Planning Commission Agenda

Sept. 5, 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: Aug. 15, 2019

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   A. Variances for a garage addition at 11820 Karen Lane.

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

      • Final Decision, subject to appeal
      • Project Planner: Drew Ingvalson

   B. Conditional use permit for an accessory apartment at 5304 Westmill Road.

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

      • Recommendation to City Council (Sept. 16, 2019)
      • Project Planner: Drew Ingvalson

   C. Conditional use permit for an expanded medical clinic at 12301 Whitewater Drive.

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

      • Recommendation to City Council (Sept. 16, 2019)
      • Project Planner: Susan Thomas

8. Public Hearings: Non-Consent Agenda Items
A. Conditional use permit for an accessory apartment at 13052 Stanton Drive.
   Recommendation: Recommend the city council approve the proposal (4 votes)
   • Recommendation to City Council (Sept. 16, 2019)
   • Project Planner: Ashley Cauley

B. Amendment to the Minnetonka Corporate Center sign plan at 5900 Clearwater Drive.
   Recommendation: Adopt the resolution approving the proposal (5 votes)
   • Final Decision, subject to appeal
   • Project Planner: Susan Thomas

C. Amendment to the West Ridge Market sign plan at 11390 Wayzata Blvd.
   Recommendation: Adopt the resolution approving the proposal (5 votes)
   • Final Decision, subject to appeal
   • Project Planner: Ashley Cauley

D. Amendment to the 7-Hi Center sign plan at 11790 Hwy 7.
   Recommendation: Adopt the resolution approving the proposal (5 votes)
   • Final Decision, subject to appeal
   • Project Planner: Drew Ingvalson

E. Preliminary Plat for HIGHWOOD RIDGE at 14916 Highwood Drive.
   Recommendation: Recommend the city council approve the proposal (4 votes)
   • Recommendation to City Council (Sept. 16, 2019)
     Project Planner: Susan Thomas

9. Adjournment
Notices

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

2. The following applications are tentatively scheduled for the Sept. 19, 2019 agenda.

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Ordinance regarding fire protection on lots-behind-lots</th>
</tr>
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<tbody>
<tr>
<td>Project Address</td>
<td>City Wide</td>
</tr>
<tr>
<td>Assigned Staff</td>
<td>Susan Thomas</td>
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<tr>
<td>Ward Councilmember</td>
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<thead>
<tr>
<th>Project Description</th>
<th>Hennepin County Medical Examiner’s Office, multiple items</th>
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<tbody>
<tr>
<td>Project Address</td>
<td>14300 County Road 62</td>
</tr>
<tr>
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<td>Loren Gordon</td>
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<td>Tim Bergstedt, Ward 4</td>
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<td>5400 Opportunity Court</td>
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<tr>
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<td>Ward Councilmember</td>
<td>Bob Ellingson, Ward 1</td>
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<tr>
<th>Project Description</th>
<th>Sheely Residence, variances</th>
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<tr>
<td>Project Address</td>
<td>5208 Woodhill Road</td>
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<tr>
<td>Assigned Staff</td>
<td>Drew Ingvalson</td>
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<td>Ward Councilmember</td>
<td>Tim Bergstedt, Ward 4</td>
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<tr>
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<th>Hoffman Residence, variance</th>
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<tr>
<td>Project Address</td>
<td>16030 Woodhill Curve</td>
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<tr>
<td>Assigned Staff</td>
<td>Ashley Cauley</td>
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<tr>
<td>Ward Councilmember</td>
<td>Tim Bergstedt, Ward 4</td>
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<tr>
<th>Project Description</th>
<th>Sullivan Residence, variance and expansion permit</th>
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<tr>
<td>Project Address</td>
<td>16708 Seymour Drive</td>
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<td>Project Address</td>
<td>6050/6060 Clearwater Drive</td>
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<tr>
<td>Assigned Staff</td>
<td>Susan Thomas</td>
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<td>Ward Councilmember</td>
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Minnetonka Planning Commission Meeting
Sept. 5, 2019

Agenda Item 4

Previous Meeting Minutes from Aug. 15, 2019
1. **Call to Order**

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

2. **Roll Call**

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

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas and Water Resources Engineer Sarah Schweiger.

3. **Approval of Agenda**

*Powers moved, second by Hanson, to approve the agenda as submitted with an additional comment provided in the change memo dated Aug. 15, 2019.*

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

4. **Approval of Minutes:** Aug. 1, 2019

*Luke moved, second by Powers, to approve the Aug. 1, 2019 meeting minutes as submitted.*

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

5. **Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of Aug. 5, 2019:

- Adopted a resolution approving items for a new single-family residence at 11405 Timberline Road.
- Adopted a resolution approving a conditional use permit for a fitness facility on Minnetonka Industrial Road.
- Adopted a resolution approving the final plat for Highcroft Meadows on Orchard Road.
- Held a public hearing and granted a house moving permit to relocate a structure from 2333 Hopkins Crossroads to Hillside Lane.
- Adopted a resolution denying the application for items concerning The Kinsel at Glen Lake at 14317 Excelsior Blvd.
• Adopted a resolution approving a variance and floodplain alteration setback for construction of a new house at 17028 Grays Bay Blvd.

• Adopted a resolution reaffirming the planning commission’s denial of a sign plan amendment for Ridgedale Center for a sign for Cycle Bar.

There will be a tour Aug. 22, 2019 for planning and economic development authority commissioners. Please meet at the iFly at Ridgedale Center at 6 p.m. Dinner will be provided.

The next planning commission meeting is scheduled for Sept. 5, 2019

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

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

_Luke moved, second by Powers, to approve the item listed on the consent agenda as recommended in the staff report as follows:_

A. Conditional use permit and expansion permit for an accessory structure at 16913 Hwy 7.

Recommend that the city council adopt the resolution approving a conditional use permit and an expansion permit for an accessory structure at 16913 Hwy 7.

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

8. Public Hearings

A. Conditional use permit for a dental clinic at 11300 Wayzata Blvd.

Acting Chair Sewall 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.

Brad Kittelson, with CSM West Ridge, introduced himself and Michelle Perpich, representing Pacific Dental, applicant. Mr. Kittelson explained that the doors left of the “x”ed out space on the plan is the garbage collection area for the building and the right hand side is the mechanical room. There is a hallway below that area, so it is not a leased space. Mr. Kittelson stated that Thomas’ report was thorough. Dental staff would arrive prior to 7 a.m. There would be plenty of parking for patients and staff. This would be a good use for the premier space. The owner of the shopping center supports the proposal.
Ms. Perpich stated that Thomas did an amazing job summarizing the services that Pacific Dental provides for numerous dentists.

Knight confirmed with Ms. Perpich that dental records are required to be owned by a dentist. She explained the legal structures.

Powers felt that the proposal would be a good use of the space.

Henry asked for the timeline. Ms. Perpich expected Pacific Dental to be operational in the new space by the first quarter of 2020.

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

Luke agreed that the proposal would be a good use for the space. The anticipated peak times and volume of traffic would benefit the area.

Powers noted that the space is a large, prime space. It would be fortunate for the use to be located there.

Hanson liked healthcare uses being visible in the city to support a healthy lifestyle.

Henry liked the diversity of the use which would not put as great of a demand on the parking and have peak traffic times different from surrounding uses.

Acting Chair Sewall supports staff’s recommendation. The proposal is straight forward. It would be a welcome addition to the area.

_Hanson moved, second by Knight, to recommend that the city council adopt the resolution approving a conditional use permit for a dental clinic at 11300 Wayzata Blvd._

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

Acting Chair Sewall stated that this item is tentatively scheduled to be reviewed by the city council at its meeting on Aug. 26, 2019.
9. Adjournment

Knight moved, second by Powers, to adjourn the meeting at 6:54 p.m. Motion carried unanimously.

By: ____________________________
Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
Sept. 5, 2019

Agenda Item 7

Public Hearing: Consent Agenda
MINNETONKA PLANNING COMMISSION
Sept. 5, 2019

Brief Description
Variances for construction of a garage addition at 11820 Karen Lane

Recommendation
Adopt the resolution approving the variance request

Proposal
The applicant and owner of 11820 Karen Lane, Ryan Crimmins, is proposing to construct:

- a 7-foot by 20.5-foot garage addition on to the front of the existing attached garage; and

- a second level addition (owner’s suite) that is generally located over the existing home.

The proposed garage addition would extend closer to the front property line than the existing home and would require a front yard and aggregate side yard setback variances.

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<thead>
<tr>
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<th>Existing</th>
<th>Applicant’s Proposal</th>
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<tbody>
<tr>
<td>Front Yard Setback</td>
<td>35 ft.</td>
<td>35.1 ft.</td>
<td>28.1 ft.*</td>
</tr>
<tr>
<td>Aggregate Side Yard Setback</td>
<td>30 ft.</td>
<td>30.7 ft.</td>
<td>29 ft.*</td>
</tr>
</tbody>
</table>

* requires variance

The second level addition would meet all setback requirements.

Staff Analysis
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.

Front Yard Setback: The intent of the front yard setback requirement is to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes and roadways. Due to the large right-of-way adjacent to the home, the subject addition would be located roughly 65 feet from the public road. This distance is significantly farther than other homes within the neighborhood.

Aggregate Side Yard Setback: The intent of the aggregate side yard setback requirement is to provide for consistent and appropriate space between residential homes. Due to the angle of the home in comparison to the side property line, only a small corner (about 3 square feet) of the proposed garage
addition would encroach into the aggregate side yard setback. The rest of the home would meet or exceed the aggregate side yard setback requirement.

2. CONSISTENT WITH COMPREHENSIVE PLAN. The proposed garage addition would be consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The subject request would be an enhancement to the existing home.

3. REASONABLENESS: The request to extend the subject garage forward 7 feet is reasonable. The proposed addition would be located about 65 feet from the Karen Lane curb and would a small corner of the garage addition (about 3 square feet) would encroach into the aggregate side yard setback.

4. CIRCUMSTANCE UNIQUE TO THE PROPERTY: There are circumstances unique to the property that creates a practical difficulty for the property owner.

   Front Yard Setback: Due to the unique property lines of the subject property, there is 30-40 feet of right-of-way – or green boulevard area – between the curb of Karen Lane and the front property line. The significant right-of-way limits the buildable area on the front side of the home and creates a practical difficulty for the property owner.

   Aggregate Side Yard Setback: The subject lot is only 85 feet wide (city code requires 110-foot wide lots). In addition, the subject home was not constructed parallel with the side property lines. Thus, extending the garage forward, parallel with existing walls, brings the building closer to the side property line. The narrow lot, combined with the location of the home, creates a practical difficulty for the property owner.

5. NEIGHBORHOOD CHARACTER: The proposed garage addition would not alter the essential character of the subject neighborhood.

   Front Yard Setback: The proposed addition would be set back about 65 feet from the curb of Karen Lane, which is significantly farther than other homes in the area.

   Aggregate Side Yard Setback: About three square feet of the proposed addition would be within the aggregate side yard setback. This encroachment would be unnoticeable by people on Karen Lane.
Staff Recommendation

Adopt the resolution approving variances for construction of a garage addition 11820 Karen Lane.

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

Project No. 19026.19
Property 11820 Karen Lane
Applicant Ryan Crimmins

Surrounding Land Uses
All of the properties to the north, south, east, and west are zoned R-1, single-family residential and guided for low-density residential (with the exception of the property to the southwest, which is guided for open space).

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

Property
The subject property has non-conforming:
- Lot size: 14,860 square feet in area (22,000 square feet required);
- Frontage: 48 feet, (80 feet required); and
- Lot width at setback: 84 feet (110 feet required).

Existing Home
The subject home was originally constructed in 1974 and is a two-story home without living space over the attached garage. The gross building area of the home is 1,575 square feet. The existing garage is approximately 20.5 feet wide by 21 feet deep.

The subject home and existing garage conform to all setback requirements.

Proposal
The applicant is requesting to add 7-foot by 20.5-foot addition on the front of the existing garage (143.5 square feet). The applicant has stated that they are making this request to accommodate a new mudroom. (See attached). This request requires a front yard and aggregate side yard setback variances.

The applicant is also proposing a second story addition for an owner’s suite. This entire addition, with the exception of a small cantilever, would be over the existing home. This addition would be 584.5 square feet and would accommodate a new owner’s suite and office/sitting room. This addition would meet all setback requirements, and thus, should not be considered as part of the variance request.

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.
When reviewing additions for the McMansion Policy, staff only considered the garage addition (143.5 square feet). Staff did not consider the second level addition as:

- This addition does not require a variance; and
- In theory, the applicant could only propose the garage addition for the variance and could later add the second level without a variance.

As proposed, the property would comply with the McMansion Policy. Currently, the property’s FAR is 0.15. The proposed attached garage addition would increase the property’s FAR to 0.16. This is still below the largest FAR within 400 feet, which is 0.17.

**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)

**Utilities**

There is a water main located on the south side of the subject property. Unlike most water mains on private property, the subject waterline is not located within a public drainage and utility easement (which would allow the city to replace or maintain the pipes).

The proposed addition would be located closer to the waterline than the existing home. To ensure the city can safely replace, relocate, and/or maintain this line, staff has included a condition of approval requiring the owner to dedicate a drainage and utility easement to the city.

**Neighborhood Comments**

The city sent notices to 44 area property owners and received one letter in support. (See attached).
### Motion Options

The planning commission has the following motion options:

1. **Concur with staff's recommendation.** In this case, a motion should be made adopting the resolution approving the variances.

2. **Disagree with staff's recommendation.** In this case, a motion should be denying the request. The motion should include findings for denial.

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

### Voting Requirement

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

### Appeals

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

### Deadline for

Oct. 28, 2019
Location Map

Project: Crimmins Residence
Address: 11820 Karen Ln
Letter of Intent

In Support of Request for Variance

11820 Karen Lane, Minnetonka, MN 55343

Dear Neighbors of Karen and Shady Oak Lane,

By now you may have heard about the project we’re dreaming about for our home and the request we’ve submitted for a variance to make it possible. We love our neighborhood and we want this to be the home our boys Luke and Liam grow up in. The problem is, they’re growing up fast and we’re running into a couple key problems that we want to solve with a renovation.

The first, and this is the reason why we need the variance, is that our home needs a mud room. At the moment, our kids step directly from the garage (with almost always muddy shoes) into our kitchen table. We’d like to extend the front of the garage 7 feet forward to make room for the mud room. However, because of our odd lot shape, the proposed plan would take the tip of the front corner of the garage over the edge of the minimum distance by about a foot.

Our house is already set back further than our next-door neighbor, so you won’t notice a difference from the road and we’ll still be behind them. We aren’t building sideways, so we’ll still be well within the minimum setback on both sides (we’ll still be a full 12.8 feet from the property line). The key reason we need a variance is because of the way our lot is tucked in the corner with an odd jog. We really wouldn’t encroach on the road at all.

The other key reason we want to build is to have an extra room upstairs. As much as our parents enjoy sleeping on an air mattress in the living room, we think they should have their own guest room. We’d like to surrender our room and the upstairs shared bathroom to the kids while we build a master suite above the garage for Rachel and myself.

From the conversations we’ve had in the neighborhood so far, we’ve gotten universally positive feedback. Please let us know if you have any questions.

Thank you for your time and consideration.

Respectfully submitted,

Ryan Crimmins
PRACTICAL DIFFICULTIES WORKSHEET

By state law, variances may be granted from the standards of the city’s zoning ordinance only if:

1) The proposed variance is in harmony with the general purpose and intent of the zoning ordinance;

2) The proposed variance is consistent with the comprehensive plan; and

3) An applicant establishes that there are practical difficulties in complying with the ordinance standard from which they are requesting a variance. Practical difficulties means:
   - The proposed use is reasonable;
   - 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
   - The proposed use would not alter the essential character of the surrounding area.

<table>
<thead>
<tr>
<th>PRACTICAL DIFFICULTIES</th>
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<tbody>
<tr>
<td>Describe why the proposed use is reasonable</td>
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<tr>
<td>* Because the front has an odd jog, we’re not encroaching on the road at all.</td>
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<tr>
<td>* Our house is already set back further than our neighbor’s, so we’ll still be behind him.</td>
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<th>Describe:</th>
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<tr>
<td>* circumstances unique to the property;</td>
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<tr>
<td>* why the need for variance was not caused by the property owner; and</td>
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<tr>
<td>* and why the need is not solely based on economic considerations.</td>
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| * Because of the lot shape, you won’t notice from the road. |
| * In order to add a mud room we had to shift the garage forward. |
| * required in order to have an appealing front elevation. |

<table>
<thead>
<tr>
<th>Describe why the variance would not alter the essential character of the neighborhood</th>
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<tbody>
<tr>
<td>* Not intruding on the neighbor’s front.</td>
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<tr>
<td>* We’re well over the minimum setback from the side.</td>
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<tr>
<td>* Visually it won’t affect either neighbor.</td>
</tr>
<tr>
<td>* We’ll be a full 12.3 feet from property line.</td>
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VARIANCE APPLICATIONS WILL NOT BE ACCEPTED IF THIS WORKSHEET IS NOT COMPLETE

PROCESS
SURVEY PREPARED FOR:
OAKWOOD CUSTOM BUILDERS
C/O TIM KING
973 TRELLIS STREET
JORDAN, MN 55352

Valley Surveying Co., P.A.
Phone (952) 447-2570
Fax (952) 447-2571
Suite 230
16670 Franklin Trail S.E.
Prior Lake, Minnesota 55372

SURVEYORS NOTES:
1. No Title work was provided to this Surveyor for use in the preparetion of this survey and this survey is subject to revision upon receipt of the same.
2. Only those trees in closest proximity to the proposed addition are shown hereon. Several others exist within the subject property.
3. Benchmark Elevation 929.40 NE corner tap stooop at 11807 Shady Oak Drive (Per City of Minnetonka website)
4. Match Proposed Addition Floor Elevation to Existing Garage Floor Elevation 337.7.

LEGAL DESCRIPTION: (PER CERTIFICATE NO.13710633)
The South 67 feet of that part of Tract 7 lying West of the East 111.0 feet thereof; The North 18 feet of Tract U, Registered Land Survey No.50, Hennepin County, Minnesota.
Also showing the location of visible improvements and encroachments, on or off from said property, if any, as located in the field the 8th day of July, 2019.

I hereby certify that this Building Permit Survey 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.

Minnesota License Number 42309
Dated this 27th day of July, 2019

FILE 11326, BOOK 268, PAGE 59

GREG C./DRAWINGS—2019/11326—PERMIT.dwg
LEGAL DESCRIPTION: (PER CERTIFICATE NO.1371063)
The South 67 feet of that part of Tract T lying West of the East 111.0 feet thereof; The North 18 feet of Tract U, Registered Land Survey No.50, Hennepin County, Minnesota. Also showing the location of visible improvements and encroachments, on or off from said property, if any, as located in the field the 8th day of July, 2019.
Bob, Drew,

I wont be able to make the public hearing regarding the Crimmins residence on August 15, but I want to say that I support the remodel project that they are proposing. My neighborhood has some very well maintained homes and some not so well maintained homes. Whenever someone is willing to invest and improve their home, we should support that. I have seen homes similar to the Crimmins residence where the same type of addition has been added. I think it looks good and it will of course increase the home’s value, which is good for the neighborhood.

Rob Lind
11812 Karen Lane
Minnetonka, MN 55343
Cell:
Planning Commission Resolution No. 2019-

Resolution approving variances for construction of a garage addition at
11820 Karen Lane.

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

Section 1. Background

1.01 The subject property is located at 11820 Karen Lane. It is legally described as:

The South 67 feet of that part of Tract T lying West of the East 111.0 feet thereof;
The North 18 feet of Tract U, Registered Land Survey No. 50, Hennepin County, Minnesota.

1.02 The home on the subject property has a non-conforming front yard setback of 26 feet.

1.03 The applicant and property owner of 11820 Karen Lane, Ryan Crimmins, is proposing to construct a 7-foot by 20.5-foot garage addition on the front of the existing attached garage.

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<td>30.7 ft.</td>
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* requires variance

1.04 On Sept. 5, 2019, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments and the staff report, which are incorporated by reference into this resolution.

Section 2. Standards

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

Section 3. Findings

3.01 The requested variance 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.

   Front Yard Setback: The intent of the front yard setback requirement is to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes and roadways. Due to the large right-of-way – or green boulevard area – adjacent to the home, the subject addition would be located roughly 65 feet from the public road. This distance is significantly farther than other homes within the neighborhood.

   Aggregate Side Yard Setback: The intent of the aggregate side yard setback requirement is to provide for consistent and appropriate space between residential homes. Due to the angle of the home in comparison to the side property line, only a small corner (about three square feet) of the proposed garage addition would encroach into the aggregate side yard setback. The rest of the home would meet or exceed the aggregate side yard setback requirement.

2. **CONSISTENT WITH COMPREHENSIVE PLAN.** The proposed garage addition would be consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The subject request would be an enhancement to the existing home.

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

   a) **REASONABLENESS:** The request to extend the subject garage forward 7 feet is reasonable. The proposed addition would be located about 65 feet from the Karen Lane curb and would a small corner of the garage addition (about three square feet) would encroach into the aggregate side yard setback.

   b) **CIRCUMSTANCE UNIQUE TO THE PROPERTY:** There are circumstances unique to the property that creates a practical difficulty for the property owner.
Front Yard Setback: Due to the unique property lines of the subject property, there is 30-40 feet of right-of-way between the curb of Karen Lane and the front property line. The significant right-of-way limits the buildable area on the front side of the home and creates a practical difficulty for the property owner.

Aggregate Side Yard Setback: The subject lot is only 85 feet wide (city code requires 110-foot wide lots). In addition, the subject home was not constructed parallel with the side property lines. Thus, adding parallel with existing walls brings the building closer to the side property line. The narrow lot, combined with the location of the home, create a practical difficulty for the property owner.

c) NEIGHBORHOOD CHARACTER: The proposed garage addition would not alter the essential character of the subject neighborhood.

Front Yard Setback: The proposed addition would be set back about 65 feet from the curb of Karen Lane, which is significantly further than other homes in the area.

Aggregate Side Yard Setback: About three square feet of the proposed addition would be within the aggregate side yard setback. This encroachment would be unnoticeable by people on Karen Lane.

Section 4. Planning Commission Action

4.01 The above-described variance is hereby approved based on the findings outlined in section 3.01 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 dated July 9, 2019
   - Building elevations dated July 3, 2019
   - Floor plans dated July 3, 2019

2. Prior to issuance of a building permit:
   a) This resolution must be recorded with the county.
   b) The applicant must grant the city a 12-foot wide drainage and utility easement along the south side of the property so that the city can properly maintain or relocate the existing water main.
Resolution No. 2019-__________

A revised survey must be submitted showing the existing water main line and a 12-foot wide drainage and utility easement granted to the city on the southern property line.

d) The applicant must install erosion control and tree protection fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.

e) An erosion control compliance escrow must be provided, with the amount to be determined by staff at the time of issuance of the building permit.

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

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

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Sept. 5, 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 Sept. 5, 2019.

__________________________________________

Fiona Golden, Deputy City Clerk
MINNETONKA PLANNING COMMISSION
Sept. 5, 2019

**Brief Description**
Conditional use permit for an accessory apartment at 5304 Westmill Road

**Recommendation**
Recommend the city council adopt the resolution approving the permit

**Background**

The subject property is located just northwest of the Excelsior Blvd./Westmill Road intersection. The property abuts Excelsior Blvd. However, the property is accessed off Westmill Road via a shared driveway.

The subject property is 22,700 square feet in area and improved with:
- A 1,138 square foot rambler, constructed in 1960; and
- A detached, two stall garage.

The current property owner, Shawn Dykhoff, purchased the home in 2006. Mr. Dykhoff has informed staff that at the time of purchase the basement of the home contained an accessory apartment. The apartment includes a bedroom, bathroom, kitchen, and living spaces. City staff can find no record of any permits being issued to create this separate dwelling area, and the city assessor does not have any information regarding the existing accessory apartment. In 2003, city staff sent a letter notifying the neighbor that the property was in non-compliance for having an accessory apartment without a conditional use permit. However, there is no record of follow up after that letter was sent.

**Proposal**

To ensure compliance with zoning regulations, the property owner is requesting the city approve a conditional use permit for the existing apartment.

**Staff Analysis**

Staff finds that the accessory apartment is reasonable.

1) The apartment meets the intent of the accessory apartment ordinance. It would afford efficient utilization of an existing home while maintaining the character of the existing single-family neighborhood.

2) The apartment is located in the basement of an existing home and would not require exterior additions. Given this, the apartment would not alter the single-family character of the area or substantially impact the surrounding neighborhood.

3) The proposed apartment would meet all conditional use permit standards, with the exception of the 35 percent space maximum. However, staff finds that maintaining the existing apartment is appropriate as:
- The accessory apartment would not substantially impact the surrounding neighborhoods as the accessory apartment is currently existing within the basement of the home; and

- The existing mass of the building (FAR of 0.08) is appropriate when compared to other homes within the neighborhood.

**Staff Recommendation**

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 5304 Westmill Road.

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

<table>
<thead>
<tr>
<th><strong>Project No.</strong></th>
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<tr>
<td><strong>Property</strong></td>
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</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Shawn Dykhoff</td>
</tr>
</tbody>
</table>

### Surrounding Land Uses
All properties surrounding the subject lot are zoned R-1 low density residential and are improved with single-family homes, with the exception of Purgatory Park.

Properties to the North, East, and West are guided for low-density residential. Properties to the South are guided for Parks.

### Planning
- **Guide Plan Designation:** Low Density Residential
- **Zoning:** R-1

### Accessory Apartments
By City Code §300.10 Subd.4(d), accessory apartments are conditionally-permitted uses in single-family residential zoning districts.

### CUP Standards
The proposed accessory apartment would meet the general conditional use permit standards as outlined in City Code 300.16 Subd.2.

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies, and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
4. The use does not have an undue adverse impact on the public health, safety, or welfare.

The proposed apartment would also meet the specific conditional use permit standards as outlined in City Code 300.16 Subd.3.

1. To be created only on property zoned for single-family detached dwellings and no more than one apartment to be created in any dwelling;

**Finding** The accessory unit is the only apartment on the property.

2. Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;
Finding: The property owner currently resides at the subject home and, as a condition of approval, the property owner will need to continue to live in one of the dwelling units.

3. Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose but not within a required turnaround;

Finding: The existing garage, parking areas, and driveway provide adequate off-street parking for both housing units.

4. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two car garage on the lot without the need for a variance;

Finding: The apartment does not impact the garage space.

5. An accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.

Finding: Based on the submitted plans, the accessory apartment is roughly 795 square feet in area, which would be 39 percent of the gross living area of the home.

Despite exceeding the 35 percent of the grossing living area, the accessory apartment would not substantially impact the surrounding neighborhoods as the accessory apartment is currently existing within the basement of the home and the home appears as a single-family home. In addition, the existing mass of the building (FAR of 0.08) is appropriate when compared to other homes within the neighborhood.

6. Exterior changes to the house must not substantially alter the single-family character of the structure;

Finding: The apartment is currently located in the basement of the existing home. It does not alter the single-family character of the home or substantially impacts the surrounding neighborhood in its current position.

7. No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;

Finding: The accessory apartment has already been created, and city staff can find no record of any permits for this separate dwelling area. This requirement would be difficult to enforce. While staff would
highly recommend the property owner have the home inspected for compliance with code, the city does not have a rental inspection requirement. All properties in the city are subject to the 2015 International Property Maintenance Code.

8. To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and

**Finding:** The apartment is located in the basement of the existing home. It does not alter the single-family character of the area or substantially impacts the surrounding neighborhood.

9. All other provisions of this ordinance relating to single-family dwelling units to be met, unless specifically amended by this subdivision.

**Finding:** The accessory apartment would comply with all other ordinance standards.

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

**Pyramid of Discretion**

This proposal

**Motion Options**
The planning commission has three options:

1. Concur with staff’s recommendation. In this case a motion should be made recommending the city council approve the conditional use permit.

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

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

The planning commission will make a recommendation to the city council, which has final authority on the applicant's request. Both the commission's recommendation and the council's final approval require an affirmative vote of a simple majority.

Deadline for Decision

Nov. 18, 2019
Location Map

Project: Dykhoff Residence
Address: 5304 Westmill Rd
ALL OF BASEMENT IS APARTMENT MINUS UTILITY
APPROX 720 SQ FT
Resolution 2019-
Resolution approving a conditional use permit for an accessory apartment
at 5304 Westmill Road

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

Section 1. Background.

1.01 The subject property is located at 5304 Westmill Road. It is legally described as:

REGISTERED LAND SURVEY NO. 0566 HENNEPIN COUNTY, MINNESOTA

Also,

THAT PART OF TRACT E LYING ELY OF A LINE RUNNING FROM A PT IN N LINE OF
TRACT E DIS 72 7/10 FT W FROM NE COR THEREOF TO A PT IN SWLY LINE OF
SAID TRACT DIS 110 FT NWLY FROM MOST SLY COR THEREOF

1.02 The home on the property was constructed in 1960.

1.03 The current property owner, Shawn Dykhoff, purchased the home in 2006. Mr. Dykhoff indicates that at the time of purchase, the basement of the home contained an accessory apartment. The apartment includes a bedroom, bathroom, kitchen, and living spaces. City staff can find no record of any permits being issued to create this separate dwelling area, and the city assessor does not have any information regarding the existing accessory apartment. In 2003, city staff sent a letter notifying the neighbor that the property was in non-compliance for having an accessory apartment without a conditional use permit. However, there is no record of follow up after that letter was sent.

1.04 To ensure compliance with zoning regulations, the property owner is requesting the city approve a conditional use permit for the existing accessory apartment.

1.05 On Sept. 5, 2019, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Conditional Use Permit Standards.

2.01 City Code §300.16, Subd. 2, lists the following general standards that must be
1. The use is consistent with the intent of this ordinance;

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

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

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

2.02 City Code §300.16, Subd. 3(d) lists the following specific standards that must be met for granting of a conditional use permit for an accessory apartment:

1. To be created only on property zoned for single-family detached dwellings and no more than one apartment to be created in any dwelling;

2. Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;

3. Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose but not within a required turnaround;

4. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two-car garage on the lot without the need for a variance;

5. An accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.

6. Exterior changes to the house must not substantially alter the single-family character of the structure;

7. No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;

8. To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and
9. All other provisions of this ordinance relating to single-family dwelling units to be met, unless specifically amended by this subdivision.

Section 3. Findings.

3.01 The proposed apartment would meet the general conditional use permit standards as outlined in City Code §300.16 Subd. 2.

3.02 The proposed apartment would meet the general conditional use permit standards as outlined in City Code §300.16 Subd. 3(d).

1. The accessory unit is the only apartment on the property.

2. As a condition of this resolution, the property owner must live in one of the dwelling units.

3. The existing garage, parking areas, and driveway provide adequate off-street parking for both housing units.

4. The apartment does not impact the garage space.

5. Based on the submitted plans, the accessory apartment is roughly 795 square feet in area; this would be 39 percent of the gross living area of the home. Despite exceeding the 35 percent of the grossing living area, the accessory apartment would not substantially impact the surrounding neighborhoods as the accessory apartment is currently existing within the basement of the home and the home appears as a single-family home. In addition, the existing mass of the building (FAR of 0.08) is appropriate when compared to other homes within the neighborhood.

6. The apartment is currently located in the basement of the existing home. It does not alter the single-family character of the home or substantially impacts the surrounding neighborhood in its current position.

7. The accessory apartment has already been created, and city staff can find no record of any permits being issued for this separate dwelling area. This requirement would be difficult to enforce. While the city would highly recommend the property owner have the home inspected for compliance with code, the city does not have a rental inspection requirement.

8. The apartment is located in the basement of the existing home. It does not alter the single-family character of the area or substantially impacts the surrounding neighborhood.

9. The accessory apartment would comply with all other ordinance standards.

Section 4. City Council Action.
4.01 The above-described conditional use permit is approved, subject to the following conditions:

1. The structure must be owner-occupied. The property owner must reside in either living unit on a continuous basis, except for temporary absences, throughout the period during which the permit is valid.

2. All other provisions of the ordinance relating to single-family dwelling units must be met unless specifically amended by this resolution.

3. The property is subject to the 2015 International Property Maintenance Code published by International Code Conference, Inc., including the appendix.

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

5. 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 Sept. 16, 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 Sept. 16, 2019.

Becky Koosman, City Clerk
MINNETONKA PLANNING COMMISSION  
Sept. 5, 2019

Brief Description
Conditional use permit, with access variance, for a medical clinic at 12301 Whitewater Drive

Recommendation
Recommend the city council approve the permit

Background

By city code, a medical clinic is defined as “a total occupied space of 2,000 square feet or greater used for patient examination and treatment by physicians, dentists, optometrists, psychologists or other health care professionals and where patients are not lodged overnight.” Medical clinics are conditionally-permitted uses; they are allowed when the following standards are met:

- The clinic is not located adjacent to low-density residential areas;
- The clinic has direct access to a collector or arterial street as defined in the comprehensive plan; and
- Emergency vehicle access to the clinic is not located adjacent to or across a street from any residential use.

Sonder Behavioral Health & Wellness is an outpatient clinic that has operated out of a tenant space at 12301 Whitewater Drive for several years. Prior to the clinic’s occupancy, appropriate building permits were applied for and were approved. However, in its review of the permit plans, planning staff did not recognize the space as a code-defined clinic. As such, staff did not require a conditional use permit. The city recently received an application for expansion of Sonder space. As this time, staff has determined that the following are necessary:

- A conditional use permit for a medical clinic; and
- A variance to allow a clinic with access to a local roadway.

Primary Questions and Analysis

A land-use proposal is comprised of many details. These details are reviewed by members of the city’s economic development, engineering, fire, legal, natural resources, planning, and public works departments and divisions. These details are then aggregated into a few primary questions or issues. The analysis and recommendations outlined in the following sections of this report are based on the collaborate efforts of this larger staff review team.

- Is the proposed use reasonable for the site?

  Yes. The expanded clinic is reasonable, as:
But for its location on a “local” roadway, the proposed clinic would meet all conditional use permit standards as outlined in city code. These standards are detailed in the Supporting Information section of this report; and

The city has received no complaints related to the existing operation of the clinic.

- **Is the variance reasonable?**

  Yes. The intent of requiring clinic access directly to a collector or arterial roadways is to ensure that traffic generated by such land uses can be accommodated by the surrounding street infrastructure. Put another way; the requirement is intended to prevent clinics from being located on low volume streets. Though Whitewater Drive is not technically designated as a collector or arterial road, it serves as one of three accesses to a large office park. Staff anticipates that the traffic generated by the expanded clinic would be negligible relative to that generated by surrounding uses.

- **Can parking demand be accommodated?**

  Yes. On-site parking supply would far exceed anticipated parking demand. There are 343 surface parking stalls available on site. With the proposed expansion, city code would require 149 spaces.

**Staff Recommendation**

Recommend the city council adopt the resolution approving a conditional use permit, with access variance, for a medical clinic at 12301 Whitewater Drive

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

Surrounding Properties

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Subject Property

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</tr>
<tr>
<td>Guide Plan Designation</td>
<td>Mixed Use</td>
<td></td>
</tr>
</tbody>
</table>

CUP Standards

The proposal would meet the general and specific conditional use permit standards for medical clinics as outlined in City Code §300.31 Subd.4

General Standards

1. The use is in the best interest of the city;
2. The use is compatible with other nearby uses; and
3. The use is consistent with other requirements of this ordinance.

Specific Standards

1. Shall not be adjacent to low-density residential areas;
   Finding: The clinic is surrounded by office/manufacturing and open space.
2. Shall have direct access to a collector or arterial street as defined in the comprehensive plan;
   Finding: Access to the clinic site would be via Whitewater Drive, which is classified as a local street. A variance is required.
3. Emergency vehicle access shall not be adjacent to or located across a street from any residential use; and
Finding: The clinic would be located over 700 feet from the closest resident use and is not anticipated to have more emergency vehicle traffic than any other use in Minnetonka Corporate Center. Further, representatives of the Minnetonka Police Department reviewed the proposed expansion and expressed no concerns.

Neighborhood Comments
The city sent notices to 26 area property owners and received no written comments to date.

Pyramid of Discretion

Motion options
The planning commission has the following motion options:

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

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

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

Voting Requirement
The planning commission will make a recommendation to the city council; any recommendation requires a simple majority vote. Approval requires the affirmative vote of five councilmembers due to the variance.

Deadline for Decision
Oct. 28, 2019
Location Map

Project: Sonder Behavioral Health & Wellness
Address: 12301 Whitewater Dr
The floor plan shows a proposed layout for Suite 101 in the Minnetonka Corporate Center Office Building. The suite is 4,825 RSF. The plan includes various office spaces, a closet, filing room, break room, meeting room, business office, and a reception area. The windows are indicated and the elevations are shown on Sheet 2. The property is managed by Upper Midwest Management Corp. in New Hope, MN. The highlights are:

- **Office #1** (96 x 12)
- **Office #2** (96 x 12)
- **Office #3** (96 x 12)
- **Office #4** (96 x 12)
- **Office #5** (96 x 12)
- **Office #6** (96 x 12)
- **Office #7** (96 x 12)
- **Office #8** (108 x 12)
- **Office #9** (96 x 12)
- **Office #10** (108 x 12)

The suite includes a business office (108 x 8'). The floor plan also includes a north plan and first floor reference plan.
Resolution No. 2019-
Resolution approving a conditional use permit, with access variance, for a medical clinic at 12301 Whitewater Drive

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

Section 1. Background.

1.01 The subject property is located at 12301 Whitewater Drive and is zoned PUD, planned unit development.

1.02 The property is legally described as:

LOT 1, BLOCK 3, MINNETONKA TECHNOLOGY PARK.

1.03 Sonder Behavioral Health & Wellness is proposing to expand an existing clinic within the existing office building on the site.

1.04 By City Code §300.22 Subd.3, all uses allowed by conditional use permit within any other district are allowed by conditional use permit in a PUD.

1.05 By City Code §300.17 Subd.4(e) hospitals and medical clinics are conditionally-permitted uses in the B-1, office zoning district.

1.06 On Sept. 5, 2019, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit, with variance.

Section 2. Standards.

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

2.02 City Code §300.21 Subd.3(e) outlines the following specific standards that must be met for granting a conditional use permit for clinics:
1. shall not be adjacent to low-density residential areas;

2. site shall have direct access to a collector or arterial street as defined in the comprehensive plan; and

3. emergency vehicle access shall not be adjacent to or located across a street from any residential use.

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

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.21 Subd.2.

3.02 The proposal meets all the specific conditional use permit standards outlined in City Code §300.21 Subd.3(e).

1. The clinic is surrounded by office/manufacturing and open space.

2. Access to the clinic site would be via Whitewater Drive, which is classified as a local street. A variance is required.

3. The clinic would be located over 700 feet from the closest resident use and is not anticipated to have more emergency vehicle traffic than any other use in Minnetonka Corporate Center. Further, representatives of the Minnetonka Police Department reviewed the proposed expansion and expressed no concerns.

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

1. Purpose and Intent of the Ordinance: The intent of requiring clinic access directly to a collector or arterial roadways is to ensure traffic generated by such land uses can be accommodated by the surrounding street infrastructure. Put another way; the requirement is intended to prevent clinics from being located on low traffic volume streets. Though Whitewater Drive is not technically designated as a collector or arterial road, it serves as one of three accesses to a large office park. Traffic generated by the expanded clinic would be negligible relative to that generated by surrounding uses.
2. Consistent with Comprehensive Plan: The property is designated for mixed-use in both the 2030 and 2040 Comprehensive Plan. A medical clinic is consistent with that designation.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance:
   a. Reasonableness and Unique Circumstance. Though Whitewater Drive is not technically designated as a collector or arterial road, it serves as one of three accesses to a large office park. The traffic generated by the clinic would be negligible relative to that generated by surrounding uses.
   b. Character of Locality. A clinic has operated from the building for several years without complaint. The proposal would not impact the mixed-use character of the surrounding area.

Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.

2. The tenant space must comply with all requirements of the Minnesota state building code, fire code, and health code.

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

4. 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 Sept. 16, 2019.

__________________________________________
Brad Wiersum, Mayor

Attest:

__________________________________________
Becky Koosman, City Clerk
Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Sept. 16, 2019.

Becky Koosman, City Clerk
Minnetonka Planning Commission Meeting
Sept. 5, 2019

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION
Sept. 5, 2019

Brief Description  Conditional use permit for an accessory apartment at 13052 Stanton Drive

Recommendation  Recommend the city council approve the request

Proposal

The property is located on the north side of the curve in Stanton Drive. The property is roughly 0.75 acres in size and is improved with a 1,728 square foot home originally constructed in 1963.

The current property owners, Scott and Jennifer Bosch, are proposing to construct two additions to the existing home. The northerly addition is a third stall addition onto the existing garage; this only requires a building permit. The southerly addition would contain two bedrooms, a bathroom, kitchen, and living room to create an accessory apartment. The accessory apartment would be roughly 830 square feet in size. Access to the apartment would be via a hallway from the existing home and a newly constructed porch and foyer area exclusively for the apartment. The addition itself would meet all setback requirements but would require a conditional use permit for the accessory apartment.

Staff Analysis

Staff finds that the proposed accessory apartment is reasonable as:

1. The proposed apartment would comply with the intent of the accessory apartment ordinance. It would provide a housing type which affords privacy and independence while maintaining the character of existing single-family neighborhoods.

2. The proposed apartment would have some architectural components that are slightly different from the existing home. However, staff finds that overall, the apartment has been well designed and would be reasonably integrated into the home.
3. The apartment would not alter the single-family character of the area or substantially impact the surrounding neighborhood.

4. The proposed apartment would meet all conditional use permit standards. These standards are outlined in the “Supporting Information” section of this report.

Staff Recommendation

Recommend the city council adopt the resolution approving a conditional use permit for an accessory apartment at 13052 Stanton Drive.

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

Project No. 19026.19a

Property 13052 Stanton Drive

Applicant Property owners, Scott and Jennifer Bosch

Surrounding Land Uses The Burlington Northern Santa Fe (BNSF) Railroad is north of the property. All other surrounding property is property zoned R-1.

Planning Guide Plan Designation: low density residential
Zoning: R-1, low density residential

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

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies, and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
4. The use does not have an undue adverse impact on public health, safety, or welfare.

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd. 16(d)3:

1. To be created only on property zoned for single-family detached dwellings and no more than one apartment to be created in any dwelling;
   Finding: The apartment would be the only apartment on the property, which is zoned R-1.
2. Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;
   Finding: The owners would continue to reside on the property. Nonetheless, this has been included as a condition of approval.
3. Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved
area specifically intended for that purpose but not within a required turnaround;

**Finding:** The property would have adequate parking for both units. The property owners are also proposing to construct a third stall onto the existing garage. Additional parking could be provided within the driveway.

4. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two-car garage on the lot without the need for a variance;

**Finding:** The apartment would be a newly constructed addition and would not be created by the conversion of living or garage space.

5. An accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.

**Finding:** Based on the ordinance and the gross living area of the home, the apartment could be up to 950 square feet. The proposed apartment is 835 square feet.

6. Exterior changes to the house must not substantially alter the single-family character of the structure;

**Finding:** Architecturally, the addition would appear slightly different than the existing home. However, it would not substantially alter the single-family character of the structure.

7. No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;

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

8. To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and

**Finding:** The newly constructed apartment would not alter the single-family character of the area or substantially impact the surrounding neighborhood.
9. All other provisions of this ordinance relating to single-family dwelling units to be met, unless specifically amended by this subdivision.

**Finding:** The accessory apartment would comply with all other ordinance standards.

**Natural Resources**

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

**Pyramid of Discretion**

![Pyramid Diagram]

**Voting Requirement**

The planning commission will make a recommendation to the city council. Both the commission recommendation and final council approval require an affirmative vote of a simple majority.

**Motion Options**

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

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

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

**Neighborhood Comments**

The city sent notices to 28 area property owners and received no comments.

**Deadline for Decision**

Nov. 13, 2019
Location Map

Project: Bosch Residence
Address: 13052 Stanton Dr

CITY OF MINNETONKA
Dear City of Minnetonka:

I respectfully submit my application for a conditional use permit to allow the construction of an accessory dwelling unit at our primary residence. My father in law and mother in law, Larry and Jackie Buchwitz, currently reside in Crystal, MN. In light of their age and health we are interested in separate cohabitation so we may provide care and attention, and ease participation in family events (e.g. holidays, celebrations, their grandchildren’s sports events).

The concept and submitted design was completed with the following considerations:

- Keep a natural look and feel to the existing home; do not detract from the ‘single family’ appearance of the home. As part of the project we intend to replace the exterior of the existing home to match the new build. Also, design elements such as roof lines, roof pitches, window placement, etc were considered to match the existing home.
- Provide adequate parking to support additional people/living space. As part of the project we plan to add a garage stall and driveway square footage without altering the approach/apron of the driveway where it meets the street.
- No undue impact on adjacent property. Our lot size and shape allows for an addition without interference of utility access, views, etc.

Respectfully submitted July 15, 2019.

Scott Bosch
EXISTING HARDCOVER
EXISTING BUILDING 1,534 SQ. FT.
EXISTING PORCH 329 SQ. FT.
EXISTING DECK 50 SQ. FT.
EXISTING CONCRETE SURFACE 124 SQ. FT.
EXISTING BITUMINOUS SURFACE 864 SQ. FT.
EXISTING PAVER BRICK SURFACE 249 SQ. FT.
TOTAL LOT AREA 33,287 SQ. FT.

HARDCOVER
EXISTING BUILDING 1,534 SQ. FT.
EXISTING PORCH 329 SQ. FT.
EXISTING DECK 50 SQ. FT.
EXISTING CONCRETE SURFACE 124 SQ. FT.
EXISTING BITUMINOUS SURFACE 864 SQ. FT.
EXISTING PAVER BRICK SURFACE 249 SQ. FT.
TOTAL LOT AREA 33,287 SQ. FT.

EXISTING BUILDING 1,534 SQ. FT.
EXISTING GARAGE 287 SQ. FT.
EXISTING ADDITION 872 SQ. FT.
EXISTING BITUMINOUS SURFACE 28 SQ. FT.
EXISTING CONCRETE SURFACE 124 SQ. FT.
EXISTING DECK 50 SQ. FT.
EXISTING PAVER BRICK SURFACE 249 SQ. FT.
TOTAL LOT AREA 33,287 SQ. FT.

ENGINEERING DESIGN & SURVEYING
6480 Wayzata Blvd. Minneapolis, MN 55426
OFFICE: (763) 545-2800 FAX: (763) 545-2801
EMAIL: info@edsmn.com WEBSITE: http://edsmn.com

SITE PLAN ~ for ~ SCOTT BOSCH

LEGAL DESCRIPTION
Lot 4, Block 4, DIXON’S ELMDALE ADDITION, Hennepin County, Minnesota, according to the recorded plat thereon.

REFERENCE BENCHMARK
ELEVATION = 801.34 (NGVD 29) MIDDOT DISK "SONYA"

NOTES
1. THE BASIS OF THE BEARING SYSTEM IS ASSUMED.
2. NO SPECIFIC SOIL INVESTIGATION HAS BEEN COMPLETED
3. CONTRACTOR SHALL VERIFY PROPOSED ELEVATIONS.
4. NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS
   SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
5. EXISTING UTILITIES AND SERVICES SHOWN HERON OWNER
   LOCATED EITHER PHYSICALLY ON THE GROUND DURING THE SURVEY
   OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY
   RESIDENT TESTIMONY. OTHER UTILITIES AND SERVICES MAY BE
   PRESENT. VERIFICATION AND LOCATION OF UTILITIES AND SERVICES
   SHOULD BE OBTAINED FROM THE OWNERS OF RESPECTIVE UTILITIES BY
   CONTACTING GOPHER STATE ONE CALL AT (651) 454-0002 PRIOR TO
   ANY DESIGN, PLANNING OR EXCAVATION.

CALL 48 HOURS BEFORE DIGGING
GOPHER STATE ONE CALL
Twin Cities Area 651-454-0002
MN. Toll Free 1-800-252-1166

Call 48 Hours before digging.
Gopher State One Call.
Twin Cities Area 651-454-0002.
MN. Toll Free 1-800-252-1166.

0 30 60 SCALE IN FEET

Garage addition: requires building permit.

Apartment addition: requires CUP.
Resolution No. 2019-

Resolution approving a conditional use permit for an accessory apartment at 13052 Stanton Drive

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

Section 1. Background.

1.01 The property owners, Scott and Jennifer Bosch, are proposing to construct two additions onto the existing home. One of the additions would be for an accessory apartment.

1.02 The property is located at 13052 Stanton Drive. It is legally described as:

Lot 4, Block 4, DIXON’S ELMDALE ADDITION, Hennepin County, Minnesota, according to the plat thereof.

1.03 On Sept. 5, 2019, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 City Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

2.02 City Code §300.16 Subd. 3 outlines the following specific standards that must be met for granting a conditional use permit for such facilities:

1. Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;

2. Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose but not within a required turnaround;
3. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two-car garage on the lot without the need for a variance;

4. An accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood;

5. Exterior changes to the house must not substantially alter the single-family character of the structure;

6. No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;

7. To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and

8. All other provisions of this ordinance relating to single-family dwelling units to be met, unless specifically amended by this subdivision.

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.16 Subd. 2.

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

1. The apartment would be the only apartment on the property, which is zoned R-1.

2. As a condition of this resolution, the owners would continue to reside on the property.

3. The property would have adequate parking for both units. The property owners are proposing to construct a third stall onto the existing garage. Additional parking could be provided within the driveway.

4. The apartment would be a newly constructed addition and would not be created by the conversion of living or garage space.
5. Based on the ordinance and the gross living area of the home, the apartment could be up to 950 square feet. The proposed apartment is 835 square feet.

6. Architecturally, the addition would appear slightly different than the existing home. However, it would not substantially alter the single-family character of the structure.

7. As a condition of this resolution, the apartment must meet all applicable codes at the time that a certificate of occupancy is issued.

8. The newly constructed apartment would not alter the single-family character of the area of substantially impact the surrounding neighborhood.

9. The accessory apartment would comply with all other ordinance standards.

Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.

2. Prior to issuance of a building permit, the applicant must confirm the amount of site disturbance. If the disturbance exceeds 50 cubic yards, stormwater management is required.

3. The structure must be owner-occupied. The property owners must reside in either living unit on a continuous basis for temporary absences throughout the period in which the permit is valid.

4. All other provisions of the ordinance relating to single-family dwelling units must be met unless specifically amended by this resolution.

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

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

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on Sept. 16, 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 meeting held on Sept. 16, 2019.

Becky Koosman, City Clerk
MINNETONKA PLANNING COMMISSION
Sept. 5, 2019

Brief Description
Amendment of the Minnetonka Corporate Center sign plan as it pertains to the building at 5900 Clearwater Drive

Recommendation
Adopt the resolution approving the amendment

Background

The Minnetonka Corporate Center includes several offices and commercial service buildings. The development is governed by a sign plan which was approved concurrently with the center's master development plan in 1984. Unlike other sign plans within the city, which uniformly apply sign standards to a building or series of buildings, the Minnetonka Corporate Center “assigned” the location and type of signs to each of the center’s properties and buildings. The prescribed sign types include monument signs, wall signs, and address identifiers.

The subject property is roughly 8.4-acres in area. It is improved with a one-story, 96,050 square foot office building. Under the Minnetonka Corporate Center sign plan: (1) a total of four, 12 square foot wall signs are allowed on the building.

Proposal

New Perspective Senior Living is requesting an amendment to the sign plan to allow for a larger wall signage.

<table>
<thead>
<tr>
<th></th>
<th>Existing Sign Plan</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max Height</td>
<td>18 in address N/A tenant</td>
<td>36 in.</td>
</tr>
<tr>
<td>Max Size</td>
<td>N/A address 12 sq.ft. tenant</td>
<td>44.5 sq.ft.</td>
</tr>
</tbody>
</table>

Staff analysis

Staff supports the proposed amendment, as:

- The building functions more like a commercial building than an office building. Individual tenants have individual, exterior doors; identifying these individual spaces is appropriate.
- The proposed sign would be similar in size to others already on the building.
- The proposed wall and monument signs proposed would be similar to those allowed under the city’s sign ordinance.

<table>
<thead>
<tr>
<th></th>
<th>Sign Plan</th>
<th>Code</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max Height</td>
<td>18 in address N/A tenant name</td>
<td>36 in. 1-2 story bldg</td>
<td>36 in.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>48 in. 3-4 story bldg</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>60 in. 5+ story bldg</td>
<td></td>
</tr>
</tbody>
</table>
Summary

The Minnetonka Corporate Center sign plan presumably functioned well in 1984 when the properties in the center were owned/controlled by one entity. However, the 35-year-old plan is now cumbersome to enforce and overly restrictive. This is evidenced by the fact that, in recent years, the city has received and approved multiple requests for sign plan amendments in the center. (See “Supporting Information” section of this report.) In staff’s opinion, the plan should either be updated in its entirety or rescinded altogether. Either option would take some time and require the general “buy-in” of 14 separate property owners. However, staff is committed to exploring both options over the coming months. In the meantime, staff recommends approval of the applicant’s request.

Staff recommendation

Adopt the resolution amending the Minnetonka Corporate Center sign plan as it pertains to the building at 5900 Clearwater Drive.

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

Surrounding Properties

<table>
<thead>
<tr>
<th></th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
<td>Lone Lake Park</td>
<td>Office Building</td>
<td>Office Building</td>
<td>Office Building</td>
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<tr>
<td>Zoning</td>
<td>R-1</td>
<td>PUD</td>
<td>PUD</td>
<td>PUD</td>
</tr>
<tr>
<td>Guide Plan Designation</td>
<td>Park</td>
<td>Mixed Use</td>
<td>Mixed Use</td>
<td>Mixed Use</td>
</tr>
</tbody>
</table>

Subject Property

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
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</thead>
<tbody>
<tr>
<td>Use</td>
<td>Office</td>
<td>No change</td>
</tr>
<tr>
<td>Zoning</td>
<td>PUD</td>
<td></td>
</tr>
<tr>
<td>Guide Plan Designation</td>
<td>Mixed Use</td>
<td></td>
</tr>
</tbody>
</table>

New Perspectives

New Perspective Senior Living is a family-owned company operating several senior communities in the Midwest. The New Perspectives Carlson Parkway building in Minnetonka is one of 14 in Minnesota.

General office functions associated with the company occur at the Clearwater Drive location.

Sign Plan History

The sign plan for Minnetonka Corporate Center was approved concurrently with the center’s master development plan in 1984. The sign plan established sign type and size parameters. Generally, this included:

- 30 square foot entrance monuments;
- 36 inches tall wall signs; and
- 12 square foot tenant identifier signs.

The sign plan also established the locations for these signs on a site plan.

Sign Plan Amendment

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

12800 Whitewater Drive (Sambatek, 2014)

The approved amendment allowed two walls signs, located on the office building’s west and east façades. Logos were allowed up to 5 feet in height.
12900 Whitewater Drive (XRS, 2014)
The approved amendment allowed two wall signs, located on the office building’s west and south façades. Logos were allowed up to 4 feet in height.

6030 Clearwater Drive (Home 2 Hotel, 2016)
The approved amendment allowed three wall signs, located on the hotel’s west, east, and south façades. Logos on the west and east façades were 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 allowed two wall signs, located on the office building’s west and south façades. Five-foot tall logos were approved with 2.25-foot tall letters for each elevation.

6040 Clearwater Drive (The Gardner School, 2017)
The approved amendment allowed two wall signs, located on the building’s south and east façades. Letters on the building ranged from 10-16 inches in height, and the logo was 30 inches tall.

12400 Whitewater Drive (Respicardia, 2019)
The approved amendment larger wall signs (4.5 ft in total height) and a monument sign.

Pyramid of Discretion

This proposal

Motion options

The planning commission has the following motion options:

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

2. Disagree with staff’s recommendation. In this case, a motion should be denying the request. The motion should include findings for denial.

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

Neighborhood Comments

The city sent notices to 26 area property owners and have received no comments to date.

Deadline for Decision

Oct. 28, 2019
Location Map

Project: New Perspective Senior Living
Address: 5900 Clearwater Dr
“New Perspective” - 178.125” Wide x 36” High
1” thick channel letters mounted to wall, to match csi ergonomics offset and brushed silver metal finish

“New Perspective” - 178.125” Wide x 36” High
1” thick channel letters mounted to wall, matching brushed metallic finish to the front sign
SUITE 500

36” Wide x 12” High
Metal panel with vinyl printed graphic applied, mounted to wall face
Planning Commission Resolution No. 2019-

Resolution amending the Minnetonka Corporate Center sign plan as it pertains to the building at 5900 Clearwater 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 5900 Clearwater Drive, within the Minnetonka Corporate Center. The property is legally described as:

Lot 1, Block 1, Minnetonka Corporate Center, Hennepin County, Minnesota.

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 New Perspectives Senior Living is requesting an amendment to the sign plan to allow for larger wall signage.

<table>
<thead>
<tr>
<th></th>
<th>Sign Plan</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Max Height</strong></td>
<td>18 in. address</td>
<td>36 in.</td>
</tr>
<tr>
<td></td>
<td>N/A tenant</td>
<td></td>
</tr>
<tr>
<td><strong>Max Size</strong></td>
<td>N/A address</td>
<td>44.5 sq.ft.</td>
</tr>
<tr>
<td></td>
<td>12 sq.ft. tenant</td>
<td></td>
</tr>
</tbody>
</table>

Section 2. FINDINGS.

2.01 The proposed signs and requested amendment are reasonable for two reasons:

1. The building at 5900 Clearwater Drive functions more like a commercial building than an office building. Individual tenants have individual, exterior doors; identifying these individual spaces is appropriate.

2. The proposed sign would be similar in size to others already on the building.
2. The amendment would allow for signs similar to those allowed under the city’s sign ordinance.

Section 3. Planning Commission Action.

3.01 The Minnetonka Corporate Center sign plan as it pertains to 5900 Clearwater 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 for all signs on the property.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Sept. 5, 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 Sept. 5, 2019.

Fiona Golden, Deputy City Clerk
**Brief Description**
Amendment to the West Ridge Market sign plan for Olive Garden

**Recommendation**
Adopt the resolution approving two additional signs

---

**Background**

A sign plan establishes the sign requirements for a specific development and may vary from the requirements outlined in the city’s sign ordinance. The purpose of the sign plan is to adapt the sign standards for a development based on its unique characteristics and visibility needs while remaining consistent with the intent of the city’s sign ordinance. Examples of unique characteristics and visibility needs include developments with a mix of uses, substantial site area, multiple buildings, or sites with anchor tenants.

In 1996, the city approved the sign plan for West Ridge Market, a shopping center comprised of three retail buildings and a freestanding restaurant. The sign plan for West Ridge Market was approved based on the unique characteristics of the development: the substantial size of the site, the number of buildings, and the size and locations of anchor tenants within the shopping center. Generally, the largest tenants (those greater than 10,000 square feet) are allowed to have progressively larger signs, and smaller tenants are allowed wall signs consistent with the city’s sign ordinance. The approved sign plan allowed for one sign on the south elevation of the freestanding restaurant, formally Macaroni Grill and Avenida, provided no additional signs, either wall or freestanding, would be requested at any point in the future for the restaurant. See attached meeting minutes from the Jan. 4, 1996 planning commission meeting.

In 2018, the planning commission approved the site and building plans to remove the former freestanding restaurant building in order to construct a new freestanding restaurant for Olive Garden. The new restaurant building would be roughly 7,800 square feet and is currently under construction.
In Aug. 2019, city staff issued a sign permit for a five-foot wall sign on south elevation consistent with the current sign plan.

Proposal

Site Enhancement Services, on behalf of Olive Garden and the property owner, is proposing to amend the West Ridge Market sign plan to allow for additional wall signage and a parking lot sign. The following summarizes the proposed request, as well as sign ordinance and sign plan allocations:

<table>
<thead>
<tr>
<th>Location</th>
<th>Allowed by ordinance</th>
<th>Allowed by sign plan</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>South (front) elevation</td>
<td>100 sf or 15 percent of the wall face, whichever is less</td>
<td>Max. height: 5 ft</td>
<td>Height: 5 ft</td>
</tr>
<tr>
<td>North (rear) elevation</td>
<td>Location not allowed</td>
<td>Location not allowed</td>
<td>Height: 3 ft</td>
</tr>
<tr>
<td></td>
<td>Size: 50 ft</td>
<td>Size: 50 sf</td>
<td>Size: 50 sf</td>
</tr>
</tbody>
</table>
## Meeting of Sept. 5, 2019

### Subject: Olive Garden sign plan, 11390 Wayzata Blvd

<table>
<thead>
<tr>
<th>Location</th>
<th>Height</th>
<th>Size</th>
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</thead>
<tbody>
<tr>
<td>West (side) elevation</td>
<td>3 ft</td>
<td>50 sf</td>
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<tr>
<td>Location and sign type</td>
<td>not allowed</td>
<td>Height: 15”</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Projection: 38” Size: 4 sf</td>
</tr>
<tr>
<td>Total Property</td>
<td></td>
<td>150 sf</td>
</tr>
<tr>
<td></td>
<td></td>
<td>One sign not to exceed 5 feet in height 152 sf</td>
</tr>
<tr>
<td>Parking lot sign</td>
<td></td>
<td>Sign area: 7 sf</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Max height: 6 ft</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Location: within 5 ft of drive aisle located at change of direction</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Limit: 1 for each 60 degree change</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Not allowed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sign area: 6 ft</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Height: 3 ft</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Location: within 5 feet of drive aisle; located at change of direction</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Number: one at change in direction</td>
</tr>
</tbody>
</table>

This proposal requires an amendment to the West Ride Market sign plan to allow:

1. wall signage on the west elevation,
2. blade sign on the west elevation, and

3. a parking lot sign northeast of the building.

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 - the following outlines both the primary questions and staff findings associated with the proposal.

- **Is the request to allow a wall sign on the north elevation reasonable?**

  Yes. Staff finds that this request is reasonable. The current sign plan only allows signage on the south elevation. Staff finds that the proposed sign on the rear elevation would improve wayfinding within the shopping center. Staff acknowledges that once inside the shopping center site, it may be difficult for someone to locate the. Staff further finds that the sign would not be visible from adjacent right of ways.

- **Is the request to allow a blade sign on the west elevation reasonable?**

  Yes, staff finds that the blade sign would be reasonable. The sign ordinance was recently amended to allow for blade signs, and similar signs have been approved for other restaurants. Staff acknowledges that restaurants operate much differently than they did 20 years ago when the first restaurant was constructed. Today, restaurants offer “to go” options where people order their food ahead of time and then pick up the food at the restaurant. The blade side would improve wayfinding to the “to go” pick up area.

- **Is the request to allow a wall sign on the west elevation reasonable?**

  No, staff finds that this sign would not improve wayfinding but rather is proposed to increase the amount of signage on the restaurant. Other similarly-sized tenants, within the shopping center, are allowed one sign not to exceed 26-inches in height. The current sign plan reserves signage on multiple facades for anchor tenants with challenged visibility. Olive Garden’s signage on the south elevation has reasonable visibility from I394 and Wayzata Blvd.

- **Is the request to allow a parking lot sign reasonable?**

  Parking lot signs, complying with City Code §300.05, Subd. 3(d), are allowed without a sign permit. However, the sign is included in the amendment request because the sign plan outright prohibits any sign not addressed within the sign plan. Staff does not find the parking lot sign reasonable. The parking lot sign would impede wayfinding, as it would not direct traffic to the “to go” area on the west side of the building. Staff finds that the signage on the rear wall would more appropriately improve wayfinding without unnecessarily increasing signage.
Summary Comments

Staff understands the applicant’s desire to identify and direct attention to Olive Garden. However, the restaurant is already allowed signage beyond what many of the anchor tenants within the shopping center are allowed, despite the restaurant’s closer location to the roadway.

Recommendation

Staff recommends the planning commission adopt the resolution approving an amendment to the West Ridge Market sign plan to allow a wall sign on the north (rear) elevation and a blade sign on the west elevation.

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

**Surrounding Land Uses**
- **Northerly:** Gables of West Ridge Condominiums, zoned PID, Planned I-394 District, and guided for high density residential uses
- **Easterly:** Crescent Ridge Corporate Center, zoned PID, Planned I-394 District, and guided for office uses
- **Southerly:** I-394 and Crane Lake beyond
- **Westerly:** Marsh Run office buildings, zoned PID, Planned I-394 District, and guided for service commercial uses

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

**Sign Plan Review Standards**
Within the P.U.D./P.I.D. zoning districts, a sign plan with differing requirements may be approved by the city. Factors which will be used in determining if an individual P.U.D./P.I.D. sign plan will be considered include the following:

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

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

3) The development includes mixed uses;

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

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

**West Ridge Market Sign plan**
The following chart is intended to summarize the West Ridge Market sign plan:

<table>
<thead>
<tr>
<th>West Ridge Sign Plan Summary</th>
<th>Building A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than 75,000 sq. ft.</td>
<td>Two wall signs not to exceed 6.5 feet on south façade</td>
</tr>
<tr>
<td>Greater than 45,000 sq. ft.</td>
<td>One sign not to exceed 5 feet on south façade</td>
</tr>
<tr>
<td>Greater than 10,000 sq. ft.</td>
<td>One sign not to exceed 3 feet on southwest façade and one sign not to exceed 26 inches on southeast façade</td>
</tr>
<tr>
<td>Less than 10,000 sq. ft.</td>
<td>One sign not to exceed 26 inches on front façade</td>
</tr>
</tbody>
</table>
**Sign Plan History**


Feb. 2, 1996: Galyan’s (current Dick’s Sporting Goods) appealed the planning commission’s decision on the sign plan to the city council. Galyan’s requested that they be allowed two, 6.5-foot tall signs for their tenant space, rather than one 5-foot sign as approved by the planning commission. The city council approved one, 6-foot sign for Galyan’s.

July 8, 1996: The city council reconsidered Galyan’s request to allow for two wall signs. The city council approved two, 6.5-foot tall signs, as proposed by the applicant.

Feb. 23, 2009: The city council approved an amendment to the sign plan for a new restaurant in Building B (current Boulevard location.) The amendment allowed a 5-foot tall sign on the south side of the tenant space.

June 7, 2010: The city council approved an amendment to the sign plan for Boulevard restaurant for a blade sign to be installed on the corner of the building in lieu of the wall signs.

Oct. 4, 2012: The planning commission approved an amendment to the sign plan for Staples which decreased the size of the anchor tenants in Building B from 25,000 square feet to 18,000 square feet. The planning commission also denied an amendment for Fidelity Investments to allow two wall signs with a maximum height of 33 inches.

Oct. 29, 2012: The applicant appealed the planning commission’s decision regarding the sign plan amendment for Fidelity Investments.

<table>
<thead>
<tr>
<th><strong>Building B</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than 18,000 sq. ft.</td>
<td>Two signs – one on east and one on south façade – not to exceed 3 feet.</td>
</tr>
<tr>
<td>Greater than 11,000 sq. ft.</td>
<td>One sign not to exceed 3 feet.</td>
</tr>
<tr>
<td>Less than 11,000 sq. ft.</td>
<td>One sign not to exceed 26 inches.</td>
</tr>
<tr>
<td><strong>Restaurant (BLVD)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>One sign not to exceed 5 feet in height on south façade. One wall sign not to exceed 36 inches on east façade of tenant space. In lieu of two allowable signs, the restaurant may have a blade sign on southeast corner of the building. Sign must not exceed 48-inches in size and mounted 8-feet above the ground.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Building C</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than 10,600 sq. ft.</td>
<td>Two signs not to exceed 3 feet, average letter height is 26 inches, not on the same elevation.</td>
</tr>
<tr>
<td>Less than 10,600 sq. ft.</td>
<td>One sign not to exceed 26 inches.</td>
</tr>
<tr>
<td><strong>Freestanding restaurant</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>One wall sign not to exceed 5 feet on the south façade.</td>
</tr>
</tbody>
</table>
The city council approved the sign plan amendment as proposed by Fidelity Investments.

Jan. 3, 2013: The planning commission denied an amendment to the sign plan to allow a third wall sign, on the southwest corner of the building, for Lands End.

**Pyramid of Discretion**

This proposal:

**Motion Options**

The planning commission has three options:

1) Concur with the staff recommendation. In this case, a motion should be made to adopt the resolution which approves an amendment to the West Ridge Market sign plan to allow a wall sign on the north elevation and a blade sign on the west elevation.

2) Disagree with staff's recommendation. In this case, a motion should be made directing staff to prepare a resolution for denying the sign plan amendment.

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

**Voting Requirement**

The planning commission's approval requires an affirmative vote of five members.

**Appeals**

Any person aggrieved by the planning commission's decision regarding 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 198 area property owners and received no comments.

**Deadline for Decision**

Nov. 14, 2019
Location Map

Project: Olive Garden
Address: 11390 Wayzata Blvd
11390 Wayzata Blvd
Minnetonka, MN 55305

Store #1424

August 26, 2019
W-50-RF Wall Sign: 48.13 SF

3'-9" x 13'-5" Wall Sign: 50.31 SF

15" x 38" Blade Sign: 3.96 SF

3'-9" x 13'-5" Wall Sign: 50.31 SF

Directional at 36" OAH: 2.83 SF
Left Elevation
Store #TBD

50 SF Linear Wall Sign
Utilized Square Footage: 50.31
Scale: 3/8" = 1'

100'-7 1/4"
25'-10"
20'-0"
3'-0"
50 SF Linear Wall Sign
Utilized Square Footage: 50.31
Scale: 3/8" = 1'

3'-1"
3'-9"
13'-5"
Custom Blade Sign
Utilized Square Footage: 3.96
Scale: 1/2''=1'
Custom Directional
Store #TBD

SCALE: 3/4" = 1'

To Go!
OG-W50-RF WALL SIGN

scale 1/2" = 1'-0"
General Specifications

1. Fabricated aluminum exterior illuminated cantilevered wall sign face panels are 1/8" thick aluminum, PMS 7533 Brown (textured finish).
2. To Go” sign section to be fabricated aluminum, PMS 383 Green, routed out aluminum faces with push-thru LEDs. Use “To Go” text to be 3/4" thick precision cut clear acrylic for "push thru" edge illuminated letters with 3M 6901-0490 PMS warm gray 1C custom vinyl applied first surface. The “vines” are 3/4" push-thru LED painted PMS 383 Green.
3. Steel tube horizontal support, PMS 7533 Brown.
4. Cantilevered wall sign attached to wall with fabricated structural steel mounting bracket support frame and anchored to wall, as required per wall construction. PMS 7533 Brown, concealed electrical stub-out thru wall. Signs are to meet all local and state building code requirements and are UL approved. Add removable aluminum covers, PMS 7533 Brown (textured finish), to conceal mounting hardware.

Colors:
- PMS 383 Green
- PMS 7533 Brown
- PMS warm gray 1C (modified)
Carside To Go Window Graphics

DIGITAL PRINTED VINYL GRAPHICS APPLIED
1ST SURFACE TO GLASS ENTRY DOOR.

- PMS 383 GREEN
- PMS 7533 BROWN

1.27 Sq. Feet Sign Area
**SCOPE OF WORK:**

MANUFACTURE 1) 17" X 24" S/F DIRECTIONAL SIGN AT 36" OAH. SIGN FACE TO BE FLAT POLYCARBONATE WITH FIRST SURFACE VINYL GRAPHICS APPLIED. SIGN TO BE ILLUMINATED WITH GE LEDS. SIGN TO BE SINGLE FACED, DUE TO THE INSTALLATION LOCATION.
WEST RIDGE MARKET SIGN PLAN AND CRITERIA

Landlord shall enforce conformance of signs in the Shopping Center with the following criteria. Landlord shall administer and interpret these criteria, but is not empowered to authorize any departure without written approval of Tenant.

A. GENERAL REQUIREMENTS/SPECIFICATIONS

1. All signs shall comply with all laws, ordinances, rules and regulations.

2. Painted lettering on signs are not permitted, except as specified under Section C hereof.

3. Flashing, moving, rotating, exposed light or audible signs or elements thereof are not permitted.

4. Pylon or pole signs are not permitted. One primary and one secondary monument sign shall be constructed according to Section 300.30 of the City zoning ordinance and located per the attached site plan.

5. All electrical signs and all components thereof shall bear the UL label and their installation must comply with all local building and electrical codes.

6. No exposed neon lighting shall be used on signs, symbols or decorative elements provided, however, exposed neon signs (I) when held together by a clear glass tube framing system exposed in a window, (ii) inside a light box and covered with a colored translucent or mirrored Plexiglas, or (iii) mounted directly on the store front, are permitted.

7. All conductors, transformers and other equipment shall be concealed.

B. DESIGN REQUIREMENTS

1. The horizontal dimension of signs on any store front shall not exceed two-thirds the width of store frontage.

2. The total sign (the rectangle enclosing each group of letters, symbols or logos) shall not exceed 15% of the area of the storefront and shall be located at least 12 inches from each lease line.

3. No signs perpendicular to face any Buildings are permitted.

4. No signs of any sort are permitted on penthouses, canopy roofs or Building roofs.

5. Wording of signs shall not include the product sold except as part of an Occupant’s trade name or insignia.
6. No sign, or any portion thereof, may project above the parapet or top of wall upon which it is mounted.

7. All exterior metal signs, bolts, fastening and clips shall be hot-dipped galvanized iron, stainless steel, aluminum, brass or bronze, and no black iron materials of any type will be permitted.

8. All exterior letters or signs exposed to the weather shall be mounted with at least \( \frac{3}{4} \)" clearance from the building wall to permit proper dirt and water drainage.

9. No sign maker’s labels or other identification are permitted on the exposed surface of signs except those required by local ordinance, in an inconspicuous location.

10. All penetrations of the Building structure required for sign installations shall be neatly sealed in a watertight condition.

C. MISCELLANEOUS REQUIREMENTS

1. Each Occupant may place upon each entrance of its demised premises not more than 144 square inches of gold leaf or decal application letter, not to exceed two inches in height, indicating hours of business, emergency telephone numbers, etc.

2. Each Occupant with a non-customer door for receiving merchandise may have uniformly applied on such door, in two-inch block letters, such Occupant’s name and address. Where more than one Occupant uses the same door, each name and address shall be applied.

3. Floor signs, such as inserts into terrazzo, etc., shall be permitted within each Occupant’s lease line in their store fronts, if approved by Landlord.

4. Paper signs and/or stickers utilized as signs and signs of a temporary nature, of whatever composition or material, will not be permitted; except for grand opening banners for no more than 30 days.

D. TENANTS AND OTHER ANCHOR’S SIGNS

BUILDING A

1. Anchor tenants whose leasable area exceeds 75,000 square feet shall be permitted two wall signs and logos not to exceed 6.5 feet in height on the south elevation.

2. Tenants whose leasable area exceeds 43,000 square feet shall be permitted one wall sign and logo not to exceed 5.0 feet in height on the south façade.
3. Tenants whose leasable area exceeds 10,000 square feet shall be permitted one wall sign and logo not to exceed 3.0 feet in height on the southwest façade, and one wall sign and logo not to exceed 26 inches in height on the southeast façade.

4. All other tenants shall be allowed one wall sign and logo not to exceed 26 inches in height on their front façade.

BUILDING B

1. The south tenant shall be permitted one wall sign and logo not to exceed 3.0 feet in height on the east façade, provided the tenant’s leasable area exceeds 18,000 square feet.

   The south tenant shall also be permitted one wall sign and logo not to exceed 3.0 feet in height on the south façade, provided the tenant’s leasable area exceeds 18,000 square feet.

2. Other tenants whose leasable area exceeds 11,000 square feet shall be permitted one wall sign and logo not to exceed 3.0 feet in height on the east façade.

3. Other tenants whose leasable area is 11,000 square feet or less shall be permitted to have one wall sign and logo not to exceed 26 inches in height on the east façade.

4. The corner tenant on the south end of Building B is permitted one wall sign and logo not to exceed 26 inches in height. If the sign contains a stacked letter configuration, the total height must not exceed 34.5 inches, and must not exceed 39 square feet in total size.

5. The restaurant tenant at the north end of Building B shall be permitted one wall sign and logo not to exceed 5.0 feet in height on the south façade and one wall sign and logo not to exceed 36 inches in height on the east façade of the tenant space. In lieu of the two allowable wall signs, the restaurant may have a blade-style sign mounted on the southeast corner of the building. The sign must not exceed 48 square feet in size, must be mounted a minimum of 8 feet above the ground, and must not extend above the cornice line of the building.

BUILDING C

1. Tenants whose leasable floor area is at least 10,600 square feet shall be permitted two wall signs and logos not to exceed 3.0 feet in height provided the average individual letter height does not exceed 26 inches. The signs shall not be located on the same façade.

2. Tenants whose leasable floor area is less than 10,600 square feet shall be permitted one wall sign and logo not to exceed 26 inches in height.
FREESTANDING RESTAURANT

1. The freestanding restaurant shall be permitted one wall sign and logo not to exceed 5.0 feet in height on the south façade.
F. Sign Plan Review for the commercial part of the Boulevard Gardens project at the northwest corner of I-394 and County Road 73 (95017.6)

Principal Planner Kim Lindquist stated she would like to focus on portions of the sign plan that need further input from the Commission. She reviewed changes in the proposal since the staff report and a revised sign table.

Chairman Parks asked about the monument signs.

Ms. Lindquist stated two monument signs are proposed. They are overly large in size, although they do meet the sign height requirements. Staff has requested that the applicant reduce the size to comply with the ordinance standards. Based on the retail center size, the applicant would be allowed a total of 225 square feet for two monument signs. The applicant is interested in having two signs of equal size which is a modification from the ordinance.

Chairman Parks pointed out that the drawings indicate the signs would be constructed with simulated stone. He would prefer to see real field stone used for the monument signs.

Commissioner Link had questions about the signing needs for the restaurant in Building B. Ms. Lindquist stated the applicant does not have a restaurant tenant at this time, so it would be difficult for them to propose a sign that would reflect the restaurant’s needs.

David Carland, Vice President of Development at CSM Corporation, 2575 University Avenue, St. Paul explained that the monument sign will comply with City code and the simulated stone is a masonry product which will be as durable and attractive as natural field stone.

Mr. Carland discussed the two areas of dispute, a request for two signs for Stroud’s Linen and the Galyan’s signage. Galyan’s continues to request two signs, but has decreased the sign height from 8 feet to 6-1/2 feet.

The public hearing was opened.

The public hearing was closed.

Commissioner Kitchak asked for clarification of the tenant’s signage request for Building B1.

Ms. Lindquist stated they are requesting two signs, one on the south and one on the east side of the building and staff is recommending one sign on the
east side. Staff believes the center tenants should only have signing opportunities within their tenant space.

Commissioner Kitchak stated he can understand why the tenant and developer want the sign on the south wall as it would be highly visible.

Commissioner Link stated she foresees this same problem coming up for other tenants within Building B.

Commissioner Sodergren asked Mr. Carland to clarify Galyan’s request. Mr. Carland stated their initial request was for two signs at 8 feet. Staff has recommended approval of one sign at 8 feet. The revised proposal is for two signs at 6-1/2 feet. He clarified the text of the sign.

Commissioner Sodergren asked Mr. Carland to comment on the Media Play sign and the change in their request for signage. Mr. Carland stated Media Play was convinced their original request would not be approved.

Commissioner Willcox stated he likes Minnetonka’s sign ordinance which prevents sign clutter. He can understand Galyan’s request, but the ordinance and previous City actions do not support it.

Commissioner Kitchak stated he is not opposed to using the south wall of Building B for signage. He feels the Commission has the ability to negotiate sign covenants with landlords and tenants. Commissioner Kitchak asked for clarification on which direction the signs would face.

Ms. Lindquist stated that on B-1, there would be one sign facing the east. That B-1 tenant also wants to have a sign on the south facade where the B-2 tenant is located. On the south facade of the B-2 wall, there would be signage for the B-2 tenant as well as the tenant north of them. Staff’s issue is there is no correlation between the tenant space and the requested sign.

Commissioner Kitchak asked if there will be more than two tenants in this facility. Ms. Lindquist stated two tenants are currently being proposed; however, that may change over time since the buildings are constructed to be divided.

Chairman Parks agreed with staff’s recommendation that the tenants should only have signing opportunities within their tenant space.

Commissioner Link agreed with Chairman Parks.

Commissioner Jensen stated he supported the applicant’s proposal.
Commissioner Sodergren stated she does not think the City is imposing extraordinarily onerous restrictions on these tenants by requiring them to keep their signage only on their own buildings. She does support the idea of symmetry and would support Galyan's request for two 6-1/2 foot signs. She does not support the extra sign for the B-1 tenant.

Commissioner Willcox does not feel the Commission should compromise signage standards on what is to be a showcase development. He would not be in favor of multiple signs on B-2, but could support Galyan's request. He does not want to create a precedent.

Chairman Parks stated he agrees with staff's recommendations.

Planning Director Olson clarified the number of votes needed to approve this proposal.

Motion by Willcox, second by Sodergren to accept staff's recommendation to approve the sign plan review for the commercial part of the Boulevard Gardens project at the northwest corner of I-394 and County Road 73, including the sign criteria narrative (12-19-95), the site plan (revised 12-18-95) and the sign elevations (revised 12-18-95) for the retail center and Macaroni Grill Restaurant, subject to the following conditions:

A. Revise the sign criteria for staff approval with the following changes:

1. Revise sign sizes as recommended in the January 4, 1996 Boulevard Gardens Sign Table.

2. Downsize the two freestanding signs to comply with ordinance size and height requirements.

3. Prohibit all product advertising from center signage, including that proposed for Media Play.

4. Limit all tenant signs to tenant identification and logo, which must be located within the designated sign band. The band shall be of uniform background consisting of building surface, facade or treatment.

5. Modify the sign criteria to address sign color.

6. Sign length for minor tenants shall be limited by the tenant name and cannot extend closer than two feet to the tenant lease line.
Major and anchor tenants will be limited by total sign size to be determined.

7. Recognize the sign proposed for Building D (the freestanding restaurant) and note that no additional wall signs or advertising on the freestanding sign will be permitted for this tenant. Additionally, the restaurant within Building B must conform to the sign criteria for the minor tenants.

8. Show how the sign will be mounted to the facade at the time of applying for a sign permit.

B. Record the sign criteria as covenants against the property before the City issues any sign permits.

Commissioners Sodergron, Link, Willcox and Parks voted yes. Commissioners Jensen and Kitchak voted no. **Motion carried.**

6. REPORT FROM PLANNING COMMISSIONERS

None.

7. ADJOURNMENT

The meeting adjourned at 12:00 a.m.
Resolution No. 2019-

Resolution approving a sign plan amendment to the West Ridge Market sign plan, to allow a wall sign on the north elevation and a blade sign on the west elevation for Olive Garden at 11390 Wayzata Blvd

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

Section 1. Background.

1.01 Site Enhancement Services, on behalf of Olive Garden and the property owners, is requesting an amendment to the West Ride Market sign plan to allow a wall sign on the north elevation and a blade sign on the west elevation of the restaurant building.

1.02 The property is located at 11390 Wayzata Blvd. The property is located 11390 Wayzata Boulevard. It is legally described as follows:

Lot 4, Block 1, BOULEVARD GARDENS SECOND ADDITION, Hennepin County, Minnesota. (Certificate No. 860838).

1.03 West Ridge Market is governed by a sign plan that was approved by the planning commission on Jan. 4, 1996. The sign plan allows one, five-foot sign on the south elevation of the freestanding restaurant.

Section 2. General Standards.

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

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

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

3. The development includes mixed uses;

4. A sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high-quality signage; and
5. The sign plan includes permanent sign covenants, which can be enforced by the city.

Section 3. FINDINGS.

3.01 The sign plan amendment for the wall sign on the north elevation and blade sign on the west elevation is appropriate for the property as:

1. The wall sign on the north elevation would improve wayfinding within the shopping center and would not be visible from any adjacent public rights-of-way.

2. Restaurant operations have changed since the adoption of the sign plan. Restaurants now offer “to go” options which allow for online ordering and pick up at the restaurant. The blade sign would improve wayfinding to the “to go” pick up area.

3. Similar blade signs have been approved on restaurants throughout the community.

Section 4. Planning Commission Action.

4.01 The Planning Commission approves a sign plan amendment to the West Ridge Market to allow:

1. A 50 square foot sign on the north elevation not to exceed 3 feet in height; and

2. A four-square foot blade sign, not to exceed a projection of 40-inches, on the west elevation.

4.02 Approval is based on the findings outlined in section 3 of this report and is subject to the following conditions:

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

2. Sign permits are required for the signs.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Sept. 5, 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 Sept. 5, 2019.

Fiona Golden, Deputy City Clerk
MINNETONKA PLANNING COMMISSION
Sept. 5, 2019

Brief Description  Amendment of the 7-Hi Shopping Center sign plan as it pertains to the monument sign at 17790 Hwy 7

Recommendation  Adopt the resolution denying the request

Background
The subject property is located within the 7-Hi Shopping Center. Signs within the shopping center are not regulated by the city’s sign ordinance. Rather, the signs are governed by a sign plan that was originally approved in 2001 and amended in 2015. As it pertains to this request, the sign plan allows three monument signs of a specific size.

Existing Sign and Site
The site currently has three monument signs. The subject monument sign is located on the south side of the property. The monument sign is 94.8 square feet in total size and has 31.9 square feet of copy and graphic area. Currently, the sign only has a “Target” logo and has the wording “Super Target.” However, the subject property does not contain the Target building but instead has a 23,076 square foot multi-tenant building.

Proposal
Eric Bjelland, on behalf of 7-Hi Retail LLC, is proposing to enlarge the monument. The main purpose of the sign enlargement is to provide signage for the multi-tenant building businesses. The proposed sign would exceed the maximum total area and maximum copy and graphic area allowed by the existing sign plan for the 7-Hi Shopping Center.

The proposal requires:

Sign Plan Amendment: The sign plan restricts the monument sign’s maximum area to 75 square feet and the maximum copy and graphic area to 40 square feet. The subject monument sign already exceeds the maximum total signage area, as it is 94.8 square feet. The applicant’s
The proposal would increase the total monument sign area to 196 square and increase the copy and graphic area to 110 square feet.

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<tr>
<th></th>
<th>Existing</th>
<th>Sign Plan Maximum</th>
<th>Proposed</th>
<th>City Code Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Monument Signs (entire site)</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Copy and Graphic Area</td>
<td>31.9 sq. ft.</td>
<td>40 sq. ft.</td>
<td>110 sq. ft.*</td>
<td>80 sq. ft.</td>
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<tr>
<td>Total Sign Area</td>
<td>94.8 sq. ft.</td>
<td>75 sq. ft.</td>
<td>196 sq. ft.*</td>
<td>120 sq. ft.</td>
</tr>
</tbody>
</table>

*Requires Sign Plan Amendment

**Staff analysis**

Staff finds that the proposed sign would not be in keeping with the city code or signage that has previously been approved within the City of Minnetonka. Specifically, staff finds:

- **Total Monument Area.** The proposed monument sign would be 196 square feet. This sign would be over twice the size of the existing sign (95.4 square feet), would be over twice the size of the maximum sign allowed in by the sign plan (75 square feet), and would exceed the maximum sign size permitted by city code (120 square feet) by over 60 percent. The proposed monument sign size is not consistent with the sign code or other signage for similar-sized buildings in the city.

- **Copy and Graphic Area.** The applicant’s proposed sign has 110 square feet of copy and graphic area. This amount is three times the amount of the existing sign (31.9 square feet), over twice the size of what is currently permitted by the sign plan (40 square feet), and exceeds the maximum copy and graphic area permitted by city code (80 square feet) by 38 percent. As such, staff finds that the proposed copy and graphic area would not be consistent with the sign code or signage for similar-sized buildings in the city.

- **Wayfinding, Aesthetics, and Safety.** The current sign has excellent visibility for both east and west bound traffic on State Highway 7. It currently displays the “Target” logo, the wording “Super Target” and the “7-Hi” logo. The applicant has attempted to keep this good visibility for the current advertising tenant (Target). However, the proposed additional tenant advertising would not be as effective.
- State Highway 7 has a 55 mph speed limit, and drivers on this road would be located, at a minimum, 160 feet (east bound) or 200 feet (westbound) from the sign when they need to decide if they wish to exit towards the 7-Hi Shopping Center. While the proposed letters may be readable from this distance, the proposed letter heights (5-9 inches) are 1/3 to 1/2 the size that the sign industry standard would recommend (see right). The letter heights appear to be too short to safely read when considering the distance the drivers would be reading and the speed they would be traveling.

- Several buildings in the community have monument signs with multiple tenants advertised. However, the proposed sign advertises for seven businesses, with six located on top of each other. The surplus of advertising minimizes the readability of the subject sign. As such, the excessive amount of individual business advertising makes the sign appear cluttered. The cluttered nature of the sign would make it difficult for drivers to interpret it and make a decision to safely turn while they drive on State Highway 7.

- **Business Identification.** The practical difficulty suggested by the property owner has been created by the property owner. The signage could be brought into compliance with the sign plan and provide advertising for several multi-tenant businesses if the Target identification was removed or reduced in size. The request to maintain the same amount of identification for Target and add signage for several additional businesses has created a monument sign that greatly exceeds the amount that is allowed for the subject development and for similar developments within the community.

**Staff recommendation**

Adopt the resolution denying the requested amendment to the 7-Hi Shopping Center sign plan as it pertains to the monument sign at 17790 State Highway 7.

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

**Surrounding Land Uses**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Target, zoned PUD, guided commercial</td>
</tr>
<tr>
<td>South</td>
<td>State Highway 7</td>
</tr>
<tr>
<td>East</td>
<td>Village Animal Hospital and Walgreens, zoned B-2, guided commercial</td>
</tr>
<tr>
<td>West</td>
<td>US Bank, zoned PUD, guided commercial</td>
</tr>
</tbody>
</table>

**Planning**

Guide Plan Designation: Commercial  
Zoning: PUD, Planned Unit Development

**Sign Plan**

The subject sign plan allows the site to have three monument signs. Specifically, the site is permitted:

- One monument sign that is 150 square feet in total area with 50 square feet of copy and graphic area (Sign Type A); and
- Two monument signs (subject sign) that are 75 square feet in total area, with 40 square feet of copy and graphic area (Sign Type B).

**Non-Compliant Monument Signs**

The Type B monument signs (including the subject sign) are limited to 75 square feet and 40 square feet of copy and graphic. However, both of these signs are approximately 90 square feet in total area. It is unknown when the signs became non-compliant with the sign covenant, as the signs appear to have been approved with the subject project. Moving forward, staff would allow the monument signs to exist. If they are removed, staff would require either: (1) that the signs become conforming; or (2) the property owner to apply for a sign plan amendment to allow the non-compliance.

## Pyramid of Discretion

![Pyramid of Discretion Diagram](image)

**This proposal:**

---

**Voting Requirement**

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

**Motion options**

The planning commission has the following motion options:
1) Concur with staff’s recommendation. In this case, a motion should be made adopting the resolution denying the sign plan amendment.

2) Disagree with staff’s recommendation. In this case, a motion should be approving the request. The motion should include findings for approval.

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.

**Appeals**

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.

**Neighborhood Comments**

The city sent notices to 55 area property owners and have received no comments to date.

**Deadline for Decision**

Nov. 18, 2019
Location Map

Project: 7-Hi Center sign
Address: 17790 Hwy 7
July 22, 2019

City of Minnetonka  
c/o Drew Ingvalson, Planner  
Planning Department  
14600 Minnetonka Blvd.  
Minnetonka, MN 55345

RE: Sign Plan Review Application

Property: Seven—Hi Retail Center  
17790 & 177800 State Highway No. 7  
4754 and 4912 County Road 101  
Minnetonka, MN 55345

Owner: 7-Hi Retail LLC, a MN Limited Liability Company  
1660 South Highway 100, Suite 210  
St. Louis Park, MN 55416

Contact: Eric Bjelland  
(952) 697-3650  
Eric@midwestretailventures.com

To Whom It May Concern:

Spectrum Sign Systems, Inc., as representative for 7-Hi Retail LLC, is sending an Application for Sign Plan Review to install a multi-tenant monument sign to replace an existing single tenant monument sign located at at the South entrance along State Highway No. 7.

The property is part of the Super Target PUD that was established in 1993 and amended over the last 25 years. The tenants located in the back of the center have little or no visibility due to the Vet Clinic, Bank Building, Walgreen’s and a mature treescape. Consumer shopping preferences have changed due to online opportunities and the requirement for tenant identification has never been more important.

If you have any questions or require any additional information, please contact me at (763) 432-7447 or lisap@spectrum-signs.com.

Sincerely,

Lisa Pelle  
Spectrum Sign Systems, Inc.
RE: Sign Plan Review Application for 7-Hi Center

To Whom It May Concern:

On behalf of The Original Pancake House, K-T Nails, Tonka Nutrition, Club Palates, Cigar Lounge and Discount Tire, the Owner’s of 7-Hi Retail LLC are seeking a variance to the sign criteria that will allow for the expansion of the sign on MN Highway 7 to accommodate individual user names and Super Target’s new logo.

The property is part of the Super Target PUD that was established per the Reciprocal Easement and Operating Agreement dated October 1993 and subsequently amended over the past 25 years. The need for the variance has been caused by changing consumer preferences, specifically on-line shopping and same day delivery. With reduced consumer trips and limited visibility, the additional signage is needed to create as much exposure to capture consumers traveling along this corridor.

We have retained Spectrum Signs to assist with this request. The submitted rendering has been approved by both other owners of 7-Hi Retail LLC and Target Corporation.

If you have any question, please contact me.

Yours truly,

Eric R. Bjelland

(952) 697-3650

ebjelland@rmasvc.com

C: Original Pancake House
K-T Nails
Tonka Nutrition
Club Palates
Cigar Lounge
Discount Tire
Midwest Retail Ventures - Monument

Furnish and Install (1) 8'-0" x 16'-0" D/F LED Illuminated Monument Sign

A. Aluminum Cabinet, Retainer and Divider Bars
   Painted White

B. Target: Translucent Digitally Printed Flex Face to Match (3630-55) Translucent Red
   Tenants: Flat Polycarbonate Faces with First Surface Translucent Vinyl/Digitally Printed Graphics
   - Colors TBV

C. Aluminum Reveal Painted White
D. Aluminum Base Cap
E. Masonry Base to Match Existing

Due to variances among color monitors, the colors shown may vary from actual finish color.
Midwest Retail Ventures - Monument

180394

THE ORIGINAL PANCAKE HOUSE
DISCOUNT TIRE
KT NAILS
CIGAR LOUNGE
CLUB PILATES
TONKA NUTRITION

target

Grade

Existing West Side of Monument

Proposed West Side of Monument

Due to variances among color monitors, the colors shown may vary from actual finish color.
LEGAL DESCRIPTION:

The subject matter of this report is a portion of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 1, Township 1 North, Range 1 West, 2nd Principal Meridian,


For: NORTHMAND
7-HI CENTER
4754 COUNTY RD. 101
17790, 17800 HIGHWAY 7
BLOOMINGTON, MINNESOTA.

CERTIFICATION:

The undersigned hereby certifies that the Land Title Survey was performed in strict accordance with the Standard Surveying Practice and Standards established by the American Congress on Surveying and Mapping and the National Society of Professional Surveyors. The survey was performed for the purpose of determining the land title as required by the Title Insurance Company and as directed by you, the Owner. The Survey was performed using standard Land Title Surveying and Land Title Surveying for Easements and Right-of-Way. The survey was performed using standard hand-held total station and hand-held total station with the latest available technology. The survey was performed using standard hand-held total station and hand-held total station with the latest available technology. The survey was performed using standard hand-held total station and hand-held total station with the latest available technology. The survey was performed using standard hand-held total station and hand-held total station with the latest available technology.

GENERAL NOTES:

1. Subject property is located at the Northwest quadrant of State Highway 101 and State Highway No. 7.
2. All field measurements matched recorded dimensions within the precision requirements of ALTA/NSPS.
4. Additions within recent months.
5. Listed for Land Title Surveys as adopted by ALTA and NSPS.
8. Easement for sanitary sewer purposes in favor of the City of Minnetonka pursuant to quit claim deed dated Document No. 3405402. (LOCATED AS SHOWN ON SURVEY)
10. Easement for sanitary sewer purposes in favor of the City of Minnetonka pursuant to quit claim deed dated Document No. 3405402. (LOCATED AS SHOWN ON SURVEY)
11. The following recital appears on the certificate of title:
12. The following recital appears on the certificate of title:
13. The following recital appears on the certificate of title:
14. The following recital appears on the certificate of title:
15. The following recital appears on the certificate of title:
16. The following recital appears on the certificate of title:
17. The following recital appears on the certificate of title:
18. The following recital appears on the certificate of title:
19. The following recital appears on the certificate of title:
20. The following recital appears on the certificate of title:

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7-HI CENTER
4754 COUNTY RD. 101
17790, 17800 HIGHWAY 7
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2. All field measurements matched recorded dimensions within the precision requirements of ALTA/NSPS.
4. Additions within recent months.
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17. The following recital appears on the certificate of title:
18. The following recital appears on the certificate of title:
19. The following recital appears on the certificate of title:
20. The following recital appears on the certificate of title:
Resolution No. 2015-10

Resolution repealing and replacing the Seven Hi sign plan for the properties at 17790 and 17800 State Highway 7 and 4754, 4848, 4900, and 4912 County Road 101

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

Section 1. Background

1.01 The Seven Hi Planned Unit Development (PUD) includes the properties located at 17790 and 17800 State Highway 7 and 4754, 4848, 4900, and 4912 County Road 101.

1.02 In 2001, the city approved a sign plan for said properties. The sign plan regulates sign location, square footage, dimensions, construction type, color, and materials. The plan also includes specific design/exhibits.

Section 2. Findings

2.01 The existing regulations pertaining to sign location and dimensions continue to be reasonable in the context of the Seven Hi PUD. However, the regulations pertaining to construction type, color, materials, and specific design/exhibits restrict reasonable changes.

Section 3. Planning Commission Action.

3.01 The existing Seven Hi sign plan, a copy of which is attached to the resolution as Exhibit A, is repealed.

3.02 A new Seven Hi sign plan, a copy of which is attached to the resolution as Exhibit B, is hereby approved.

3.03 In the event that additional freestanding buildings are approved for construction on the Target property, city staff may administratively replace the sign plan diagram to reflect the additional buildings.
Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 11, 2015.

__________________________
Brian Kirk, Chairperson

Attest:

__________________________
Kathy A. Leervig

Kathy Leervig, Deputy City Clerk

Action on this resolution:

Motion for adoption: Rettew
Seconded by: Calvert
Voted in favor of: Rettew, Calvert, Knight, Magney, O'Connell, Kirk
Voted against:
Abstained:
Absent: Odland
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 11, 2015.

__________________________
Kathy Leervig, Deputy City Clerk
A. GENERAL PROVISIONS

- All signs must be approved by the approving parties of the Seven Hi Operation and Easement Agreement and the city of Minnetonka.
- All wall signs must be constructed of individual channel letters and logos.
- All wall signs must be located wholly within the tenant space for which the sign is displayed and within a consistent sign band on each building.
- The wall sign and freestanding sign provisions outlined in Section B and C of this document apply to the locations depicted on attached Seven Hi Site Diagram.

B. WALL SIGN PROVISIONS

1. Target

- 627 total SF of walls signage if permitted.
- Maximum vertical dimension of letters is 5 feet and maximum dimension of logos is 9 feet by 9 feet.

2. Target Tenant

- Two (2) signs are permitted, provided they are not located on the same building face.
- No signs are permitted on the west face of the building.
- Maximum vertical dimension of letters is 36 inches and maximum dimension of logos is 48 inches by 48 inches.
- Signs are limited to tenant name and logo.

3. 7-HI Corner

- Individual tenants 5,000 SF and greater are permitted two (2) signs, provided they are not located on the same building face. Maximum vertical dimension of letters is 26 inches and maximum dimension of logos is 36 inches by 36 inches.
- Individual tenants less than 5,000 SF are permitted one (1) sign. Maximum vertical dimension of letters is 24 inches and maximum dimension of logos is 36 inches by 36 inches.
- No signs are permitted on the west face of the building.
- Signs are limited to tenant name and logo.
4. **Bank Building**
   - Two (2) signs are permitted, provided they are not located on the same building face.
   - Maximum vertical dimension of letters is 26 inches and maximum dimensions of logos is 36 inches by 36 inches.
   - Signs are limited to tenant name and logo.

5. **Freestanding Buildings**
   - Each tenant is permitted two (2) signs, provided they are not located on the same building face.
   - Maximum vertical dimension of letters is 26 inches and maximum dimensions of logos is 36 inches by 36 inches. Signs are limited to tenant name and logo.

C. **FREESTANDING SIGN PROVISIONS**

1. **Monument Signs**
   - Three monument signs are permitted: one (1) style A and two (2) style B signs.
   - Style A: maximum total copy and graphic area is 50 SF and maximum total sign area is 150 SF.
   - Style B: maximum total copy and graphic area is 40 SF and maximum total sign area is 75 SF.

2. **Wendy's Pylon Sign**
   - The existing pylon sign associated with the freestanding Wendy's building may remain. In the event that the existing tenant vacates the building, the existing sign must be removed.
Subject Sign, off State Hwy 7
(Sign Type B)
Planning Commission Resolution No. 2019-
Resolution denying a request to amend the 7-Hi Shopping Center sign plan as it pertains to a monument sign at 17790 State Highway 7

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 17790 State Highway 7, within the 7-Hi Shopping Center. The property is legally described as:

Lot 4, Block 1, Seven Hi Shopping Center, Hennepin County, Minnesota

1.02 Signs within the 7-Hi Shopping Center are governed by a sign plan that was originally approved in 2001 and was amended in 2015.

1.03 The subject monument sign is currently non-compliant with the sign plan, as it exceeds the total signage area and maximum copy and graphic area.

1.04 Erc Bjelland, on behalf of the 7-Hi Retail LLC, is proposing to enlarge the existing monument sign on the property at 17790 State Highway 7. The proposed sign would exceed the copy and graphic area and total monument area allowed by the existing 7-Hi Shopping Center sign plan.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Sign Plan Maximum</th>
<th>Proposed</th>
<th>City Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of Monument Signs</td>
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<tr>
<td>Total Sign Area</td>
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<td>75 sq. ft.</td>
<td>196 sq. ft.*</td>
<td>150 sq. ft.</td>
</tr>
</tbody>
</table>

*Requires Sign Plan Amendment

1.05 The proposed sign requires an amendment to the existing sign plan.
Section 2. FINDINGS.

2.01 The proposed sign would not be in keeping with city code or signage that has previously been approved within the City of Minnetonka. Specifically, the planning commission finds:

1) **Copy and Graphic Area.** The applicant’s proposed sign has 110 square feet of copy and graphic area. This amount is three times the amount of the existing sign (31.9 square feet), over twice the size that is permitted by the sign plan (40 square feet), and exceeds the maximum copy and graphic area permitted by city code (80 square feet) by 38 percent. As such, the proposed copy and graphic area would not be consistent with the sign code or signage for similar-sized buildings in the city.

2) **Total Monument Area.** The proposed monument sign would be 196 square feet. This sign would be over twice the size of the existing sign (95.4 square feet), would be over twice the size of the maximum sign allowed in by the sign plan (75 square feet), and would exceed the maximum sign size permitted by city code (120 square feet) by over 60 percent. The proposed monument size is not consistent with the sign code or other signage for similar-sized buildings in the city.

3) **Wayfinding, Aesthetics, and Safety.** The current sign has excellent visibility for both East and West bound traffic on State Highway 7. It currently displays the “Target” logo, the wording “Super Target” and the “7-Hi” logo. The applicant has attempted to keep this good visibility for the current advertising tenant (Target). However, the proposed additional tenant advertising would not be as effective.

   a) State Highway 7 has a 55 mph speed limit, and drivers on this road would be located, at a minimum, 160 feet (east bound) or 200 feet (west bound) from the sign when they need to decide if they wish to exit towards the 7-Hi Shopping Center. While the proposed letters may be readable from this distance, the proposed letter heights (5-9 inches) are 1/3 to 1/2 the size that the sign industry standard would recommend (see staff report). The letter heights appear to be too short to safely read when considering the distance the drivers would be reading and the speed they would be traveling.

   b) Several buildings in the community have monuments with multiple tenants advertised. However, the proposed sign advertises for seven businesses, with six located on top of each other. The surplus of advertising minimizes the readability of the subject sign. As such, the excessive amount of individual business advertising makes the sign appear cluttered. The cluttered nature of the sign would make it difficult for drivers to interpret it and make a decision to safely turn while they drive on State Highway 7.
4) Business Identification. The practical difficulty suggested by the property owner has been created by the property owner. The proposed signage could be brought into compliance and provide advertising for the multi-tenant businesses if the Target identification was removed or reduced in size. The request to maintain the same amount of identification for Target, and add signage for several additional businesses has created a monument sign that greatly exceeds the amount that is allowed for the subject development and for similar developments within the community.

Section 3. Planning Commission Action.

3.01 The requested sign plan amendment to the 7-Hi Shopping Center sign plan is denied based on the findings found in Section 2.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Sept. 5, 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 Sept. 5, 2019.

Fiona Golden, Deputy City Clerk
MINNETONKA PLANNING COMMISSION
Sept. 5, 2019

Brief Description
Preliminary and final plats of HIGHWOOD RIDGE, a two-lot subdivision at 14916 Highwood Drive

Recommendation
Recommend the city council adopt the resolution approving the plats

Introduction

The subject property is located on the north side of Highwood Drive, just west of Williston Road. The 1.2-acre property is improved with a roughly 1,400 square foot home and two-stall detached garage. The home and garage are located on a small knoll in the southeast corner of the lot. The lot slopes downward in all directions from this knoll; the grade change over the lot is roughly 14 feet. The property is generally wooded. It contains 32 high-priority trees, including several large oaks and maples.

Proposal

LDK Builders, LLC, the property owner, is proposing to divide the property into two, single-family residential lots. The existing structures would be removed and two new homes constructed. The proposal requires the approval of a preliminary plat and final plats.

Primary Questions and Analysis

A land-use proposal is comprised of many details. These details are reviewed by members of the city’s economic development, engineering, fire, legal, natural resources, planning, and public works departments and divisions. These details are then aggregated into a few primary questions or issues. The analysis and recommendations outlined in the following sections of this report are based on the collaborate efforts of this larger staff review team.

- **Is subdivision of the property generally appropriate?**

  Yes. The proposed subdivision would result in two properties meeting and exceeding the R-1 minimum lot size of 22,000 square feet.

<table>
<thead>
<tr>
<th></th>
<th>Area</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<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>
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<tr>
<td>Lot 1</td>
<td>27,310 sq.ft.</td>
<td>13,880 sq.ft.</td>
</tr>
<tr>
<td>Lot 2</td>
<td>25,095 sq.ft.</td>
<td>12,075 sq.ft.</td>
</tr>
</tbody>
</table>

  Rounded down to closed 5 sq.ft. or 5 ft.

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

  Yes. The city requires that plat applications include a general grading plan based on possible home and driveway locations. With this plan, city staff can evaluate whether the
proposed plat is likely to comply with the tree ordinance. Based on the general grading plan submitted for HIGHWOOD RIDGE, 35 percent of the site’s high priority trees would be removed or significantly impacted. This meets the threshold established by the tree protection ordinance.

Staff Recommendation

Recommend that the city council adopt the resolutions approving the preliminary and final plats of HIGHWOOD RIDGE.

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

Surrounding Properties

<table>
<thead>
<tr>
<th></th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
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<tbody>
<tr>
<td>Use</td>
<td>twinhomes</td>
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<td>R-2</td>
<td>PUD</td>
<td>R-1</td>
<td>R-1</td>
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<tr>
<td>Guide Plan Designation</td>
<td>low-density residential</td>
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<td>low-density residential</td>
<td>low-density residential</td>
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Subject Property

<table>
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<tr>
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<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Use</td>
<td>single-family home</td>
<td>single-family homes</td>
</tr>
<tr>
<td>Zoning</td>
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<td>R-1</td>
</tr>
<tr>
<td>Guide Plan Designation</td>
<td>low-density residential</td>
<td>low-density residential</td>
</tr>
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</table>

Trees

The property contains 32 high priority trees and 30 significant trees. Based on the general grading plans submitted:

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Removed*</th>
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<tr>
<td>High Priority</td>
<td>32</td>
<td>11 or 35%</td>
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<tr>
<td>Significant</td>
<td>30</td>
<td>6 or 20%</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.

It is important to note that the tree protection aspects of the tree ordinance would apply to the properties from the date of the subdivision approval until two years after issuance of a certificate of occupancy. As with any subdivision, unless wooded areas are covered by conservation easements, once a home has been occupied and unaltered for two years, a homeowner may choose to remove trees on their property without mitigation.

Pyramid of Discretion

This proposal:
<table>
<thead>
<tr>
<th><strong>Voting Requirement</strong></th>
<th>The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council’s approval also requires an affirmative vote of a simple majority.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Motion Options</strong></td>
<td>The planning commission has three options:</td>
</tr>
<tr>
<td>1.</td>
<td>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.</td>
</tr>
<tr>
<td>2.</td>
<td>Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the requested plats. This motion must include a statement as to why denial is recommended.</td>
</tr>
<tr>
<td>3.</td>
<td>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>Neighborhood</strong></td>
<td>The city notified 57 property owners of the proposed subdivision and has received no comments to date.</td>
</tr>
<tr>
<td><strong>Comments</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Deadline for Action</strong></td>
<td><strong>Sept. 17, 2019.</strong> The commission must take action on Sept. 5 to ensure the deadline for action is met.</td>
</tr>
</tbody>
</table>
Resolution No. 2019-

Resolution approving the preliminary and final plats of HIGHWOOD RIDGE at 14916 Highwood Drive

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

Section 1. Background.

1.01 LDK Builders, LLC. has requested preliminary and final plat approval for HIGHWOOD RIDGE.

1.02 The property is located at 14916 Highwood Drive. It is legally described as:

Tract A, REGISTERED LAND SURVEY NO. 737, Hennepin County, Minnesota

1.03 On Sept. 5, 2019, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council 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 would meet the design standards as outlined in City Code §400.030.


4.01 The above-described plats are hereby approved, subject to the following conditions:
1. Prior to the release of the final plat for recording, submit the following:

   a) A utility exhibit illustrating existing and proposed utility connections to each lot.

   b) A final plat drawing that clearly illustrates the following:

      1) Dedication of additional right-of-way over the proposed westerly lot to provide a consistent width of the boulevard and match the adjacent parcel to the west.

      2) A minimum 10-foot wide drainage and utility easement adjacent to the public right-of-way 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.

      4) Drainage and utility easements over any wetlands, floodplains, and stormwater management facilities. Private utility easements over any existing or proposed service lines that cross the shared property line.

   c) Documents for the city attorney’s review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate:

      1) Title evidence that is current within thirty days before the release of the final plat for the city attorney’s review and approval. Note, any lender must consent to the plat.

      2) If using existing sewer and water service, a private agreement between the properties must be entered into for Lot 1 services to cross the corner of Lot 2.

   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 $5000.

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

   • Preliminary plat and grading plan, dated July 22, 2019
3. Prior to issuance of a building permit for the first new house within the development, submit a letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.

4. Prior to issuance of a building permit for any of the lots within the development:
   a) Submit the following items for staff review and approval:
      1) A survey that includes:
         a. Proposed sewer and water services. The services must be located to avoid tree impacts. Services must be routed within approved grading and construction limits so that they are not impacting additional trees.
         b. A grading and tree preservation plan. No more than 11 high priority trees may be removed or impacted in total. The plans must be in general conformance with the plans dated July 22, 2019, with no more than 8 high-priority trees removed/impacted on the western lot and 3 high priority trees removed/impacted on the eastern lot.
      2) A tree mitigation plan. The plan must meet mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased. Required tree mitigation will be determined per lot at the time of building permit submittal.
      3) A construction management plan.

5. All lots and structures within the development are subject to all R-1 zoning standards. In addition:
   a) No tree removal or grading may occur on either lot until a building permit for a proposed home has been issued for that lot.
   b) All lots must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.
   c) If tapping a new water service, 1 ½-inch copper pipe must be installed. The unused water service pipe must be removed back to
the main, with the corporation stop being turned off and covered with a “Ford Abandoned Corp Cap.” A right-of-way permit would be required for this work.

d) If tapping a new sewer service, 6-inch PVC pipe must be installed. The unused sewer service pipe must be removed back to the main, with the wye cut out and sleeved.

e) Driveway permits are required.

6. Unless the city council approves a time extension, the final plat must be recorded by Sept. 16, 2020.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Sept. 16, 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 Sept. 16, 2019.

Becky Koosman, City Clerk