument</th>
<th>Number</th>
<th>Copy Height</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>60 inches</td>
<td>268 sq.ft. (N) or 79.7 sq.ft (N) and 157 sq.ft. (S) 79.7 sq.ft (S)</td>
</tr>
</tbody>
</table>

**Staff recommendation**

Adopt the resolution amending the Minnetonka Corporate Center sign plan as it pertains to the building at 12700 Whitewater Drive

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

**Surrounding Land Uses**

The property is surrounded by lots zoned PUD and guided mixed-use Land Uses.

**Planning**

Guide Plan Designation: Mixed Use

Zoning: PUD, Planned Unit Development

**Sign Plan**

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

12800 Whitewater Drive (Sambatek, 2014)

The approved amendment allows two wall signs, located on the office building’s west and east façades. Logos are allowed up to 5 feet in height.

12900 Whitewater Drive (XRS, 2014)

The approved amendment allows two wall signs, located on the office building’s west and south façades. Logos are allowed up to 4 feet in height.

6030 Clearwater Drive (Home 2 Hotel, 2016)

The approved amendment allows three wall signs, located on the hotel’s west, east, and south façades. Logos on the west and east façades are allowed up to 7 feet in height and on the south façade, up to 12 feet.

6000 Clearwater Drive (Associated Bank, 2016)

The approved amendment allows two wall signs, located on the office building’s west and south façades. Five-foot tall logos are approved with 2.25-foot tall letters for each elevation.

6040 Clearwater Drive (The Gardner School, 2017)

The approved amendment allows two wall signs, located on the building’s south and east façades. Letters on the building range from 10-16 inches in height and the logo is 30 inches tall.

**Pyramid of Discretion**

![Pyramid of Discretion Diagram]

This proposal:
<table>
<thead>
<tr>
<th><strong>Voting Requirement</strong></th>
<th>The planning commission action on the applicant’s request is final subject to appeal. Approval requires the affirmative vote of five commissioners.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Motion options</strong></td>
<td>The planning commission has the following motion options:</td>
</tr>
<tr>
<td></td>
<td>1) Concur with staff’s recommendation. In this case, a motion should be made adopting the resolution approving the amendment.</td>
</tr>
<tr>
<td></td>
<td>2) Disagree with staff’s recommendation. In this case, a motion should be denying the request. The motion should include findings for denial.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Appeals</strong></td>
<td>Any person aggrieved by the planning commission’s decision about the requested sign plan amendment may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.</td>
</tr>
<tr>
<td><strong>Neighborhood Comments</strong></td>
<td>The city sent notices to nine area property owners and have received no comments to date.</td>
</tr>
<tr>
<td><strong>Deadline for Decision</strong></td>
<td>August 26, 2019</td>
</tr>
</tbody>
</table>
Location Map

Project: UHG Minnetonka
Address: 12700 Whitewater Dr
Written Statement

12700 Whitewater Drive, Minnetonka, MN 55343

United Health Group Inc. is requesting an approval to amend the signage plan previously approved (planning commission resolution No. 2014-18). We are seeking approval to add a new 79.7 sq. ft. sign on the west elevation to read United Health Group. Signage on this elevation will allow for building identification for traffic moving North bound on the adjacent freeway.

As the drawings show, there is an existing 133 sq. ft. sign on the north elevation. This sign will be removed, and permits have been submitted to install a smaller 79.7 sq. ft. sign, also reading United Health Group, on the north elevation.

The two elevations will have a combined square footage of 159.4. The proposed text for the two elevations will be identical and remain the same as the current existing sign (United Health Group). This amendment will allow for tenant identification on two of the prominent elevations for this building.
Sign Type: Illuminated High-Rise Raceway Letterset | 36HR-UHC-RW-B-90
Remove existing high-rise raceway letter set. Patch and repaint fascia to like new condition.
Install new illuminated high rise letter set with sectioned raceways (for shipping purposes).
Paint raceways to match fascia.

UnitedHealthcare

79.7sf
Scale: 1/4"=1'-0"

90 mph Wind Load
Sign Type: Illuminated High-Rise Raceway Letterset | 36HR-UHC-RW-B-90


29'-6 7/8''

UnitedHealthcare

1'' retainer

90 mph Wind Load

79.7sf
Scale: 1/4''=1'-0''

E02
Sign Type: FCO Letters and Logo | D/F Monument
(Qty: 2 of each logo, 4 total)

Remove existing FCO letters from brick monument faces. Repair monument face of holes. Install new 1/4" thick flat cut out aluminum letters and logo painted white. Stud mount flush to brick.

Scale: 1/2" = 1'-0"
Planning Commission Resolution No. 2019-
Resolution amending the Minnetonka Corporate Center sign plan as it pertains to the building at 12700 Whitewater Drive

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

Section 1. Background.

1.01 The subject property is located at 12700 Whitewater Drive, within the Minnetonka Corporate Center. The property is legally on EXHIBIT A of this resolution.

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

1.03 Albrecht Sign Company, on behalf of United Health Group, is proposing to install two wall signs and refurbish an existing monument sign on the property at 12700 Whitewater Drive. The proposed signs would exceed the number and size allowed by the existing Minnetonka Corporate Center sign plan.

<table>
<thead>
<tr>
<th></th>
<th>Sign Plan</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wall</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height</td>
<td>not noted</td>
<td>6 ft</td>
</tr>
<tr>
<td>Monument Area</td>
<td>30 sq.ft.</td>
<td>70 sq.ft.</td>
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<td>Copy Area</td>
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<td>30.5 sq.ft.</td>
</tr>
<tr>
<td><strong>Monument</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Copy Height</td>
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<td>36 inches</td>
</tr>
<tr>
<td>Area</td>
<td>Not noted</td>
<td>79.7 sq.ft (N) and 79.7 sq.ft (S)</td>
</tr>
</tbody>
</table>

1.04 The proposed signs require an amendment to the existing sign plan.

Section 2. FINDINGS.

2.01 The proposed signs and requested amendment are reasonable:
1. Over the last five years, the city has approved several amendments to the Minnetonka Corporate Center sign plan. In each case, the amendments allowed for: (1) multiple wall signs; and (2) sign copy height/area larger than that allowed by the sign plan.

2. But for the number of wall signs, the applicant’s proposal would meet the sign ordinance were it applicable in the Minnetonka Corporate Center.

<table>
<thead>
<tr>
<th>Allowed</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Plan</td>
<td>Code</td>
</tr>
<tr>
<td>Wall</td>
<td></td>
</tr>
<tr>
<td>Height</td>
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<tr>
<td>Monument Area</td>
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</tr>
<tr>
<td>Copy Area</td>
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</tr>
<tr>
<td>Monument</td>
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</tr>
<tr>
<td>Copy Height</td>
<td>36 inches</td>
</tr>
<tr>
<td>Area</td>
<td>Not noted</td>
</tr>
</tbody>
</table>

Section 3. Planning Commission Action.

3.01 The Minnetonka Corporate Center sign plan as it pertains to 12700 Whitewater Drive is amended as described in section 1.03 of this resolution. The amendment is subject to the following conditions:

1. Sign permits are required.
2. The signs must be installed prior to Dec. 31, 2020, unless the planning commission grants a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 13, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, Deputy City Clerk
Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on June 13, 2019.

__________________________
Fiona Golden, Deputy City Clerk
EXHIBIT A

That part of Lot 4, Block 2, Minnetonka Corporate Center, according to the recorded plat thereof, recorded as Document No. 4876699, Hennepin County, Minnesota, lying Northerly of the following described line, and the Easterly and Westerly extensions of said line:

Beginning at a point on the Westerly line of said Lot 4 distant 142.00 feet Northerly from the most Southerly corner of said Lot 4, as measured along said Westerly line; thence Easterly a distance of 358.59 feet to a point on the Easterly line of said Lot 4 distant 114.51 feet Northerly from the Southeast corner of said Lot 4, as measured along said Easterly line, and there terminating.
Minnetonka Planning Commission Meeting
June 13, 2019

Agenda Item 8

Public Hearing: Non-Consent Agenda
Brief Description  Preliminary and final plat of RUTZICK RIDGE, a two-lot subdivision at 3564 Shady Oak Road

Recommendation  Recommend the city council adopt the resolution approving the preliminary and final plats

Background  

In 2004, the city reviewed HEDLUND SHADY ACRES subdivision. As proposed, the subdivision would create two, single-family lots. During the review of the proposal, staff noted the possibility of future subdivision of not only the then subject property but also of the property immediately to the northwest. To appropriately plan for this subdivision, the city required that one-half of a public right-of-way be dedicated as part of the HEDLUND SHADY ACRES final plat. (Below left.) In 2014, the city approved the KOCH HILL ESTATES subdivision to the northwest. The remainder of the right-of-way was dedicated with that plat and a public roadway, Orchard Way, was constructed. (Below, right.)

Proposal  

Property owners Molly and Ryan Rutzick are now proposing to divide the subject property – Lot 1, Block 1 HEDLUND SHADY ACRES – into two, single-family lots. The existing home would remain on proposed lot 1, and a new home would be constructed to the southwest on lot 2.
Staff Analysis

A land use proposal is comprised of many details. In evaluating a proposal, staff first reviews these details and then aggregates them into a few primary questions or issues.

- **Would the proposal meet minimum subdivision standards?**

  Yes. The subdivision ordinance outlines the minimum area and dimensional standards for single-family residential lots. As submitted, the subdivision would meet all minimum standards.

<table>
<thead>
<tr>
<th>R-1 Zoning</th>
<th>Area</th>
<th>Lot Width</th>
<th>Lot Depth</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td>Buildable</td>
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<tr>
<td>Required</td>
<td>22,000 sq.ft.</td>
<td>3,500 sq.ft.</td>
<td>80 ft</td>
</tr>
<tr>
<td>Lot 1</td>
<td>39,670 sq.ft.</td>
<td>17,545 sq.ft.</td>
<td>180 ft</td>
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<tr>
<td>Lot 2</td>
<td>22,100 sq.ft.</td>
<td>9,075 sq.ft.</td>
<td>170 ft</td>
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</table>

* all numbers rounded to nearest 5 sq.ft.

- **Would the proposal meet the tree ordinance?**

  Yes. Based on the submitted grading plan, one of the site’s seven high-priority trees would be removed or significantly impacted to accommodate a new home. This 14 percent removal/impact would be allowed under the tree protection ordinance.

Staff Recommendation

Recommend the city council adopt the resolution approving the preliminary and final plat of RUTZICK RIDGE, a two-lot subdivision at 3564 Shady Oak Road.

Originator: Susan Thomas, AICP, Assistant City Planner

Through: Loren Gordon, AICP, City Planner
Supporting Information

**Surrounding Land Uses**
North: single-family homes  
South: single-family homes  
East: single-family homes  
West: single-family homes

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

**Grading**
As is required for all preliminary plat applications, the applicant has submitted a general grading plan. This general plan suggests that minimal grading would be necessary to accommodate a new home on the site. A specific grading plan must be submitted and reviewed in conjunction with any building permit application.

**Stormwater**
Under the city's stormwater rule, stormwater management must be provided on the newly created lot. Stormwater facilities, such as rain gardens, must control for runoff rate, volume, and quality. A specific stormwater management plan must be submitted and reviewed in conjunction with any building permit application.

**Tree Removal**
By city code, no more than 35% of a property's high priority trees may be removed to accommodate subdivision. A tree is considered removed if: (1) it is physically removed; (2) 30% or more of the trunk circumference is injured; (3) 30% or more of the crown is trimmed; (4) an oak is trimmed between April 1st and July 15th; or (5) the following percentage of the critical root zone is compacted, cut, filled or paved – 30 percent of the critical root zone for all species, except 40 percent for ash, elm, poplar species, silver maple and boxelder.

The subject property contains 7 high priority trees, 27 significant trees. Based on the submitted plans:

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<tr>
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<th>Total Number</th>
<th>Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority</td>
<td>7</td>
<td>1 tree (14% of total)</td>
</tr>
<tr>
<td>Significant</td>
<td>27</td>
<td>12 trees (44% of total)</td>
</tr>
</tbody>
</table>

**Tree Mitigation**
By city code, tree mitigation is required for certain trees removed/impact. Based on the submitted plans, the required mitigation would be seven, two-inch trees. Specific mitigation amounts would be determined during the review of specific building permit applications.

**Utilities**
Public utilities are available in Orchard Way.
Meeting of June 13, 2019  
Subject: RUTZICK RIDGE, 3564 Shady Oak Rd

Pyramid of Discretion

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

Motion Options  
The planning commission has three options:

1) Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the preliminary and final plats.

2) Disagree with staff recommendation. In this case, a motion should be made recommending the city council deny the plats. This motion must include findings for denial.

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

Neighborhood Comments  
The city sent notices to 43 area property owners and received no comments to date.

Deadline for Decision  
August 26, 2019
EXISTING LEGAL DESCRIPTION:

Lot 1, Blk 1 - HEDLUND SHADY ACRES, Hennepin County, Minnesota

EASEMENTS - ENCUMBRANCES

1. TCFR9135 An easement for common use purposes over part of above land. (DOES NOT AFFECT LOT 1)
2. TCFR9136 Agreed upon easement between the City of Minnetonka & Robbin Hedlund, Trustee of the Robbin Hedlund Revocable Trust (AFFECTS LOT 2)
3. TCFR9137 Declaration: Creating reciprocal easements (AFFECTS SUBJECT PROPERTY)
4. TCFR9138 Declaration: Creating reciprocal easements and private utility easements (DOES NOT AFFECT SURVEY)

DEVELOPMENT DATA

EXISTING TOTAL PARCEL AREA: 61,770 SQ. FT.

SURVEY NOTES:

1. BUILDING SETBACKS: VERIFY WITH CITY ZONING DEPT.
2. AS SHOWN ON THE CERTIFICATE OF TITLE NO. 1191918
3. SANITARY CLEANOUT
4. UNDERGROUND UTILITIES NOTES

SURVEYOR:

Daniel L. Thurmes  Registration Number:  25718

DATE: ____________________
4-19-19

CERTIFICATION:

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

I hereby certify that the information on this survey is accurate to the best of my knowledge.

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I hereby certify that the information on this survey is accurate to the best of my knowledge.
KNOW ALL PERSONS BY THESE PRESENTS: That Ryan Rutzick and Molly Rutzick, joint tenants, owners of the following described property situated in County of Hennepin, State of Minnesota to wit:

Lot 1, Block 1, HEDLUND SHADY ACRES, Hennepin County, Minnesota.

Has caused the same to be surveyed and platted as RUTZICK RIDGE and does hereby dedicate or donate to the public for public use the drainage and utility easements as creating this plat.

In witness whereof said Ryan Rutzick and Molly Rutzick, joint tenants, have caused these presents to be signed this ______ day of ________, 20___.

SIGNED:   Ryan Rutzick
SIGNED: Molly Rutzick

__________________________________                  ____________________________________

STATE OF _________________________
COUNTY OF _______________________

The foregoing instrument was acknowledged before me this _______day of __________________________, 20____, by

______________________________________________
______________________________________________
Notary Public_______________________________________
My Commission Expires_____________________________

I Daniel L. Thurmes do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are accurately designated on this plat; that all of the property corners depicted on this plat have been set in conformance with Minnesota Statutes, Section 505.01, Subd. 3; that all of the improvements, if any, set on the plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificated are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this __________ day of _____________________ , 20____.

__________________________________________________
Daniel L. Thurmes, Licensed Land Surveyor
Minnesota License No. 25718

STATE OF MINNESOTA
COUNTY OF DAKOTA

The foregoing Surveyor's Certificate was acknowledged before me this _______ day of ___________________________, 20____ , by Daniel L. Thurmes, a Licensed Land Surveyor.

______________________________________________
______________________________________________
Notary Public Dakota County, Minnesota

MINNETONKA, MINNESOTA

This plat of RUTZICK RIDGE was approved and accepted by the City Council of the City of Minnetonka, Minnesota, at a regular meeting thereof held this ______ day of _____________________ , 20____. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subd. 2.

City Council of the City of Minnetonka, Minnesota
By: _____________________________________, Mayor
By:___________________________________ , Clerk

RESIDENTIAL AND REAL ESTATE SERVICES, Hennepin County, Minnesota
I hereby certify that taxes payable in 20___ and prior years have been paid for land described on this Plat, dated this ______ day of _________________________, 20___.

Mark V. Chapin, County Auditor     by____________________________________ Deputy

SURVEY DIVISION, Hennepin County, Minnesota
Pursuant to MN. STAT. Sec. 383B.565 (1969), this plat has been approved this _______ day of ______________, 20___.

Chris F. Mavis, County Surveyor     by____________________________________

REGISTRAR OF TITLES, Hennepin County, Minnesota
I hereby certify that the within plat of RUTZICK RIDGE was filed in this office this _______ day of ______________ , 20___ at _____ o'clock ______.m.

Martin McCormick, Registrar of Titles   by___________________________________ Deputy

CORNERSTONE
LAND SURVEYING, INC.
GRADING NOTES:

1. NO STORMWATER MANAGEMENT IS REQUIRED AT THIS TIME.
2. NO STORMWATER MANAGEMENT IS REQUIRED AT THIS TIME.
3. ALL EMBANKMENTS OF EXISTING IMPROVEMENTS LOCATED ON LOT 2 TO BE DEMOLISHED AT THE SAME TIME AS THE INITIAL EXCAVATION OF THE PROPOSED HOUSE ON LOT 2.
4. THE PROPOSED SITE PLAN FOR PROPOSED LANDING SHOWN ON LOT 2 ARE FOR CHAINING PURPOSES ONLY, SUBJECT TO CHANGE.
5. THE PROPOSED STORMWATER MANAGEMENT FACILITY SHOWN ON LOT 2 IS SUBJECT TO CHANGE.
6. THE BOUNDARY FOR THE PROPOSED HOUSE SHALL BE DEEMED TO EXTEND TO THE OUTER LIMITS OF THE PREVIOUS UTILITIES SHOWN.
7. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED.
8. THERE MAY SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.
9. NO IMPROVEMENTS TO LOT 1 ARE ANTICIPATED.
10. NO STORMWATER MANAGEMENT IS REQUIRED AT THIS TIME.
11. FOR LOT 1.
12. NO STORMWATER MANAGEMENT IS REQUIRED AT THIS TIME.
13. NO IMPROVEMENTS TO LOT 1 ARE ANTICIPATED.
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2004 REVIEW and APPROVAL
HEDLUND SHADY ACRES
2014 REVIEW and APPROVAL
KOCH HILL ESTATES
Resolution No. 2019-
Resolution approving the preliminary and final plats of RUTZICK RIDGE, a two-lot subdivision at 3564 Shady Oak Road

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

Section 1. Background.
1.01 Molly and Ryan Rutzick have requested preliminary and final plat approval for RUTZICK RIDGE.

1.02 The property is located at 3564 Shady Oak Road. It is legally described as:
Lot 1, Block 1, HEDLUND SHADY ACRES, Hennepin County, Minnesota

1.03 On June 13, 2019, the planning commission held a hearing on the proposed plats. The applicants were provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council grant preliminary and final plat approval.

Section 2. General Standards.
2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.

Section 3. Findings.
3.01 The proposed plats meet the design requirements as outlined in City Code §400.030.

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

1. Prior to the release of the final plat for recording, submit the following:
   a) A final plat drawing that clearly illustrates the following:
      1) The common lot line between Lots 1 and 2 located such that utility services for Lot 2 would be entirely located on Lot 2.
      2) A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
      3) Utility easements over existing or proposed public utilities, as determined by the city engineer.
   b) Title evidence that current within thirty days before the release of the final plat.
   c) Plat consent from any mortgage holder.
   d) Two sets of mylars for city signatures.
   e) An electronic CAD file of the plat in microstation or DXF.
   f) Park dedication fee of $5,000.

2. Subject to staff approval, RUTZICK RIDGE must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   • Conceptual Grading Plan, dated April 19, 2019
   • Tree Preservation Plan dated, dated April 19, 2019

3. Prior to issuance of a building permit for the new house:
   a) Submit the following items for staff review and approval:
      1) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
      2) A final grading and tree preservation plan for the lot. The plan must:

b. Show sewer and water services to minimize impact to any significant or high-priority trees. No trees may be removed for installation of services.

c. No more than two high-priority trees may be removed or impacts as part of total site improvements, including grading, home and driveway construction, and installation of utilities.

3) A tree mitigation plan. The plan must meet minimum mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased.

4) A final stormwater management plan. The plan must demonstrate conformance with the following criteria:

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

- Volume. Provide for on-site retention of 1-inch of runoff from the entire site’s impervious surface.

- Quality. Provide for all runoff to be treated to at least 60 percent total phosphorus annual removal efficiency and 90 percent total suspended solid annual removal efficiency.

5) A driveway permit application. Note, maximum driveway grade is 10 percent.

6) A construction management plan. This plan must be in a city-approved format and outline minimum site management practices and penalties for non-compliance.

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

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

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

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

c) Submit all required hook-up fees.

4. No grading or tree removal is allowed on Lot 2 prior to issuance of a building permit.

5. All lots and structures within RUTZICK RIDGE are subject to all R-1 zoning standards.

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

7. This approval will be void on June 24, 2019, unless: (1) the final plat has been filed with Hennepin County; or (2) the city receives and approves a written application for a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 24, 2019.

__________________________________________
Brad Wiersum, Mayor

Attest:

__________________________________________
Becky Koosman, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on June 24, 2019.

______________________________
Becky Koosman, City Clerk
MINNETONKA PLANNING COMMISSION  
June 13, 2019

Brief Description  Items concerning the demolition and construction of a new automobile dealership at 15906 Wayzata Blvd.

Recommendation  Recommend the city council approve the proposal.

Existing Property Information

- **Size:** 10.3 acres
- **Use:** Auto Dealership (Walser Nissan-Wayzata)
- **Previous Approvals:**
  - Master Development Plan
  - Site and Building Plan
  - Sign Plan
  - Conditional Use Permits
    - Auto dealership
    - Auto repair and auto body
- **Buildings:** Site is improved with a 34,000 square foot building
- **Access:** Wayzata Blvd.
- **Natural Resources:** Wetlands on the north side of the property
- **Floodplain:** Floodplain located on the north side of the property
- **Topography:** The highest point on the site is on the south side of the property (near Wayzata Blvd.). There is also a significant elevation change (berm) near the rear of the existing parking lot before it continues to fall into the wetland to the north of the parking lot.

Proposal

Jack Grotkin (R.J. Ryan Construction), on behalf of Walser Nissan-Wayzata, is proposing to demolish the existing Nissan car dealership and construct a new car dealership building and associated site improvements.

As proposed, the dealership building would be 45,216 square-feet in total area and 31 feet in height. The developed portion of the 10-acres site would increase with the expansion of the building. However, the total number of parking spaces would be reduced by 78 spaces. The
applicant plans to phase construction so that the existing building would remain while the new building is constructed.

The proposal requires:

- **Master Development Plan Amendment.** The applicant’s proposal would remove the existing building to construct a new building. As such, a new master development plan is required. Master development plans may be approved only by ordinance.

- **Site and Building Plan Review.** By city code, site and building plan review is required to construct a new commercial building.

- **Conditional Use Permit Amendment.** The proposed dealership would include 333 surface parking stalls, the majority of which would be used for inventory storage and display. Outdoor storage and display are allowed within PID district only by conditional use permit. The site currently has a CUP for the auto dealership, auto repair, and auto body services, but does not have an approval for outdoor storage and display. The proposed project requires this conditional use permit.

- **Variances.**
  - **Parking Lot Setbacks.** By city code, surface parking lots must be setback at least 20 feet from public right-of-ways and exterior property lines. The current site has a 0-foot setback from the west property line and an 18-foot setback from the east property line. The applicant has proposed 10-foot setbacks to both west and east property lines, which require variances.
  - **Parking to Building Area Ratio.** Per the outdoor storage and display CUP standards, the parking-to-building square footage ratio may not exceed one space per 200 square feet. The applicant’s proposal would have 1.5 spaces per 200 square foot ratio, thus requiring a variance.

- **Sign Plan.** The applicant is requesting sign plan approval to allow for signage slightly different than would be allowed by the sign ordinance. The applicant proposes four walls signs that encompass 184 square feet to be displayed on the south elevation of the
building. City code limits signage to one sign per elevation, and that sign may not exceed 150 square feet or 10% of the wall face, whichever is less.

History

Ordinance Introduction

On March 18, 2019, the ordinance amendment was introduced to the city council. The city council referred this request to the planning commission for review at this meeting.

Planning Commission Meeting

The planning commission considered the subject request on April 25, 2019. The commission report and associated plans are attached.

At the meeting, a public hearing was opened to take comments. Several area residents appeared before the commission. The residents stated that they did not believe that the proposal met the minimum standards for buffering. Specifically, the residents requested that the berm and vegetation north of the existing parking lot remain with any redevelopment of the site.

Following the public hearing, the commission discussed the proposal. On a 5-0 vote, the commission recommended that the city council deny the proposal. The planning commission found that the proposal did not meet the design standards (city code §300.31 Subd.7) for buffering from the residential properties to the north. The commission also recommended that the applicant provide visual renderings to demonstrate potential views from the properties to the north.

Revised Plans

After the planning commission meeting, the applicant submitted revised plans to address the comments provided at the April 25, 2019 meeting. The revised plans generally improved the project in the two areas of concern: 1) maintaining the top of the existing berm and 2) preserving more existing trees. The improvements were accomplished mainly due to changes to the grading limits and fill. The result is the revised plan would provide increased buffering as compared to the original plan. In addition, the applicant made other smaller revisions to the building.
Meeting of June 13, 2019
Subject: Walser Nissan, 15906 Wayzata Blvd.

City Council Meeting

The city council considered the subject request at the May 20, 2019 meeting. Residents expressed concerns over:

- the filling into the berm;
- requested variances;
- a lack of visual aids presented; and
- the lack of time to review the revised plans.

After the public comments, the city council discussed the proposal. Generally, the council expressed that they were concerned about the lack of visuals aids and the lack of time to review the revised plans. The council also expressed their desire to have the applicant waive the 120-day review requirement so that the planning commission could review the revised proposal. On a 7-0 vote, the city council voted to table the proposal, providing the applicant the opportunity to waive the 120-day requirement and provide additional graphics.

After the Council Meeting

After the city council meeting, the applicant submitted a waiver to the 120-day review and submitted visual aids that provide views of the proposed development from the northern properties and additional grading graphics. (See below and attached.)

In addition, the applicant has proposed to lower the proposed grade of the site to increase the height of the berm. Specifically, the berm on the parking lot side would be 2 feet taller in elevation than the previous (revised) plan submitted to the city council. The overall height of the berm as measured from the parking lot would be 5 feet in height.
This photo interpretation shows a “ghosting” of the vehicles to depict the existing conditions and current plan. The depiction intends to represent that the vehicles will be screened by the berm.

Revised Plans

Below is a review of the changes made between the initially submitted plan and the current proposed plan.

Building Size and Height

The proposed building size has been increased with the revised plan by about 500 square feet, and the total building height has remained unchanged. The building height on the existing previously proposed, and proposed building varies. The low and maximum heights have been provided in the table below.

With consideration to the existing and proposed grades, the revised plan would result in a building height elevation that is, for the most part, lower than the existing building.
Meeting of June 13, 2019
Subject: Walser Nissan, 15906 Wayzata Blvd.

Existing | Previous Plan | Revised Plan | Ordinance
---|---|---|---
Square Footage | 34,084 sq. ft. | 44,721 sq. ft. | 45,216 sq. ft. | N/A
Height (low-max) | 34-45 ft. | 21-31 ft. | 21-31 ft. | N/A
Elevation Height (low-max) | 996-107 ft. | 989-999 ft. | 987-997 ft. | N/A

Architectural

The layout of the proposed building has changed, with the parts storage space moving from the east side of the building to the west side. There are no changes to the exterior materials. The applicant has proposed a slight change in the percentage of materials. More metal panels are proposed for the side, and rear facades and less glass would be used on these elevations.

**Original Plan**

<table>
<thead>
<tr>
<th>Location</th>
<th>Metal Panels*</th>
<th>Glass*</th>
<th>Precast with Aggregate*</th>
<th>Garage Doors*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>sq. ft.</td>
<td>%</td>
<td>sq. ft.</td>
<td>%</td>
</tr>
<tr>
<td>South Facade</td>
<td>2,290</td>
<td>37%</td>
<td>3,075</td>
<td>50%</td>
</tr>
<tr>
<td>East Facade</td>
<td>1,355</td>
<td>21%</td>
<td>1,380</td>
<td>21%</td>
</tr>
<tr>
<td>North Facade</td>
<td>400</td>
<td>6%</td>
<td>600</td>
<td>9%</td>
</tr>
<tr>
<td>West Facade</td>
<td>585</td>
<td>9%</td>
<td>1,430</td>
<td>22%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>4,630</strong></td>
<td><strong>18%</strong></td>
<td><strong>6,485</strong></td>
<td><strong>25%</strong></td>
</tr>
</tbody>
</table>

*approximate

**Revised Plan**

<table>
<thead>
<tr>
<th>Location</th>
<th>Metal Panels*</th>
<th>Glass*</th>
<th>Precast with Aggregate*</th>
<th>Garage Doors*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>sq. ft.</td>
<td>%</td>
<td>sq. ft.</td>
<td>%</td>
</tr>
<tr>
<td>South Facade</td>
<td>2,220</td>
<td>33%</td>
<td>3,585</td>
<td>54%</td>
</tr>
<tr>
<td>East Facade</td>
<td>1,695</td>
<td>26%</td>
<td>1,015</td>
<td>15%</td>
</tr>
<tr>
<td>North Facade</td>
<td>850</td>
<td>12%</td>
<td>195</td>
<td>3%</td>
</tr>
<tr>
<td>West Facade</td>
<td>1,545</td>
<td>23%</td>
<td>455</td>
<td>7%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>6,310</strong></td>
<td><strong>23%</strong></td>
<td><strong>5,250</strong></td>
<td><strong>19%</strong></td>
</tr>
</tbody>
</table>

**Building Setbacks**

The building setbacks have changed slightly from the originally submitted plan. The revised proposal, similar to the previous plan, “pushes” the building towards the rear of the property, but maintains all setback requirements.

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing</th>
<th>Original Plan</th>
<th>Revised Plan</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>35 ft.</td>
<td>210 ft.</td>
<td>215 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Side Yard (East)</td>
<td>120 ft.</td>
<td>60 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Side Yard (West)</td>
<td>85 ft.</td>
<td>50 ft.</td>
<td>60 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Rear (North)</td>
<td>&gt;750</td>
<td>&gt;750 ft.</td>
<td>&gt;750 ft.</td>
<td>50 ft.</td>
</tr>
</tbody>
</table>

*rounded to the nearest 5 ft
Parking Lot Setbacks and Number of Stalls

The parking lot setbacks have not changed from the original plan to the current proposed plan. (See below.)

Staff recommends approval of the parking lot setback variances for the reasons outlined in the proposed resolution.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Original Plan</th>
<th>Revised Plan</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>0 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Side Yard (East)</td>
<td>18 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Side Yard (West)</td>
<td>0 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

The applicant has rearranged the parking on the site from the original plan to the revised plan; however, the total number of the parking stalls has changed only slightly. The revised plan has four less parking spaces than the previously submitted plan and the parking space ratio has remained the same. (See below.)

Staff recommends approval of the parking lot ratio variance for the reasons outlined in the proposed resolution.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Original Plan</th>
<th>Revised Plan</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Parking Spaces</td>
<td>407</td>
<td>333</td>
<td>329</td>
<td>-</td>
</tr>
<tr>
<td>Parking Space Ratio (spaces per 200 square feet of building space)</td>
<td>2.4 per 200 square feet</td>
<td>1.5 per 200 square feet</td>
<td>1.5 per 200 square feet</td>
<td>1 per 200 square feet</td>
</tr>
</tbody>
</table>

Grading

The site will still undergo considerable earthwork to accommodate the new building and parking areas, with the majority of the site still being raised. However, the revised plan reduces the grading limits towards the rear of the site. The applicant has proposed less filling to increase the height of the berm from 3 feet to 5 feet (see right and next page). The final elevations of the site would be lowered a few feet to increase the berm height; however, the applicant has not submitted a revised grading plan that displays this change. As such, a condition of approval has been added to the resolution requiring revised grading plans that ensure that the berm is at least 5 feet tall.
Below outlines the grading based on the existing plans submitted by the applicant. Please note, elevations may be reduced slightly to accommodate the increased height of the berm.

- **Front parking lot and proposed building footprint.** The proposed plan lowers the building floor elevation and front parking lot by approximately 1-foot.

- **Rear parking lot.** The images on the below page display the rear parking lot grading in the previous plan and revised plans. The red line represents the approximate location of the top of the existing berm and pink area is graded land. In the previous plan, the applicant had proposed parking lot grading north of the highpoint of the berm. In the revised plan, the grading plan would keep the highpoint of the berm in place. Specifically, the parking lot would be about 5 feet below the berm in the center and east side of the parking lot and even with the berm on the west side.
• *Filtration Basin.* The stormwater filtration basin is largely unchanged. The revised plan reduces the grading between the basin and parking lot which is an improvement and allows the north face of the berm to remain intact.

• *Retaining Walls.* The applicant has proposed two retaining walls on the subject site.
  - East. The east retaining wall height has increased slightly (the wall ranges from three to 9.1 feet tall), but the location has remained the same between the two plans.
  - West. For the most part, the west retaining wall has remained the same between the two plans (ranging from 1.4 to 5.1 feet tall).
  - North. The large northern retaining wall has been removed in the revised plans due to pulling the grading south of the top of the berm.

**Tree Impacts**

After a review of the revised plan, staff has determined that more significant trees would remain with the revised plan, based on the proposed grading limits. The applicant would be removing one evergreen and three deciduous trees on the existing berm. Sixteen trees on the berm would remain with the proposed plan, provided the applicant maintains the construction limits as shown on the plan. All of these trees were shown as removed on the previous plan.

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

<table>
<thead>
<tr>
<th></th>
<th>Previous Plan (total removed)</th>
<th>Revised Plan (total removed)</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority Trees</td>
<td>100% (5)</td>
<td>60% (3)</td>
<td>N/A</td>
</tr>
<tr>
<td>Removed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Significant Trees</td>
<td>75% (49)</td>
<td>53% (34)</td>
<td>N/A</td>
</tr>
<tr>
<td>Removed</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Buffering Requirement

Similar to the previous plan, the proposed development area would be located approximately 700 feet from the nearest residential parcel, and about 800 feet from the nearest home. In addition to this distance, and differing from the previous plan, the applicant has pulled back grading to preserve the trees located on top of the existing berm and keep a small berm. The applicant has also proposed additional plantings on the north side of the parking lot to enhance buffering between the development site and properties to the north.

Signage

The applicant’s proposal for signage has remained the same from their previous proposal. Specifically, the applicant has proposed to have four signs on a single elevation that would total 184 square feet. (See attached.) There are four signs on the existing building. Three on the front elevation and one on the second level facing Wayzata Blvd.

City code limits commercial wall signage of buildings of this size to:

- One sign per elevation;
- Signage area may not exceed 150 square feet or 10 percent of the wall face, whichever is less, and
- Total wall signage may not exceed 250 square feet.

As the proposed signage exceeds the maximum permitted signage for the building, the applicant has requested that a sign plan be approved for the subject site.

As with the previous report, staff still recommends approval of a sign plan that allows up to four signs; however, staff finds that the sign plan should still limit the total square footage to 150 square feet.

Mechanical Screening

The applicant has continued, from the previous plan, to propose parapet walls to screen mechanical equipment. A condition of approval has remained, requiring that all mechanical equipment is screened from public view.

Miscellaneous

The revised plan reduces the total impervious surface from 72 percent (non-conforming) to 70 percent (conforming). The floor area ratio is unchanged between the two plans and, as such, would remain in conformance with city code.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Original Plan</th>
<th>Revised Plan</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious Surface</td>
<td>unknown</td>
<td>72%</td>
<td>70%</td>
<td>70%</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>0.13</td>
<td>0.18</td>
<td>0.18</td>
<td>0.3</td>
</tr>
</tbody>
</table>

Phasing Plan

Similar to the previous plan, the applicant has proposed to phase construction to keep the dealership business open during construction of the new building. (See attached).
• In the first phase, the rear portion of the existing building would be demolished while the proposed building would be constructed.

• In the second phase, after the construction of the proposed building, the remaining portion of the existing building would be demolished.

Staff generally finds this to be a reasonable request. However, a condition of approval has been added to the resolution requiring escrow money to cover the costs to demolish the existing building if needed.

Summary Comments

The proposed dealership would result in a considerable change to the aesthetic of the property and would represent a significant investment into the property and Wayzata Blvd corridor. From staff’s perspective, this change is both reasonable and appropriate as:

- The requested Master Development Plan Amendment, Site and Building Plan Review, and Conditional Use Permit standards would be met. Specifically,
  o The building design and location would meet the minimum standards and would be an improvement from the existing building.
  o The subject development would be adequately buffered from residential properties to the north.
  o With the exception of the two parking lot variances, the site proposal would meet the minimum standards outlined in city code.

- The requested variances are reasonable as:
  o The non-conformity of the parking setback and ratio would be reduced from the existing site; and
  o The total number of parking spaces on the site would be reduced with the proposal.

- The requested sign plan is appropriate as:
  o The site currently has a non-conforming number of signs on the front elevation of the building.
  o The subject sign plan would not alter the essential character of the neighborhood, as the existing area has several dealership buildings with multiple signs on a single elevation.
  o The proposed signage would not exceed what would typically be allowed because staff added a condition requiring this amount not exceed 150 square feet or 10% of the wall face.
Staff Recommendation

Staff recommends that the planning commission recommends the city council adopt the following related to the Walser Nissan Development at 15906 Wayzata Blvd.: 

1) Ordinance approving a master development plan and final site and building plans, with a parking setback variance; and  

2) Resolution approving a conditional use permit, with a building-to-parking variance, and a sign plan.

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

Surrounding Land Uses
North: Residential homes, zoned R-1
South: Hwy I-394
East: BMW car dealership, zoned PID
West: Lexus car dealership, City of Wayzata

Planning
Guide Plan designation: Commercial
Existing Zoning: PID, Planned I-394 District

Background
The subject auto dealership has a long history within the City of Minnetonka. During its time, the site has gone through several changes but has remained as an auto dealer since 1977. Specifically:

- **1977**: Conditional use permit approved for an auto dealership within the B-4 District.
- **1978**: Site and building plan approved for building.
  - Variance to reduce front yard setback.
  - Variance to increase the number of pylons signs to two.
- **1983**: The city council approved a sign plan for the subject site, affirming the pylon variance which permits 128 square feet of pylon signage.
- **1988**: Site and building plan approved for parking lot expansion.
- **1996**: Guide plan amendment, with site and building plan and conditional use permit amendment approved to add to the existing structure.
- **1999**: Master development plan amendment, site and building plan approved for an addition.
  - CUP approved for auto repair and body shop.

Pyramid of Discretion

Motion Options
The planning commission has three options:

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

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

**Voting Requirement**

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

**Neighborhood Comments**

The City remailed 47 notices to area property owners and posted a redevelopment sign at the subject site. Comments from previous meetings are included and one additional comment was sent between the May 20, 2019 city council meet and the completion of this report. (See attached.)
Location Map

Project: Walser Nissan Wayzata
Address: 15906 Wayzata Blvd
New Visuals
(Submitted June 5, 2019)
Neighborhood Comments Received After May 20, 2019
City Council Report
GOOD MORNING,

EVEN THOUGH I LIVE A MILE UP THE ROAD, ON A QUIET DEAD END STREET, I HAVE A FEW CONCERNS ABOUT THE PROPOSED REDEVELOPMENT PLAN FOR WALSER NISSAN.


THE REASON I STARTED THE LETTER WITH THE ABOVE STORY, IS THAT I ANTICIPATE THE SAME KINDS OF PROBLEMS WITH THE NEW DEVELOPMENT.

ONE MAYOR CONCERN IS EFFECTIVELY BUFFERING THE IMPACT OF NEW CAR DEALERSHIP THAT WILL BE THREE TIMES THE SIZE OF THE CURRENT DEALERSHIP. ALONG WITH IT COME INCREASED ELEVATIONS TO THE NORTH THAT IMPACTS RESIDENTIAL NEIGHBORHOODS. BERMS AFE EFFECTIVE, BUFFERS AND NEED TO BE RETAINED. THE PRESENT BERM SYSTEM HAS DONE A GOOD JOB SCREENING ACTIVITIES, VISUAL, AND SOUND CONCERNS.

TREE REMOVAL IS A MAJOR CONCERN. I HAVE HEARD THAT SOME WISH TO REMOVAL MOST OF THESE TREES AND PLANT 6 FT. TREES. WAY TO LONG FOR THE TREES TO GROW AND BE USEFUL. AND WETLANDS ARE A MAJOR PRIORITY. CURRENT LANDSCAPING AND TREES ARE MATURE AND OFFER VISUAL RELIEF. SOME ARE NATURAL AND VERY TALL NOW. IF THIS IS A MINIMUM REQUIREMENT, THEN THE CITY OF MINNETONKA NEEDS TO STEP IN AND TO REQUIRE MORE THAN ITHE MINIMUM.

I ALSO UNDERSTAND THAT THE DEVELOPER HAS NOT PROVIDED VISUAL MATERIALS THAT SHOW WHAT THE ELEVATION LANDSCAPING,
AND BUILDING VIEWS ARE FROM OUR NORTHERN VIEW. SHOULD BE REQUIRED.

CAROL MOLAND
251 TOWNES ROAD
WAYZATA, MN 55391

CELL - LAND LINE

Sent from AOL Mobile Mail
From: Linda Koblick
Sent: Monday, May 20, 2019 1:31 PM
To: Mike Happe <mhappe@eminnetonka.com>; Brad Wiersum <bwiersum@eminnetonka.com>; Rebecca Schack <rschack@eminnetonka.com>; Susan Carter <scarter@eminnetonka.com>; Tim Bergstedt <tbergstedt@eminnetonka.com>; Bob Ellingson <bellingson@eminnetonka.com>; Deborah Calvert <dcalvert@eminnetonka.com>
Cc: Geralyn Barone <gbarone@eminnetonka.com>; Loren Gordon <lgordon@eminnetonka.com>
Subject: Tonight's Agenda 14 Item: Walser Nissan Site proposal

Council and staff,

Thank you for taking the time to answer my queries in reviewing this particular proposal.

As it came Friday and today is Monday, the timing is rather short for getting this information in an informed and accurate analysis to the neighbors surrounding the dealership property.

I had hoped Redevelopment Signage could be posted, and for a reasonable period of time, in front of the Nissan property ---indicating a major redevelopment proposal is under consideration.

I also had hoped to see a view analysis done by the developer showing in graphic lay terms what neighbors will ‘see’ from the surrounding residential properties, of the berm, the landscaping, the trees, any swales or walls screening the parking, maintenance, car wash and drive aisles area, etc.
This was requested during public input at the Planning Commission for elevations, berming, trees and screening issues -- to protect residential homes from commercial activities. The building size tripling is a bit difficult to screen, but mitigating the impacts to residential properties is a city priority. Providing drawings/renderings to show lay people what is proposed on the site and 'how it will look' from their properties is within the developers capability and is reasonable.

My specific request of you today would be that this item be returned to staff and with direction to do Public Notification signage ..before it reappears again in the future, for effective public review and input, at the Planning Commission.

Please post a redevelopment sign in front of building for a reasonable period of time prior to this item appearing at a future meeting of the Planning Commission.
Planning Commission meetings are advertised and televised, and input received before, during and after the Planning Commission meeting(s) through cable (re)broadcasts and local news allows for informing the public. Returning it to staff for a future planning commission hearing is a reasonable request that should not unduly impact the Walser group, and will allow neighbors, in particular, to review the new information provided, assess it, communicate questions and concerns with each other and staff, and provide feedback more effectively, prior to this coming before the Council at a future meeting.

Thank you for your attention to this.
Residential Property view of backside of Nissan and BMW

Regards,

Linda Koblick
351 Townes Road
Items concerning the demolition and construction of a new automobile dealership at 15906 Wayzata Blvd.

Adopt the following:

1) An ordinance approving a master development plan and final site and building plans, with a parking setback variance; and

2) A resolution approving a conditional use permit, with a building-to-parking ratio variance, and a sign plan.

Jack Grotkin (R.J. Ryan Construction), on behalf of Walser Nissan-Wayzata, is proposing to demolish the existing Nissan car dealership and construct a new car dealership building and associated site improvements.

The planning commission considered the request on April 25, 2019. The commission report and associated plans are attached.

At the meeting, a public hearing was opened to take comments. Several area residents appeared before the commission. The residents stated that they did not believe that the proposal met the minimum standards for buffering. Specifically, the residents requested that the berm and vegetation north of the existing parking lot remain with any redevelopment of the site.

Following the public hearing, the commission discussed the proposal.

On a 5-0 vote, the commission recommended that the city council deny the proposal. The planning commission found that the proposal did not meet the design standards (City Code §300.31 Subd.7) for buffering from the residential properties to the north. The commission also recommended that the applicant provide visual renderings to demonstrate potential views from the properties to the north. After the planning commission hearing, additional comments were provided by a community member opposed to the redevelopment. (See attached minutes and community member comments.)

After the planning commission meeting, the applicant submitted revised plans to address the comments provided at the April 25, 2019 meeting. The revised plans generally improve the project in all areas of concern by maintaining the existing berm and better preserving more existing trees. The improvements were accomplished mainly due to changes to the grading limits and fill. Other smaller revisions were made to the building. The result is the revised plan will provide increased buffering as compared to the original plan.
Cross-section showing plan revisions to keep the northern berm and vegetation in-tact.

Below is a review of the changes made between the previously submitted plan and the revised plan.

Building Size and Height

The proposed building size has been increased with the revised plan by about 500 square feet, and the total height is unchanged. The height noted below is the highest point of the rear, sides, and the majority of the front of the building. However, there is a 13-foot wide portion of the front of the building that is three feet taller, or 35 feet tall.

With consideration to the existing and proposed grades, the revised plan would result in a building height elevation four feet taller than the existing building on the site.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Previous Plan</th>
<th>Revised Plan</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Square Footage</td>
<td>34,084 sq. ft.</td>
<td>44,721 sq. ft.</td>
<td>45,216 sq. ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Height</td>
<td>34 ft.</td>
<td>32 ft.</td>
<td>32 ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Elevation Height</td>
<td>995 ft.</td>
<td>1,000 ft.</td>
<td>999 ft.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Architectural

The layout of the proposed building has changed, with the parts storage space moving from the east side of the building to the west side. There are no changes to the exterior materials. A slight change in the percentage of materials is proposed. More metal panels are proposed for the side, and rear facades and less glass will be used on these elevations.

Previous Plan

<table>
<thead>
<tr>
<th>Facade</th>
<th>Metal Panels*</th>
<th>Glass*</th>
<th>Precast with Aggregate*</th>
<th>Garage Doors*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>sq. ft.</td>
<td>%</td>
<td>sq. ft.</td>
<td>%</td>
</tr>
<tr>
<td>South Facade</td>
<td>2,290</td>
<td>37%</td>
<td>3,075</td>
<td>50%</td>
</tr>
<tr>
<td>East Facade</td>
<td>1,355</td>
<td>21%</td>
<td>1,380</td>
<td>21%</td>
</tr>
<tr>
<td>North Facade</td>
<td>400</td>
<td>6%</td>
<td>600</td>
<td>9%</td>
</tr>
<tr>
<td>West Facade</td>
<td>585</td>
<td>9%</td>
<td>1,430</td>
<td>22%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>4,630</td>
<td>18%</td>
<td>6,485</td>
<td>25%</td>
</tr>
</tbody>
</table>

*approximate
Meeting of May 20, 2019
Subject: WALSER NISSAN, 15906 Wayzata Blvd

Revised Plan

<table>
<thead>
<tr>
<th>Metal Panels*</th>
<th>Glass*</th>
<th>Precast with Aggregate*</th>
<th>Garage Doors*</th>
</tr>
</thead>
<tbody>
<tr>
<td>sq. ft.</td>
<td>%</td>
<td>sq. ft.</td>
<td>%</td>
</tr>
<tr>
<td>South Façade</td>
<td>2,220</td>
<td>3,585</td>
<td>615</td>
</tr>
<tr>
<td>East Facade</td>
<td>1,695</td>
<td>1,015</td>
<td>3,450</td>
</tr>
<tr>
<td>North Facade</td>
<td>850</td>
<td>195</td>
<td>5,700</td>
</tr>
<tr>
<td>West Facade</td>
<td>1,545</td>
<td>455</td>
<td>4,105</td>
</tr>
<tr>
<td>TOTAL</td>
<td>6,310</td>
<td>5,250</td>
<td>13,870</td>
</tr>
</tbody>
</table>

Building Setbacks

The building setbacks have changed slightly from the originally submitted plan. The revised proposal, similar to the previous plan, “pushes” the building towards the rear of the property, but maintains all setback requirements.

<table>
<thead>
<tr>
<th>Existing</th>
<th>Previous Plan</th>
<th>Revised Plan</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>35 ft.</td>
<td>210 ft.</td>
<td>215 ft.</td>
</tr>
<tr>
<td>Side Yard (East)</td>
<td>120 ft.</td>
<td>60 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Side Yard (West)</td>
<td>85 ft.</td>
<td>50 ft.</td>
<td>60 ft.</td>
</tr>
<tr>
<td>Rear (North)</td>
<td>&gt;750</td>
<td>&gt;750 ft.</td>
<td>&gt;750 ft.</td>
</tr>
</tbody>
</table>

Parking Lot Setbacks and Number of Stalls

The parking lot setbacks have not changed from the previous plan to the revised plan.

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<thead>
<tr>
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<th>Revised Plan</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>0 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Side Yard (East)</td>
<td>18 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Side Yard (West)</td>
<td>0 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>

The applicant has rearranged the parking on the site from the previous plan to the revised plan; however, the total number of the parking stalls has changed only slightly. The revised plan has four less parking spaces than the previously submitted plan and the parking space ratio has remained the same.

<table>
<thead>
<tr>
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<th>Previous Plan</th>
<th>Revised Plan</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Parking Spaces</td>
<td>407</td>
<td>333</td>
<td>329</td>
</tr>
<tr>
<td>Parking Space Ratio (spaces per 200 square feet of building space)</td>
<td>2.4 per 200 square feet</td>
<td>1.5 per 200 square feet</td>
<td>1.5 per 200 square feet</td>
</tr>
</tbody>
</table>
Grading

The site will still undergo considerable earthwork to accommodate the new building and parking areas, with the majority of the site being raised. The revised plan will reduce the grading limits towards the rear of the site.

- *Front parking lot and proposed building footprint.* The proposed plan lowers the building floor elevation and front parking lot by approximately 1-foot.

- *Rear parking lot.* The images on the next page display the rear parking lot grading in the previous plan (top) and revised plan (bottom). The blue area represents the proposed building location in both of the plans. The red line represents the approximate location of the top of the existing berm. In the previous plan, the applicant had proposed parking lot grading north of the highpoint of the berm. In the revised plan, the grading plan would keep the highpoint of the berm in place. The parking lot would be 3-4 feet below the berm in the center and east side of the parking lot and 2 feet on the west.
Filtration Basin. The stormwater filtration basin is largely unchanged. The revised plan reduces the grading between the basin and parking lot which is an improvement and allows the north face of the berm to remain intact.

Retaining Walls. The applicant has proposed three retaining walls on the subject site.

- East. The east retaining wall height has increased slightly (the wall ranges from three to 9.1 feet tall), but the location has remained the same between the two plans.
- West. For the most part, the west retaining wall has remained the same between the two plans (ranging from 1.4 to 5.1 feet tall).
- North. The large north retaining wall has been removed in the revised plans due to pulling the grading south of the top of the berm.

Tree Impacts

After a review of the revised plan, staff has determined that more significant trees would remain based on the proposed grading limits. Per the submitted plan, the applicant would be removing one evergreen and three deciduous trees on the existing berm. Sixteen trees on the berm would remain with the proposed plan, provided the applicant maintains the construction limits as shown on the plan. All of these trees were shown as removed on the previous plan.

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

<table>
<thead>
<tr>
<th></th>
<th>Previous Plan (total removed)</th>
<th>Revised Plan (total removed)</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority Trees Removed</td>
<td>100% (5)</td>
<td>60 % (3)</td>
<td>N/A</td>
</tr>
<tr>
<td>Significant Trees Removed</td>
<td>75% (49)</td>
<td>53% (34)</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Buffering Requirement

Similar to the previous plan, the proposed development area would be located approximately 700 feet from the nearest residential parcel, and about 800 feet from the nearest home. In addition to this distance, and differing from the previous plan, the applicant has pulled back grading to preserve the trees located on top of the existing berm and keep a small berm. The applicant has also proposed additional plantings on the north side of the parking lot to enhance buffering between the development site and properties to the north.

Miscellaneous

The revised plan reduces the total impervious surface from 72 percent (non-conforming) to 70 percent (conforming). The floor area ratio is unchanged between the two plans and, as such, would remain in conformance with city code.
### Subject: WALSER NISSAN, 15906 Wayzata Blvd

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<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious Surface</td>
<td>unknown</td>
<td>72%</td>
<td>70%</td>
<td>70%</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>0.13</td>
<td>0.18</td>
<td>0.18</td>
<td>0.3</td>
</tr>
</tbody>
</table>

### Phasing Plan

Similar to the previous plan, the applicant has proposed to phase construction to keep the dealership business open during construction of the new building. (See attached).

- In the first phase, the rear portion of the existing building would be demolished while the proposed building would be constructed.

- In the second phase, after the construction of the proposed building, the remaining portion of the existing building would be demolished.

Staff generally finds this to be a reasonable request. However, a condition of approval has been added to the resolution requiring escrow money to cover the costs to demolish the existing building if needed.

### Approvals Needed

The proposal requires (unchanged from the previous proposal):

- **Master Development Plan Amendment.** The applicant’s proposal would remove the existing building to construct a new building. As such, a new master development plan is required. Master development plans may be approved only by ordinance.

- **Site and Building Plan Review.** By city code, site and building plan review is required to construct a new commercial building.

- **Conditional Use Permit Amendment.** The proposed dealership would include 329 surface parking stalls, the majority of which would be used for inventory storage and display. Outdoor storage and display are allowed within the PID district only by conditional use permit. The site currently has a CUP for the auto dealership, auto repair, and auto body services, but does not have an approval for outdoor storage and display. The proposed project requires this conditional use permit.

- **Variances.**
  - **Parking Lot Setbacks.** By city code, surface parking lots must be setback at least 20 feet from public right-of-ways and exterior property lines. The current site has a 0-foot setback from the west property line and an 18-foot setback from the east property line. The applicant has proposed 10-foot setbacks to both west and east property lines, which require variances.
  - **Parking to Building Area Ratio.** Per the outdoor storage and display CUP standards, the parking-to-building square footage ratio may not exceed one space per 200 square feet. The applicant’s proposal would have 1.5 spaces per 200 square foot ratio, thus requiring a variance.
• **Sign Plan.** The applicant is requesting sign plan approval to allow for signage slightly different than would be allowed by the sign ordinance. The applicant proposes four wall signs that encompass 184 square feet to be displayed on the south elevation of the building. Staff has provided a condition limiting the total signage to 150 square feet, or 10 percent of the wall face.

**Staff Recommendation**

Staff recommends that the city council adopt the following related to the Walser Nissan Development at 15906 Wayzata Blvd. Note, the ordinance and resolution reference the revised plans.

1. Ordinance approving a master development plan and final site and building plans, with a parking setback variance; and
2. Resolution approving a conditional use permit, with a building-to-parking variance, and a sign plan.

Through:  Geralyn Barone, City Manager
Julie Wischnack, AICP, Community Development Director
Loren Gordon, AICP, City Planner

Originator:  Drew Ingvalson, Planner
Proposed/Revised Plans
(Submitted After April 25th PC Meeting)
Preliminary Site Development Plans
for
Walser Nissan Wayzata
Minnetonka, Minnesota
Presented by:
R.J. Ryan Construction, Inc.
WAYZATA BLVD
Project
Location
Certification
Client
R.J. RYAN
CONSTRUCTION,
INC.
1100 MENDOTA HEIGHTS RD,
MENDOTA HEIGHTS, MN 55120
WALSER NISSAN
WAYZATA
MINNETONKA,MN
15906 WAYZATA BOULEVARD
PRELIMINARY 02/19/2019

1. Subject property's address is 15906 Wayzata Boulevard, its property identification number is 04-117-22-23-0013.
2. The gross area of the subject property is 10.30 Acres or 448,605 Square Feet.
3. The subject property is zoned PID I-394 District, per Minnetonka zoning map on City of Minnetonka web site.
4. The building(s) and exterior dimensions of the outside wall at ground level are shown on the survey. It may not be the foundation wall.

1. The vertical datum is based on NAVD88. The originating bench marks are MNDOT BM 2789 AA and MNDOT BM 2789 BA, both referenced from the MnDOT Geodetic Database.

BENCHMARK #1
CONTROL POINT # 52 (MAG NAIL). Elev.=966.62
BENCHMARK #2
CONTROL POINT #53 (MAG NAIL). Elev.=955.84

SURVEY NOTES

1. The bearing system for this survey is based on the Hennepin County coordinate system, NAD83 (1986 Adjust). The west line of the northwest quadrant, Section 04, Township 117N, Range 22W is assumed to bear N01° 15' 42"E. The originating monuments utilized to establish the horizontal position of this survey was the northwest section corner and the west quarter corner of said section.

2. Initial field work completed on 11/14/2018.
3. Additional field work completed on 12/31/2018.

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3. Additional field work completed on 12/31/2018.
IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY

THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED

TYP

CUSTOMER PARKING STALLS

PARKING STALLS

DOORS W/ STOOPS SEE ARCHITECTURAL PLANS

MEET AND MATCH EXISTING CURB

TRANSFORMER

DEVELOPMENT NOTES

1. ALL PARKING SPACES MUST BE SHOWN ON SHEET C9.01

2. ALL PARKING SPACES TO BE SHOWN ON SHEET C3.01 FOR CALIFORNIA STATE

3. OWNER TO BE NOTIFIED AT TIME OF CONTRACTOR'S SUBMITTAL FOR CONSTRUCTION OFFICE TO BE PROVIDED WITH COMPLETED DRAWS AND COMPLETED SCHOOLこん

4. ALL UTILITIES MUST BE SHOWN ON SHEET C3.01 FOR CALIFORNIA STATE

5. ALL PARKING STALLS TO BE 8.5' WIDE x 18' IN LENGTH UNLESS OTHERWISE INDICATED.

6. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF

7. ALL GRADIENTS ON SIDEWALKS ALONG THE ADA ROUTE SHALL HAVE A MAXIMUM LONGITUDINAL SLOPE

8. CONTRACTOR SHALL REVIEW AND VERIFY THE GRADIENT IN THE FIELD ALONG THE ADA ROUTES PRIOR TO PLACING CONCRETE OR BITUMINOUS PAVEMENT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER

9. SEE ARCHITECTURAL PLANS FOR SIGNAGE DETAILS

10. "NO PARKING" SIGNS SHALL BE PLACED ALONG ALL DRIVEWAYS AS REQUIRED BY CITY.

11. SEE ARCHITECTURAL PLANS FOR DETAILS CONCERNING PARKING SIGNAGE.

12. STOREFRONT SIGNS SHALL BE SHOWN ON SHEET C3.01 FOR CALIFORNIA STATE

13. THE "NO PARKING" SIGNS SHALL BE SHOWN EXACTLY AS SHOWN ON SHEET C3.01 FOR CALIFORNIA STATE

14. THE "NO PARKING" SIGNS SHALL BE SHOWN EXACTLY AS SHOWN ON SHEET C3.01 FOR CALIFORNIA STATE

15. "NO PARKING" SIGNS SHALL BE PLACED ALONG ALL DRIVEWAYS AS REQUIRED BY CITY.

16. "NO PARKING" SIGNS SHALL BE PLACED ALONG ALL DRIVEWAYS AS REQUIRED BY CITY.

17. "NO PARKING" SIGNS SHALL BE PLACED ALONG ALL DRIVEWAYS AS REQUIRED BY CITY.

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19. "NO PARKING" SIGNS SHALL BE PLACED ALONG ALL DRIVEWAYS AS REQUIRED BY CITY.

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29. "NO PARKING" SIGNS SHALL BE PLACED ALONG ALL DRIVEWAYS AS REQUIRED BY CITY.

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NOTE TO CONTRACTOR

THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA." THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE CONTRACTOR AND/OR SUBCONTRACTOR AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES, WHICH MIGHT BE OCCASIONED BY HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

* REFER TO SHEET C5.03 FOR GENERAL Notes, MAINTENANCE Notes, LOCATION MAPS, AND STANDARD DETAILS

EROSION CONTROL PHASE 1

SCALE               IN                  FEET
060 30
NORTH

EROSION CONTROL MATERIALS

<table>
<thead>
<tr>
<th>Item</th>
<th>Unit</th>
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<tbody>
<tr>
<td>SILT FENCE</td>
<td>LINEAR FEET</td>
<td>2808</td>
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<tr>
<td>SILT Dike</td>
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<td>Construction Entrance</td>
<td>UNIT</td>
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<tr>
<td>Inlet Protection Device (IP-2)</td>
<td>UNIT</td>
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COIL EROSION / SEDIMENTATION CONTROL OPERATION TIME SCHEDULE

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* REFER TO SHEET C5.03 FOR GENERAL, MAINTENANCE NOTES, LOCATION MAPS, AND STANDARD DETAILS.
1. ATTACH THE WOVEN WIRE FENCE TO EACH POST 1'-0" INTO GROUND MATERIAL A MIN. OF

2. TEMPORARY AND PERMANENT SEDIMENT BASINS MUST BE DRAINED AND THE SEDIMENT REMOVED WHEN THE DEPTH OF SEDIMENT COLLECTED IN THE BASIN REACHES 1/2 THE STORAGE

3. VEHICLE TRACKING CONTROL IS REQUIRED IF ACCESS TO CONCRETE WASHOUT AREA IS

4. INSTALL INLET PROTECTION AROUND ALL STORM SEWER STRUCTURES.

5. CONTRACTOR IS RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF TEMPORARY AND PERMANENT WATER QUALITY MANAGEMENT BMPS, AS WELL AS ALL EROSION PREVENTION AND

6. BMP'S AND CONTROLS SHALL CONFORM TO FEDERAL, STATE, OR LOCAL REQUIREMENTS OR MANUAL OF PRACTICE, TO KEEP ALL SANDY MATERIALS OUT OF SURFACE WATER, INCLUDING DRIP BANDS AND STORM SEWER INFEEDS. CONTRACTOR SHALL USE ALL REASONABLE EFFORTS TO OBTAIN ACCESS. IF PRECLUDED, REMOVAL AND STABILIZATION MUST TAKE PLACE WITHIN SEVEN (7) CALENDAR DAYS OF

7. SLOPES SHALL BE LEFT IN A ROUGHENED CONDITION DURING THE GRADING PHASE TO REDUCE RUNOFF VELOCITIES AND EROSION.

8. COMPLETE GRADING AND INSTALL PERMANENT SEEDING AND PLANTING.

9. REMOVE ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES (ONLY IF SITE IS STABILIZED), IF REQUIRED BY THE CONTRACT

10. ALL WASH WATER (CONCRETE TRUCKS, VEHICLE CLEANING, EQUIPMENT CLEANING, ETC.) MUST BE LIMITED TO A DEFINED AREA OF THE SITE AND SHALL BE CONTAINED AND PROPERLY TREATED OR

11. SUFFICIENT OIL AND GREASE ABSORBING MATERIALS AND FLOTATION BOOMS SHALL BE MAINTAINED ON SITE OR READILY AVAILABLE TO CONTAIN AND CLEAN-UP FUEL OR CHEMICAL SPILLS AND

12. SLOPES SHALL BE LEFT IN A ROUGHENED CONDITION DURING THE GRADING PHASE TO REDUCE RUNOFF VELOCITIES AND EROSION.

13. DISTURBED PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITY HAS STOPPED SHALL BE TEMPORARILY SEEDED, WITHIN 14 DAYS OF INACTIVITY. SEEDING SHALL BE IN ACCORDANCE WITH

14. CONTRACTORS OR SUBCONTRACTORS WILL BE RESPONSIBLE FOR REMOVING SEDIMENT FROM CONVEYANCES & FROM TEMPORARY SEDIMENTATION BASINS THAT ARE TO BE USED AS PERMANENT

15. MAINTENANCE NOTES:

16. GENERAL EROSION NOTES:

17. SEQUENCE OF CONSTRUCTION

18. AREA SUMMARY IN ACRES

19. SUMMARY

20. LOCATION

21. Certification

22. Revision History

23. Sheet No. Revision

24. Sheet Title

25. Notes and Details

26. Project

27. Client

28. Project No.
SECTION 1: SITE EVALUATION, ASSESSMENT, AND PLANNING

1.1 SITE PROJECT INFORMATION

CITY: MINNETONKA
STATE: MN
ZIP CODE: 55343

1.2 PROJECT INFORMATION/RESPONSIBLE PARTIES

COMPANY/ORGANIZATION NAME: SAMBATEK, INC
COMPANY/ORGANIZATION NAME: GENERAL CONTRACTOR

1.3 CONTACT INFORMATION/RESPONSIBLE PARTIES

COMPANY/ORGANIZATION NAME: TO: GENERAL CONTRACTOR, INC
COMPANY/ORGANIZATION NAME: CONTACT NAME:

1.4 SITE LOCATION/PROJECT INFORMATION

15906 WAYZATA BOULEVARD

1.5 SUMMARY OF PUBLIC REPORTS AND RECORDS

THE GENERAL CONTRACTOR SHALL PROVIDE A PUBLIC REPORT AND RECORDS ON THE PROJECT.

1.6 SITE REPORTS

THE GENERAL CONTRACTOR SHALL PROVIDE A SITE REPORT ON THE PROJECT.

1.7 SITE ISSUES AND SENSITIVE AREAS TO BE PROTECTED

THE GENERAL CONTRACTOR SHALL PROVIDE A SITE ISSUES AND SENSITIVE AREAS TO BE PROTECTED ON THE PROJECT.

1.8 SUMMARY OF ENVIRONMENTAL IMPACTS

THE GENERAL CONTRACTOR SHALL PROVIDE A SUMMARY OF ENVIRONMENTAL IMPACTS ON THE PROJECT.

1.9 MISCELLANEOUS

THE GENERAL CONTRACTOR SHALL PROVIDE A MISCELLANEOUS ON THE PROJECT.

1.10 SUMMARY OF SITE INFORMATION

THE GENERAL CONTRACTOR SHALL PROVIDE A SUMMARY OF SITE INFORMATION ON THE PROJECT.

1.11 HISTORIC PRESERVATION

THE GENERAL CONTRACTOR SHALL PROVIDE A HISTORIC PRESERVATION ON THE PROJECT.

2.0 PROJECT SERVICES

2.1 ADJACENT PROPERTIES

THE GENERAL CONTRACTOR SHALL PROVIDE A ADJACENT PROPERTIES ON THE PROJECT.

2.2 SITES/SURFACES

THE GENERAL CONTRACTOR SHALL PROVIDE A SITES/SURFACES ON THE PROJECT.

2.3 MUTUAL AGREEMENTS

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS ON THE PROJECT.

2.4 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS ON THE PROJECT.

2.5 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (continued)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (continued) ON THE PROJECT.

2.6 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (third)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (third) ON THE PROJECT.

2.7 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (fourth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (fourth) ON THE PROJECT.

2.8 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (fifth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (fifth) ON THE PROJECT.

2.9 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (sixth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (sixth) ON THE PROJECT.

2.10 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (seventh)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (seventh) ON THE PROJECT.

2.11 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (eighth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (eighth) ON THE PROJECT.

2.12 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (ninth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (ninth) ON THE PROJECT.

2.13 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (tenth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (tenth) ON THE PROJECT.

2.14 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (eleventh)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (eleventh) ON THE PROJECT.

2.15 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twelfth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twelfth) ON THE PROJECT.

2.16 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirteenth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirteenth) ON THE PROJECT.

2.17 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (fourteenth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (fourteenth) ON THE PROJECT.

2.18 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (fifteenth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (fifteenth) ON THE PROJECT.

2.19 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (sixteenth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (sixteenth) ON THE PROJECT.

2.20 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (seventeenth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (seventeenth) ON THE PROJECT.

2.21 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (eighteenth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (eighteenth) ON THE PROJECT.

2.22 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (nineteenth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (nineteenth) ON THE PROJECT.

2.23 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twentieth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twentieth) ON THE PROJECT.

2.24 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-first)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-first) ON THE PROJECT.

2.25 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-second)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-second) ON THE PROJECT.

2.26 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-third)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-third) ON THE PROJECT.

2.27 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-fourth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-fourth) ON THE PROJECT.

2.28 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-fifth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-fifth) ON THE PROJECT.

2.29 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-sixth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-sixth) ON THE PROJECT.

2.30 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-seventh)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-seventh) ON THE PROJECT.

2.31 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-eighth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-eighth) ON THE PROJECT.

2.32 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-ninth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (twenty-ninth) ON THE PROJECT.

2.33 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirtieth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirtieth) ON THE PROJECT.

2.34 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirty-first)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirty-first) ON THE PROJECT.

2.35 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirty-second)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirty-second) ON THE PROJECT.

2.36 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirty-third)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirty-third) ON THE PROJECT.

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THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirty-fourth) ON THE PROJECT.

2.38 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirty-fifth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirty-fifth) ON THE PROJECT.

2.39 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirty-sixth)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirty-sixth) ON THE PROJECT.

2.40 MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirty-seventh)

THE GENERAL CONTRACTOR SHALL PROVIDE A MUTUAL AGREEMENTS FOR CONTRACTORS/CONSTRUCTION SUPPLIERS (thirty-seventh) ON THE PROJECT.
SECTION 3: Dewatering & Basin Draining

3.1 Sedimentation and Basin Draining

All excavation, grading, or backfilling operations shall be provided with temporary water control devices to prevent soil and sediment from entering drainage basins or watercourses. These devices must be designed and installed according to the requirements set forth in this subsection.

3.2 Sedimentation Basin Design

Sedimentation basins shall be designed to protect watercourses and drainage basins from sedimentation. The design shall include considerations for basin size, detention time, and sedimentation efficiency.

3.3 Basin Draining

Drainage systems must be designed to prevent any soil or sediment from entering water bodies. The systems should include measures to control erosion and sediment transport.

SECTION 4: Good Housekeeping BMPs

4.1 Material Handling and Waste Management

Waste materials, such as soil, concrete, and asphalt, shall be contained to prevent soil loss, erosion, and sedimentation. Materials shall be stored on impervious surfaces and covered when not in use.

4.2 Construction Materials

All construction materials shall be stored in a manner that prevents soil loss, erosion, and sedimentation. Materials shall be covered to protect them from weather and other environmental influences.

4.3 Site Preparation

All site preparation activities, such as clearing, grading, and excavation, shall be conducted in a manner that minimizes soil erosion and sedimentation. Appropriate BMPs shall be used to control erosion during these activities.

SECTION 5: Post Construction BMPs

5.1 Proper Storage, Handling & Disposal

All materials, including soil, concrete, and asphalt, shall be stored on impervious surfaces and covered when not in use. The storage areas shall be designed to prevent soil loss, erosion, and sedimentation.

5.2 Accidental Spill

In case of an accidental spill, the contractor shall ensure that proper procedures are followed to contain the spill and prevent any soil or sediment from entering water bodies. The contractor shall provide evidence of the spill and its containment to the appropriate authorities.

5.3 Post-Construction Site Stabilization

To achieve final stabilization of the site, the contractor shall perform the necessary steps to restore the site to its original condition. This includes removing temporary erosion protection and stabilizing the site with appropriate vegetation.

SECTION 6: Inpections

6.1 Inspections

The contractor shall conduct inspections to ensure that the construction activities are in compliance with the approved SWPPP. Inspections shall include checks for proper installation and operation of erosion control measures.

6.2 Maintenance and Inspection Requirements

All construction sites shall have a construction plan in place that includes maintenance and inspection requirements. These plans shall be approved by the appropriate authorities and shall be updated as necessary.

6.3 Compliance

The contractor shall ensure that all construction activities are in compliance with the approved SWPPP. Non-compliance shall result in corrective actions and possible penalties.

SECTION 7: Final Stabilization

7.1 Final Stabilization

Final stabilization shall be achieved when the site is stabilized and all required vegetation is in place. The contractor shall submit a final stabilization report to the appropriate authorities.

7.2 Final Acceptance

The final stabilization shall be accepted by the appropriate authorities, who shall ensure that the site is in compliance with all applicable regulations and guidelines.

SECTION 8: Final Acceptance

8.1 Final Acceptance

The final acceptance of the site shall be based on a thorough review of the construction activities and the final stabilization report. The contractor shall provide all required documentation for the final acceptance.

8.2 Final Report

The final report shall include a summary of the construction activities, the final stabilization report, and any corrective actions that were taken.

SECTION 9: Final Acceptance

9.1 Final Acceptance

The final acceptance of the site shall be based on a thorough review of the construction activities and the final stabilization report. The contractor shall provide all required documentation for the final acceptance.

9.2 Final Report

The final report shall include a summary of the construction activities, the final stabilization report, and any corrective actions that were taken.

SECTION 10: Final Acceptance

10.1 Final Acceptance

The final acceptance of the site shall be based on a thorough review of the construction activities and the final stabilization report. The contractor shall provide all required documentation for the final acceptance.

10.2 Final Report

The final report shall include a summary of the construction activities, the final stabilization report, and any corrective actions that were taken.
UTILITY CONSTRUCTION NOTES

1. CONTRACTOR SHALL NOT OPEN, TURN OFF, INTERFERE WITH, OR ATTACH ANY PIPE OR HOSE TO THE PUBLIC WATER MAINS (BUILDING, STORM AND SANITARY) CROSSINGS.

2.3.1. ALL WATERMAIN TO HAVE 7.5-FEET OF COVER OVER TOP OF WATERMAIN.
2.3.2. PROVIDE THRUST BLOCKING AND MECHANICAL JOINT RESTRAINTS ON ALL WATERMAIN JOINTS PER CITY STANDARDS.

2.4.1. ALL STORM SEWER PIPE FOR ROOF DRAIN SERVICES TO BUILDING SHALL BE PVC SCH 40 OR TAP WATERMAIN BELONGING TO THE CITY UNLESS DULY AUTHORIZED TO DO SO BY THE SOILS ENGINEER.

3. COORDINATE ALL BUILDING SERVICE CONNECTION LOCATIONS AND INVERT ELEVATIONS WITH THE DUTY OF THE ENGINEER OR THE DEVELOPER TO CONDUCT CONSTRUCTION REVIEW OF THE APPROPRIATE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARDS.

4. SAFETY NOTICE TO CONTRACTORS: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF CONTRACTOR'S SAFETY MEASURES IN, ON OR NEAR THE CONSTRUCTION SITE.

5. CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASES OF THIS PROJECT.

6. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOILS TESTS AND SOIL INSPECTIONS WITH THE SOILS ENGINEER.

7. CONTRACTOR SHALL MAINTAIN A MINIMUM 18'' OF VERTICAL SEPARATION BETWEEN WATERMains and the STORM PIPE BENEATH THE SOD.

8. CONTRACTOR SHALL SUBMIT 2 COPIES OF SHOP DRAWINGS FOR MANHOLE AND CATCH BASIN STRUCTURES TO ENGINEER. CONTRACTOR SHALL ALLOW 5 WORKING DAYS FOR SHOP DRAWING REVIEW.

9. ALL SOILS TESTING SHALL BE COMPLETED BY AN INDEPENDENT SOILS ENGINEER.

10. CONTRACTOR SHALL ALLOW 5 WORKING DAYS FOR SHOP DRAWING REVIEW.

The soils engineer shall be responsible for coordinating all soil inspections with the soils engineer. Contractor shall maintain a minimum 18'' of vertical separation between water mains and the storm pipe beneath the sod. Contractor shall submit 2 copies of shop drawings for manhole and catch basin structures to the engineer and allow 5 working days for shop drawing review. All soils testing shall be completed by an independent soils engineer. Contractor shall allow 5 working days for shop drawing review.
**TREE PROTECTION MEASURES**

1. A CONSTRUCTION PERMIT MUST INDICATE THE TREES AND CONSTRUCTION/PLANTING PLAN.
   - The Site Plan is required for reference to ensure the desired tree preservation.
   - Construction shall be completed to the extent of the proposed improvements for the property.

2. THE PROTECTION AREA MUST BE SET UP PRIOR TO DEMOLITION AND MAINTAINED THROUGHOUT THE PROJECT.
   - The protection area must be free of construction debris.
   - This area shall be used for the tree protection of the trees.

3. A MITIGATION PLAN MUST BE SUBMITTED TO THE CITY OF MINNETONKA FOR APPROVAL.
   - The mitigation plan must include the following:
     - The number of trees to be removed.
     - The location and size of the tree to be removed.

4. SIGNIFICANT TREES TO BE PROTECTED.
   - A significant tree must be protected in the city code.

5. PROPOSED BUILDING PERMITS MUST INCLUDE THE MITIGATION PLAN.
   - The construction plan must include the proposed building permits.

6. A PROFESSIONAL LANDSCAPE CONTRACTOR MUST BE Hired.
   - The contractor must be licensed in the state of Minnesota.

**TREE PROTECTION REQUIREMENTS**

1. CITY OF MINNETONKA TREE PROTECTION REQUIREMENTS
   - City Code: (ORD. 19.F.2.a)
   - Approved: Book / Page: 2793
   - Date: 2/19/2019

2. PROPOSED GRADING WITHIN THE TREE PROTECTION ZONE SHALL BE COORDINATED WITH CITY SUBMITTAL.
   - If applicable, contact us for a wet signed copy of this certification.

3. PROTECTED TREES SHOULD RECEIVE AMPLE WATERING BEFORE THE CONSTRUCTION AND THROUGHOUT THE ENTIRE PROCESS.
   - Monitor soil moisture.

4. PROPOSED BUILDING PERMITS MUST INCLUDE THE MITIGATION PLAN.
   - The construction plan must include the proposed building permits.

5. MITIGATION CALCULATIONS
   - Any tree removed outside of the specified allowable tree removal areas must be replaced by a significant tree.

6. A SIGNIFICANT TREE MUST BE REPLACED WITH ONE INCH FOR ONE INCH IN DIAMETER OF A DECIDUOUS TREE THAT WAS REMOVED...
   - High priority trees must be replaced at a rate of one inch for one inch in diameter of a deciduous tree that was removed.

7. TO BE REMOVED/MITIGATED ON SITE PER MINNETONKA CODE...
   - A significant tree must be replaced with one inch for one inch.

8. ANY TREE REMOVED OUTSIDE OF THE SPECIFIED ALLOWABLE TREE REMOVAL AREAS MUST BE REQUIRED SURFACE PONDING.
   - Utilities, except that only significant trees may be removed in areas of surface ponding.

**TREE INVENTORY**

- **Tree**
- **List**
- **Removal/Mitigate**
- **Size**
- **Tag**
- **Location**
- **Key Note**
- **Pipe Bollard**
- **Concrete Sidewalk**
- **Sawcut Line**
- **Property Limit**
- **Existing Proposed**
- **Legend**
- **Retention Wall**
- **Building Easement**
- **Trellis Line**
- **Utilities**
- **Bottom**
- **H WL**
- **Ordinary High Water Level**
- **TWL**
- **Tidal Water Level**
- **HWL**
- **Bottom**

**Summary**

- **Project**
  - WALSER NISSAN WAYZATA
  - Client: R.J. RYAN CONSTRUCTION, INC.
  - 1900 WAYZATA BLVD

- **Location**
  - MINNETONKA, MN
  - 1100 MENDOTA HEIGHTS RD

- **Certification**
  - Prepared by me or under my direct supervision

- **Revision History**
  - L0.01
  - Project No.: 21556
TAMP SOIL AROUND ROOT BALL BASE FIRMLY WITH FOOT DEEPER THAN ROOT BALL

DIG PLANTING PIT 4" TO 6"

OF MAX. DRY UNIT WEIGHT ACCORDING TO ASTM D 698

SCARIFY SIDES OF TREE PIT WITH SPADE BY HAND

UNDISTURBED COMPACTED SOIL

PLACE ROOT BALL ON UNDISTURBED OR A EDGE CONDITION VARIES

30" RADIUS MULCH RING

BUILD 4" HIGH EARTH SAUCER BEYOND EDGE OF ROOT BALL

TOP HALF OF ROOT BALL

REMOVE BURLAP, TWINE, ROPE AND WIRE FROM INSTALL 3" LAYER OF SHREDDED HARDWOOD MULCH. PLACE NO MULCH IN CONTACT WITH TREE TRUNK

COVER TOP OF ROOT BALL WITH SOIL.

ORDER ROOT 1" ABOVE ADJACENT GRADE. DO NOT ORDER ROOT IF NEEDED. SET ROOT BALL WITH MAIN

THE ROOT BALL. REMOVE SOIL IN LEVEL MANNER FROM

WEBBING AROUND TRUNK OF TREE (NO WIRE OR CONTRACTOR TO USE 2 OR 3 STAKE METHOD WITH 1"

STAKING IS REQUIRED BY SITE CONDITIONS, CONTRACTOR SHALL MAINTAIN TREES IN A PLUMB

NOTE:
PHASE I - DEMO THE EXISTING BODY SHOP, CONSTRUCT THE NEW BUILDING IN FULL AND BACK PARKING AREA.

PHASE II - DEMO THE REMAINING EXISTING BUILDING, CONSTRUCT AND PAVE THE FRONT PARKING AREA.
MINNETONKA PLANNING COMMISSION
April 25, 2019

Brief Description
Items concerning the demolition and construction of a new automobile dealership at 15906 Wayzata Blvd.

Recommendation
Recommend the city council approve the proposal.

Existing Property Information

- **Size:** 10.3 acres
- **Use:** Auto Dealership (Walser Nissan-Wayzata)
- **Previous Approvals:**
  - Master Development Plan
  - Site and Building Plan
  - Sign Plan
  - Conditional Use Permits
    - Auto dealership
    - Auto repair and auto body
- **Buildings:** Site is improved with a 34,000 square foot building
- **Access:** Wayzata Blvd.
- **Natural Resources:** Wetlands on the north side of the property
- **Floodplain:** Floodplain located on the north side of the property
- **Topography:** The highest point on the site is on the south side of the property (near Wayzata Blvd.). There is also a significant elevation change (berm) near the rear of the existing parking lot before it continues to fall into the wetland to the north of the parking lot.

Proposal
Jack Grotkin (R.J. Ryan Construction), on behalf of Walser Nissan-Wayzata, is proposing to demolish the existing Nissan car dealership and construct a new car dealership building and associated site improvements.

As proposed, the dealership building would be 44,721 square-feet in total area and 32 feet in height. The developed portion of the 10-acres site would increase with the expansion of the building. However, the total number of parking spaces would be reduced by 74 spaces. The applicant plans to phase construction so that the existing building would remain while the new building is constructed.
The proposal requires:

- **Master Development Plan Amendment.** The applicant's proposal would remove the existing building to construct a new building. As such, a new master development plan is required. Master development plans may be approved only by ordinance.

- **Site and Building Plan Review.** By city code, site and building plan review is required to construct a new commercial building.

- **Conditional Use Permit Amendment.** The proposed dealership would include 333 surface parking stalls, the majority of which would be used for inventory storage and display. Outdoor storage and display are allowed within PID district only by conditional use permit. The site currently has a CUP for the auto dealership, auto repair, and auto body services, but does not have an approval for outdoor storage and display. The proposed project requires this conditional use permit.

- **Variances.**
  - **Parking Lot Setbacks.** By city code, surface parking lots must be setback at least 20 feet from public right-of-ways and exterior property lines. The current site has a 0-foot setback from the west property line and an 18-foot setback from the east property line. The applicant has proposed 10-foot setbacks to both west and east property lines, which require variances.
  
  - **Parking to Building Area Ratio.** Per the outdoor storage and display CUP standards, the parking-to-building square footage ratio may not exceed one space per 200 square feet. The applicant’s proposal would have 1.5 spaces per 200 square foot ratio, thus requiring a variance.

- **Sign Plan.** The applicant is requesting sign plan approval to allow for signage slightly different than would be allowed by the sign ordinance. The applicant proposes four walls signs that encompass 184 square feet to be displayed on the south elevation of the building. City code limits signage to one sign per elevation, and that sign may not exceed 150 square feet or 10% of the wall face, whichever is less.
Primary Questions and Analysis

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

1. Is the site design appropriate?

Yes. The proposed site design accommodates the commercial needs of the dealership, while adequately buffering and screening the outdoor activity of the dealership from public view.

- **Building Location.** The proposed building would be located in the middle of the site's buildable area. As the current building is located less than 40 feet from the front property line, the proposed building placement would be more consistent with the adjacent BMW and Lexus setbacks from Wayzata Blvd. In this location, the building would screen a significant portion of the northern parking spaces from the traveling public on Wayzata Blvd. Additionally, the proposed building location would screen a substantial amount of parking from residential properties to the north, which is located over 650 feet from the parking lot.

- **Parking Lot.** While requiring parking variances, the proposed parking lot would be an improvement over the existing parking lot.
  - The overall existing, non-conformities of the parking lot (front yard and combined side yard setbacks) would be reduced with the proposed parking plan.
    - The existing front yard setback is 0 feet and would be 20 feet in the proposed plan.
    - The existing side yard setbacks are 0 feet (west) and 18 feet (east). The proposed plan would create 10-foot setbacks from both the east and west.
  - The proposed parking lot would be smaller than the existing lot by 74 spaces.
  - The proposed parking lot would have logical driving aisles with more turning options.
  - The proposed parking lot would have landscaping islands that would assist in buffering vehicles and the proposed building.

- **Natural Resources.** The proposed building would be located 170 feet from the wetland on the property, and the proposed parking lot would maintain the required wetland buffer and setbacks.

- **Grading.** The applicant has proposed a significant amount of earthwork to raise the proposed site. Specifically, the site would be raised over 10 feet in the middle of the lot.
The earthwork is intended to promote better drainage patterns. Staff finds the proposed grading acceptable.

2. **Would the building design meet the planned I-394 design requirements?**

Yes. The proposed buildings would meet the required dimensional and architectural standards for the district.

- **Materials.** As proposed, the façade of the dealership building would be composed of glass, silver and gray metal panels, and gray precast with exposed aggregate. The majority of the front façade would be glass (50%) and metal panels (37%). A small portion of the front façade would be precast cement or garage doors (13%). The majority of the side and rear, which would generally not be viewable from the public, would consist of precast with the aggregate finish.

- **Height.** The dealership building would have a maximum height of 32-feet. This height is reasonable and allowed by ordinance.

- **Overall Appearance.** The use of varying setbacks, heights and materials brings interest and a positive aesthetic to the proposed building. If approved, the building would be a positive addition to the existing buildings within the Wayzata Blvd. corridor.

3. **Does the request meet the standards for outdoor display with the Planned I-394 district?**

In July 2008, the city council amended the PID ordinance to allow for certain outdoor display, sales, and storage. At that time, the subject auto dealership was already on the site and in operation. However, with the new building proposal, the property is subject to meeting the conditional use permit requirements for outdoor display, sales, and storage.

The proposed dealership would meet all of the conditional use permit standards except for the parking-to-building square footage ratio and the lighting requirement.

- **Location.** Per the CUP requirements, the site must be located within the I-394 redevelopment overlay district No. 6 or No. 7. The subject site meets this requirement, as it is located within district No. 6.

- **Parking screening.** Per the CUP requirement, at least half of the parking on the site would be screened from public view by either the proposed building or landscaping.

- **Distance from residential properties.** The subject parcel directly abuts low-density residential parcels. However, the proposed parking lot itself would be located approximately 650 feet from the nearest residential parcel.

- **Parking Ratio.** While the proposed parking lot requires a variance to the ratio standard, the proposed ratio would be a reduction from the current parking ratio. The current parking ratio is 2.4 parking spaces per 200 square feet of building space. The proposed parking ratio would be 1.5 spaces per 200 square feet of building space.
Meeting of April 25, 2019
Subject: Walser Nissan, 15906 Wayzata Blvd.

- **Lighting.** The lighting plan submitted illustrates that the proposed lights would have greater light “spillover” off the property than the one foot-candle permitted by code. As such, staff has included a condition of approval that requires the applicant to submit a revised lighting plan meeting the ordinance standard.

4. **Are the variance requests reasonable?**

   Yes. Both variances would result in a reduction in parking lot non-conformities. In other words, they would improve upon the existing situation.

- **Parking Setback.** The existing parking lot has a non-conforming front and side (both east and west) parking lot setbacks (20-foot setback requirement). The proposed site plan would bring the parking lot into conformance with the front setback requirement. The plan would also bring the west side closer to compliance (from 0-foot to 10-foot setback) but would push the east side further into non-compliance (from 18-foot to 10-foot). Overall, the combined side yard setbacks (20 feet) would be greater than the existing combination (18 feet). Additionally, if approved, the subject site would not alter the essential character of the neighborhood as other auto dealership lots in the area also have non-conforming parking lot setbacks.

- **Parking spaces to building area ratio.** As stated previously, the proposed parking lot plan would reduce the non-conformity of the existing parking-to-building ratio. Also, the proposed plan would have 74 less parking spaces than the existing site and would be an improvement from the current site’s parking lot layout.

5. **Is the sign plan reasonable and consistent with signage within the area?**

   The request to have four wall signs on a single elevation is reasonable. However, staff does not support the request to have 184 square feet of signage.

   - **Number of Signs.** The proposed number of signs is reasonable as:
     - The site currently has a non-conforming number of signs on the front elevation of the building. The site has three signs on one elevation and a fourth sign that faces Wayzata Blvd. Approving the proposed sign plan would not increase in total signs. Instead, it would “rearrange” the signs.
     - If approved, the subject sign plan would not alter the essential character of the neighborhood, as the existing area has several dealership buildings with multiple signs on a single elevation.

   - **Size of Signs.** Staff does not support the request to have 184 square feet of signage as:
     - The proposed signage would not be consistent with the sign ordinance. The sign ordinance limits signage to 150 square feet and the subject request would exceed this amount by 22 percent (or 34 square feet).
     - The proposed signage would greatly exceed the existing signage on the south elevation of the building. The existing southern elevation has three signs: “Walser,” “Nissan,” and “Service.” Staff has searched our records and cannot find information regarding the size
of these signs. However, it is clear that the proposed signage would greatly exceed these signs.

It is important to note that the existing “Autoworks Collision” sign is not on the same elevation as the three previously mentioned signs and is thus not included when considering the total square footage of signage on that elevation.

After review, staff is recommending support of a sign plan that permits up to four signs on a single elevation. However, staff has added a condition of approval that limits the total amount of signage on the south facing wall to 150 square feet or 10 percent of the wall face, whichever is less.

Summary Comments

The proposed dealership would result in a considerable change to the aesthetic of the property. From staff’s perspective, this change is both reasonable and appropriate. It would represent a significant investment into the property and Wayzata Blvd corridor.

Staff Recommendation

Staff recommends that the planning commission recommend the city council adopt the following related to the Walser Nissan Development at 15906 Wayzata Blvd.:

1) Ordinance approving a master development plan and final site and building plans, with a parking setback variance; and

2) Resolution approving a conditional use permit, with a building-to-parking variance, and a sign plan.

Originator: Drew Ingvalson, Planner
Through: Loren Gordon, AICP, City Planner
Meeting of April 25, 2019
Subject: Walser Nissan, 15906 Wayzata Blvd.

Supporting Information

Surrounding Land Uses

North: Residential homes, zoned R-1
South: Hwy I-394
East: BMW car dealership, zoned PID
West: Lexus car dealership, City of Wayzata

Planning

Guide Plan designation: Commercial
Existing Zoning: PID, Planned I-394 District

Background

The subject auto dealership has a long history within the City of Minnetonka. During its time, the site has gone through several changes but has remained as an auto dealer since 1977. Specifically:

- **1977**: Conditional use permit approved for an auto dealership within the B-4 District.
- **1978**: Site and building plan approved for building.
  - Variance to reduce front yard setback.
  - Variance to increase the number of pylons signs to two.
- **1983**: The city council approved a sign plan for the subject site, affirming the pylon variance which permits 128 square feet of pylon signage.
- **1988**: Site and building plan approved for parking lot expansion.
- **1996**: Guide plan amendment, with site and building plan and conditional use permit amendment approved to add to the existing structure.
- **1999**: Master development plan amendment, site and building plan approved for an addition.
  - CUP approved for auto repair and body shop.

Proposed Building

- **Building Size.** The proposed building would be 44,721 square feet in area and 32 feet in height. Of the entire building:
  - 16,537 square feet would be used for sales;
  - 16,500 square feet would be used for the service area;
  - 8,950 square feet would be used as a body shop; and
  - 2,734 square feet would be used for a carwash.

- **Location.** The existing building is located 35 feet from the front property line. The proposed building would be located 208 feet from the front property line. The building would meet all other setback requirements as outlined later in the "Supporting Information" section of this report.

- **Architecture.** The building façade would be composed of glass, silver and gray metal panels, and gray precast with exterior aggregate finish. The majority of the front façade,
the only easily viewable area from Wayzata Blvd., would consist of metal panels and glass. The side and rear facades would be primarily precast aggregate with accents of metal and glass.

<table>
<thead>
<tr>
<th></th>
<th>Metal Panels*</th>
<th>Glass*</th>
<th>Precast with Aggregate*</th>
<th>Garage Doors*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>sq. ft.</td>
<td>%</td>
<td>sq. ft.</td>
<td>%</td>
</tr>
<tr>
<td>SOUTH FAÇADE</td>
<td>2,290</td>
<td>37%</td>
<td>3,075</td>
<td>50%</td>
</tr>
<tr>
<td>EAST FAÇADE</td>
<td>1,355</td>
<td>21%</td>
<td>1,380</td>
<td>21%</td>
</tr>
<tr>
<td>NORTH FAÇADE</td>
<td>400</td>
<td>6%</td>
<td>600</td>
<td>9%</td>
</tr>
<tr>
<td>WEST FAÇADE</td>
<td>585</td>
<td>9%</td>
<td>1,430</td>
<td>22%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>4,630</td>
<td>18%</td>
<td>6,485</td>
<td>25%</td>
</tr>
</tbody>
</table>

*approximate

The proposed building has a simple box-like design. However, various heights and setbacks that add interest to the building and reduce the visual scale or mass of the structure. In addition, material selection on building elements further assists to bring down the perceived mass.

- **Signage.** The applicant has proposed to have four signs on a single elevation that would total 184 square feet. There are four signs on the existing building. Three on the front elevation and one on the second level facing Wayzata Blvd.

  City code limits commercial wall signage of buildings of this size to:

  - One sign per elevation;
  - Signage area may not exceed 150 square feet or 10 percent of the wall face, whichever is less, and
  - Total wall signage may not exceed 250 square feet.

  As the proposed signage exceeds the maximum permitted signage for the building, the applicant has requested that a sign plan be approved for the subject site.

- **Mechanical Screening.** The applicant has proposed parapet walls to screen mechanical equipment. A condition of approval has been added requiring that all mechanical equipment is screened from public view.

**Parking**

The current site has 407 parking spaces. The applicant has proposed 333 parking spaces, or 74 spaces less than the existing site. About half of the parking spaces would be located in front of the proposed building. The rest of the parking spaces would be located to the side or rear of the proposed building.

<table>
<thead>
<tr>
<th></th>
<th>Number of Stalls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer</td>
<td>24</td>
</tr>
<tr>
<td>Employee</td>
<td>29</td>
</tr>
<tr>
<td>Service</td>
<td>26</td>
</tr>
<tr>
<td>Inventory</td>
<td>254</td>
</tr>
<tr>
<td>TOTAL</td>
<td>333</td>
</tr>
</tbody>
</table>
The subject parking lot currently has non-conforming front and side yard setbacks. The proposed site plan would bring the front yard setback into compliance and reduce the side yard setback non-conformity (from 0 feet to 10 feet) to the west, but increase the non-conformity to the west (from 18 feet to 10 feet).

The subject parking lot also has a non-conforming parking-to-building square footage ratio. Per the proposal, the subject parking lot would still be non-conforming. However, the non-conformity would be reduced.

<table>
<thead>
<tr>
<th></th>
<th>Existing Setback</th>
<th>Proposed Setback</th>
<th>Required Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front (South)</td>
<td>0 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Side (East)</td>
<td>18 ft.</td>
<td>10 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Side (West)</td>
<td>0 ft.</td>
<td>10 ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

Proposed Construction Phasing

The applicant has proposed to phase construction to keep the dealership business open during construction of the new building. (See attached).

- In the first phase, the rear portion of the proposed building would be constructed while the existing building would remain.
- In the second phase, the rear portion of the existing building would be demolished to construct the second part of the new building.
- In the final phase, the remaining portion of the existing building would be demolished.

Staff generally finds this to be a reasonable request. However, a condition of approval has been added to the resolution requiring escrow money to cover the costs to demolish the existing building if needed.

Grading

Considerable earthwork is proposed to accommodate the new building and parking areas, with the majority of the site being raised.

- **Front parking lot.** The southern area of the property would have minimal earthwork completed. The grade would be slightly reduced near the entrance of the property and raised 2-5 feet near the proposed building.
- **Proposed building.** The applicant has proposed raising the building footprint area to a 966 elevation. This would require raising the grade approximately five feet on the south side of the building and nearly 12 feet in the north side of the building.

- **Rear parking lot.** The final grade of the rear parking lot would be similar to the height of the existing berm in the rear of the property.

- **Filtration Basin.** Currently, there is a small pond just north of the parking lot that the applicant has proposed to modify to create a filtration basin. See to the below in blue.

- **Retaining Walls.** The applicant has proposed three retaining walls on the subject site. See to the right in red.
  - **East.** The plans show a retaining wall along the east property line that varies in height from 3 feet (south side) to 7.3 feet (north side tall).
  - **West.** The plans also show a retaining wall that varies in height from 2.3 feet (south side) to 5.2 feet (north side). This retaining wall connects with another retaining wall along the north side of the property.
  - **North.** The plans propose a retaining wall along the north side of the property. This retaining wall connects with the western retaining wall and varies from 2.2 feet to 14 feet in height. A portion of this wall would extend at least 4 feet above the top of grade to screen vehicles from residential properties to the north of the site.

**Landscaping**

The applicant proposes landscaping plantings along the south, west, and east properties. In addition, they have proposed plantings within landscaping islands and adjacent to the proposed building. (See attached).

The applicant proposes evergreen plantings along the north side of the parking lot to buffer the proposed retaining wall.
Drainage and Utilities

Based on proposed grades, runoff from the site would be captured throughout the parking areas and directed via storm sewer to the newly created infiltration basin. The basins would be located north of the proposed parking lot. City engineering staff have reviewed the grading and drainage plans and finds them to be generally acceptable.

Tree Impact

The property contains 69 regulated trees. The majority of these trees would be removed if this project were to be approved. However, as the proposal is for the redevelopment of the property, the level of tree removal/impact would be permitted under the tree protection ordinance.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Removed</th>
<th>% Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority</td>
<td>4</td>
<td>4</td>
<td>100%</td>
</tr>
<tr>
<td>Significant</td>
<td>65</td>
<td>49</td>
<td>75%</td>
</tr>
</tbody>
</table>

* By city code, a tree is considered removed if 30 percent or more of the critical root zone of is compacted, cut, filled or paved.

Setbacks, Etc.

The following are building setbacks and other design standards.

<table>
<thead>
<tr>
<th></th>
<th>City Code</th>
<th>Proposed*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South property line</td>
<td>50 ft.</td>
<td>210 ft.</td>
</tr>
<tr>
<td>West property line</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>East property line</td>
<td>50 ft.</td>
<td>60 ft.</td>
</tr>
<tr>
<td>North property line</td>
<td>50 ft.</td>
<td>&gt;750 ft.</td>
</tr>
<tr>
<td><strong>Miscellaneous</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impervious Surface</td>
<td>70%</td>
<td>40% 72%</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>0.6 0.3</td>
<td>0.4 0.18</td>
</tr>
</tbody>
</table>

* Rounded down to nearest 5 ft.
** Wetland areas are excluded
*** A condition of approval has been added requiring the applicant to reduce impervious surface to 70%
Motion Options

The planning commission has three options:

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

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

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

Voting Requirement

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

Neighborhood Comments

The city sent notices to 42 property owners and has received no written comments to date.

Deadline for Action

June 3, 2019
Location Map

Project: Walser Nissan Wayzata
Address: 15906 Wayzata Blvd
Preliminary Site Development Plans

for

Walser Nissan Wayzata
Minnetonka, Minnesota

Presented by:
R.J. Ryan Construction, Inc.

CONSULTANT CONTACT LIST:

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WAYZATA, MN 55395

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LAMPERT ARCHITECTS
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ST. PAUL, MN 55102
TEL 763-355-1211
FAX 763-757-2849
CONTACT: JAMES BERTHIAUME, LEED-AP

SURVEYOR
SAMBATEK
12800 WHITEWATER DRIVE, SUITE 300
MINNETONKA, MN 55343
TEL 763-476-6010
FAX 763-476-8532
CONTACT: MARK SALO, LS

GEOTECHNICAL
BRAUN INTERTEC
11001 HAMPSHIRE AVENUE S
MINNEAPOLIS, MN 55438
TEL 952-995-2354
FAX 612-710-9072
CONTACT: DANIEL LEFFLER, EIT

LANDSCAPE ARCHITECT
SAMBATEK
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MINNETONKA, MN 55343
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FAX 763-476-8532
CONTACT: WILLIAM DELANEY, PLA

SURVEYORS
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12800 WHITEWATER DRIVE, SUITE 300
MINNETONKA, MN 55343
TEL 763-476-6010
FAX 763-476-8532
CONTACT: MARK SALO, LS

SHEET INDEX

C1.01 TITLE SHEET
C2.01 EXISTING CONDITIONS
C3.01 SITE PLAN
C4.01 GRADING DRAINAGE AND EROSION CONTROL PLAN
C6.01 UTILITY PLAN
C9.01 DETAILS
L0.01 TREE INVENTORY - PRESERVATION PLAN
L1.01 LANDSCAPE PLAN TREES
L1.02 LANDSCAPE PLAN SHRUBS

GOVERNING SPECIFICATIONS

CITY OF MINNETONKA SPECIFICATIONS (2019)
CITY ENGINEERS ASSOCIATION OF MINNESOTA STANDARD SPECIFICATIONS (2013)
MNDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION (2016 EDITION)

VICINITY MAP
NO SCALE

PRELIMINARY
1. Subject property's address is 15906 Wayzata Boulevard, its property identification number is 04-117-22-23-0013.

2. The gross area of the subject property is 10.30 Acres or 448,605 Square Feet.

3. The subject property is zoned PID I-394 District, per Minnetonka zoning map on City of Minnetonka web site.

4. The building(s) and exterior dimensions of the outside wall at ground level are shown on the survey. It may not be the foundation wall.

5. Initial field work completed on 11/14/2018.

6. Additional field work completed on 12/31/2018.

7. The vertical datum is based on NAVD88. The originating bench marks are MNDOT BM 2789 AA and MNDOT BM 2789 BA, both referenced from the MnDOT Geodetic Database.

BENCHMARK #1
CONTROL POINT # 52 (MAG NAIL).  Elev.=966.62

BENCHMARK #2
CONTROL POINT #53 (MAG NAIL).  Elev.=955.84
The utility improvements for this project shall be constructed in accordance with the City of Wayzata's Utility Construction Notes. All materials shall comply with the requirements of the City of Wayzata. Contractor shall not open, turn off, interfere with, or attach any pipe or hose to any public utility without approval from the Project Engineer. Contractor shall determine the minimum diameter required for the proposed building's water service. Storm sewer pipe to be smooth interior dual wall HDPE pipe with water tight gaskets, unless noted otherwise. All sanitary sewer services to building shall be PVC SCH 40 conforming to ASTM D2665. A minimum vertical separation of 18 inches and horizontal separation of 10-feet between the utility improvements and the proposed building is required. If applicable, contact us for a wet signed copy of this report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer. The plan which is available upon request at Sambatek's, 5010 Minnetonka Boulevard, Minnetonka, MN 55343, is the basis for this project. Contact us for more information or to schedule an inspection.
Walser Nissan Wayzata  
Proposal Narrative

Location: 15906 Wayzata Boulevard
Minnetonka, MN 55391

Applicant: R.J. Ryan Construction, Inc. c/o Jack Grotskin

Proposal: Attached to this letter please find the applications of Wayzata Nissan Property LLC for Master Development Plan and Variance for the property located at 15906 Wayzata Boulevard in Minnetonka, MN. Through the attached applications, Wayzata Nissan is requesting approval for construction of a new dealership facility on the property while a portion of the existing building remains in operation. Upon completion of the new building, the existing building will be demolished and replaced with parking area. The Variance request is for a reduction to the Parking Setback from 20 feet to 10 feet. The Variance request would not alter the essential character of the neighborhood due to the existing average setbacks are 10 feet, with existing auto dealerships on both sides of this property.

The property is zoned PID (Planned I-394 District), in which exterior display, sales or storage of motor vehicles is a conditionally permitted use within districts No. 6 and No. 7. It appears the site is located in overlay district No. 1. However, the use of the site will not be changed and it appears that the new and existing building sizes are comparable; therefore it is assumed the proposed use will continue to be permitted.

Extensive landscaping restoration is proposed which will improve site aesthetics considerably. The exterior of the building will consist of ACM panels, glass and decorative precast; this redevelopment would be a significant improvement to the neighboring area.

Company: The philosophy of Walser Nissan Wayzata is to have a nice consumer experience.

Operations: No change to existing operations.

Employment: Walser Nissan Wayzata’s existing facility provides for 60 employees currently in the community.

Landscaping & Screening: Landscape screening between the proposed parking lot and adjacent businesses will meet the City’s mandated minimum requirements. A variety of coniferous, deciduous, and ornamental trees will be provided throughout the site. Trees will be a hardy mix of native of non-native species and will be provided within interior parking islands to minimize the heat island effect. On the north end of the auto storage area we propose a mix of buffer plantings. Native plants...
are predominantly used in the 40' wetland buffer. Shrubs and/or trees will wrap the west and east sides of the parking lot and create an aesthetically pleasing presentation. The service area is screened from the east by large shrub massings. At the front of the building more densely planted areas highlight the entry points.

**Signage:** The existing monument sign in the southeast corner will be replaced with a new monument sign. The new facility will have building signage similar to what they currently have on the site and building. Small navigational signage for guiding vehicle traffic is also proposed.

**Lighting:** Lighting will be in conformance with City Code. All lighting will be shielded as necessary to avoid any overlap to adjacent properties and programmable to reduce lighting during non-business hours.

**Adjacent Land Use:** Similar automotive uses are adjacent to this proposed site to the east and west.

**Parking:** 333 parking spaces are proposed for the Walser Nissan Wayzata redevelopment.

**Traffic Impacts:** None

**Hazards:** We do not feel there will be any negative impacts on neighboring properties due to noise, dust, odors, hazards, or lighting. No hazardous materials will be stored onsite that exceed NFPA requirements.

We respectfully request City support for the enclosed applications by Wayzata Nissan Property LLC for Master Development Plan and Variance for the 15906 Wayzata Boulevard parcel depicted on the enclosed Architectural and Civil/Landscape Plans. We look forward to reviewing this application with the City of Minnetonka in the weeks ahead.

Sincerely,

Jack Grotkin
R.J. Ryan Construction, Inc.

Chad Ayers, PE
Sambatek, Inc.
1. Exterior Precast Color to match Sherwin Williams Color 7076 – “Cyberspace.” Will have an exposed aggregate finish.

2. Exterior Metal Panels
ITEM 8A – Walser Nissan at 15906 Wayzata Blvd

- **Report.** The table on page 11 has been modified as follows:

<table>
<thead>
<tr>
<th></th>
<th>City Code</th>
<th>Proposed*</th>
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<tbody>
<tr>
<td><strong>Setbacks</strong></td>
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<td>South property line</td>
<td>50 ft.</td>
<td>210 ft.</td>
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<tr>
<td>West property line</td>
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<td>60 ft.</td>
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<td>North property line</td>
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<td>&gt;750 ft.</td>
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<td><strong>Miscellaneous</strong></td>
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<td></td>
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<tr>
<td>Impervious Surface</td>
<td>70%</td>
<td>40% 72%<strong>/</strong>***</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>0.6 0.3</td>
<td>0.4 0.18</td>
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</tbody>
</table>

*Rounded down to nearest 5 ft.
**Wetland areas are excluded
***A condition of approval has been added requiring the applicant to reduce impervious surface to 70%.

Impervious Surface. The original report stated that the proposed impervious surface on site would be 40%. This percentage was calculated by taking the total impervious surface and dividing it by the entire site area. City code does not explicitly state that wetland areas should be excluded (see below); however, staff has routinely excluded wetland areas in past practice. As such, staff has added a condition of approval that requires the applicant to reduce the impervious surface to 70%. This calculation shall exclude wetland areas from the total lot area.
Section 300.02 Definitions

60. Impervious surface- a material providing a hardsurface that prevents normal filtration of water into the ground.

• Resolution. The following condition has been added to the subject resolution.

Section 4.01
(2) Prior to issuance of a building permit:
(C) Submit the following:
14) Submit a proposed survey that limits impervious surface to 70 percent. This calculation shall exclude wetland areas from the total lot area.

• Neighborhood Comments. After completion of the staff report, staff received written comments from two residents. Please see attached.
Neighborhood Comments Received After Completion of the Planning Commission Staff Report
April 25, 2019.

**Background:**

My name is Bradley Schaeppi. I live at 315 Townes Lane with my wife Elizabeth Schaeppi and our son Asa Schaeppi. We purchased our house in April 2018.

Our house along with many houses on Townes Lane and Townes Road were built in the 1960s before the Nissan Dealership was developed in the 1970s. Our house has a rear wall of windows that faces south towards Highway 12 with the wetlands in the foreground and the car dealerships in the background, currently almost entirely screened with mature trees. This includes the 3 story BMW dealership that has a row of mature trees on the north side of the development that were not touched by the recent development and when leaves grow in, continue to block most of the building to this day. We purchased our home in large part to the view of the wetlands and in the summer time, an almost complete natural view out our rear south facing windows, deck, and lawn with patio--water, trees, leaves, berm blocking rear auto dealerships, and other non-improved land.

**The Planning Commission must decide to:**

1) Present and approve a motion to deny or table the request with the following findings for a decision to deny or table:
   
a) **The applicant failed to show practical difficulties in complying with the ordinance**
   
i) **Not reasonable and arbitrary.** The removal of the 10’ earth berm topped by 35’ mature trees to facilitate new outdoor parking in its place capped by a new 12’ retaining wall to the edge of proposed parking lot expansion that by design requires new mature tree plantings to be planted up to 10’ below the retaining wall of the new parking lot is not a reasonable proposal and a variance approval is arbitrary.
      
      (1) Nothing in the report discusses or analyzes how or why the applicant could not otherwise reasonably redevelop and use the site without the removal of the earth berm topped by 35’ mature trees.

      (a) For instance, the new proposal includes many small pocket green areas spaced throughout the site that could otherwise be parking stalls.

      (b) **Fails the uniqueness test.** The site sits on a slope, but the site features do not require the applicant to remove the 10’ earth berm topped by 35’ mature trees. The existing building is 35’ from the front or south property line, but the applicant proposes to site the new building 208’ from the front or south property line—thereby pushing the building and additional grading needs to the rear or north side of the lot into the 10’ earth berm topped by 35’ mature trees. The applicant’s decision to move the building deep into...
the site is its business preference to have more cars in the front than the back and ample room exists for the building to be sited further to the south or towards the frontage road.

iii) **Alters the essential character of the locality.** The removal of the 10’ earth berm topped by 35’ mature trees to facilitate new outdoor parking in its place capped by a new 12’ retaining wall to the edge of the expanded parking lot that does not permit new mature tree plantings at grade of the new parking lot alters the essential character of the locality.

   (1) Nothing in the report discusses or analyzes why a 10’ earth berm topped by 35’ mature trees exists today on the north of the property and why that same screening earth berm feature also extends across and over adjacent properties including the Lexus Dealership and the Chevrolet Dealership which have the same outdoor auto businesses, were redeveloped in the past, and which for reasons unknown in the staff report, have an earth berm that exists and currently screen residential properties to the north.

   (2) Nothing in the report discusses or analyzes the screening features of adjacent sites and how this site meets or exceeds those features so as to not alter the character of the locality. For instance, despite a 3 story BMW dealership redevelopment, a stand of mature trees existed before and remained after the redevelopment—keeping with the pattern of a continuous, mature tree line that runs east to west along the north side of the auto businesses.

b) **The Minnetonka Planning Commission and City Council cannot determine that the variance is in harmony with the general purposes and intent of the official control and the variance is inconsistent with the comprehensive plan.**

   i) The Comprehensive Plan is consistently refers to buffers and the value of buffers.

   (1) Overall Policies: Page III-3-8 of the 2030 Comprehensive Plan:

   (a) The use of policies included in this chapter and subsequent chapters are **critical** in the city decision-making process (emphasis added). Please see Policy Use and Definitions A. Policy Use for further guidance.

   (b) **Buffers:** the use of land, topography, open space or landscaping to visibly separate, screen, or “filter” the views of a property from another adjacent or nearby use. In some instances, buffers are used to separate major transportation facilities from adjacent properties such as the sound/visual barriers along portions of I-494.

   (2) III-8, However it is recognized that to remain competitive in the region and meet future community needs, additional land use
related initiatives are required or need further development to accomplish the following:

(a) **Continue to establish buffers between conflicting land uses to protect property values.** (emphasis added).

(3) Land Use Policy: Page III 8-9

(a) Policy No. 3: **Anticipate and balance the impacts of new land uses and development on surrounding neighborhoods**, the local and regional transportation and city services (emphasis added).

(b) Policy No. 8: **Encourage the use of buffers between different land uses to: lessen negative off-site impacts**, and preserve and enhance the natural features including wetlands, floodplains, slopes and high quality natural communities. (emphasis added)

(c) The staff report lacks the foundation and analysis that the application as amended by staff meets or exceeds the design standards of Section 300.31 Planned I-394 District.

i) Given the application requires a master development plan, and site is identified on the 2030 Land Use Plan, figure IV-13, I-394 Corridor, the application is subject to Section 300.31 Design Standards, Landscaping.

ii) Language in this section is not discretionary and is written as mandatory.

(1) “The following requirements **shall** be met”

(2) “**Shall undertake all efforts**”

(3) “Surface parking lots **shall be buffered** with surrounding berms and coniferous tree plantings.

**Design Standards.**

b) Landscaping: in addition to the landscape plan requirements contained in section 300.27, subd. 14, the following requirements **shall be met**: (emphasis added)

1) Master development plans **shall undertake all efforts** to preserve existing natural features including wetlands/floodplain, **trees and areas of steep slope conditions**. (emphasis added)

2) All development other than single family residential development shall be buffered from nearby single family neighborhoods. **Buffering may be accomplished through the preservation of existing slopes and trees. In cases where natural buffers are absent, earthen berms with new landscape materials shall be installed.** (emphasis added)

3) Landscape berms and buffers intended to screen development projects from single family residential areas shall be installed with the commencement of construction activity if determined appropriate by the city.

4) A minimum landscape plan investment of 2 percent of total project value is required.

5) All new landscape trees and shrubs must meet the American Standard for Nursery Stock and American National Standard relating to planting guidelines, quality of stock and appropriate sizing of the root ball. Landscape trees must be balled and burlapped or moved from the growing site by tree spade. Deciduous trees will be not less than two inches but not more than
four inches caliper for balled and burlapped trees, and not less than four inches but not more than eight inches caliper for spade-moved trees. Coniferous trees will not be less than six feet [minimum is proposed at 6'] in height but no more than eight feet for balled and burlapped trees, and not less than eight feet in height but not more than fourteen feet for spade-moved coniferous trees.

The city may allow larger balled and burlapped or spade moved trees if these trees are accompanied with a three year guarantee.

6) Surface parking lots shall be buffered with surrounding berms and coniferous tree plantings. (emphasis added).

In sum, the I-394 District Design Standards require the existing berm with coniferous trees to remain, or that a new berm replaces the existing. Neither staff, nor the Planning Commission has the discretion to vary very descriptive requirement and the application removes the existing berm replacing it with a retaining wall. The application fails the City’s own strict standard. Beyond the clear requirement for the berm, “all efforts” were not undertaken by the applicant or staff modification when the proposal removes a required berm with mature trees and replaces it with minimally required trees. Staff confirmed via email prior to these comments that existing trees on the berm reach an elevation of 990’ to 995’. The top of the proposed retaining wall without a berm will reach 965.’ There is no interpretation of the required design standards where the application as-is complies to support an approval of the master development plan.

An alternative summary to the staff report could read the following:

“An auto dealership redevelopment proposal seeks to expand and relocate the primary structure from 34,000 SF sited 35’ from the north frontage road to a new 44,721 SF building sited 208’ from the south frontage road. The building itself is reasonable in size and height compared to adjacent properties. The proposal modifies, rebuilds, expands, and raises the existing outdoor parking lot with 10-12’ of fill, consequently raising the elevation of the rear parking lot and eliminating the buffering effect of an existing 10’ earth berm capped with 30-35’ mature trees to residential neighbors to the north. This berm spans a continuous line from the west end of the BMW dealership across the Nissan dealership, and through the Lexus and Chevrolet dealerships.

New surface parking will cover the location of the existing earth berm. The parking edge will be capped on the north end with a retaining wall up to 14’ in height. No retaining wall exists today on this or adjacent properties. Due to the proximity of the retaining wall at the edge of the new parking lot, most replacement, minimum standard trees, will be located at the base of the retaining wall, and in some instances, 10’ below the top of the wall. The proposal will do what no other redevelopment proposal on this stretch of the highway 12 corridor has done on this frontage road--remove all the existing mature trees and add a retaining wall. For purposes of context, the redeveloped BMW dealership kept a line of mature trees behind the development that continue to buffer the visual and negative impact of cars, the building, and auto traffic.
Notably, this project requires a parking to building area ratio variance. The proposal will exceed the 1 parking space per 200 square foot ratio by 50% with 1.5 spaces per 200 square foot ratio. This variance request must meet the city’s statutory authority and standards for granting the parking variance.

Notice:

If not for the short notice of the development (card sent April 11th by the city, received Saturday the 13th and comments due the 18th), I would have searched city records looking into past approvals for the Nissan development site and the buffering history of the earth berm.

I believe given the date the notice cards were mailed it was disingenuous at best for the staff report to the Planning Commission “the city sent notices to 42 property owners and has received no comments to date.” Given the cards were sent on Thursday and received on a Saturday, property owners had between 2-4 days to review a project that the city has worked on for months and submit informed comments. That is not practical or good community practice.

The Staff Report

Despite the staff report recommendation, the Staff Report itself cites the true impact:

Page 1. There is also a significant elevation change (berm) near the rear of the existing parking lot before it continues to fall into the wetland to the north of the parking lot.

Page 6. “The proposed dealership would result in a considerable change to the aesthetic of the property.

Page 9. Considerable earthwork is proposed to accommodate the new building and parking areas, with the majority of the site being raised.

Page 10. The final grade of the rear parking lot would be similar to the height of the existing berm in the rear of the property.

Page 11. The property contains 69 regulated trees. The majority of these trees would be removed if this project were to be approved. Four existing High Priority trees are to be removed (100%) and 49 of 65 existing Significant Trees are to be removed (75%).

Page 11. [Brad--Staff incorrectly reported the proposed impervious surface coverage as 40% proposed and contained no existing impervious surface coverage ratios were published in the report. Staff updated via email to 72% which still complies with code. Existing impervious surface is 181,600 square feet of coverage and proposed will be 184,081 square feet—an expansion of impervious surface in the application not stated in the report].
/S/ Bradley M. Schaeppi
315 Townes Lane
Minnetonka, MN 55391
Date: April 25, 2019
To: Mr. Drew Ingvalson, City of Minnetonka
From: Ann Johnson Stewart, Resident
Re: Walser Nissan dealership expansion on 394

I will be out of town and cannot attend the meeting on Thursday, April 25th.

Since we moved into our house at 213 Townes Lane, the car dealerships on Wayzata Blvd and west of 494 have continued to expand and add to the amount of light and sound pollution at our house. The light pollution is significant, and we have tolerated months of pile driving and construction noise throughout the years as the BMW dealership and others have expanded their buildings. We live just north of the proposed Walser Nissan project. The proposal for the expansion of the Nissan dealership at 15906 Wayzata Blvd raises several questions and concerns for me that I would like addressed by the Planning Commission.

I am most concerned about two things: the proposed elevation of the new building, and the removal of the existing berm and many large, established trees which serve as a buffer to the north.

I am a licensed civil engineer and have taught surveying at the University of Minnesota and Dunwoody for over twenty years. I understand elevations, contours and grading. I have also taught “tree identification” at Dunwoody to future land surveyors, so I know trees. Here are my questions:

1. **Why is the foundation of the building being raised to 966.80’?**
   According to the landscaping plan, the proposed foundation of the dealership is 966.80’. This is an increase in building floor elevation of nearly 12’ on the north side of the lot (see page 10 of Minnetonka Planning Commission notes). This elevation increase and the need to maintain drivable grades in the parking lot results in a raising of the parking lot elevation, which eliminates the effectiveness of the berm (and necessitates its removal).

   I have worked through several options for redesigning the parking lot and pond. With the building raised 12’, there are few options. **So the core question is, why is the elevation so much higher than the existing?**

2. **Why are the proposed replacement trees only 2.5” and the retaining wall height only 4’?**
   If the building stays at the elevation shown, the berm must go. I understand.

   The current berm blocks the neighborhood’s view of many of the cars in the lot. The future wall will not. An inexpensive solution is to require Walser to raise the elevation of the top of retaining wall and plant much larger and more established trees.

   The Planning Commission notes indicate that the wall varies from 2.2-14’. However, the wall is only 4’ high along the entire north boundary of the site. This is the side of the site that faces our neighborhood. Additional wall height is relatively inexpensive; I would be happy to prepare a reasonable cost estimate to raise the elevation of the wall if you’d like (my contact information is in the email I sent you). I propose that the wall height on the north side be raised to at least
elevation 970’ (a height of 9’) so that more of the vehicles and their headlights are blocked from our view. Perhaps they could build a wood barrier or fence adjacent to the wall as a cheaper option.

**This is my reasoning for the 9’ wall height:** a 4’ wall will indeed help to screen vehicles from residential properties, but not all of them. According to Nissan’s website, the height of most of the vehicles they sell exceed 4’, and most exceed 5’ (a Pathfinder is 5.8’ tall, a Murano is 5.55’, and even the Ultima sedan is 4.7’). This 4’ wall will not screen delivery, trucks, or service vehicles, all of which are noisier and have headlights that are placed at a height that exceeds 3.5’. And these numbers are only relevant for the vehicles parked right next to the wall (54 spots as shown in the layout).

I am also concerned about vehicle headlights shining over a 4’ wall built as proposed. The proposed top of wall elevation is shown at 965’. AASHTO uses 3.5’ as a standard headlight height, so anywhere that the pavement is at elevation 965’-3.5’=961.5’, a standard passenger vehicle headlight will shine over a 4’ wall. The proposed site plan indicates that only two rows of parking fall below elevation 961.5’. The third row of parking spaces is at lot elevation 963.0 (as indicated by the spot elevation on the island northeast of the north garage door). All other parking spaces and drive lanes are shown at elevations that exceed 963.0, so even an Ultima sedan’s headlights will shine over the wall (at elevation 963.0+3.5=966.5). Again, the top of wall elevation is 965.00.

A wall or fence that is 9’ tall will shield the headlights of most of the cars parked in the lot from shining into our neighborhood.

3. **Why are the proposed replacement trees so small?**

I understand that if the existing berm is removed, the trees that sit on it must be as well. Many of the existing trees to be removed are listed in the proposal as 30 feet tall with diameters greater than 8” (some as large as 14” with several very large cottonwood). The ones that are listed as replacing them are much smaller (2.5 inches in diameter).

The noise and light from the dealership will not be blocked nearly as effectively with these smaller trees. The trees on the north side of the BMW site appear to be original to the site; they are large, and nearly as tall as that 3-story building. In the summer, they block nearly all of the building. We like that.

For the Walser Nissan site: most of the existing trees are planted at elevation 960.0’, so they screen much of the site and existing building. After removal, the new trees will be planted in ground shown at elevation 954.0’. Even a 12’ tree (with 2.5” diameter) will extend only to elevation 966.0’ at time of planting, which is the BOTTOM OF THE BUILDING. For our neighborhood, none of the building will be shielded from view by trees less than 12’ tall. The coniferous trees in the planting schedule are listed at 8’ tall. It will take years before the first inch of building floor is shielded by the trees they are proposing to use.
Please consider requiring Walser to purchase and plant much more established and taller trees than the 2.5” diameter trees listed in the proposed plans, especially on the north side of the site. Trees are relatively inexpensive as well. The trees listed will cost approximately $600 each installed (based on MnDOT 2018 Average Bid Prices). My husband and I recently purchased a 20’ tall tree (4” caliper) for our front yard from Otten Brothers nursery, and it cost just over $1,000 installed. That represents less than $400 increase in each tree cost (less than $15,000 for 30 trees), which I think is safe to assume that Walser can afford (they have estimated annual revenue exceeding $25 million as per website https://www.owler.com/company/walser).

I wish I could be at the meeting tonight, but both my husband (also a civil engineer) and I are out of town. Please contact me by email or phone (612) 275-8190 if you have any questions or need additional information. We will be happy to provide it as concerned neighbors.
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<tr>
<th>TREES</th>
<th>CODE</th>
<th>BOTANICAL NAME / COMMON NAME</th>
<th>CONT</th>
<th>CAL</th>
<th>SIZE</th>
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<tbody>
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<td>Acer x freemanii 'Armstrong' / Armstrong Freeman Maple</td>
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A. Resolution approving a conditional use permit for an accessory structure exceeding 12 feet in height at 1,000 square feet in an area at 19100 Old Excelsior Blvd.

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory structure exceeding 12 feet in height and 1,000 square feet in total floor area at 19100 Old Excelsior Blvd.

B. Resolution approving building and sign plans for proposed façade changes to the building at 14525 Hwy. 7.

Adopt a resolution approving an expansion permit to increase the height of the building within the required setback and a resolution approving the sign plan.

Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight and Luke were absent. Motion carried and the items on the consent agenda were approved as submitted.

8. Public Hearings

A. Items concerning Walser Nissan at 15906 Wayzata Blvd.

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

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

Chair Kirk confirmed with Ingvalson that there would be a snow removal plan.

Chair Kirk asked if there would be mitigation for the trees removed. Ingvalson explained that would be addressed during the review of the building permit. The current plan would meet tree ordinance requirements.

Henry asked if the total area of all of the signs shown in the agenda packet would equal 184 square feet. Ingvalson answered affirmatively. Other car dealerships in the area have similar signs.

Powers thought removing the trees on the berm on the north side would change the character of the relationship to the adjacent houses. Ingvalson said that the current buffer is above and beyond what is required. Staff found that the proposal would meet minimum buffer requirements. The houses would be 800 feet to 1,000 feet from the edge of the new parking lot.

Henry asked if snow could be placed on the infiltration basins. Staff answered affirmatively. Henry noted that would increase the amount of salt traveling to the wetland. Ingvalson stated that a condition of approval would require information on the amount of salt used on the site. Thomas clarified that snow storage would be allowed in
the infiltration area, but not the wetland. The chloride-plan template follows the city’s own practices.

Sewall confirmed with Ingvalson the location of fill, grading, and the retaining wall. The plantings would be located on the north side with trees in front of the retaining wall. The retaining wall would be farther north than the berm.

Chair Kirk confirmed with Ingvalson that the retaining wall would be extended four feet in height to screen the vehicles.

Jack Grotkin, R.J. Ryan Construction, representing the applicant, stated that he was available for questions. The trees would be replaced with evergreens to make it look nice. The retaining wall would be increased four feet in height to provide screening. If it would work with the grading and the wetland setback, then he would rather create screening with earth rather than a retaining wall.

In response to Hanson’s question, Mr. Grotkin explained that the building would be moved back and aligned with the Lexus dealership and BMW dealership buildings. There are a lot of city requirements that drove the site plan. For instance, for every vehicle located in the front, two vehicles had to be located in the back. With the proposed building, there would be 74 fewer stalls than what is there currently. Removal of the berm would allow for 58 parking stalls.

Powers favored planting trees that would be as tall as 90 percent of the height of the existing trees. Mr. Grotkin would not be opposed to doing that, but he would need to check with an arborist.

The public hearing was opened.

Mark Birnbaum, 325 Townes Road, stated that:

- He appreciated commissioners looking at the berm area. He hoped the city would maintain the character of the wetlands.
- A four-foot retaining wall would not hide a van or building.
- The runoff from the car dealership would include fluids from vehicles.
- Larger replacements of the pine trees would make a dent in screening, but a building would not be hid from view.

Jeff Koblick, 351 Townes Road, stated that:

- The biggest issue with the BMW site was the berm height. Everyone was happy with the Nissan berm. It screened the business for 42 years. The city required an 11-foot berm with trees on top of it. It provided somewhat decent screening. What is being proposed is worse than what was originally proposed for BMW.
• The proposal would not be in keeping with the character of the neighborhood. It would change the view for homeowners on the north side.
• The height of the building would increase by 23 feet. It would be a big monolith.
• He requested that the berm stay the same or be brought up to a height to screen the building.
• He requested a rendering that would show the back view of the proposed building and screening. He believed a rendering was not being shown because it would show that the building would be obtrusive.

Brad Schaeppi, 315 Townes Lane, stated that:
• The berm is continuous and travels west. There is a row of mature, deciduous trees behind the BMW dealership.
• He disagreed with staff. The language in 300.27 is not discretionary. The proposal would remove the berm, so the proposal would not meet design standards.
• He provided six pages of comments.
• He was not overly concerned with the size of the building.
• Some of the trees are 30 feet to 35 feet in height. Removal of the 10-foot berm and trees would remove 40 feet to 45 feet of screening and the site slopes down from the frontage road to the back. He currently does not see headlights from vehicles navigating the site.
• There would be an increase in impervious surface by removing the berm.
• The trees are legally required to be there.
• Public hearing notices should be sent to all properties within sight of the applicant’s property rather than only those 400 feet from the site.

No additional testimony was submitted and the hearing was closed.

Ingvalson stated that the public hearing notice area was extended further than the 400-foot requirement and invited residents to sign up on the city’s website, eminnetonka.com, to receive notices via email for the proposal. The item is tentatively scheduled to be reviewed by the city council May 6, 2019.

Thomas read from the ordinance regarding the landscape requirements of a PID district. It states that landscape berms and buffers intended to screen development projects from single-family residential areas shall be installed with commencement of construction activity if determined appropriate by the city. The development review group includes natural resources, engineering, fire marshal, city attorney, and planning city staff members.

Chair Kirk recommended the applicant provide a rendering of the rear view of the site for the city council meeting. Ingvalson provided the definitions of the berm and buffer.
Sewall asked if it would be possible to add a berm on the back between the proposed parking lot and wetland. Gordon answered that if a berm would be constructed instead of a retaining wall, then parking stalls would have to be removed.

Thomas clarified that the ordinance also states that in cases where natural buffers are absent, earth and berms with new landscape material shall be installed.

Powers felt the proposed plan would be inadequate. He wants the neighbors to have the screening there now. It is not unreasonable for the neighbors to expect the screening to continue. The current screening would maintain the value of the property. He did not support the application. He was fine with the design plan for the proposed building and variances.

Henry welcomed redevelopment of the Nissan site. The proposal is in line with the character of the neighborhood and adjacent auto dealerships. The Nissan building currently sticks out for being too close to the road. It does not seem to fit with the character of the other dealerships. The building design is good. He agreed that the buffering would not be sufficient on the north side. He favored requiring a berm. He would prefer reducing the proposed impervious surface from 72 percent to 70 percent. He welcomed a negotiation and redesign to provide more of a buffer for the adjacent neighbors, but also be in the economic best interest of the car dealership.

Sewall felt details of the earth and berm part are missing from the proposal. More effort should be made to help mitigate the loss of screening.

Hanson was fine with the sign and setback variances. The minimum requirements have been met, but he would like to add a condition requiring more screening.

Chair Kirk concurred with commissioners. He would prefer the berm to stay, but it would not have to look like it does now to comply with the ordinance.

Chair Kirk asked the applicant if he would prefer to table action on the item. Mr. Grotkin stated that the retaining wall would be an earth-tone color, the trees planted on the north side of the wall would be pine trees, and the building would be dark grey and 20 feet shorter than the BMW building. He was willing to work with the landscaping to screen the retaining wall and building. He would provide a cross section of the rear view.

Mr. Grotkin did not want to delay the project by tabling action. He requested the commission make its recommendation to the city council. Chair Kirk suggested the applicant make additional visual aids for the city council’s review of the application. Mr. Grotkin was happy to work with staff.

**Hanson moved, second by Powers, to recommend that the city council adopt the ordinance approving a master development plan and final site and building plans with a setback variance and a resolution approving a conditional use permit and**
building-to-parking variance and sign plan for Walser Nissan Development at 15906 Wayzata Blvd. with modifications provided in the change memo dated April 25, 2019.

Hanson voted yes. Powers, Sewall, Henry, and Kirk voted no. Knight and Luke were absent. Motion failed.

Powers moved, second by Hanson, to recommend that the city council deny an application for an ordinance approving a master development plan and final site and building plans with a setback variance and a resolution approving a conditional use permit and building-to-parking variance and sign plan for Walser Nissan Development at 15906 Wayzata Blvd. with modifications provided in the change memo dated April 25, 2019.

Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight and Luke were absent. Motion carried.

Chair Kirk noted that this item is tentatively scheduled to be reviewed by the city council on May 6, 2019.

B. Items concerning Highcroft Meadows, a 14-lot residential subdivision at 14410 Orchard Road.

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

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

Hanson liked the pie-graph slide. It provided great information.

In response to Hanson’s question, Thomas referred to the staff report that detailed that of the 49 percent of the lots less than 22,000 square feet in size in Minnetonka, one fourth of those are less than 15,000 square feet in size.

Chair Kirk thought the lots on the west side of Westmark Drive appeared small. They were all at least 11,000 square feet to 13,000 square feet.

Sewall asked what the density would be if the unbuildable area to the north would be excluded from the calculation. Thomas responded 2.85 units per acre which would still be within four units per acre.

Rick Denman, co-owner of Charles Cudd, Co., applicant, stated that:

- The site is a great piece of property. There is a big demand for the villa-style project. There is very little of that type of housing in Minnetonka.
Neighborhood Comments
Received After April 25, 2019
Planning Commission Meeting
Please note my concern about any chances to the buffering (landscape & trees, brush, any change in elevation) to the proposed Walser project.

As a long term resident of the Townes Road area (40 years) I have seen many changes to the 394 PUD area. The biggest by far was the change in elevation and the “Swale” to the car dealerships. The swale meant NO BUFFERING for us at all. It was not evident to us in the plans, not noted in the meetings we attended, and not found out about until we experienced it after the approvals and building.

The mature trees/brush/landscaping and current elevation are critical to our properties.

Please allow NO CHANGES to what exists in elevation and foliage….

We do not have another twenty years for these to grow to maturity. We did this once, and should not be asked to do so again.

The noises and light intrusions are real and concerning. Addressing them in the planning stage is all we can ask; knowing about them from experience is ours to bear and share. And ask that those in the position of recommending and approving/altering please pay attention.

We still have to call every month about the noise from the ‘CAR WASH’ doors open sound intrusions. BMW is fortunately responsive when receiving our call. We still have cars unloading on the frontage road… and this issue is at least THIRTY YEARS old and unresolved. Large trailers back up cars onto the frontage road weekly. Please pay attention to this finally.

Thank you for the opportunity to provide input, and please know I do not oppose Walser’s dealership or operation, I only ask for protection to the surrounding neighborhoods across the wetlands.

With respect,

Linda Koblick
351 Townes Road
Wayzata MN 55391
Review of salient points

Jeffrey M. Koblick
Tue 4/30/2019 9:32 AM
To: Jeffrey M. Koblick <kobcoproducts@hotmail.com>

Jeffrey M. Koblick
351 Townes Rd.
P.O. Box 214
Wayzata, MN 55391
ph/fax: Cell:
e-mail:

SALIENT POINTS

Referring to the City's Master Development Plan (MDP), I have highlighted several points in it that I will try to summarize below.

Page 9... the summation is the intent of the MDP; to MINIMIZE to the GREATEST EXTENT reasonably possible noise and visual impacts.

Then the MDP goes on to set standards within the plan.

The crux of the issue is this MDP intent is not covered in this Walsler proposal.

The Walsler Plan falls far short of the objectives and requirements as set forth in the MDP I-394 Corridor, in landscape and beaming, in setback requirements, in buffering business activities,

By failing to provide the necessary detail for review, in the detailed landscaping plan, in the view analysis for all views of the building, in the elevation drawings for the screening to show how much of the building, lot etc will actually be screened from residential properties adjacent.

At the planning commission meeting, planners used the word minimum — but not MINIMIZE to the GREATEST EXTENT impacts as required in the MDP requirements.

It appeared that the applicant had not read the requirements of the MDP, or it was not followed, or not understood that it pertained to this proposal.

Its importance is tantamount to the neighbors facing these commercial properties. The Comprehensive Guide Plan states objectives relating to this over and over again — Commissioner Powers at the Planning Commission stated that the expectations of long term residential homeowners matters. Enjoying and continuing to enjoy our properties is something the city should protect.

SCREENING is REQUIRED

This was read to Planning Commissioners multiple times, and appeared to cause confusion as to what is required of the proposal.

On Page 22:
Landscape berms, buffers to screen from residential, SHALL be installed with the commencement of construction activity if determined by the city.

The planner combined point 2 and point 3. It read differently than what it does require. The permissive part is on the construction timeframe, not the idea that the buffering of earthen berms and landscaping is conditional.

It is REQUIRED to minimize to the 'greatest extent' reasonably possible noise and visual impacts

—meets the 'minimum' requirements? Needs to meet the Maximum!

-Have to have ramp parking inside the building if the total onsite ... ? (Unsure if this applies but take a look)

-No loud speaker pager systems (we as a neighborhood worked to make that part of the plan, as past uses were negatively affecting us)
-Landscaping and beaming has to shield the service use. All driving around, moving of inventory, going into service bay and car wash has to be protected so we don’t see the retail activity.

Point in the highlighted sections is that the city requires of the proposal that "landscaping and berming" to shield is required, and maximizing it. It is said over and over again in the master development plan. SHALL BE is said repeatedly.

-exterior display of storage consistent with provisions: combination of landscaping and berming to screen views to storage area etc SHALL be provided
(that is a must, not permissive)

-traffic impact studies are required on any development which exceeds 25,000 sq ft. existing which exceeds 10% of the floor. — traffic study?
One concern has always been the loading/unloading of vehicles on the frontage road, when it is required to be in the lot.

-setback is to a maximum of 100’ (MAX) of any street.

VIEW SHED
For all structures exceeding 3 stories, the following may be required: a view shed analysis!
Site sections and building views from ALL sides and from the direction MOST LIKELY To impact nearby properties.
None was provided.
Including elevations, topography and building heights, within 1000 feet.
Why wasn’t one provided in this proposal?

If over 100,000 sq ft building; provide deck or ramp parking. (uncertain if this is applicable; review)

Parking Lot Setbacks Requirement
With surface parking lot setbacks: in NO CASE shall the setback be less than 20 feet. (Review requirement if they request 10’. in NO CASE!)

SCREENING OF PARKING LOTS
page 22.
Parking lots, etc VIEWS from residential neighborhoods are SCREENED.

WETLAND PROTECTIONS
MDP (MASTER DEVELOPMENT PLAN) shall undertake ALL efforts to preserve existing natural features, including wetlands,... trees. ... areas of steep slope conditions.
In cases where natural buffers are absent, earthen berms WITH NEW landscape materials SHALL be installed.
(requirement sub. 214)
Isn’t permissive is required.
Review where removal of a previously required natural buffer comes into play. That appears to go against the requirements of the MDP.

Not less than 6’ or more than 8’ for balled or burlap, not more than 14’ for spayed trees. 'Trees exist. 8' took too long to reach maturity. Removing them would adversely affect the view corridor put in place intentionally in past conditions.

Surface lots SHALL be buffered with surrounding berms and con. tree plantings page 23 SHALL BE. Is removing any part of what was put into place to protect us consistent with the MDP?

MDP SHALL be designed with the attention to the preservation of natural sound buffers.
Berms are natural sound buffers. New sound buffers created by berming and landscaping particularly when residential development is included— Preservation, not removal, of berms and trees is paramount and consistent with MDP.

Detailed landscaping, sign and lighting plans are required. These were not provided. No elevation drawings, no lighting.
Non-conforming concerns of the Wayzata Walser Nissan proposed development

Jeffrey M. Koblick  
Tue 4/30/2019 9:23 AM  
To: Jeffrey M. Koblick <kobco@products@hotmail.com>  

Jeffrey M. Koblick  
351 Townes Rd.  
Wayzata, MN 55391  
ph/fax:... Cell:...  
e-mail:...  

Re: Wayzata Walser Nissan-Proposed development

The Planning Commission heard this proposal on April 25th and members expressed very serious reservations about this Walser Dealership Proposal meeting the requirements of the MDP. As neighbors, we attended, gave input, and we concur with these concerns. We offer our input below, as this proposal comes before the City Council in May 6, 2019. The Ryan representative at the Planning Commission stated, “Time kills all deals.” We offer that time exposes all nonconforming deals, and ask for a more in depth analysis of the Walser Proposal with respect to the City’s Master Development Plan and Comprehensive Guide Plan. (MDP, CGP).

Concerns Regarding the Walser Dealership Proposal

Referring to the City’s Master Development Plan (MDP), highlighted are several points in it relating to the Walser Proposal, as summarized below. All lead to the crux of the issue with this Water Proposal: the MDP intent is not met with this Walser Proposal.

MINIMIZING IMPACTS TO NEIGHBORS

On Page 9... the summation, which gets us to the intent of the MDP requirements; is to MINIMIZE to the GREATEST EXTENT reasonably possible noise and visual impacts...to the residential properties adjacent to the dealership parcel.

The MDP states this in summation, and then goes on to set standards within the plan.

The Walser Plan falls far short of the objectives and requirements as set forth in the MDP I-394 Corridor, particularly in landscape and berming, in setback requirements, in buffering business activities. By failing to provide the necessary detail for review, in the detailed landscaping plan, in the view analysis for all views of the building, in the elevation drawings for the screening to show how much of the building, lot etc will actually be screened from residential properties adjacent.

At the Planning Commission meeting, planners used the word minimum —but not MINIMIZE to the GREATEST EXTENT impacts as required in the MDP requirements. It appeared that the applicant had not read the requirements of the MDP, or it was not followed, or not understood that it pertained to this proposal. Its importance is tantamount to the neighbors facing these commercial properties.

The Comprehensive Guide Plan states objectives relating to this over and over again.

Commissioner Powers at the Planning Commission stated that the expectations of long term residential homeowners matter. Enjoying and continuing to enjoy our properties is an objective the city protects, and recognizes through the Comprehensive Guide Plan.
SCREENING is REQUIRED

As read to Planning Commissioners multiple times by the City Planner, these words on Page 22 of the MDP appeared to cause confusion as to what is required of the Walser Proposal.

"Landscape berms, buffers to screen from residential, SHALL be installed with the commencement of construction activity if determined by the city."

The planner combined point 2 and point 3. The permissive part is on the construction timeframe, not the idea that the buffering of earthen berms and landscaping is conditional.

These buffering elements are REQUIRED to minimize to the 'greatest extent' reasonably possible noise and visual impacts.

SCREENING MUST BE EFFECTIVE

The planner stated that the Walser Proposal meets the 'minimum' requirements? To meet the MDP, the Walser Proposal needs to meet the Maximum!

An example of past dealership screening issues was loud speaker sound intrusions. The MDP states specifically a prohibition on loud speaker pager systems. We as a neighborhood worked to make that part of the plan approvals, as past uses were negatively affecting the quiet use and enjoyment of our residential properties. This is salient, as past proposals that went forth had requirements we relied upon. To pull back on those now would be serious concerns.

-Landscaping and beaming has to shield the service use.
All driving around, moving of inventory, going into service bay and car wash requires screening to adjacent residential areas.

Pointed out in the highlighted sections is that the city requires of the proposal that .."landscaping and berming" to shield is required, and maximizing it, not minimizing it. Screening and shielding is stated over and over again in the MDP. SHALL BE is stated repeatedly. It is our contention that this Walser Proposal should be held to these standards and requirements.

-Exterior display of storage consistent with provisions: combination of landscaping and berming to screen views to storage area etc SHALL be provided
(that is a must, not permissive).

SCREENING OF PARKING LOTS

page 22.
Parking lots, etc VIEWS from residential neighborhoods are SCREENED.

TRAFFIC STUDIES

-Traffic impact studies are required on any development which exceeds 25,000 sq ft. existing which exceeds 10% of the floor. — A traffic study?

One concern has always been the loading/unloading of vehicles on the frontage road, when it is required to be in the lot.

SETBACK REQUIREMENTS

Setbacks are required.
-Setback is to a maximum of 100' (MAX) of any street.
Parking Lot Setbacks Requirement
With surface parking lot setbacks: in NO CASE shall the setback be less than 20 feet. (Review requirement if they request 10’. in NO CASE!)

VIEW SHED
For all structures exceeding 3 stories, the following may be required: a view shed analysis!
Site sections and building views from ALL sides and from the direction MOST LIKELY To impact nearby properties.
None was provided.
Including elevations, topography and building heights, within 1000 feet.
Why wasn’t one provided in this proposal?

WETLAND PROTECTIONS
MDP (MASTER DEVELOPMENT PLAN) shall undertake ALL efforts to preserve existing natural features, including wetlands... trees ... areas of steep slope conditions.
In cases where natural buffers are absent, earthen berms WITH NEW landscape materials SHALL be installed.
(requirement sub. 214)
Isn’t permissive is required.
Review where removal of a previously required natural buffer comes into play. That appears to go against the requirements of the MDP.

Not less than 6’ or more than 8’ for balled or burlap, not more than 14’ for spayed trees. Trees exist. 8’ took too long to reach maturity. Removing them would adversely affect the view corridor put in place intentionally in past conditions.

Surface lots SHALL be buffered with surrounding berms and con. tree plantings page 23 SHALL BE. Is removing any part of what was put into place to protect us consistent with the MDP?

MDP SHALL be designed with the attention to the preservation of natural sound buffers.
Berms are natural sound buffers. New sound buffers created by berming and landscaping particularly when residential development is included— Preservation, not removal, of berms and trees is paramount and consistent with MDP.

Detailed landscaping, sign and lighting plans are required. These were not provided. No elevation drawings, no lighting.
SECTION 300.02. DEFINITIONS.

14. "Buffer" - the use of land, topography, open space or landscaping to separate a use of property from another adjacent or nearby use.

Purpose.

The purpose of the planned I-394 district is to establish a comprehensive, planned framework for development within the I-394 corridor. The city has determined that it is in the best interest of the city and the region to responsibly manage corridor growth. Specific development goals within the I-394 corridor include the following:

c) Protection of the natural environment, including areas of steep slopes, mature trees, floodplain/wetlands, open space and drainage;

d) Promotion of neighborhood stability and protection of property values through the use of buffers between land uses of different intensity;

SECTION 300.31. PLANNED I-394 DISTRICT.

7. Design Standards.

b) Landscaping: in addition to the landscape plan requirements contained in section 300.27, subd. 14, the following requirements shall be met:

1) Master development plans shall undertake all efforts to preserve existing natural features including wetlands/floodplain, trees and areas of steep slope conditions.

2) All development other than single family residential development shall be buffered from nearby single family neighborhoods. Buffering may be accomplished through the preservation of existing slopes and trees. In cases where natural buffers are absent, earthen berms with new landscape materials shall be installed.

3) Landscape berms and buffers intended to screen development projects from single family residential areas shall be installed with the commencement of construction activity if determined appropriate by the city. [Bred--Staff at PC incorrectly stated this provision allows the City the authority to decide an applicant need not have berms and buffers. The language reads the opposite. It gives the City more control over applicants and reads that the City may require to be installed "with the commencement of construction activity"--to buffer the visual and sound impact during construction--rather than after berms and buffers after construction which is when landscaping typically is installed].

4) A minimum landscape plan investment of 2 percent of total project value is required.

5) All new landscape trees and shrubs must meet the American Standard for Nursery Stock and American National Standard relating to planting guidelines, quality of stock and appropriate sizing of the root ball. Landscape trees must be bailed and burlapped or moved from the growing site by tree spade. Deciduous trees will be not less than two inches but not more than four inches caliper for bailed and burlapped trees, and not less than four inches but not more than eight inches caliper for spade-moved trees. Coniferous trees will not be less than six feet in height but no more than eight feet for bailed and burlapped trees, and not less than eight feet in height but not more than fourteen feet for spade-moved coniferous trees.
The city may allow larger balled and burlapped or spade moved trees if these trees are accompanied with a three year guarantee.

6) Surface parking lots shall be buffered with surrounding berms and coniferous tree plantings.

7) Enhancement of the I-394 frontage shall be achieved by a mixture of a variety of species and sizes of boulevard plantings.

5) Noise: noise levels originating in the I-394 system require design sensitivity and mitigative measures. Master development plans shall be designed with attention to the following:
   a. preservation of natural sound buffers;
   b. installation of new sound buffers created by berming and landscaping, particularly when residential development is included;
   c. siting of non-residential buildings to function as sound barriers; and
   d. exterior public address or speaker systems are not permitted, unless specifically allowed for certain uses by this section.
Another comment to add to the record for next meeting.

-----Original Message-----
From: Geralyn Barone <gbarone@eminnetonka.com>
Sent: Monday, May 6, 2019 4:23 PM
To: Julie Wischnack <jwischnack@eminnetonka.com>; Loren Gordon <lgordon@eminnetonka.com>
Subject: FW: Monday May 6 agenda item, Walser Proposal for the Nissan Site

FYI - from last week.

-----Original Message-----
From: Linda Koblick <lindak@eminnetonka.com>
Sent: Friday, May 03, 2019 12:57 PM
To: Rebecca Schack <rschack@eminnetonka.com>
Cc: Geralyn Barone <gbarone@eminnetonka.com>; Perry Vetter <pvetter@eminnetonka.com>
Subject: Re: Monday May 6 agenda item, Walser Proposal for the Nissan Site

Thank you very much for your consideration.

The elevations/berming for screening are our biggest concerns… if the elevation of anything current raises, the relative height of the berm and new trees (prefer to keep the old!) needs to in order to be effective.

Regards,

Linda Koblick

> On May 3, 2019, at 11:08 AM, Rebecca Schack <rschack@eminnetonka.com> wrote:
> 
> > Ms. Koblick,
> > Thank you for your input. I will take your comments and concerns to heart as this project comes before us.
> > I can assure you that I have watched the full Planning Commission meeting and will take their recommendation into consideration in making my decision.
> > Sincerely,
> > Rebecca Schack
> > Council Member - Ward 2
> > Minnetonka City Council
> >
> >> On May 2, 2019, at 7:16 PM, Linda Koblick <lindak@eminnetonka.com> wrote:
> >>
> >> >> Hello Ms. Schack,
> >> >> I write you about the Walser proposal on Monday’s agenda. I see the packets are already out, and staff is recommending approval.
> >> >> The Planning Commission did not. There are strong reasons for this. I would ask that you please read through the input and if I can offer additional comment to help you understand why this should not proceed as proposed, I would appreciate the opportunity.
Thank you.

Linda Koblick
351 Townes Road

(directly behind to the south of the project)
An ordinance approving a master development plan and final site and building plans, with a variance, to demolish and construct a new auto use building at 15906 Wayzata Blvd

The City Of Minnetonka Ordains:

Section 1. Background

1.01 On June 28, 1999, the city council adopted Ordinance No. 99-18. The ordinance amended a master development plan, and approved the final site and building plans, for the Wayzata Nissan at 15906 Wayzata Blvd.

1.02 The subject property is legally described as:

    Section 3, Township 117, Range 22, West 356 feet of Southwest ¼ of Southwest ¼
    Except Road

Section 2.

2.01 Jack Grotkin (R.J. Ryan Construction), on behalf of Walser Nissan-Wayzata, is proposing to demolish the existing building and construct a new car dealership building on the site.

2.02 To facilitate this redevelopment, this ordinance hereby repeals and replaces Ordinance No. 99-18 and approves a new master development plan and final site and building plans. Approval includes the following variances:

1. East and West parking lot setbacks from 20 feet to 10 feet. (City Code §300.31(7)(a)(5)(b)).

Section 3.

3.01 City Code §300.27 Subd.5 outlines the site and building plan standards. These standards are incorporated by reference into this resolution.

3.02 City Code §300.07 Subd.1 outlines variance standards. These standards are incorporated by reference into this resolution.
Section 4.

4.01 This ordinance approval is based on the following findings:

1. The proposal would meet the site and building plan standards outlined in City Code §300.27 Subd.5 as:

   a) The proposal would replace an existing auto dealership with a new auto dealership building, which is consistent with the site's commercial land use designation. Further, the proposal has been reviewed by city planning, public works, engineering, and natural resources staff and found to be generally consistent with the city's development guides, including the water resources management plan.

   b) The proposal requires variances from the zoning ordinance standards. As outlined in Section 4.01 of this resolution and within the Resolution 2019-___, the proposal requests meet the variance standards.

   c) As proposed, the grade of the existing parking lot and building area would be raised. This area currently consists of the existing building pad, asphalt, and turf grass. While grade changes in this area would visually alter the site, the work would not significantly impact any natural areas. In addition, the applicant has proposed earthwork in the rear of the site to create the proposed filtration basin. The filtration basin area would take advantage of an existing depression to limit the grading needed for stormwater.

   d) The Wayzata Blvd. corridor is currently developed, so future changes to the area should look to enhance views from the corridor and buffer views from new construction. The existing dealership building is only 64 feet from the Wayzata Blvd. curb. Both of the adjacent buildings are located over 270 feet from Wayzata Blvd. As proposed, the new building would be moved back approximately 215 feet. This movement will create a more consistent building line within the Wayzata Blvd corridor.

      Currently, there are a few plantings along the east and west property lines and on the west side of the subject building. However, the proposed landscaping plan would add significant tree buffering along the front of the property and within the parking lot that will create a visually pleasing view from Wayzata Blvd. The applicant has also proposed to keep the existing berm and trees on the rear side of the property, buffering views of the building and parking lot from residential properties to the north.

   e) In comparison to the existing site, the proposal would enhance onsite vehicle circulation with a more orderly layout of parking for visitors. The proposal also addresses protections of adjacent and neighboring properties through reasonable provisions. The proposed site would mitigate runoff on site, using a filtration basin in the rear of the property.
Additionally, the proposal would buffer views of the proposed structure through landscaping along Wayzata Blvd., the rear of the parking lot, and neighboring property lines. The rear of the building and parking lot would also be buffered from the northern residential properties by the existing berm and vegetation on the berm.

2. The parking lot setback proposal would meet the required standards for a variance as:

   a) The proposal and resulting variance request would meet the intent of the city’s zoning ordinance. The intent of the ordinance, as it pertains to parking lot setbacks, is to ensure an appropriate separation between structures and parking lots. The proposed 10-foot setback would be consistent with several nearby properties, which also have reduced parking lot setbacks.

   b) The proposal would be consistent with the city’s comprehensive plan. The subject property is guided for commercial, and a parking lot setback variance would not create an inconsistency with the comprehensive plan.

   c) There are practical difficulties in complying with the 20-foot parking lot setback ordinance.

      1) The request for a 10-foot parking lot setback is reasonable as the existing site has an 18-foot parking lot setback to the east and a 0-foot setback on the west. The proposed setbacks would shift the parking lot footprint to the east to make an even setback distance on both sides of the property. The combined side yard setback would expand by 2 feet.

      2) There are three other properties along Wayzata Blvd. that have non-conforming parking lot setbacks. If approved, the subject parking lot would not alter the essential character of the locality.

Section 5. Approval

5.01 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans unless modified by the conditions within Resolution 2019-___:

   • Title sheets dated May 9, 2019
   • Site plan dated May 10, 2019.
   • Grading, Drainage, and Erosion Control Plan dated May 10, 2019.
   • Landscaping Plan Trees dated May 9, 2019.
   • Landscape Plan Shrubs dated May 10, 2019.
   • Building elevations dated May 9, 2019.
   • Utility plan dated May 10, 2019.
• Visual Study dated June 5, 2019.

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

2. The approval of this ordinance is subject to the conditions outlined in Resolution 2019-______.

3. A copy of the ordinance must be recorded at Hennepin County.

Section 6. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 7. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on June 24, 2019.

______________________________  
Brad Wiersum, Mayor

ATTEST:

______________________________  
Becky Koosman, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction:  Mar. 18, 2019  
Date of adoption:  
Motion for adoption:  
Seconded by:  
Voted in favor of:  
Voted against:  
Abstained:  

SEAL
Resolution 2019-

A resolution approving an amendment to an existing conditional use permit, with a variance, and a sign plan at 15906 Wayzata Blvd.

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. BACKGROUND.

1.01 R.J. Ryan Construction, Inc. is requesting an amendment to its existing conditional use permit for exterior display, sales, and storage associated with an automobile dealership. Approval includes the following variance:

- On-site parking-to-building ratio from one space for every 200 square feet to 1.5 spaces for every 200 square feet.

1.02 The applicant is also requesting a sign plan to permit four signs on a single elevation. City Code only permits one sign per elevation. (City Code §325.06 (2)(a)(1)).

1.03 The subject property covered by this approval is located at 15906 Wayzata Blvd. and is legally described as:

Section 3, Township 117, Range 22, West 356 feet of Southwest ¼ of Southwest ¼ Except Road

1.04 On April 25, 2019, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council deny the resolution.

1.05 The applicant revised their proposal based on the comments provided by the planning commission at the April 25, 2019 meeting. The altered plan was presented to the city council at the May 20, 2019 meeting.

Section 2. Standards.

2.01 General Conditional Use Permit Standards. City Code Section 300.31, Subdivision 4, lists the following general standards that must be met for granting of a conditional use permit:
1. The use met the specific standards as outlined in the code.

2. The use is in the best interest of the city.

3. The use is compatible with other nearby uses.

4. The use is consistent with other requirements of the ordinance.

2.02 Specific Conditional Use Permit Standards. City Code Section 300.31, Subd.4 further lists the following specific standards that must be met for granting of the permit:

1. The parcel is located within the I-394 redevelopment overlay district No. 6 or No. 7.

2. All inventory and display vehicles located outside of a building or structure must be at finish grade level. No jack stands, risers or other mechanisms may be used to elevate any vehicle for display purpose.

3. Class II motor vehicle sales (used car sales) are allowed only as an accessory part of the new car sales.

4. The sale of vehicles may occur during the times and days allowed by state law.

5. Vehicles must not be displayed in any yard area, drive aisle, or fire lane.

6. The overall hard surface coverage must not exceed 70%, and floor area ratios must not exceed 0.6 except that the hard surface coverage may extend to 80% with innovative stormwater management methods and treatment measures subject to approval by the city engineer.

7. The architectural and site standards must comply with section 300.31 Subd.7(a).

8. The landscaping must comply with Section 300.31 Subd.7(b) and must contain a wall, berm or other feature that is constructed for long term durability when adjacent to the residentially zoned property to minimize to the greatest extent reasonably possible, noise and visual impacts.

9. Parking lot and site security lighting must comply with section 300.31 Subd.7(c) and in addition, the following requirements:

   a) Maximum of 450 watts per fixture.

   b) Maximum height of light standards is 30 feet in outdoor display areas as defined in 300.31 Subd. (4)(a)(3)(b) and 25 feet in all other outdoor areas.
c) Maximum of 1 watt per square foot surface parking area.

d) The lighting plan shall be designed to have 0.0 foot-candles at residential property lines with the understanding that ambient light from other sources may spill on the property and influence actual on-site measurements.

10. Parking requirements must comply with one of the following:

a) fifty percent of the total on-site parking spaces must be in a structured parking ramp, or

b) if the city deems appropriate, surface parking without a ramp under the following conditions:

1) total on-site parking must not exceed one parking space for every 200 square feet of building area, and

2) submittal of a plan that adequately screens 50% of the total parking spaces from public view.

11. Vehicles parked within a parking structure must be screened from view from surrounding residential uses.

12. The customer parking spaces must be clearly signed and may not be used at any time for inventory vehicle parking.

13. All pick-ups and drop-offs of vehicles must occur on site and off public streets.

14. All loading and unloading of vehicles must occur on site and off public streets.

15. Customer testing of vehicles may occur only on non-residential streets and only with a store employee.

16. No loudspeaker paging system may be used.

17. All rooftop equipment must be fully screened from ground level view of adjacent properties.

18. All signs must be consistent with this code.

19. Poured-in-place concrete curbs must be constructed and maintained on the perimeter of parking lots and traffic islands.

20. All trash and recyclable materials must be screened from public view.
2.03 Variance Standard. 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 mean: (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 Sign Plan Standards. By City Code §325.05 Subd.5, a sign plan to allow signage with different requirements than the sign ordinance can be approved by the city. The factors are considered:

1. The site is currently non-conforming with the number of signs on the south elevation.
2. The subject building would be moved further away from Wayzata Blvd., decreasing the business' visibility.
3. The site is located in an area with other car dealers that have multiple signs on a single elevation.
4. The proposed wall signage would not exceed 150 square feet on a single elevation, matching the city code requirements.
5. The sign plan includes permanent sign covenants, which can be enforced by the city.

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards.

3.02 The subject request meets the specific conditional use permit requirements with the exception of requirements 9 and 10:

1. The parcel is located within the I-394 redevelopment overlay district No. 6.
2. All proposed inventory and display vehicles located outside of a building or structure are at finish grade level. The applicant has not proposed jack stands, risers or other mechanisms may be used to elevate any vehicle for display purpose.
3. The applicant has stated that less than 50 percent of sales are used vehicles.
4. The applicant has not proposed hours of operation outside of those allowed by state law.
5. The applicant has not proposed any vehicle displays within the yard areas, drive aisles or fire lanes.

6. The proposed impervious surface would be just under 70%, and the floor area ratio would be 0.18.

7. The architectural and site standards comply with section 300.31 Subd.7(a).

8. The landscaping complies with Section 300.31 Subd.7(b). The site will preserve the top portion of the berm and trees on the berm. The berm and proposed tree plan will reasonably minimize possible noise and visual impacts from neighboring properties located approximately 700 feet from the proposed site.

9. Parking lot and site security lighting does not comply with section 300.31 Subd.7(c) or the specific light standards stated within the CUP requirements. However, staff has provided a condition of approval within Section 4 that requires a lighting plan be submitted prior to the release of the building permit.

10. The applicant has proposed a surface parking lot without a ramp. The proposed on-site parking-to-building ratio exceeds one space for every 200 square feet. Per the subject plan, the applicant has proposed 1.5 spaces for every 200 square feet. The applicant has requested a variance from this requirement. Findings for this request can be found in Section 3.03.

In addition, the proposed plan screens just under 50% of the proposed parking spaces. Staff has provided a condition of approval requiring a revised parking and landscaping plan to screen three additional vehicles, which would bring the site plan up to required 50% screening of vehicles.

11. The applicant has not proposed a parking structure.

12. This has been added as a condition of approval.

13. This has been added as a condition of approval.

14. This has been added as a condition of approval.

15. This has been added as a condition of approval.

16. This has been added as a condition of approval.

17. This has been added as a condition of approval.

18. A sign plan has been approved with this request. The proposed signage
must be compliant with this sign plan.

19. This has been added as a condition of approval.

20. This has been added as a condition of approval.

3.03 The proposed parking-to-building square footage ratio would meet the required standards for a variance as:

1. The proposal and resulting variance request would meet the intent of the city’s zoning ordinance. The intent of the ordinance, as it pertains to the parking lot to building ratios, is to ensure that the parking lots are sized appropriately proportional to the building they are associated with. The proposal would reduce the parking ratio and would reduce the total number of parking stalls on the site, thus bringing the property closer to conformance with the ordinance.

2. The proposal would be consistent with the city’s comprehensive plan. The subject property is guided for commercial, and a parking-to-building ratio variance would not create an inconsistency.

3. There are practical difficulties in complying with the parking lot to building square footage ratio requirement.

a) The request is reasonable as the proposed parking lot would increase driver safety. The current lot has several drive aisles that are less than 26 feet wide and are extremely long, with no turning options. All of the drive aisles in the proposed plan would be at least 26 feet in width, and the proposed parking lot creates a more logical driving path, with shorter aisles and landscaping islands.

b) The variance request is caused by circumstances unique to the property. Specifically, the subject site is currently non-conforming. It has approximately 407 parking spaces and a parking-to-building ratio of 2.4 spaces to every 200 square feet of building space. The proposal reduces the total number of parking spaces to 329 with the proposed plan, resulting in 1.5 spaces to every 200 square feet of building space. The proposal would bring the subject property closer to compliance with the parking-to-building square footage ratio.

c. If approved, the proposed project would not alter the essential character of the neighborhood. The immediate area is characterized by auto dealerships with large parking lots. The proposal reduces total on-site parking by 78 parking spaces.

3.04 The proposed sign plan is reasonable, as:

1. The subject site currently has a non-conforming number of signs on the
front elevation of the building. The site has three signs on one elevation and a fourth sign that faces Wayzata Blvd. Approving the proposed sign plan would move an existing rear elevation sign, which faces Wayzata Blvd, to the south elevation of the building.

2. The sign plan would not permit more signage area than would be permitted by city code. Instead, it will only permit a greater number of signs.

3. If approved, the sign plan would not alter the essential character of the neighborhood, as the existing area has several dealership buildings with multiple signs on a single elevation.

Section 4. City Council Approval.

4.01 The city council hereby approves the proposal. 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 plans, except as modified by the conditions below:
   - Title sheets dated May 9, 2019
   - Site plan dated May 10, 2019.
   - Landscaping Plan Trees dated May 9, 2019.
   - Building elevations dated May 9, 2019.

2. Prior to issuance of a building permit:
   a) Schedule and hold a pre-construction meeting with building, engineering, planning, and natural resources staff.
   b) Pay any outstanding property taxes.
   c) Submit revised plans that preserve a berm that is least 5-foot tall on the north side of the property. The revised plans should include:
      1) Grading Drainage and Erosion Control Plan
      2) Landscaping Plan Trees
      3) Landscaping Plan Shrubs; and
      4) Utility Plan.
d) Submit the following:

1) A proposed survey that limits impervious surface to 70 percent. This calculation shall exclude wetland areas from the total lot area.

2) A revised lighting plan for staff review and approval. The lighting plan must comply with section 300.31(7)(c) and in addition, the following requirements:
   1) Maximum of 450 watts per fixture.
   2) Maximum height of light standards is 30 feet in outdoor display areas as defined in 300.31 (4)(a)(3)(b) and 25 feet in all other outdoor areas.
   3) Maximum of 1 watt per square foot surface parking area.
   4) The lighting plan shall be designed to have 0.0 foot-candles at residential property lines with the understanding that ambient light from other sources may spill on the property and influence actual on-site measurements.

3) Final stormwater management is required for the entire site’s impervious surface. The plan must demonstrate conformance with the following criteria:
   a. Rate: limit peak runoff flow rates to that of existing conditions from the 2, 10, and 100-year events at all points where stormwater leaves the site.
   b. Volume: provide for onsite retention of 1-inch of runoff from the entire site’s impervious surface.
   c. Quality: provide for runoff to be treated to at least 60 percent total phosphorus annual removal efficiency and 90-percent total suspended solid annual removal efficiency.

4) A final landscape plan. The plan must:
   a. Meet minimum landscaping and mitigation requirements as outlined in the city ordinance. This plan must include information related to species, sizes, quantities, locations, and landscape values. It must also include pollinator-friendly species. Note,
only small shrubs, perennials, and grasses may be located in public easements.

b. Include vegetative screening north of the parking lot. Deer guards must be provided on all deciduous trees.

5) A tree mitigation plan. The plan must meet mitigation requirements as outlined in the city ordinance. However, at the sole discretion of staff, mitigation may be decreased.

6) Salt/chloride management and snow removal plans, for staff review and approval, to ensure protection and survival of the plantings and protection of the wetland and wetland buffer areas.

7) A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance. The management plan must be accompanied by a cash escrow, in the amount of $2,000, and a waiver document prepared by the city attorney and signed by the applicant. Through this document the applicant will acknowledge: (1) the property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and (2) if compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

8) An MPCA NPDES permit.

9) An MDH permit for the proposed water main or documentation that a permit is not required.

10) Truck turning exhibit. The exhibit must use the templates for the city’s largest fire truck and illustrate that the truck can maneuver through the site. Note: fire lanes must be designated on the plans submitted for building permit review. These lanes must be acceptable to the fire marshal.

11) A building materials board to city staff for review and approval.

12) The following legal documents:

   a. Drainage and utility easements over wetlands, floodplains, and stormwater management facilities.
b. A conservation easement of the required 25-foot wetland buffer. The easement must be fully executed before issuing the permit. Note: the wetland buffer area must be fully established with native vegetation prior to full release of any landscaping securities, which may require the use of a restoration contractor if established by seed.

c. A stormwater maintenance agreement in a city-approved format for review and approval of city staff.

d. A private hydrant maintenance agreement in a city-approved format for review and approval by city staff.

e. A private access agreement from the neighboring property is allowing the driveway to cross their property. Note: if no access agreement existing or can be achieved, the western access must be straightened to be perpendicular with the extended property line.

13) Escrow money to cover the costs to demolish the existing building. This amount will be determined by staff. Grading cash escrow in the amount of $2,000.

14) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct street and utility improvements, comply with grading permit, wetland restoration, tree requirements and to restore the site. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the streets and utilities have been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.

15) Submit a revised parking and landscaping plan that demonstrates the parking will be 50% screened.

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

f) No wetland impacts are allowed, and all proposed work must meet
wetland setbacks. The silt fence, outlet pipe, rip-rap (or other dissipation devices), and all grading, filling or other work must be located outside the wetland.

g) Any utility work within the right-of-way requires a right-of-way permit.

h) A grading permit is required if the applicant elects to complete grading work prior to issuance of a building permit.

3. Customer parking spaces must be designated on plans submitted for building permit review.

4. All inventory and display vehicles located outside of a building or structure must be at finish grade level. No jack stands, risers, or other mechanisms may be used to elevate any vehicle for display purpose;

5. Class II motor vehicle sales (used car sales) are allowed only as an accessory part of the new car sales.

6. The sale of vehicles may occur during the times and days allowed by state law.

7. At no time may vehicles be displayed in any yard area, drive aisle, or fire lane.

8. The customer parking spaces must be clearly signed and may not be used at any time for inventory vehicle parking.

9. All pickups and drop-offs of vehicles must occur on site and off public streets.

10. All loading and unloading of vehicles must occur on site and off public streets.

11. Customer testing of vehicles may occur only on non-residential streets and only with a store employee.

12. No loudspeaker paging system may be used.

13. All rooftop equipment must be fully screened from ground level view of adjacent properties.

14. All signs must be consistent with this code or the approved sign plan.

a) Four signs are permitted on the south elevation. The total signage on the south facing wall is limited to 150 square feet or 10 percent of the wall face, whichever is less.
b) Sign permits are required for each new sign.

15. All trash and recyclable materials must be screened from public view.

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

17. Poured-in-place concrete curbs must be constructed and maintained on the perimeter of parking lots and traffic islands.

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

19. Submit a revised grading plan to reflect the elevations and conditions shown in the Visual Study dated June 5, 2019.

20. The landscaping plan for the berm will be constructed as shown in the grading and landscaping plans dated May 10, 2019.

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

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

 Adopted by the city council of the City of Minnetonka, Minnesota, on June 24, 2019.

Brad Wiersum, Mayor

ATTEST:

Becky Koosman, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: Mar. 18, 2019
Date of adoption: Mar. 18, 2019
Motion for adoption: 
Seconded by: 
Voted in favor of:
Voted against:
Abstained:

SEAL
Minnetonka Planning Commission Meeting
June 13, 2019

Agenda Item 9

Other Business
Concept plan review for Newport Midwest at 10400, 10500 and 10550 Bren Road East.

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

In 2018, the city approved a master development plan and final site and building plans for The Mariner. The 249-unit apartment project would be comprised of two buildings. The westerly building would contain market rate units, and the easterly building would be comprised of workforce units. The buildings would be physically connected by shared common and amenity spaces. To date, neither grading nor building permits have been issued for the project.

<table>
<thead>
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<th>West Building (market rate units)</th>
<th>East Building (workforce units)</th>
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<tr>
<td>Studio</td>
<td>17</td>
<td>-</td>
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<tr>
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The approved Mariner project received federal tax credits and city tax increment pooling dollars. However, additional investors are also needed to finance the project. The property owner recently contacted city staff and indicated that the physical connection of the market rate and workforce housing buildings has significantly reduced the number of potential investors.

The tax credits awarded to the project require that the workforce housing building be constructed and occupied by year-end 2020. It is staff's opinion that, even with full financing and a very aggressive construction schedule, a 2020 occupancy would be unlikely. Nevertheless, the property owners have presented a new, phased concept for redevelopment of the site to make use of the tax credits. The plan contemplates: (1) physically separating the market rate and workforce housing; (2) repositioning the market rate housing on the east side of the site and the workforce housing on the west side; and (3) constructing the workforce housing as Phase 1 with market-rate housing constructed as Phase 2 sometime in the future.

Financing considerations are not within the purview of the planning commission. Instead, the commission’s role is to evaluate land use in light of the city’s development guides – including
the comprehensive plan and zoning ordinance. City staff has identified the following considerations for the concept plan:

- **Phasing – Density:** The concept plan suggests the construction of a “small-ish” 55-unit building 700 feet from the Southwest Light Rail Transit Opus Station in the short-term. While the property owner plans to construct a larger market-rate building in the future as phase 2, no specifics about such construction have been provided nor can such plans be guaranteed. Comments regarding Phase 1 density – particularly as the site relates to the Opus Station – would be appropriate.

- **Phasing – Site Design:** The proposed site plan shows two buildings, constructed in two phases. Access to the larger site would be provided from Bren Road East and a common private driveway at the east property line. Comments related to the physical relationship between the two phases would be appropriate.

**Review Process**

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

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

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

**Staff Recommendation**

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

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner
Next Steps

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

Roles and Responsibilities

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

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

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

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

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

Project: Mariner
Address: 10400, 10500 & 10550 Bren Rd E
2018 APPROVAL
2019 CONCEPT
Becky Landon  
Newport Midwest  
475 Cleveland Avenue North, STE 303  
St. Paul, MN 55104

May 29th, 2019

Julie Wischnack  
City of Minnetonka  
14600 Minnetonka BLVD, MN 55345  
Minnetonka, MN 55345

RE: The Mariner Affordable

Dear Ms. Wischnack:

It has been a pleasure to work with the City of Minnetonka staff and elected officials on The Mariner. As I have shared with you, our attempts to bring the financing for the Mariner market rate building are not coming together within the time frame we had hoped for. At this point, the schedule is jeopardizing the 9% LIHTC requirement for the affordable building to be constructed and occupied by year-end 2020.

We propose adjusting our site plan so that the affordable building moves to the west side of the site, along the SWLRT. Attached you will find that site plan, along with renderings of the building. Please note the following:

- Moving the building to the west side of the site provides the highest level of marketability for the eastern portion, to allow for future phased development.

- The building layout has not changed, other than adjusting the common spaces so that we have main entries facing east, as well as opening towards the Opus Station. In fact, this site plan offers a better, more eye-catching connection to the Opus Station.

- The unit mix, building size, and exterior materials have not changed.

- This plan allows for more efficient parking.

- The building and amenities are outside of the City and SWLRT easements.

- The Development Team (ownership, architectural, engineering and general contractor) have evaluated the new site plan to fit within the parameters and development goals that were given to us for the previous design. You will note that this site plan provides robust connectivity to the trail system as well as the light rail station and is situated within the agreed upon easements.

Although our focus over the next few months will be on the financial closing and construction start for the affordable building, we are continuing to work on the second phase of development, as well. We are exploring debt execution options that could include some additional affordability at the site, as well as continuing our conversations with potential market-rate investors. We look forward to executing on the
The equity fundraising for the market-rate building of the original plan was an extensive and exhaustive process. Working with Collier’s, the market rate offering package was emailed to almost 5300 potential investors in their database. 99 of those showed interest and asked question to learn more, and 25 groups toured the site. Consistently, the feedback was that 1) The site is not urban enough (lacking walkable amenities, no grocer nearby, etc.); 2) the project design included physical connection to the affordable-building, which opened up a potential for unknown risk that was difficult to measure; 3) the market in the Opus Business Park is still somewhat untested — although there are several projects proposed, there is not strong data to support the demand and project achievable market rents.

Collier’s has suggested that given more time, the ideal market-rate investor is likely out there for this project. Specifically as the following thresholds are met, the project’s feasibility and risk-factors will become more clear:

- The potential addition of a grocery store with within the business park (creating a true 24 hour community)
- Construction start and completion of the Southwest Lightrail
- Historic data on lease-up and achieved, stabilized, rents of nearby market-rate developments (i.e. The Rize)
- Untethering the two buildings from one another both financially and physically

The new site plan achieves the goal of untethering the two buildings. That said, we still intend for the two buildings to look and feel like one apartment complex, with an operating easement agreement for shared amenities.

Please share this letter along with the attached site plan and renderings with the Planning Commission. We look forward to presenting the revised proposal for conceptual review to the Commission at the June 13th meeting. We are committed to creating a vibrant and diverse community at this site and will continue to work with you and your staff to achieve this goal.

Thank you,

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Enclosure

cc: Mayor Brad Wiersum; Councilmember Bob Ellingson; Loren Gordon; Alisha Gray