1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: Jan. 17, 2019

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda
   
   A. Resolution approving a conditional use permit for an accessory apartment at 13615 Spring Lake Road.

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

       - Recommendation to City Council (Feb. 25, 2019)
       - Project Planner: Ashley Cauley

   B. Resolution approving that the development program and Tax Increment Financing plan for the Marsh Run Tax Increment Financing District conforms to the general plans for development and redevelopment of the city.

       Recommendation: Adopt the resolution approving the request (4 votes)

       - Final decision.
       - Project Planner: Ashley Cauley

8. Public Hearings: Non-Consent Agenda Items

   A. Resolution denying a sign variance to allow two wall signs that exceed the maximum wall sign height at 13512 Wayzata Blvd.

       Recommendation: Adopt the resolution denying the request (5 votes)

       - Final decision subject to appeal
• Project Planner: Drew Ingvalson

B. Resolution approving site and building plans for an addition at Old Apostolic Church at 5617 Rowland Rd.

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

• Final decision subject to appeal
• Project Planner: Ashley Cauley

C. Resolution approving a conditional use permit and site and building plans for a religious institution located at 11021 Hillside Lane west, 2327, 2333 and 2339 Hopkins Crossroad, at 11170 Mill Run.

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

• Recommendation to City Council (Feb. 25, 2019)
• Project Planner: Susan Thomas

9. Other Business

A. Concept Plan for redevelopment of the property at 14525 Hwy 7

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

• Forward to the City Council (Tentative Date: Feb. 25, 2019)
• Project Planner: Loren Gordon

10. Adjournment
Notices

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

2. Applications and items scheduled for the Feb. 21, 2019 planning commission meeting:

<table>
<thead>
<tr>
<th>Planner Assigned</th>
<th>Project Name</th>
<th>Project File Number</th>
<th>Address or Location</th>
<th>PID</th>
<th>Councilmember</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loren Gordon</td>
<td>Hennepin Cty Medical Examiner's Office</td>
<td>95063.18b</td>
<td>14300 Co Rd 62</td>
<td>34-117-22-31-0001</td>
<td>Ellingson, 1</td>
<td>34</td>
</tr>
<tr>
<td>Susan Thomas</td>
<td>Boom Island Brewing Co</td>
<td>18005.19a</td>
<td>5959 Baker Rd</td>
<td>34-117-22-41-0021</td>
<td>Ellingson, 1</td>
<td>34</td>
</tr>
</tbody>
</table>
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

2. Staff presents their report on the item.

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

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

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

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

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

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

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

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

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

It is possible that a quorum of members of the city council may be present. However, no meeting of the city council will be convened and no action will be taken by the city council.
Unapproved
Minnetonka Planning Commission
Minutes
Jan. 17, 2019

1. **Call to Order**

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

2. **Roll Call**

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

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Planner Drew Ingvalson, and Natural Resources Specialist Aaron Schwartz.

3. **Approval of Agenda**

_Sewall moved, second by Knight, to approve the agenda as submitted with modifications and an additional comment provided in the change memo dated Jan. 17, 2019._

_Luke, Powers, Sewall, Henry, Knight, and Kirk voted yes. Hanson was absent. Motion carried._

4. **Approval of Minutes**: Jan. 3, 2019

_Powers moved, second by Henry, to approve the Jan. 3, 2019 meeting minutes as submitted._

_Luke, Powers, Sewall, Henry, Knight, and Kirk voted yes. Hanson 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 Jan. 7, 2019:

- Adopted a resolution approving a two-lot subdivision on Nantucket Road.
- Adopted a resolution approving the Minnetonka 2040 Comprehensive Guide Plan. It will next be reviewed by adjacent communities and the Metropolitan Council early this summer.

There will be a series of meetings with councilmembers, planning commission members, and EDAC members to review a proposal for redevelopment of 16 acres of the Opus area. The dates are listed on eminnetonka.com and tentatively set for Jan. 24, 2019, Feb. 14, 2019, and March 21, 2019 from 5:30 p.m. to 7:30 p.m. Please RSVP to Gordon.
The mayor will present the State of the City address Feb. 6, 2019 with social hour starting at 7:30 a.m. and the address at 8 a.m.

The next planning commission meeting is scheduled for Feb. 7, 2019.

6. **Report from Planning Commission Members**: None

7. **Public Hearings: Consent Agenda**

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

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

A. **Resolution amending the existing Waterstone Place Apartments master development plan at 9700 Waterstone Place.**

Adopt the attached resolution approving the amendment to the master development plan for Waterstone Place Apartments.

Chair Kirk stated that this item is scheduled to be reviewed by the city council on Jan. 28, 2019.

B. **Resolution approving an expansion permit for construction of a deck at 5414 Highland Road.**

Adopt the resolution approving an expansion permit for construction of a deck on the property at 5414 Highland Road.

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

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

8. **Public Hearings**

A. **Resolution approving the preliminary and final plats of Inverness Estates, a two-lot subdivision at 13321 Inverness Road.**

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

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.
Tim Whitten, of Whitten and Associates, applicant, stated that:

- It was great working with staff.
- The slope prevents creating deep lots, so the lots would be wide and shallow.
- The locations for the driveways were limited.
- He was pleased that the proposal would not require a variance.
- He was available for questions.

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

*Powers moved, second by Sewall, to recommend that the city council adopt the resolution approving the preliminary plat of Inverness Estates, a two-lot subdivision at 13321 Inverness Road.*

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

B. Resolution denying the preliminary plat of Williston Heights, a four-lot subdivision at 4716 and 4724 Williston.

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

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

The public hearing was opened.

Celeste DeMars, 14900 Peteler Lane, stated that:

- She was concerned with the significant deviation.
- Lot 4 looks like it is already being developed. She asked about the high-priority trees.
- She confirmed with staff that the northeast area on Lot 1 would be protected if it is determined to be a wetland.

No additional testimony was submitted and the hearing was closed.

Ingvalson explained that when an existing house is demolished and a new one is built on the same lot, then the tree ordinance does not apply. The tree ordinance only applies to newly formed lots created by division of a property. At this point, because Lot 4 is included in the proposed plat, the trees are included in review of the look-back clause.
Ingvalson confirmed that additional requirements would be applied if the area would be identified as a wetland which would impact the setbacks for Lot 1. The trees would be preserved in the existing plan and would not be removed if the area would be determined to be a wetland.

Knight asked if the two lots on the cul de sac would have property lines the same distance to the edge of the paved cul de sac or if the paved portion would extend more into the developed lot. He questioned if the cul de sac could be reconfigured to be similar to most cul de sacs. Ingvalson stated that engineering staff have no concerns with the shape of the cul de sac. Thomas added that the dimensions of the right of way and pavement meet all requirements.

Henry confirmed with Ingvalson that trees located in the right of way would be removed and a three-lot plat would still violate tree ordinance requirements.

Powers supports denying the proposal on the basis that it would remove too many trees. He agrees with staff’s recommendation.

Sewall saw no reason to not adhere to the tree ordinance for this application. He supports staff’s recommendation.

Chair Kirk supports staff’s recommendation.

*Powers moved, second by Luke, to recommend that the city council adopt the resolution denying the preliminary plat request for Williston Heights with a correction provided in the change memo dated Jan. 17, 2019.*

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

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

C. **Items concerning the Minnetonka Police and Fire facility project at 14500 and 14600 Minnetonka Blvd.**

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

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

Powers asked if a warning device to signal when an emergency vehicle would be exiting onto Minnetonka Blvd. could be located on city property. Gordon explained that the county’s right of way on Minnetonka Blvd. is very wide and extends into the wetland adjacent to city hall.
Henry asked if the grading plan and construction area would need to extend up to the wetland protection area. Gordon pointed out an area that would serve as a storm water outlet. Grading would be needed to install the pipe that would lead to an underground chamber.

Perry Vetter, Minnetonka Assistant City Manager and Administrative Services Director, representing the applicant, introduced Police Chief Scott Boerboom, Fire Chief John Vance, Public Works Director Brian Wagstrom, and consultants John Macnamara, Paige Sullivan, and Jake Wollensak from Wold Engineers. Vetter stated that studies were done to create a project plan. The project would provide for growth, community and personnel safety, and equipment and evidence protection.

Mr. Wollensak, a consulting architect for the applicant, stated that:

- There would be a designated woodland protection area (WPA).
- The proposal would meet wetland setback requirements.
- He reviewed the site plan and identified the WPA, reinforced soil slope, wetland, snow-melt system, and stormwater management areas.
- The sustainability features would include a rainwater capture and reuse system; using wood from the trees removed from the site in the building and throughout the city; and a solar array on the roof of the fire apparatus bay.
- The building materials would match the existing campus.
- He was available for questions.

Chair Kirk liked the sustainability practices. Vetter noted that there is a long list of sustainability practices built into the project, but, hopefully, the bids would allow for funding of additional sustainable features.

Henry asked if LEED certification has been considered. He suggested locally sourced stone rather than bricks trucked in from other parts of the country. Mr. Wollensak answered that LEED certification would add to the cost. Materials would be locally sourced or within a 500-mile radius when possible.

Mr. Macnamara stated that the LEED checklist would be used, but the project would not comply with certification requirements to provide the project with more flexibility. An energy analysis of the building was done to determine which features to include in the project, from mechanical systems to LED lighting, to figure out what the payback would be from investing in those features. The features that would be paid back and make sense would be incorporated into the project. Construction waste would be recycled.

In response to Henry’s question, Gordon explained that engineering staff determined that a pervious parking and driving surface would cause infiltration problems for the site.
Chair Kirk asked if larger fire trucks could be needed in the future. Vance answered in the negative. A ladder truck longer than the one the city already has would not be structurally sound. The turning radius would be fine. He explained the duty crew bay areas, how specialty equipment is now being stored at different fire station locations, and how the driveway location was modified to protect the woodland preservation area.

Henry asked if there would be a new police canine training area. Boerboom explained that most of the training takes place at the public works facility. There would be a kennel in the new police department.

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

Powers appreciated how the best and most economically feasible LEED practices would be incorporated. There would be a better return on the investment in the shortest period of time. Many of the factors that go into LEED certification would be unnecessary for this type of project. He supports the project being done right and being attractive.

Chair Kirk stated that the solar panels and reuse of water would provide a good example of sustainability practices.

Sewall liked that the drive would still have a pass through.

Henry toured the police and fire departments and was impressed with how they are currently used to their maximum efficiency potential. The fire department was built in 1989 and handled an average of 200 calls per year. The fire department now averages 3,000 calls a year and still uses the same space. It is a well-deserved project.

Chair Kirk supports staff’s recommendation.

Knight hoped that Hennepin County would consider a traffic control device to warn motorists and pedestrians when emergency vehicles would access Minnetonka Blvd.

*Henry moved, second by Powers, to recommend that the city council adopt the ordinance and resolutions approving the police and fire facility improvements on the Minnetonka civic center campus at 14500 and 14550 Minnetonka Blvd.*

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

9. Adjournment

*Sewall moved, second by Knight, to adjourn the meeting at 8 p.m. Motion carried unanimously.*
By: ____________________________

Lois T. Mason
Planning Secretary
MINNETONKA PLANNING COMMISSION
Feb. 7, 2019

Brief Description: Conditional use permit for an accessory apartment at 13615 Spring Lake Rd.

Recommendation: Recommend the city council approve the request.

Proposal

The property owners submitted a permit for a new home at 13615 Spring Lake Rd. in Sept. 2018. The plans included an accessory apartment which requires a conditional use permit. Staff generally reviewed the apartment concurrent with its review of the new home permit but noted that the appliances in the secondary kitchen could not be installed until a conditional use permit was approved. The permit was issued in November.

The property owners are now requesting a conditional use permit for the accessory apartment. The apartment would be roughly 575 square feet in size and would include a kitchen/dining area, living room, bathroom and a bedroom. The apartment would be accessed from the main house via a mudroom from the garage and the rear deck and staircase. Other interior connections to the main level and basement also exist.

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 apartment has been well designed and would be integrated into the home. As such, 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. These standards are outlined in the “Supporting Information” section of this report.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 13615 Spring Lake Rd.

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

Project No. 18046.18a
Property 13615 Spring Lake Rd
Applicant Jill Joyce, property owner
Surrounding Properties to the north, south and west are single family residential homes zoned R-1. Oak Haven Park is to the east.
Land Uses
Planning Guide Plan designation: Low density residential
Zoning: R-1
CUP Standards The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:
1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
4. The use does not have an undue adverse impact on the public health, safety or welfare.

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.3(d):
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 property is zoned R-1, low density residential. Only one apartment is proposed for the home/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 owners intend to reside in the new home once it is completed. However, 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 approved building permit indicates a three-stall garage with an associated driveway. This will allow for adequate parking for both the principal dwelling unit and the accessory apartment.

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 recently approved home was designed to incorporate the accessory apartment. The proposed apartment was not created by the conversion of 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:** The maximum allowable apartment by ordinance for the property would be 950 square feet. The proposed apartment is 565 square feet. This meets the requirement.

6. exterior changes to the house must not substantially alter the single family character of the structure.

**Finding:** There would not be any exterior evidence of the apartment.

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.

**Finding:** The apartment would not have an undue adverse impact on adjacent properties.
9. all other provisions of this ordinance relating to single family dwelling units to be met, unless specifically amended by this subdivision.

**Finding:** The apartment would meet the ordinance.

**Pyramid of Discretion**

This proposal:

**Voting Requirement**

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

**Motion Options**

The planning commission has three options:

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

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

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

**Neighborhood Comments**

The city sent notices to 23 area property owners and received no comments.

**Deadline for Decision**

April 17, 2019
Location Map

Project: Joyce Residence
Address: 13615 Spring Lake Rd
Changes, omissions or deviations from approved plans must be submitted and approved by the City before proposed work occurs. Failure to do so can result in enforcement action.

THIS PERMIT IS VOID IF BUILDING OR WORK AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS FROM DATE OF ISSUE OR ABANDONED AT ANY TIME AFTER THE WORK IS COMMENCED FOR A PERIOD OF 180 DAYS.

This plan must be maintained and accessible on the construction site. No use/occupancy allowed until final inspection and approval.

Penalty: Maximum fee $1,000 and/or up to 90 days imprisonment.

Minimum 4" high, contrasting building address numbers, visible from the street, required on the building.

With State Building Code requires installation of Carbon Monoxide Alarms within 10 feet of all sleeping areas.

Minimum 24" high, contrasting building address numbers, visible from the street, required on the building. A smoke detector, audible in all sleeping areas, is required on all floors, hallways leading to sleeping areas, and in each sleeping area, including existing sleeping areas.

Roof and exterior surfaces must be completed within 12 months of permit issuance.

Warning:

In digging call 651-454-0002 for electrical, gas, and telephone required by law.

Plumbing, HVAC and electrical permits and inspections required before framing inspection.

Penalties: Maximum fee $1,000 and/or up to 90 days imprisonment.

After framing inspection

Penalties: Maximum fee $1,000 and/or up to 90 days imprisonment.

Penalties: Maximum fee $1,000 and/or up to 90 days imprisonment.

Penalties: Maximum fee $1,000 and/or up to 90 days imprisonment.

Penalties: Maximum fee $1,000 and/or up to 90 days imprisonment.
Resolution No. 2019-
Resolution approving a conditional use permit for an accessory apartment
at 13615 Spring Lake Rd

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

Section 1. Background.
1.01 The property owner, Jill Joyce, is requesting a conditional use permit for an accessory apartment.

1.02 The property is located at 13615 Spring Lake Rd. It is legally described as:

That part of Lot 7, OAKHAVEN ACRES, lying northerly of a line running from a point on the east line thereof distant 257.4 feet north from the southeast corner thereof; thence westerly to a point on the west line distant 281 feet north from the southwest corner thereof, Except the southerly 100.00 feet thereof, Hennepin County, Minnesota

1.03 On Feb. 7, 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(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 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 property is zoned R-1, low density residential. Only one apartment is proposed for the home/property.

2. The property owners intend to reside in the new home once it is completed. However, this has been included as a condition of approval.

3. The approved building permit indicates a three-stall garage with an associated driveway. This will allow for adequate parking for both the principal dwelling unit and the accessory apartment.
4. The recently approved home was designed to incorporate the accessory apartment. The proposed apartment was not created by the conversion of garage space.

5. The maximum allowable apartment by ordinance for the property would be 950 square feet. The proposed apartment is 565 square feet. This meets the requirement.

6. There would not be any exterior evidence of the apartment.

7. Permits would be required. As such, this has been included as a condition of approval.

8. The apartment would not have an undue adverse impact on adjacent properties.

9. The apartment would meet the ordinance.

Section 4. City Council Action.

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

1. A copy of this resolution must be recorded with Hennepin County prior to the issuance of a permit.

2. The accessory apartment must be constructed and maintained in substantial conformance with the floor plans and building elevations attached to the planning commission staff report, dated Feb. 7, 2019.

3. The structure must be owner-occupied. The property owners must reside in either living unit on a continuous basis except 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. When the new driveway is installed, bituminous curb must be installed across the previous driveway location.

6. The city council may reasonable 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 Feb. 25, 2019.
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 Feb. 25, 2019.

Becky Koosman, Acting City Clerk
MINNETONKA PLANNING COMMISSION
Feb. 7, 2019

Brief Description
Redevelopment of the Marsh Run Apartments at 11650 and 11706 Wayzata Blvd.

Recommendation
Adopt the resolution approving the request

Introduction

On Dec. 17, 2018, the city council approved several items for a 175-unit apartment building, with varied three-to-six stories, at 11650 and 11706 Wayzata Blvd. This included a comprehensive guide plan amendment from service commercial to mixed use. As approved, the apartment would include 35 affordable housing units available to households earning up to 50-percent of the area median income (AMI).

At the same meeting, the council generally approved a Contract for Private Development to assist with the production of affordable housing, Doran requested the city provided Tax Increment Financing (TIF) assistance in the amount of $4.8 million with a maximum term of 17 years.

While the actual use of TIF money is no the purview of the planning commission, the planning commission is required to determine, that the redevelopment of the property is consistent with the city’s comprehensive plan.

Staff Analysis

At its Dec. 17th meeting, the council approved an amendment to the city’s 2030 comprehensive guide plan. While the city’s draft 2040 plan proposes to reguide the property to mixed use, the amendment was required to allow redevelopment of the property prior to the draft 2040 plan’s approval by the Metropolitan Council. It’s expected that the Metropolitan Council will approve the draft plan mid-summer.

Staff finds the redevelopment plans of the property are consistent with the property’s land use designation of mixed use.

Staff Recommendation

Adopt the resolution approving the development program for the development and a Tax Increment Financing plan for Marsh Run, which conforms to the general plans for development and redevelopment of the city.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner
Location Map

Project: Doran,
Address: 11650 & 11706 Wayzata Blvd

CITY OF MINNETONKA
2040 Land Use Plan - DRAFT

Existing_Land_Use

LandUse_2040

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Service Commercial
- Office
- Mixed Use
- Industrial
- Institutional
- Open Space
- Parks
- Water

Land Use Plan Change Areas 2030 - 2040

#1 - Twelve Oaks Commercial to High Density Residential

#2 - Fairfield Rd. W. Low Density Residential to Medium Density Residential

#3 - Correns Dr. Neighborhood Medium Density Residential to High Density Residential

#4 - Wayzata Blvd./ Fairfield Rd. Service Commercial to Mixed Use

#5 - Wayzata Blvd./ Fairfield Rd. Service Commercial to Mixed Use

#6 - Wayzata Blvd./ Westwood Rd. Service Commercial to Mixed Use

#7 - Cartway Ln. Commercial to Mixed Use

#8 - Plymouth Rd. Office to Mixed Use

#9 - Cedar Lake Rd. Commercial to Mixed Use

#10 - Highwood Dr. Low Density Residential to Medium Density Residential

#11 - Hwy 7 Commercial to Mixed Use

#12 - Shady Oak Station Commercial and Industrial to Mixed Use

#13 - Glen Lake Commercial to Mixed Use

#14 - Mnka Blvd. / 101 Commercial to Mixed Use

2040 Land Use Changes

- #1 - Twelve Oaks
- #2 - Fairfield Rd. W.
- #3 - Correns Dr. Neighborhood
- #6 - Wayzata Blvd./ Westwood Rd.
- #10 - Highwood Dr.
- #11 - Hwy 7
- #12 - Shady Oak Station
- #13 - Glen Lake
- #14 - Mnka Blvd. / 101
Resolution No. 2018-162

Resolution approving a comprehensive guide plan amendment from service commercial to mixed use at 16500 and 11706 Wayzata Blvd.

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

Section 1. Background.

1.01 Marsh Run, LLC is requesting that the land use designation of the properties at 11650 and 11706 Wayzata Blvd. be changed from service commercial to mixed use.

1.02 The site is legally described on Exhibit A of this resolution.

Section 2. Criteria.

2.01 The 2030 Comprehensive Guide Plan outlines that the following criteria should be used to evaluate amendment requests:

1. The change would be consistent with the policies, strategies, or other elements of the 2030 Comprehensive Guide Plan and the city’s Strategic Framework, including those for certain long term planning areas.

2. The change would not create an adverse impact on public facilities and services that could not be mitigated with proposed improvements. Public facilities and services include roads, sewers, water supply, drainage, schools and parks.

3. Development resulting from the change would not create an undue impact to surrounding properties.

   a) Such development would be consistent with the physical character of the surrounding neighborhood or would upgrade and improve its viability.

   b) Physical character includes land use type, building height and size, relationship to the street, roof lines, and landscaping.

   c) Viability includes stabilization or enhancement of property values or removing blighting influences.
d) An effective and reasonable buffer may be established and maintained on a continual basis in locations where the land use change is to a non-residential use such as commercial and is adjacent to an established residential neighborhood. The buffer may be established by utilizing the following techniques: extraordinary setbacks to residential properties from hardsurface areas (buildings, driving lanes, parking areas, etc.) and other areas or features of development that result in impacts to residential properties, such as lighting, sufficient berming of a height and design to screen non-residential activities, use of structures such as non-accessible building walls or other effective barriers, use and incorporation of existing topography and vegetation into the overall development, new landscaping materials, of sufficient height and size to provide a year round screen, or a combination of the above features and techniques.

4. The change would allow a more viable transition to the planned uses on adjacent properties than the current land use.

5. The change would not have an adverse impact on the natural environment, including trees, slopes and wetlands, or the impact could be mitigated by improvements on the site or in the same vicinity.

6. There has been a change in city policies or neighborhood characteristics since the city adopted the original plan that would justify a change.

7. The change would correct an error made in the original plan.

8. There is a community or regional need identified in the comprehensive plan for the proposed use or service.

9. The change would help the city meet its housing goals.

10. The change would not adversely impact any landmarks or other historically significant structures or properties unless mitigated through relocation, commemoration or dedication.

11. In the event a land use change includes numerous properties, such as a neighborhood area, the following factors should be considered:

   a) Determination of changed conditions on the properties or within the area surrounding the properties.

   b) The condition of the buildings on the property.

   c) If residential, the need to preserve the housing stock to meet city housing goals, or if non-residential, the ability of the proposed new land use(s) to meet city housing goals.
Section 3. Findings

3.01 The requested amendment would meet various amendment criteria outlined in the 2030 Comprehensive Guide Plan.

1. One of the primary themes of the comprehensive plan is the support and encouragement of housing options that appeal to a variety of residents, at a variety of ages and income levels. The requested amendment would be consistent with this theme.

2. While the amendment would allow for development that may be different than the current office use of the property, the amendment development would not have an undue impact on adjacent properties.

3. The amendment would allow for an appropriate transition between existing medium density residential uses to the north and I-394 to the south and commercial to the east.

4. The amendment would allow for development consistent with the I-394 Corridor Study approved by the City Council in 1987. This study is referenced as a guide for development within the I-394 corridor.

3.02 The requested amendment would reflect the site’s mixed use designation in the draft 2040 Comprehensive Guide Plan.

Section 4. City Council Action

4.01 The above described guide plan amendment is approved based on the findings outlined in Section 3 of this resolution. Approval is subject to, and only effective upon, the review and approval of the Metropolitan Council as provided by state statute.

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

__________________________________
Brad Wiersum, Mayor
Action on this resolution:

Motion for adoption: Acomb
Seconded by: Bergstedt
Voted in favor of: Acomb, Happe, Bergstedt, Wiersum
Voted against: Schack, Calvert, Ellingson
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 Dec. 17, 2018.

David E. Maeda, City Clerk
Exhibit A

11650 Wayzata Boulevard

Parcel 1: Lot 5, Block 1, Marsh Run 2nd Addition, Hennepin County, Minnesota.

Parcel 2: Lot 16, Block 2, Boulevard Gardens, Hennepin County, Minnesota, except that part thereof embraced within the plat of Marsh Run Two 2nd Addition.

(Torrens property/ Certificate No. 1127072)

11706 Wayzata Boulevard:

The real property located in Hennepin County, Minnesota, and legally described as follows:

Part 1: Lots 1 to 6 inclusive, Block 1, Marsh Run Two; and that part of U.S. Highway No. 12 dedicated by the plat of Marsh Run Two.

Part 2: Lots 1 to 4 inclusive, Block 1, Marsh Run Two 2nd Addition; and that part of U.S. Highway No. 12 by the plat of Marsh Run Two 2nd Addition.

(Torrens Property – PART OF Certificate of Title No. 781405)
Planning Commission Resolution No. 2019- ...
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 Feb. 7, 2019.

_____________________________________________________________________
Fiona Golden, Deputy City Clerk
Brief Description
Variances for two wall signs that exceed the maximum wall sign height at 13512 Wayzata Blvd.

Recommendation
Adopt the resolution denying the request

Proposal
The applicant, William Bailey of Flooring Expo by Carpet King, is proposing to replace two wall signs on the existing building at 13512 Wayzata Blvd. The signs being replace are located on the south and east elevations. (See attached).

Proposal Requirements
The proposal requires:

- **Variances from the maximum wall sign height of 26 inches:** The sign ordinance restricts the maximum height of a wall sign to 26 inches. Each line of text within the proposed sign would be less than 26 inches, but the total height of the stacked sign would be 38.5 inches. This requires a variance.

Site Features
The site is located on Wayzata Blvd., just west of the I-394/Plymouth Rd. intersection. The site is just under 3 acres in size and is improved with a single story, 43,000 square foot commercial building. The building was constructed in 1988.

Lease Space
There are seven businesses that occupy the 43,000 square foot building. The applicant, Flooring Expo by Carpet King, occupies 2,850 square feet of the building. Their lease space is on the southern side of the building, facing south towards Wayzata Blvd.

Previous Sign Plan
The subject site previously had a sign plan that was originally approved in 1987. The previous sign plan governed all signs in the shopping center, regulating the size, color and mounting of signs.

The subject sign plan went through amendments in 1995 and 2000 to:

- Permit a larger sign logo;
- Allow a sign that was black during the day and white during the evening; and
- Alter the maximum copy area for the shopping center.

In 2013, the City received a request to eliminate the sign covenant associated with the site. The City approved the request and eliminated the sign ordinance as:

- The sign plan was more restrictive than the current ordinance.
- Elimination of the existing sign plan ensures that any future sign would be subject to the regulations the sign ordinance contains at the time the sign permit application is submitted.

- Regulations of signs through the sign ordinance, rather than the sign plan, decreases complication for tenants, sign contractors and city staff.

The subject site is currently regulated by the sign ordinance.

**Sign Ordinance**

Under the sign ordinance, tenants within shopping centers with four or more tenants are permitted one wall sign per tenant exterior wall face, but are not permitted more than two total wall signs. This provision of the ordinance ensures that: (1) all commercial tenants within neighborhood and commercial shopping centers are allocated an appropriate amount of signage; and (2) that signage has consistent heights.

The city amended the sign ordinance in 2018. This amendment did not increase or decrease the size of signs permitted within neighborhood and commercial shopping centers, but it did increase the number of potential wall signs from a maximum of one to the potential for two (if the tenant has two wall faces).

**Proposed Signs**

The applicant is proposing to replace two “Carpet King” wall signs on the building to read “Flooring Expo by Carpet King.” The two signs would be identical to one another. The first sign would be located on the southern side of the building (facing Wayzata Blvd.). The second sign would be located on the east side of the building (above the main entrance). The signs would be located in the same general area as the previous wall signs.

The proposed signs would consist of 18.5-inch and 7-inch lines of text in a stacked configuration, with a logo to the left of the bottom letters. The sign ordinance establishes a total maximum height of a wall sign to 26 inches, regardless if the sign is configured in a single or double row. With the 6.5-inch space between lines, the sign would have a total height of 38.5 inches. (See attached).

**Staff Analysis**

A variance request is comprised of five standards. A request must meet all five of the variance standards for approval. The following reviews the request based on these standards.

**Is the request in harmony with the general purposes and intent of the ordinance?**

Yes. The purpose and intent of the sign ordinance provision is to allow wall signs which provide reasonable visibility by (1) identifying the tenant of a building and (2) helping the traveling public find their way to intended destinations. The proposed signs meet this intent. The
proposed signs consist of the tenant’s new business name. Additionally, each individual letter is less than the 26 inch height maximum permitted by sign ordinance. However, the proposal changes the configuration of the sign from a single line of text to a stacked name, thus requiring a variance.

**Is the request consistent with the comprehensive plan?**

Yes. The property is guided and zoned for commercial use. The city’s comprehensive plan does not make a specific reference to signage. As such, the proposal is not contrary to the comprehensive plan.

**Is the proposed use reasonable?**

Yes. The applicant’s wish to have a stacked letter sign is reasonable. The square footage of the wording of the proposed sign would be slightly less than the existing, conforming sign. In addition, the letter heights of the upper and lower wording do not exceed 26 inches and their combined heights, excluding the spacing between the letters, is only 25.5 inches. As such, the proposed sign may not appear larger in area than the previous sign, but instead will have stacked letters instead of horizontally positioned letters.

**Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

No. The subject site currently has a sign that conforms to the sign ordinance. In the creation of the new sign, the applicant has proposed a sign that does not conform to the sign ordinance. However, there is adequate space on the building’s walls to mount a sign that would meet the sign ordinance. Specifically, the applicant could create a conforming wall sign by:

- Moving the logo and “by Carpet King” lettering immediately to the left and right of “Flooring Expo,” within a 26 inch sign band (see attached example); or
- Reducing the letter heights and space between letters until the sign is conforming.

As there are alternative plans that could meet the sign ordinance, the plight of the landowner is not due to a circumstance unique to the property, but instead the plight is created by the applicant’s branding with stacked letters that do not fit within a 26 inch sign band.

**If granted, would the proposed sign maintain the essential character of the locality?**

Yes. The subject site is surrounded single tenant buildings (Morrie’s Mazda, Sears Imported Auto- Mercedes Benz, Morrie’s Ford, and Goodwill) that have much taller signs in comparison to the subject
site. In addition, there is a multi-tenant building to the west (Ridgedale Festival) that has a sign plan that permits sign letter heights that exceed 26 inches. If approved, the subject sign would not alter the essential character of the locality.

**Staff Recommendation**

The proposed request does not meet all five of the variance standards. As such, staff is recommending that the planning commission adopt the attached resolution, denyng the sign variances at 13512 Wayzata Blvd.

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

Project No.  18042.18a

Property  13512 Wayzata Blvd.

Applicant/Owner  William Baily (tenant) and Sears Imported Auto (owner)

Surrounding Land Uses
Northerly: Single-family homes and Knollway Park, zoned R-1 and guided for low density residential and parks
Easterly: Sears Imported Auto - Mercedes Benz, zoned planned I-394 district and guided for commercial
Southerly: Wayzata Blvd. and Hwy I-394 beyond
Westerly: Morrie’s Mazda, zoned planned I-394 district and guided for commercial

Planning
Guide Plan designation: Commercial
Zoning: PID, planned I-394 district

Multi vs Limited Tenant Requirements
The sign ordinance separates commercial and industrial user signage between multi-tenant and limited tenant buildings.

- Limited Tenant Buildings: Defined as buildings with 3 or less tenants
  - There is no sign height maximum for limited tenant buildings. Instead, wall sign maximums are based on the building size. (See below).
  - The ordinance recognizes that advertising needs of businesses vary depending on the size of the establishment. In addition, the ordinance also recognizes that there is an aesthetic connection between the size of the business wall face and the wall sign size that should be permitted.

<table>
<thead>
<tr>
<th>Principal Structure Size (Gross Sq. Ft.)</th>
<th>Individual Wall Sign Calculation</th>
<th>Total Wall Signage for Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>100,000 - 400,000 sq. ft.</td>
<td>200 sq. ft. or 10 percent of wall face, whichever is less</td>
<td>300 sq. ft.</td>
</tr>
<tr>
<td>20,000 - 100,000 sq. ft.</td>
<td>150 sq. ft. or 10 percent of wall face, whichever is less</td>
<td>240 sq. ft.</td>
</tr>
<tr>
<td>less than 20,000 sq. ft.</td>
<td>100 sq. ft. or 15 percent of wall face, whichever is less</td>
<td>150 sq. ft.</td>
</tr>
</tbody>
</table>

- Multi-Tenant Buildings (subject building): Defined as buildings with 4 or more tenants
Tenants are permitted one wall sign per tenant exterior wall face, but are limited to two total wall signs.

Sign heights are measured from the top of the tallest letter to the bottom of the lowest letter. The maximum sign height is in place to ensure uniformity between tenants’ signs within a multi-tenant building.

### Table 325.9 Wall Signs, Multi-tenant buildings

<table>
<thead>
<tr>
<th></th>
<th>Max. Height</th>
<th>Max. Copy and Graphic Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Horizontal-mounted signs</td>
<td>36 inches for graphic 26 inches for copy</td>
<td>Defined by maximum allowed height and lease lines*</td>
</tr>
<tr>
<td>Projecting sign</td>
<td>Must not project above the roofline of building and provide for no less than 8 feet of clearance between the lowest portion of the sign and the grade below.</td>
<td></td>
</tr>
</tbody>
</table>

* Signs may not project out from the face of the building by more than 48 inches.

**Sign Plans**

The City of Minnetonka has multiple developments with sign plans that regulate the location, size, and type of signs. Typically, sign plans are established for developments that have a unique situation in regards to signage. Specifically, the city has considered sign plans to:

- Create uniform signage within a development;
- Allow additional signage area for anchor tenants; or
- Provide signage opportunities for tenants with extenuating circumstances.

During conversations with the applicant, staff was asked if it would be appropriate to request a sign plan for the subject property, which would permit their proposed signs. Staff did not recommend this route as the proposal would not meet any of the unique situations described above.

**Follow up to Signs Highlighted by the Applicant**

The applicant highlighted several businesses within the area that have wall signage that exceeds 26 inches in height. Of the 14 wall signs highlighted:

- Seven are allowed per an approved sign plan;
- Six are considered limited tenant signs and do not have a letter height maximum; and
- One is a legal non-conforming sign. This sign (Southwest Eye Care) was permitted in 2013. At this time, the city had a policy to include averaging of letter heights to allow hanging letters (such as g’s, p’s and y’s) that would extend beyond the 26 inch sign band. With the adoption of the 2016 sign ordinance, staff ceased
to allow this policy review and now measures wall signs from the bottom of the lowest letter to the top of the highest letter.

**Variance Standard**

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

**Pyramid of Discretion**

![Pyramid Diagram](image)

This proposal

**Motion Options**

The planning commission has three options:

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

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

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

**Voting Requirement**

The planning commission action on the applicant’s request is final subject to appeal. Approval requires the affirmative vote of five commissioners.
| **Appeals** | Any person aggrieved by the planning commission’s decision about the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision. |
| **Neighborhood Comments** | The city sent notices to 69 area property owners and received no comments. |
| **Deadline for Decision:** | April 1, 2019 |
Location Map

Project: Flooring Expo by Carpet King
Address: 13512 Wayzata Blvd
Subject Site from Wayzata Blvd.
EXISTING
COPY AREA = 47.49 SQUARE FEET

PROPOSED
COPY AREA = 45.84 SQUARE FEET
LOGO AREA = 8.97 SQUARE FEET
APPROVAL OF THIS DRAWING HEREBY GIVES PERMISSION TO LANDMARK ARCHITECTURAL SIGNS TO BEGIN PRODUCTION OF THE SIGN(S) WITHIN THIS DOCUMENT. THE RECIPIENT AGREES THAT ALL THE COLORS, SPECIFICATIONS AND ELEVATIONS LISTED IN THIS DRAWING ARE CORRECT AND APPROVED. CHANGES MADE TO THIS DRAWING AFTER PRODUCTION HAS BEGUN WILL RESULT IN ADDITIONAL CHARGES.

EXTERIOR ILLUMINATED CHANNEL LETTER DISPLAY THRU-WALL INSTALLED

EXISTING COPY AREA = 47.49 SQUARE FEET

PROPOSED COPY AREA = 45.84 SQUARE FEET
LOGO AREA = 8.97 SQUARE FEET
FLOORING EXPO BY CARPET KING

REMOVE AND SCRAP EXISTING CHANNEL LETTER AND TAGLINE DISPLAY

NEW - ONE SET OF ILLUMINATED CHANNEL LETTERS
- 5" RETURNS AND 1" TRIMCAP
- FACE-LIT WITH 6500K WHITE LED ILLUMINATION
- RACEWAY INSTALLATION - PAINTED TO MATCH BRICK (COLOR SPEC REQ'D)

FLOORING EXPO
- STOCK RED RETURNS AND TRIMCAP
- WHITE ACRYLIC FACES WITH 3M 3630-143 RED VINYL

TAGLINE
- CHANNEL SHAPE
- STOCK WHITE RETURNS AND TRIMCAP
- WHITE ACRYLIC FACES WITH DIGITAL PRINT LOGO AND 1/2" WHITE ACRYLIC PUSH-THRU COPY
3M 3630-143 RED VINYL FIELD BEHIND COPY

1.5" ALUMINUM LETTER RETURN
2. ALUMINUM LETTER BACK (LOCK FORMED TO RETURN)
3. ACRYLIC FACE
4. TRIMCAP
5. PAN HEAD SPEED SCREW
6. LED MODULE
7. SECONDARY DC POWER SUPPLY WIRE
8. 8" X 1" Extruded Aluminum Raceway
9. FLEXIBLE CONDUIT
10. FLEXIBLE CONDUIT CONNECTOR
11. RACEWAY TO WALL FASTENER
12. REMOTE POWER SUPPLY
13. PRIMARY POWER ELECTRICAL FEED
14. WEEP HOLES

SCALE: 1/2" = 1'-0"

SECTION: TYPICAL - CHANNEL LETTER THRU-WALL INSTALL

SCALE: 1 1/2" = 1'-0"

SCALE: 1/2" = 1'-0"
FLOORING EXPO BY CARPET KING

REMOVE AND SCRAP EXISTING CHANNEL LETTER AND TAGLINE DISPLAY

NEW - ONE SET OF ILLUMINATED CHANNEL LETTERS

- 5" RETURNS AND 1" TRIMCAP
- FACE-LIT WITH 6500K WHITE LED ILLUMINATION
- RACEWAY INSTALLATION - PAINTED TO MATCH BRICK
  (COLOR SPEC REQ'D)

FLOORING
- STOCK RED RETURNS AND TRIMCAP
- WHITE ACRYLIC FACES WITH 3M 3630-143 RED VINYL
- STOCK MEDIUM BLUE RETURNS AND TRIMCAP
- WHITE ACRYLIC FACES WITH 3M 3630-147 BLUE VINYL

TAGLINE
- CHANNEL SHAPE
- STOCK WHITE RETURNS AND TRIMCAP
- WHITE ACRYLIC FACES WITH DIGITAL PRINT LOGO AND
  1/2" WHITE ACRYLIC PUSH-THRU COPY
  3M 3630-143 RED VINYL FIELD BEHIND COPY

C  0
M 100
Y 89.8
K  . 4

3M VINYL
3630-143
RED
(PMS 485C)

C  97
M  73
Y  5
K  0

3M VINYL
3630-167
BRIGHT BLUE
(PMS 2945C)

RACEWAY PAINT
COLOR SPEC REQ'D

SALES:
DESIGN:
DATE:
DWG:

MP
BJ
11.15.17

APPROVAL OF THIS DRAWING
HEREBY GIVES PERMISSION
TO LANDMARK ARCHITECTURAL
SIGNS TO BEGIN PRODUCTION
OF THE SIGN(S) WITHIN THIS
DOCUMENT. THE RECIPIENT
AGREES THAT ALL THE COLORS,
SPECIFICATIONS AND ELEVATIONS
LISTED IN THIS DRAWING ARE
CORRECT AND APPROVED. CHANGES
MADE TO THIS DRAWING AFTER
PRODUCTION HAS BEGUN WILL
RESULT IN ADDITIONAL CHARGES.

11.28.18

PROJECT CONTACT: MIKE PANKEY
952.292.2141
mikep@landmarkarchitecturalsigns.com

PROJECT:
FLOORING EXPO
BY CARPET KING
13512 WAYZATA ROAD
MINNETONKA, MN

CUSTOMER APPROVAL:
NAME:
DATE:

SALES: MP
DESIGN: BJ
DATE: 11.15.17
DWG: FLOORING EXPO
MINNETONKA

PAGE: 1.2
APPROVAL OF THIS DRAWING HEREBY GIVES PERMISSION TO LANDMARK ARCHITECTURAL SIGNS TO BEGIN PRODUCTION OF THE SIGN(S) WITHIN THIS DOCUMENT. THE RECIPIENT AGREES THAT ALL THE COLORS, SPECIFICATIONS AND ELEVATIONS LISTED IN THIS DRAWING ARE CORRECT AND APPROVED. CHANGES MADE TO THIS DRAWING AFTER PRODUCTION HAS BEGUN WILL RESULT IN ADDITIONAL CHARGES.

PROJECT:
FLOORING EXPO
BY CARPET KING
13512 WAYZATA ROAD
MINNETONKA, MN

PROJECT TYPE:
EXTERIOR
ILLUMINATED
CHANNEL LETTER DISPLAYS

CUSTOMER APPROVAL:
NAME: ______________________________________
DATE: __________
PROJECT CONTACT: MIKE PANKEY

REVISION 1: MIKE PANKEY
REVISION 2: 
REVISION 3: 
REVISION 4: 

SALES: MP
DESIGN: BJ
DATE: 12.04.18
Dwg: FLOORING EXPO MINNETONKA

SCALE: NTS
APPROVAL OF THIS DRAWING HEREBY GIVES PERMISSION TO LANDMARK ARCHITECTURAL SIGNS TO BEGIN PRODUCTION OF THE SIGN(S) WITHIN THIS DOCUMENT. THE RECIPIENT AGREES THAT ALL THE COLORS, SPECIFICATIONS AND ELEVATIONS LISTED IN THIS DRAWING ARE CORRECT AND APPROVED. CHANGES MADE TO THIS DRAWING AFTER PRODUCTION HAS BEGUN WILL RESULT IN ADDITIONAL CHARGES.

PROJECT
FLOORING EXPO
BY CARPET KING
13512 WAYZATA ROAD
MINNETONKA, MN

PROJECT TYPE:
EXTERIOR ILLUMINATED CHANNEL LETTER DISPLAYS

CUSTOMER APPROVAL:
NAME: MIKE PANKEY
DATE: 12.04.18
PROJECT CONTACT: MIKE PANKEY

REVISION 1: MIKE PANKEY
REVISION 2: MIKE PANKEY
REVISION 3: MIKE PANKEY
REVISION 4: MIKE PANKEY

SALES: MP
DESIGN: BJ
DATE: 12.04.18
Dwg: FLOORING EXPO
MINNETONKA

EXAMPLES OF EXISTING SIGNS IN NEIGHBORING AREA

PGA TOUR SUPERSTORE

Office depot

Viverant

Shane Co. DIRECT DIAMOND IMPORTERS

FLOORING EXPO BY CARPET KING MINNETONKA
APPROVAL OF THIS DRAWING HEREBY GIVES PERMISSION TO LANDMARK ARCHITECTURAL SIGNS TO BEGIN PRODUCTION OF THE SIGN(S) WITHIN THIS DOCUMENT. THE RECIPIENT AGREES THAT ALL THE COLORS, SPECIFICATIONS AND ELEVATIONS LISTED IN THIS DRAWING ARE CORRECT AND APPROVED. CHANGES MADE TO THIS DRAWING AFTER PRODUCTION HAS BEGUN WILL RESULT IN ADDITIONAL CHARGES.

PROJECT
FLOORING EXPO
BY CARPET KING
13512 WAYZATA ROAD
MINNETONKA, MN

PROJECT TYPE:
EXTERIOR
ILLUMINATED
CHANNEL LETTER DISPLAYS

CUSTOMER APPROVAL:
NAME: _______________________
DATE: _______________________
PROJECT CONTACT: MIKE PANKEY

REVISION 1:
REVISION 2:
REVISION 3:
REVISION 4:

SALES: MP
DESIGN: BJ
DATE: 12.04.18
DWG: FLOORING EXPO MINNETONKA

EXAMPLES OF EXISTING SIGNS IN NEIGHBORING AREA
FLOORING EXPO BY CARPET KING  MINNETONKA

APPROVAL OF THIS DRAWING HEREBY GIVES PERMISSION TO LANDMARK ARCHITECTURAL SIGNS TO BEGIN PRODUCTION OF THE SIGN(S) WITHIN THIS DOCUMENT. THE RECIPIENT AGREES THAT ALL THE COLORS, SPECIFICATIONS AND ELEVATIONS LISTED IN THIS DRAWING ARE CORRECT AND APPROVED. CHANGES MADE TO THIS DRAWING AFTER PRODUCTION HAS BEGUN WILL RESULT IN ADDITIONAL CHARGES.

PROJECT: FLOORING EXPO BY CARPET KING
13512 WAYZATA ROAD
MINNETONKA, MN

PROJECT TYPE: EXTERIOR ILLUMINATED CHANNEL LETTER DISPLAYS

CUSTOMER APPROVAL:

NAME:________________________

DATE:_____________________

PROJECT CONTACT: MIKE PANKEY

REVISION 1: __________________________
REVISION 2: __________________________
REVISION 3: __________________________
REVISION 4: __________________________

SALES: MP
DESIGN: BJ
DATE: 12.04.18
DWG: FLOORING EXPO MINNETONKA

EXAMPLES OF EXISTING SIGNS IN NEIGHBORING AREA
## Signs Highlighted by the Applicant

<table>
<thead>
<tr>
<th>Business</th>
<th>Letter Height</th>
<th>Status</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pier 1 Imports</td>
<td>36 inches</td>
<td>Permitted by Code</td>
<td>Limited Tenant Building: No height maximum (2 tenants)</td>
</tr>
<tr>
<td>Erik’s Bikes and Boards</td>
<td>30 inches</td>
<td>Permitted by Code</td>
<td>Limited Tenant Building: No height maximum (2 tenants)</td>
</tr>
<tr>
<td>Fireside</td>
<td>43 inches</td>
<td>Permitted by Code</td>
<td>Limited Tenant Building: No height maximum (2 tenants)</td>
</tr>
<tr>
<td>West Marine</td>
<td>42 inches</td>
<td>Permitted by Sign Plan</td>
<td>Sports Authority Sign Plan: Permits 48 inch tall copy for large tenants (15,000 square foot or greater)</td>
</tr>
<tr>
<td>PGA Tour Superstore</td>
<td>60 inches (logo)</td>
<td>Permitted by Sign Plan</td>
<td>Sports Authority Sign Plan: Permits 48 inch tall copy and 5-foot by 5-foot logos for large tenants (15,000 square foot or greater)</td>
</tr>
<tr>
<td>Viverant</td>
<td>26 inch (copy) and 36 inch (logo)</td>
<td>Permitted by Sign Plan</td>
<td>Sports Authority Sign Plan: Permits 26 inch tall copy and 36 inch by 36 inch logos for small tenants (less than 5,000 square feet)</td>
</tr>
<tr>
<td>Office Depot</td>
<td>36 inches</td>
<td>Permitted by Code</td>
<td>Limited Tenant Building: No height maximum (2 tenants)</td>
</tr>
<tr>
<td>Shane Co.</td>
<td>36 inches</td>
<td>Permitted by Sign Plan</td>
<td>West Ridge Market Sign Plan: Permits 36 inch tall copy for tenants exceeding 10,600 square feet (Building C)</td>
</tr>
<tr>
<td>Goodwill</td>
<td>38 inches</td>
<td>Permitted by Code</td>
<td>Limited Tenant Building: No height maximum (1 tenant)</td>
</tr>
<tr>
<td>Men’s Wearhouse</td>
<td>34 inches</td>
<td>Permitted by Sign Plan</td>
<td>Ridgedale Festival: Non-anchor tenants permitted 36 inch tall copy, not to exceed 150 square feet (stacking permitted)</td>
</tr>
<tr>
<td>Naturepedic</td>
<td>40 inches</td>
<td>Permitted by Sign Plan</td>
<td>Ridgedale Festival: Non-anchor tenants permitted 36 inch tall letters, not to exceed 150 square feet (stacking permitted)</td>
</tr>
<tr>
<td>Fidelity Investment</td>
<td>32 inches</td>
<td>Permitted by Code</td>
<td>West Ridge Market Sign Plan: Permits 36 inch tall letters for tenants exceeding 18,000 square feet (Building B)</td>
</tr>
<tr>
<td>Southwest Eye Care</td>
<td>33 inches</td>
<td>Legal Non-conforming</td>
<td>The subject sign was approved in 2013. The city permitted sign heights to be averaged at this time.</td>
</tr>
<tr>
<td>Jimmy Johns</td>
<td>45 inches</td>
<td>Permitted by Sign Plan</td>
<td>Ridgedale Festival: Non-anchor tenants permitted 36 inch tall letters, not to exceed 150 square feet (stacking permitted)</td>
</tr>
</tbody>
</table>
The Minnetonka Carpet King location has been in business in the same location for over 21 years. In 2018 Carpet King rebranded to “Flooring Expo by Carpet King.” The rebrand clearly represents the wider product range that Carpet King provides its clients. They supply all types of flooring which includes hardwood, tile, laminates, and carpet. The old brand gave the perception that they only sold carpet. In fact, carpet is not the largest segment of Carpet King’s business anymore. By including “Flooring Expo” in the brand image, consumers now recognize that they these stores can supply them with all their flooring needs. Throughout 2018, Carpet King has rebranded all their locations with the newly branded name. Not only have they updated their sign program; they have updated their website, stationary, and all logos to the new brand. Carpet King has considerable costs in this transition so that all their locations have the same brand recognition by consumers.

The new brand is laid out as follows:

Flooring Expo is shown on the top line in red and blue individual illuminated lettering. The tile logo and “by Carpet King” are a single illuminated cabinet on the second line. As stated above, all locations have the same look.

The proposed sign, Exhibit A, as submitted to the City of Minnetonka meets all the sign requirements within the multi-tenant (four occupants or greater) with two exceptions.

1) All lettering must be within a 26” high sign band.
2) All logos must be no larger than 36” x 36”

Our rational for requesting a variance to Exception #1:

1) The individual lettering as proposed is less than 26” high. The Flooring Expo lettering is only 18.5” high. And, the “by Carpet King” lettering is only 7” high. The intent of the code is not to have grossly tall lettering and a 26” letter height for a multi-tenant building, while somewhat constrictive compared to other municipalities, seems appropriate. The sum of all of our proposed lettering is less than 26”.
2) The tenant’s location fronts Wayzata Blvd. and sits between three car dealerships, each of the dealerships have vastly more signage than Carpet King. The branded logo as proposed will be easily seen from the frontage road on Hwy. 394 (Wayzata Blvd.), and will tastefully stand out amongst the surrounding automotive dealerships. Being seen and recognized is extremely important to the success of the business. While Flooring Expo by Carpet King has been in the strip center for 21 years, its signs have been the dominant source of its business.
3) Within close proximity to the east and west of the location are other multi-tenant retail shopping center. Several of the tenants in these retail location have lettering that is taller than 26”. We have attached photos of 14 retail stores, highlighting the sizes of the lettering. The lettering on our proposed signs are less than any of these examples.

We ask that you allow an exception to Item number one as all our lettering is less than 26” in height and we believe it confirms to the spirit of the sign code. By allowing us to use the proposed logo, we will be
able to maintain the new Brand image of “Flooring Expo by Carpet King” that is identical in all of their retail locations, and necessary to maintain our brand throughout the Twin Cities.

**Our rational for requesting a variance to Exception #2:** The tile logo as proposed is less than 17” high x 76” long or a total of 8.97 s.f. The ordinance limits the logo to 36” x 36” which is 9 s.f. We believe the spirit of this portion of the sign code is to prevent logos from being overwhelmingly large. Our logo is less than 9 s.f. in total area. The tile logo ties into the copy on the second line. It is clean and does not overwhelm. The length is dictated by the need to fit the second line proportionately below the second line. If you notice, the top left corner must always align with the bottom left corner of the “L” above it. This allows the second line to be centered. The angle of the tile logo is made to be the same angle as the “Expo” lettering above, 20 degrees.

If we were to shorten the length of the tile logo, it would only allow for two and a half tiles in the logo and no one would know what they were other than blue squares.

There are other logos in multi-tenant retail centers within close proximity to this location that have larger logos, which you can see in the attached photos. Exhibit B

We ask that you allow an exception to item number 2 as our logo is less than the total s.f. and is an intricate part of the branded name. In our case, the restriction negatively impacts our design of the logo.

**General Hardship if we were to strictly conform to the sign code**

We would have to revise the logo so that everything is on a single line, which would be detrimental for the following reasons:

1) The sign would be completely different than any of the other Flooring Expo by Carpet King retail locations. Consumers driving around the Twin Cities looking for the Minnetonka location would have difficulty finding it because they would be looking for the brand that they have seen in print, digital, and physical media.

2) The tile logo would not be consistent with our brand.

3) The lettering would be difficult for traffic to read as it drives by on the frontage as laid out in one long line of lettering over a short distance. Remember that this retail center is located in the midst of three car dealerships that have signs, flags, etc. all over their properties. Drive-by traffic is the main source of business traffic to the showroom.

4) In this case, a single line of copy at 26”h and a 36” x 36” logo would not be pleasing to the eye. The Flooring Expo by Carpet King branded logo has been thoughtfully and carefully developed to be attractive and recognizable to consumers while informing them about the products they can find at their retail locations.

[Signature]

DEC 1 2 2018
Addendum 1

Describe Why the Proposed Use is Reasonable: All of the lettering is less than 26” high. Because the Branded name utilizes two lines of copy, the overall height of the lettering is 38 3/8” high. The logo is less than 36” high by almost half. The length of the logo is 76”, however, it is integrated into the second line of copy and does not stand alone like most logos.

Addendum 2

Describe Unique Property Circumstances: Flooring Expo by Carpet King has been the key tenant at this location for over 21 years. Over time, the area surrounding this multi-tenant retail center has been developed by several car dealerships. The car dealerships have huge sign programs as well as other marketing tools such as permanent flags that attract most consumer attention to their lots. It is very difficult for consumers to notice Flooring Expo by Carpet King due to these variables. People driving on the frontage road have a short window of opportunity to view our sign, however, most of their attention is drawn by all the new cars in the car lots and the flags & banners waving in the wind, and all the freestanding and building signage that the three dealerships have.

The need to have a sign that can be easily read and recognized is vital to maintaining a consistent brand image. Carpet King changed their branded name to Flooring Expo by Carpet King at all their locations. The new logo is used in all their marketing and advertising (print, digital, etc.). To deviate from the Branded logo would dilute the investment being made in the new brand. The newly branded name also highlights that they provide not only carpet, but all types of flooring (hardwood, tile, laminates, etc.). Consumers looking for flooring around the Twin Cities recognize Flooring Expo by Carpet King as a retail chain that fulfills those needs. The fact that the brand recognition is seen throughout the Twin Cities gives comfort to consumers that Flooring Expo by Carpet King is a strong company that has an established track record of excellent service to their customers and is a retail leader in Flooring. Brand recognition tells consumers they can find the same products and service at many locations throughout the Twin Cities. The Minnetonka location should look as much like all the other locations around the Twin Cities.

Addendum 3

Describe Why the Variance Will Not Alter the Character of the Neighborhood: As stated above, the retail location is surrounded by car dealerships with vastly more signage than the proposed sign package for which we are seeking a variance. Additionally, there are several other multi-tenant retail centers located within a short distance of Flooring Expo by Carpet King. Several of the retail tenants in these centers have larger signs than what we are proposing. Several of them have lettering that exceeds 26” in height and logos that exceed 36”. The signs we are proposing are tasteful and fall within the retail character of the area. It should also be noted that a 48’ wide electronic billboard operated by Clear Channel sits just to the east of our location (between us and a car dealership) with several rotating advertisements per minute.
Planning Commission Resolution No. 2019-

Resolution denying a sign variance to allow two wall signs that exceed the maximum wall sign height at 13512 Wayzata Blvd.

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 13512 Wayzata Blvd. It is legally described as: West 200 64/100 feet of that part of the southwest ¼ of the northeast ¼ lying south of the north 39 rods thof ex highway.

1.02 The applicant, William Bailey, is requesting a sign variance to replace two signs on the south and east elevations of an existing multi-tenant, commercial building. The new signs would have a maximum letter height of 38.5 inches, exceeding the 26-inch maximum height permitted by the sign ordinance (City Code §325.06 Subd. 3, Table 325.9).

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

Section 2. Standards.

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

Section 3. Findings.

3.01 The proposal does not meet all of the variance standards outlined in City Code §300.07 Subd. 1(a):

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The purpose and intent of the sign ordinance provision is to allow wall signs which
provide reasonable visibility by (1) identifying the tenant of a building and (2) helping the traveling public find their way to intended destinations. The proposed signs meet this intent. The proposed signs consist of the tenant’s new business name. Additionally, each individual letter is less than the 26 inch height maximum permitted by sign ordinance. However, the proposal changes the configuration of the sign from a single line of text to a stacked name, thus requiring a variance.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The city’s comprehensive plan does not make a specific reference to signage. As such, the proposal is not contrary to the comprehensive plan.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance; however, the subject request does not meet all three practical difficulty standards:

   a) REASONABLENESS: Yes. The applicant’s wish to have a stacked letter sign is reasonable. The square footage of the wording of the proposed sign would be slightly less than the existing, conforming sign. In addition, the letter heights of the upper and lower wording do not exceed 26 inches and their combined heights, excluding the spacing between the letters, is only 25.5 inches. As such, the proposed sign may not appear larger in area than the previous sign, but instead will have stacked letters instead of horizontally positioned letters.

   b) UNIQUE CIRCUMSTANCE: The plight of the property owner is not caused by circumstances unique to the property. The subject site currently has a sign that conforms to the sign ordinance. In the creation of the new sign, the applicant has proposed a sign that does not conform to the sign ordinance. However, there is adequate space on the building’s walls to mount a sign that would meet the sign ordinance. Specifically, the applicant could create a conforming wall sign by either:

       - Moving the logo and “by Carpet King” lettering immediately to the right of “Flooring Expo,” within a 26 inch sign band; or
       - Reducing the letter heights and space between letters until the sign is conforming.

   As there are alternative plans that could meet the sign ordinance, the plight of the landowner is not due to a circumstance unique to the property, but instead the plight is created by the applicant’s branding with stacked letters that do not fit within a 26 inch sign band.

   c) CHARACTER OF LOCALITY: The subject site is surrounded single tenant buildings (Morrie’s Mazda, Sears Imported Auto-Mercedes Benz, Morrie’s Ford, and Goodwill) that have much
taller signs in comparison to the subject site. In addition, there is a multi-tenant building to the west (Ridgedale Festival) that has a sign plan that permits sign letter heights that exceed 26 inches. If approved, the subject sign would not alter the essential character of the locality.

Section 4. Planning Commission Action.

4.01 The planning commission denies the above-described variance based on the findings outlined in section 3 of this resolution.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on February 7, 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 Feb. 7, 2019.

_________________________
Fiona Golden, Deputy City Clerk
Brief Description
Site and building plan review for a building addition for Old Apostolic Lutheran Church at 5617 Rowland Rod.

Recommendation
Adopt the resolution approving the requests

Background
The Old Apostolic Lutheran Church was constructed in 1986. The existing building contains roughly 24,000 square feet. The main level consists of the sanctuary, lobby and a small nursery space. The lower level is primarily used for fellowship and consists of dining areas, a kitchen, storage and children’s nurseries. A one-story kitchen and dining area addition on the northeast side of the building and the main entrance canopy was constructed in 2001.

Existing site features
The site is located on the east side of Rowland Road. The site is 6.8 acres in size. The northeast corner of the site is encumbered by 100-year floodplain associated with Nine Mile Creek.

Proposal Summary
The proposal is to construct a roughly 8,000 square foot addition on the north side of the building over the dining area.

The addition’s lower level would consist of:
1. Three classrooms;
2. Storage space; and a
3. Reconfigured entrance to the existing dining areas.

The addition’s upper story consists of:
1. Nursery space;
2. 15 classrooms; and
3. Restrooms

Site impacts
The proposal would result in the removal of three parking stalls. Additionally, the existing retaining wall would be reconfigured to allow for a new sidewalk and steps on the northwest corner of the new building. Despite the addition being 8,000 square feet in size, the addition would only increase the amount of impervious surface on the site by 300 square feet because it is located within area that has been previously developed by impervious surface.

Primary Questions and Analysis
- Is the proposed addition reasonable?
Yes. Currently, Sunday School classes are held within the sanctuary space. The addition would allow for increased functionality of the facility without increasing the size of the sanctuary space which would require additional parking.

- **Can the parking be accommodated within the existing parking lot?**

  Yes. City code requires one parking space for “each 2.5 seats based on the designed capacity of the main sanctuary or assembly space. The city may require additional spaces for offices, classrooms, day care centers, or other uses operated on the grounds.” Historically, the city has not required the any additional parking spaces for the offices and classroom spaces associated with the religious facility. The city has found that generally when the main sanctuary spaces of the facility are occupied, the other ancillary spaces are not.

<table>
<thead>
<tr>
<th>Required by code</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>260 stalls (based on seating capacity of the sanctuary)</td>
<td>269 stalls</td>
<td>266 stalls</td>
</tr>
</tbody>
</table>

**Staff Recommendation**

Adopt the attached resolution approving final site and building plans for an addition at 5617 Rowland Road.

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project No.</strong></td>
<td>86050.18a</td>
</tr>
<tr>
<td><strong>Property</strong></td>
<td>5617 Rowland Rd</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Jared Alholinna, on behalf of Old Apostolic Lutheran Church</td>
</tr>
</tbody>
</table>
| **Surrounding Land Uses** | Northerly: Townhomes, zoned PUD  
Easterly: Nine Mile Creek  
Southerly: Vacant property, zoned PUD and Lone Lake Park beyond  
Westerly: Rowland Rd and industrial beyond |
| **Planning**      | Guide Plan designation: Institutional  
Zoning: R-1, low density residential |
| **Setbacks**      | Religious institutions must be setback 50 feet from all property lines.  
The building is setback 50 feet from the southerly property line and far exceeds the setback from all other property lines. |
| **SBP Standards** | The proposal would comply with all site and building standards as outlined in City Code 300.27 Subd.5 |

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

   **Finding:** The proposal has been reviewed by the city planning, engineering, and natural resources staff and has been found to be generally consistent with the city's development guides, including the water resources management plan.

2. Consistency with this ordinance;

   **Finding:** The proposal is consistent with applicable ordinances.

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

   **Finding:** The addition would be constructed over the top of the one-story addition built in 2001 and existing parking lot.

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
**Finding:** The proposed addition would not significantly alter the amount of open space on the property. The addition would also be significantly setback from all natural features on the property, including the 100-year floodplain to the north and east.

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

   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

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

   c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and

   d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

**Finding:** The proposed addition would be appropriately located and integrated into the site.

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

**Finding:** The proposal must comply with the recently adopted energy code.

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

**Finding:** While the proposal would visually change the character of the building, it would generally be located in area that had already been disturbed or developed.

**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.

**Motion Options**

The planning commission has three options:

1) Concur with the staff recommendation. In this case a motion should be made to adopt the resolution approving the final site and building plans.

2) Disagree with staff’s recommendation. In this case, a motion should be made directing staff to prepare a resolution for denying the final site and building plans. This motion should include findings for denial.

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

**Appeals**

Any person aggrieved by the planning commission’s decision 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 95 area property owners and received no comments to date.

**Deadline for Decision**

April 1, 2019
Location Map

Project: Old Apostolic Lutheran Church
Address: 5617 Rowland Rd
Site and building plan

December 10, 2018

On behalf of the Old Apostolic Lutheran Church of Minnetonka (OALC), Jared Alholinna, assistant chairman of the trustees, is submitting the following for a site and building plan review for the January 17th Minnetonka Planning Commission meeting:

- Written Statement/Narrative – shown below
- Old Apostolic Lutheran Church - Site & Building Plan Review Application
- OALC Option 3.91 Drawing set consisting of five sheets
  - A1-FOUNDATION PLAN
  - A2-BASEMENT LEVEL FLOOR PLAN
  - A3-MAIN LEVEL FLOOR PLAN
  - A4-REAR ELEVATION
  - A5- SIDE ELEVATION, 2-RENDERING, SECTION THROUGH ADDITION
- Site plan drawings consisting of two sheets
  - C0.01-Existing Condition
  - C0.04-Proposed Addition Site Plan
- A check for $1050 written out to City of Minnetonka for the Application Fee

Narrative

The OALC is located at 5617 Rowland Road, Minnetonka, MN. We would like to add a Sunday school addition on to our existing church. The congregation voted on December 9th to move forward with this addition as presented. The addition is primarily intended to provide eighteen rooms for Sunday school classes and will also add a women’s restroom, two men’s restrooms, and a storage room.

- Presently, Sunday school lessons are conducted in the sanctuary and in other rooms which are primarily designated for other uses. The new Sunday school rooms will be dedicated for this purpose and will provide formal suitable space for lessons and the rooms will provide wall space for whiteboards, maps and other lesson plans while minimizing distractions. Sunday school classes are held for grades one through nine and the eighteen rooms will allow for two rooms per class. Sunday school occurs from 9:45 to 10:30 am with the Sunday service beginning at 11:00 am. These Sunday school rooms will not be used for Sunday school activities during the church service.
- The new women’s restroom with five toilets will be located on the main floor and will primarily be used during the Sunday service and this will supplement the existing women’s restroom with eight toilets in the basement which would be intended for use before and after church services.
- One of the two individual men’s restrooms on the main floor will provide a baby changing station.
- One of the Sunday school rooms (Classroom #13) on the main floor will also provide a space for a father’s nursery during non-Sunday school times.
- During the addition process, the present handicap restroom on the main floor will be reconfigured to be a compliant handicap restroom.
- The existing toddler nursery on the main floor will be reconfigured to allow the Sunday school Addition to flow and integrate with the main floor.
- Two of the Sunday school rooms (classrooms #14 & #15) adjacent to the sanctuary will have window openings toward the sanctuary and will be fitted with impervious soundproof panels which can be removed. These two rooms could then be used as overflow seating, if needed, during special events typically held twice a year.
The existing congregation size is about 650, and growing, with over half being under 18. Presently, everyone fits comfortably in the sanctuary without using the balcony. This addition will not increase the worship capacity of the sanctuary.

We typically have one church service on Sunday. Sunday school is at 9:45 and is held for 45 minutes. Church services start at 11:00 am and last 1 to 1 ½ hours. There is usually a light snack after the church service and perhaps ½ of the congregation stays for up to 2 hours for visiting and fellowship time. Communion Sunday is held on the first Sunday of the month and a full meal is served on that day after the church service. We have no regular weekly events such as bible study, day care or school. We do not have an onsite caretaker residence as all janitorial duties and normal church functions are done by volunteers during the week and our preachers do not live on-site. There are occasional weddings that take place on a Friday or Saturday evening. We have special events which occur once each spring and fall when our missionary preachers come for three days of church meetings. During these meetings, one full meal is typically served each day with a morning and evening service. Our church building is also used by the City of Minnetonka as a polling/voting location up to three times a year.

The sanctuary and balcony pews offer space for 623 seats using a measure of 24” per seat. The existing parking lot has 269 parking spots with 6 being handicap spots and three spots will be lost as a result of the addition. Using the current City of Minnetonka parking requirements code a ratio of 2.5 seats per parking spot results in 249.2 parking spots which is less than the 266 parking spots which will remain after the addition is completed. There is the potential to add three new parking stalls at the north end of the concrete island on the lower level. During the special events, as mentioned above, we have permission from nearby businesses to use their parking lots for any overflow parking that is needed rather than parking on the street.

Legal Description
Outlot J, Meadow Lakes Addition, Minnetonka, Hennepin County, Minnesota consisting of 6.92 acres. We also own a small remnant of land near the western edge of our property which was purchased on April 27, 2018 from the city that was tax forfeited.

Landscape Plan Description
We met with Aaron Schwartz, Natural Resource Specialist, with the City of Minnetonka at our site to discuss the Landscape Plan. He provided a description of the landscaping requirements and possible ideas to provide the softscape and aesthetic additions. We intend to submit a landscape plan at the time of building permitting and this will include species of trees or shrubs to be planted, description of the plan items, the total value of landscaping and a layout.

Stormwater and floodplain
We met with Randy Anhorn of the Nine Mile Creek Watershed District and Bob Obermeyer of Barr Engineering to review our Sunday school addition project and the impacts of adding impervious surfaces associated with the addition. The solution for treating and reducing stormwater runoff will be forthcoming. Infiltration is the most desirable option but soils may dictate filtration. We expect to add around 300 square feet of new impervious with this addition with the remainder of the addition taking place over existing impervious surfaces.
Existing conditions

EXISTING CONDITION
MRL
BLD COMM
BOARD
CONG.
ENGINEER
MINNESOTA
MARCUS LEE
12/6/2018 52664

OVERHEAD POWER AND
COMMUNICATIONS

EXISTING TRUNK SEWER
EX 275' - 6" PVC @ 0.75%

SEWER
EX 265' - 6" DIP
WATER
EX 60' - 12" PVC @ 4.0%

STORM
SEWER INVERT = 899.00

EX 60' - 6" DIP
WATER
HYD
6X6 TEE

FIRE CONTROL
SHUTOFF

CHURCH
1ST FLOOR = 915.40
BASEMENT = 903.00

DINNING ADDITION
FLOOR = 903.00

TIMBER RETAINING
WALLS

BLOCK RETAINING
WALLS

EX 40' - 12" PVC @ 4.0%
STORM

EX 4" PVC
STORM

TRENCH DRAIN

DUMPSTER
SHED

FIRE DEPT. SPRINKLER CONNECTION
OUTSIDE SPIGOT
GAS CONNECTION
AC UNIT

IRRIGATION VALVE

EXISTING ACCOMMODATIONS:
PARKING = 269
SEATING = 623

PROPERTY LINE

APPROXIMATE DRAINAGE EASEMENT

THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS. DO NOT SCALE THE DRAWING - ANY ERRORS OR OMISSIONS SHALL BE REPORTED TO STANTEC WITHOUT DELAY.
THE COPYRIGHTS TO ALL DESIGNS AND DRAWINGS ARE THE PROPERTY OF STANTEC. REPRODUCTION OR USE FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED BY STANTEC IS FORBIDDEN.

OLD APOSTOLIC LUTHERAN CHURCH OF MINNETONKA
SUNDAY SCHOOL ROOMS ADDITION
2018

APPROXIMATE DRAINAGE EASEMENT

CHICAGO MILWAUKEE AND ST. PAUL RAIL ROAD
EXISTING TRUNK SEWER
EX 275' - 6" PVC @ 0.75%

STORM
WATER
EX 60' - 12" PVC @ 4.0%

SEWER INVERT = 899.00
EX 60' - 6" DIP
WATER

FIRE CONTROL
SHUTOFF

TRENCH DRAIN STORM

FIRE DEPT. SPRINKLER CONNECTION

OUTSIDE SPIGOT
GAS CONNECTION
AC UNIT

IRRIGATION VALVE

PROPOSED STEPS AND SIDEWALK

APPROXIMATE DRAINAGE EASEMENT

DUMPSTER

33.00

NEW APOSTOLIC LUTHERAN CHURCH OF MINNETONKA
SUNDAY SCHOOL ROOMS ADDITION & DINNING ADDITION, FLOOR = 903.00

CHURCH 1ST FLOOR = 915.40
BASEMENT = 903.00

PROPOSED ACCOMMODATIONS:
PARKING = 266
SEATING = 623
ADDITIONAL IMPERVIOUS = 530 SQ. FT
0.012 AC

130.18
97.66

PROPERTY LINE

THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS. DO NOT SCALE THE DRAWING - ANY ERRORS OR OMISSIONS SHALL BE REPORTED TO STANTEC WITHOUT DELAY.

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PRINT NAME: 
SIGNATURE: 
DATE: 

WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT AND THAT I AM A DULY LICENSED UNDER THE LAWS OF THE STATE OF

LIC. NO.

PROJ. NO.

SURVEY
APPROVED
DESIGNED
DRAWN

REVISION
CHECKED

Plot Date: 12/06/2018 - 7:05am
Drawing name: C:\Users\malee\Documents\Personal\OALC\OALC_XSXT.dwg

Xrefs:, OALC_BOARDER
Resolution No. 2019-
Resolution approving a final site plan for an addition at
Old Apostolic Lutheran Church at 5617 Rowland Rd

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

Section 1. Background.

1.01 Jared Alholinna, on behalf of Old Apostolic Lutheran Church has requested final site and building plan approval for an addition. (Project 86050.18a

1.02 The property is located 5617 Rowland Rd. It is legally described as follows:

Outlot J, Meadow Lakes Addition, Minnetonka, Hennepin County, Minnesota

1.03 On Feb. 7, 2019, the Planning Commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the Planning Commission. The Planning Commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution.

Section 2. General Standards.

2.01 City Code §300.27, Subd. 5, states that in evaluating a site and building plan, the city will consider its compliance with the following:

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

2. Consistency with the ordinance;

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

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
   b) the amount and location of open space and landscaping;
   c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
   d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

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

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

Section 4. Findings.

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

1. The proposal has been reviewed by the city planning, engineering, and natural resources staff and has been found to be generally consistent with the city’s development guides, including the water resources management plan.

2. The proposal is consistent with applicable ordinances.

3. The addition would be constructed over the top of the one-story addition built in 2001 and existing parking lot.

4. The proposed addition would not significantly alter the amount of open space on the property. The addition would also be significantly setback from all natural features on the property, including the 100-year floodplain to the north and east.
5. The proposed addition would be appropriately located and integrated into the site.

6. While the proposal would change the visual character of the building, it would generally be located in an area that has already been disturbed or developed.

Section 5. Planning Commission Action.

5.01 The Planning Commission approves final site plans for the addition at the Old Apostolic Lutheran Church. Approval is based on the findings outlined in section 4 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Proposed addition site plan dated Dec. 5, 2018.
   - Floor plans dated Nov. 21, 2018.
   - Elevations and sections dated Nov. 21, 2018.

2. Prior to the issuance of a permit:
   a) Submit the following items associated with site work:
      1) An electronic PDF copy of all required plans and specifications.
      2) Final site, grading, drainage, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
         a. A utility plan if the relocation of the existing hydrant is required.
         b. Final landscaping plan must:
            1. Meet minimum landscaping and mitigation requirements as outlined in ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.
            c. A grading plan. The plan must include information on the amount of disturbance. If the disturbance exceeds 50 cubic yards, stormwater management is required.
3) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct comply with grading permit and landscaping requirements and to restore the site. One itemized letter of credit is permissible, if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the underground facility has been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.

4) A construction management plan. The plan must be in a city-approved format and must outlined minimum site management practices and penalties for non-compliance.

5) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
   - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
   - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

b) The following must be completed:

1) This resolution must be recorded at Hennepin County.

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

3. Permits may be required from other outside agencies including, Hennepin County, the Nine-Mile Creek Watershed District, and the MPCA. It is the applicant’s or property owner’s responsibility to obtain any necessary permits.
4. All rooftop and ground mounted mechanical equipment, and exterior trash and recycling areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units hat blend in with the building architecture are exempt from this requirement.

5. New retaining walls over four feet must be structurally engineered and be signed by a licensed structural engineer.

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

7. Construction must begin by Dec. 31, 2020 unless the planning commission grants a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Feb. 7, 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 Feb. 7, 2019.

Fiona Golden, Deputy City Clerk
Brief Description  
Conditional use permit for a religious institution at 11021 Hillside Lane West; 2327, 2333 and 2339 Hopkins Crossroad; and 11170 Mill Run

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

Background

In 2018, the Chabad Center for Jewish Life requested a conditional use permit (CUP) to operate a religious institution on Hopkins Crossroad. The city council denied the CUP, generally finding:

- Vehicle access from Hopkins Crossroad could present a traffic safety issue; and
- The intensity of use was not appropriate, given the size of the site.

Proposal

The Chabad Center for Jewish Life has presented a new proposal. As submitted, the site would be comprised of five properties adjacent to Hopkins Crossroad and Hillside Lane. From this, four lots would be combined into one lot for the religious institution and existing home. The existing lot on Hillside Lane West would remain for site access and a future residential home. The table below outlines the general difference between the 2018 and 2019 proposal.

<table>
<thead>
<tr>
<th></th>
<th>2018 Proposal</th>
<th>2019 Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Area</strong></td>
<td>1.95 acres (3 lots)</td>
<td>2.86 acres – Religious Institution Lot (4 lots)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.62 acres – Future Single-Family Home Lot</td>
</tr>
<tr>
<td><strong>Floor Area</strong></td>
<td>15,000 sq.ft. – institution</td>
<td>16,400 sq. ft. – institution</td>
</tr>
<tr>
<td></td>
<td>4,050 sq.ft. – existing home</td>
<td>4,050 sq. ft. – existing home</td>
</tr>
<tr>
<td><strong>Site Access</strong></td>
<td>Hopkins Crossroad</td>
<td>Hillside Lane West</td>
</tr>
</tbody>
</table>

* as defined by city code

Primary Questions and Analysis

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

- Is the proposed religious institution use generally appropriate?
Yes. The site is zoned R-1, low-density residential. By city code, religious institutions are conditionally-permitted uses in residential zoning districts. A conditionally-permitted use is one that is allowed if the conditions outlined in code are met.

- **Would the proposed religious institution use meet conditional permit standards?**

  Yes. City code outlines several conditions for religious facilities. It is staff's opinion that the proposed Chabad Center for Jewish Life meets the ordinance standards. Some of the CUP standards are objective and compliance with these standards can be specifically measured. Other standards are subjective and require the reasonable exercise of discretion by the commission, based on the facts presented in the record. The following highlights some of the CUP standards. All of the standards are outlined in the “Supporting Information” section of this report.

**Objective Standards.** The proposal would meet the objective CUP standards:

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Access</strong></td>
<td>Collector or Arterial Street</td>
</tr>
<tr>
<td><strong>Building Setback</strong></td>
<td>Minimum 50 ft.</td>
</tr>
<tr>
<td><strong>Parking Setback</strong></td>
<td>Minimum 20 ft.</td>
</tr>
<tr>
<td><strong>Parking Spaces</strong></td>
<td>39 spaces</td>
</tr>
<tr>
<td><strong>Impervious Surface</strong></td>
<td>Maximum 70%</td>
</tr>
</tbody>
</table>

* see parking section for further discussion

**Subjective Standards.** The subjective standards of the ordinance focus on creating design compatibility and protection of neighboring properties. Compliance with these subjective standards must be evaluated with the understanding that the ordinance contemplates construction of religious institutions on residentially zoned-property.

- **Design Compatibility.** Generally, the city has not interpreted design compatibility to mean “designed to look like” surrounding structures. This is evident in review of the 21 religious buildings that are currently located on properties zoned R-1, low-density residential. None of these existing institutions “look like” or are “sized like” a single-family home. Rather, the city has held that design compatibility means some level of complementary design features.

  Staff finds that the proposed Chabad Center has been attractively designed. The plan incorporates natural building materials and neutral color palate, which are residential in character. Additionally, proposed building height would be consistent with residential homes. City code allows homes to be constructed to a height of 35 feet, as measured to the midpoint of a pitched roof. The proposed building would have an average height of 17 feet, measuring 23 feet at its highest point. The following diagram notes then general architectural differences between the 2018 and 2019 proposal.
Protection of Neighboring Properties. Generally, any change to the use of a property will bring with it changes to drainage patterns, sounds, and site lines. The objective standards – building setbacks, parking setbacks – as well as conformance with the stormwater management rules and nuisance regulations regarding lighting and “quiet hours,” are intended to minimize or mitigate for these changes.

Can anticipated traffic be accommodated?

Yes. The city commissioned a traffic and parking study for this conditional use permit request. The purpose of any traffic study is to understand: (1) existing traffic volume and operations; (2) the impact of the proposal on existing traffic volume and operations; and (3) if a proposal’s impact would be negative, how that impact could be mitigated.

The traffic study focused the Hopkins Crossroad/Hillside Lane intersection and included evaluation of the Tanglen Elementary School /Hillside Lake intersection. The study included trip data collection for the center’s anticipated “peak hours,” which are associated with anticipated service times: weekday a.m. from 7:15 to 8:15, Friday p.m. from 5:00 to 6:00, and Saturday midday from 12:30 to 1:30. The traffic study concluded:

- Under current conditions, vehicles accessing Hopkins Crossroad experience some delay. However, overall the Hopkins Crossroad/Hillside Lane West intersection operates at an acceptable level of service (LOS A) during the peak hours reviewed. (For more information on LOS, see the attached traffic study.)

- No significant operation impacts are expected as a result of the proposed Chabad center. Delays may increase – 3 to 10 seconds depending on time of day – for vehicles accessing Hopkins Crossroad from Hillside Lane W. However, the intersection would continue to operate an LOS A.
Can anticipated parking demand be accommodated?

Yes. By city code, one parking space is required “for each 2.5 seats based on the design capacity of the main sanctuary or assembly space. The city may require additional spaces for offices, classrooms, day care centers or other uses operated on the grounds.” The city has not historically required additional parking for office and classrooms uses at religious institutions. Generally, when the main sanctuary space of such institution is fully occupied, these other spaces are not and vice versa.

City code requires 39 parking spaces be provided for the Chabad Center. As proposed, a total of 60 stalls would be constructed on site. Staff has identified space for at least 16 additional proof-of-parking spaces, for a total of 76 available spaces. Proof-of-parking spaces are spaces that could be constructed in the future if the city finds that there is a regularly demonstrated need for these spaces. Until the spaces are needed, proof-of-parking areas remains green space.

<table>
<thead>
<tr>
<th>Available Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Striped Stalls</td>
</tr>
<tr>
<td>Geogrid Stalls</td>
</tr>
<tr>
<td>Proof-of-Parking</td>
</tr>
<tr>
<td>TOTAL</td>
</tr>
</tbody>
</table>

During the 2018 review, the required parking for the proposed facility was discussed at some length. It was suggested that the main sanctuary space and the proposed social hall should be taken into consideration when calculating parking. As proposed, the Chabad Center site could accommodate parking for the sanctuary and social hall.

<table>
<thead>
<tr>
<th>Code Requirement</th>
<th>Seating</th>
<th>Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Sanctuary</td>
<td>98</td>
<td>39 spaces</td>
</tr>
<tr>
<td>TOTAL</td>
<td>98</td>
<td>39 spaces</td>
</tr>
<tr>
<td>Suggested Calculation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Sanctuary</td>
<td>98</td>
<td>39 spaces</td>
</tr>
<tr>
<td>Social Hall</td>
<td>72</td>
<td>29 spaces</td>
</tr>
<tr>
<td>TOTAL</td>
<td>170</td>
<td>68 spaces</td>
</tr>
</tbody>
</table>

Summary Comments

Staff acknowledges that the proposed Chabad Center for Jewish Life would visually alter the immediate area. The proposal would result in a different level of activity than was historically observed while the site contained occupied single-family homes. However, staff recommends approval of the request, as: (1) religious use of the site is contemplated by the zoning ordinance; (2) the proposal would met CUP requirements; and (3) similar uses exist in residential areas throughout the community. Further, the proposal responds to the council’s 2018 concerns related to vehicle access from Hopkins Crossroad and the overall size of the site.

Staff Recommendation

Recommend the

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

**Surrounding Land Uses**
The site is surrounded by single-family residential homes.

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

**Single-Family Lot**
The submitted plans illustrate that an additional lot could be created for a future single-family home on Hillside Lane West. As presented, the lot would exceed all minimum standards as outlined in the subdivision ordinance.

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Buildable</th>
<th>Right-of-Way</th>
<th>Setback</th>
<th>Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Required</strong></td>
<td>22,000 sq. ft.</td>
<td>3,500 sq. ft.</td>
<td>80 ft.</td>
<td>110 ft.</td>
<td>125 ft.</td>
</tr>
<tr>
<td><strong>Proposed</strong></td>
<td>27,170 sq. ft.</td>
<td>13,760 sq. ft.</td>
<td>110 ft.</td>
<td>110 ft.</td>
<td>245 ft.</td>
</tr>
</tbody>
</table>

*numbers rounded down to closest 5 ft. or 5 sq. ft.*

**Proposed Site Conditions**
To accommodate the proposed religious facility the following site changes would occur:

**Grading**

Much of the site would be graded to "level" the central portion of the site. However, the amount of cut and fill would be minimal; up to four feet of excavation would be necessary to appropriately construct the driveway and up to two feet of fill would be placed in areas of the parking lot. As a condition of approval, a final grading plan would need to be submitted for review and approval of the city engineer prior to issuance of a grading permit.

**Tree removal**
The tree ordinance establishes a maximum 35 percent removal of high-priority trees for subdivision projects. This Chabad proposal is for redevelopment of existing, developed lots. As such, the removal threshold for does not apply. Nevertheless, staff notes that the proposal would result in removal of 17.5 percent of the site’s high-priority trees.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Removed</th>
<th>% Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority</td>
<td>40</td>
<td>7</td>
<td>17.5%</td>
</tr>
<tr>
<td>Significant</td>
<td>85</td>
<td>62</td>
<td>73%</td>
</tr>
</tbody>
</table>
The ordinance requires mitigation for removal of trees located outside of proposed building footprints and driveways, and 20 foot and 10 foot perimeters of these respective areas.

**Stormwater**

The proposal triggers the city’s stormwater management requirements. These requirements include: (1) on-site retention of 1-inch for runoff from the site’s impervious surfaces; (2) limiting peak runoff rate flow to those of the existing condition; and (3) treatment of all runoff for removal of 60 percent of phosphorus and 90 percent of suspended solids.

The applicant proposes construction of an underground stormwater facility to meet these stormwater requirements. As proposed, runoff from the site would be captured through several catch basins and directed to the underground chambers via stormwater pipe. Final plans and soil borings must be submitted for staff review and approval as part of a grading permit application.

**Landscaping**

The applicant proposes to plant 88 trees throughout the site, with particularly attention given to providing a visual buffer to the adjacent single-family homes north and east of the property. As a condition of approval, a final landscaping plan must be submitted, substituting some of the proposed plants with other species to avoid planting a monoculture and to ensure appropriate plantings within the parking lot.

**Driveway Access Point**

The location of the driveway access point on Hillside Lane West has been evaluated by the city engineer and found to be adequate from a site distance perspective. The location would be evaluated again as part of any grading permit review.

**Floor Area Ratio**

During the 2018 review, the floor area ratio (FAR) of the proposed facility was discussed at some length. Though the zoning ordinance does not establish a maximum FAR for religious facilities, the concept was used as a measurable substitute for “intensity of use.”

There are 21 existing religious facilities in Minnetonka that are located in residential areas. The FAR of these facilities ranges from 0.05 to 0.19. The FAR of the proposed Chabad Center would be within this range. This also true if the existing home on Mill Run were included in the FAR calculation.
The proposed Chabad Center would also fall within the FAR range of the 134 homes within the proposal's notice area, which is 0.01 to 0.27. (See attached map.)

**CUP Standards**

The proposed religious facility would be consistent with the general CUP standards as outlined in City Code §300.16 Subd.2:

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

   **Finding:** Religious institutions are specifically listed as conditionally-permitted uses in the single-family residential zoning district.

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

   **Finding:** The goals, policies, and objectives of the comprehensive plan are generally the city’s effort to create a vibrant and resilient community. Religious institutions are a component of such communities.

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

   **Finding:** The proposal has been reviewed by members of the city’s community development, engineering, public works, fire, and legal departments. Staff does not find that the proposed religious institution would have an adverse impact on the provision of government services or infrastructure.

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

   **Finding:** The proposed institution would visually alter the immediate area and result in a different level of activity than was historically observed while the site contained occupied single-family homes. Though noticeable, these changes would not be detrimental to the health, safety, or welfare of the community.
The proposal would meet the specific conditional use permit standards for religious facilities as outlined in City Code §300.16 Subd.3(b):

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

   **Finding**: The proposed facility would have access to Hillside Lane West, which is defined as a neighborhood collector roadway in the comprehensive plan.

2. Buildings must be set back 50 feet from all property lines;

   **Finding**: The new facility would meet this setback from east and west property lines and it exceeds it from the north and south.

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

   **Finding**: By ordinance, 1 parking space is required for every 2.5 seats within the main sanctuary of a religious facility. As proposed the sanctuary would regularly have seating for 98 people, requiring 39 parking spaces. 60 parking spaces would be available on site; this included striped and geogrid spaces. Staff notes additional areas would be available as proof-of-parking.

4. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and

   **Finding**: The institution site would be 46 percent impervious.

5. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

   **Finding**: See the “SBP” section of this report.

**SBP Standards**

The proposal would meet the site and building standards as outlined in City Code §300.27 Subd.5:

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

   **Finding**: The proposal has been reviewed by city planning, engineering, and natural resources staff and found to be generally
consistent with the city’s development guides, include the water resources management plan.

2. Consistency with this ordinance.

**Finding:** Religious institutions are specifically listed as conditionally-permitted uses in the single-family residential zoning district.

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

**Finding:** The proposal would result in significant alteration of the site, including changes to grade and tree removal/impact. However, site disturbance would be limited to the extent practicable, given construction of a building and parking lot.

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

**Finding:** The new building and parking lot would be appropriately located at the center of the site, maintaining green space and the opportunity for new plantings at its perimeter.

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
   
   - an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors, and the general community.
   
   - the amount and location of open space and landscaping.
   
   - materials, textures, colors and details of construction as an expression of the design concept and compatibly of the same with the adjacent and neighboring structures and uses.
   
   - vehicular and pedestrian circulation, including walkways, interior driveses and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

**Finding:** The location of buildings relative to open space and paved areas is appropriate. The proposed Chabad Center has been attractively designed. The plan incorporates natural building materials and neutral color palate, which are residential in
character. Additionally, proposed building height would be consistent with residential homes. City code allows homes to be constructed to a height of 35 feet, as measured to the midpoint of a pitched roof. The proposed building would have an average height of 17 feet, measuring 23 feet at its highest point.

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

Finding: As new construction, the building code requires use of energy saving features.

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

Finding: Generally, any change to the use of a property will result in changes to drainage patterns, sounds, and site lines. The objective standards – building setbacks, parking setbacks – as well as conformance with the stormwater management rules and conformance with nuisance regulations regarding lighting and “quiet hours” are intended minimize or mitigate for these changes.

Legal Considerations
The city’s evaluation of the proposed Chabad Center for Jewish Life is subject to both local and federal law. The local law is the conditional use permit standards the city has established in the zoning ordinance. Generally, an applicant is legally entitled to a conditional use permit if the city finds that the request meets the standards of the ordinance. The federal law is the Religious Land Uses and Institutionalized Persons Act (RLUIPA). Generally, RLUIPA requires that religious institutions not be subject to standards that are more restrictive than would be required for any other type of assembly land use, such as a school or community center. The city attorney has provided an advisory memo regarding RLUIPA. (See attached.)

Pyramid of Discretion

Motion Options
The planning con
1. Concur with the 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 how the CUP standards are not met.

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

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

**Neighborhood Comments**
The city sent notices to 134 property owners. At the time of publication of this report, the city has received no written comments.

**Deadline for Action**
April 15, 2019
Location Map

Project: Chabad Center
Address: 2327/2333/2339 Hopkins Xrd, 11170 Mill Run Rd & 11021 Hillside Ln W
December 18, 2018

Conditional Use Permit
Chabad Center for Jewish Life
2327/2333/2339 Hopkins Crossroad / 11170 Mill Run Road / 11021 Hillside Lane West
Minnetonka, Minnesota 55305

PROJECT SUMMARY

The Chabad Center for Jewish Life project proposes to build a new religious institution on the newly combined lots of 2327, 2333, 2339 Hopkins Crossroad, 11170 Mill Run Road, and the 55’ westerly portion of the 11021 Hillside Lane West lot. The currently proposed project includes the two additional lots of 2327 and 11021, which were acquired in response to community and City Council concerns about the relative scale of the prior project in relation to the parcel size. The current project now includes a total parcel size of 129,668 square feet (2.98 acres).

The Chabad Center for Jewish Life is a place where Jews, no matter of their affiliation or lack of it – individuals and families - can come together to experience and learn about their Judaism in a warm and welcoming way. A home where everyone is comfortable to visit.

The project proposes a one-story, residential scaled and proportioned building of approximately 16,000 finished square feet. The building will include a library, sanctuary space, social hall, offices and religious instruction space, as well as other religious and ceremonial spaces. The center will share the property with a renovated existing residential structure on 2339 Hopkins Crossroad, which will be used as a home for the rabbi and his family.

As the lots are zoned R-1, the project requires a permit for the allowable conditional use as a religious institution. The project will be conforming to all applicable zoning and building codes, and will require no variances or additional conditional use permits.

In response to community and City Council concerns, extensive care and studies have been completed to design and locate the building appropriately and sensitively on the site and in relation to the surrounding neighborhood. The proposed design is residentially scaled and designed, with horizontal roof planes and beautiful stone walls broken by open expenses of glass. The mass (FAR) and height are significantly below of the maximum allowable by code. The landscape design will buffer the project from both the surrounding neighbors as well as the adjacent streets through a layering of trees, grading and plantings. The thoughtful proportions and heritage quality materials of the Center will be a welcome addition to the busy thoroughfare of Hopkins Crossroad, and will enrich the culture and diversity of the community.

Key Project Data:

| Building Size:           | 16,408 square feet |
| Building Height:         | 17’ (35’ maximum allowable) (prior proposals were 29’-41’) |
| Building Floor Area Ratio (FAR): | .125 (prior proposals were .21-.25) |
| Building Materials:      | Masonry, metal panel, glass, EPDM roof |
| Setbacks:                | |
| North Setback:           | 140'-244’ (50’ required) |
| East Setback:            | 50'-58’ (50’ required) |
South Setback: 93’-132’ (50’ required)
West Setback: 59’-91’ (50’ required)
Impervious Surfaces: 46% (70% maximum allowable)
Parking Spaces: 60 (12 additional possible), (40 required by code)

**Site Access:**
In response to prior input from the community and City Council, the current design proposal is for site access to the building to be limited to Hillside Lane. This will eliminate driveway access off of Hopkins Crossroad.

The existing driveway access off of Mill Run to the private residence to be utilized for the rabbi’s home will continue, with no through access provided (eliminating and crossover access).

**Site Organization/Design:**
The Chabad Center building has been sensitively sited near the center of the property, and at low grade of approximately +958. [NOTE: For reference, the southeast corner of the property on the Mill Run frontage is at El. +972; the main floor elevation of the Mill Run house is +967.5.] This location allows the building to be buffered from the surrounding properties by space, layers of trees and plantings, as well as select site fencing. The siting is paired with a low, residential scaled building, minimizing adverse impacts on the surrounding homes. Submitted diagrams demonstrate these relationships and minimal impact that is achieved.

In response to community and City Council concerns, the outdoor space for religious activities has been enclosed within a courtyard within the building. This design creates a protected space for Chabad Center, and protects the surrounding community from any ambient noise concerns.

**Lighting:**
Maintaining dark skies for current community members and for future generations is in keeping with the Chabad Center’s planned low impact development. While lights are important for function and safety during the night hours, the lighting plan will set parameters that limit the total amount of light and the amount of time that lights are illuminated to prevent unnecessary light pollution. The Chabad Center will employ a moderate lighting scheme where lighting is used for safety and convenience, but not to light continuous areas with uniform coverage.

Site and exterior lighting design is guided by the following criteria:
1) To provide for safety, security and visibility for visitors to the Chabad Center.
2) To limit light spill and glare off-site – both to the surrounding neighborhood as well as the night sky. All exterior lighting will meet Dark Sky standards, and exceed City Zoning requirements (300.28):
   - Reflected glare or spill light shall not exceed five-tenths footcandles as measured on the property line when abutting any residential parcel.
   - Fixtures and locations have been selected to eliminate any direct, off-site, views of the light source
   - Overhead/pole site lighting will be limited to the hours of building use.
   - Final fixture selections and photometric studies will be provided to the City during building permit review to verify final conformance with these standards.
3) Interior lighting will be designed to effectively place light where it is needed for safety and visibility and affect and to limit lighting and energy use where and when not efficacious. Interior lighting will be limited and minimal during hours when the building is not in use.
Site and exterior lighting will be implemented with the following types of fixtures:

- **Short Bollards:** Select areas of the parking and drive areas will be illuminated with a residential style bollard fixture type similar or equal to the Bega LED System Bollard. These fixtures have shielded light sources that do not allow for direct view of the light source onsite.

- **Tall Bollards:** Select areas of the parking area will be illuminated with 6-10’ tall residential style bollard light fixture type similar or equal to the Hess Novara LED fixture or Bega LED Pole-Top Luminaires. These fixtures have direct cut light sources that do not allow for direct view of the light source onsite.

- **Sconces:** Select locations on the building will feature wall sconce type fixtures similar or equal to Bega LED Wall Luminaires with Single Sided Light Output. These fixtures have shielded light sources that do not allow for direct view of the light source onsite, and direct light downward only.

- **Recessed Lighting:** The building entrance canopy will feature recessed type fixtures similar or equal to 4” Halo Recessed Downlights. These fixtures have shielded light sources that do not allow for direct view of the light source off-site, and direct light downward only.

**Parking:**
The property will have 60 parking spaces including three handicap accessible spaces. This quantity of parking spaces exceeds the required parking per City Zoning Code of 49. In response to community and City Council concerns, this parking count would meet the anticipated occupancy on “surge” events as well (150 people).

Note, this count does not count any existing parking for the rabbi’s home, which features an additional capacity for five (5) vehicles in the residential driveway (3) and 2-car garage accessible off Mill Run. These spaces would be used the rabbi and his family, or visitors to his residence.

In the event that additional parking is ever required, Chabad Center has an agreement in place with Ackerberg Group (see attached letter) to use their parking lot at Cedar 73 Business area for overflow parking.

**Landscaping and Grading:**
The approach to the landscape design of the Chabad Center combines careful plant species selection with strategic intervention to create a low-impact, beautiful, functional, and ecologically balanced landscape. The landscape design will reflect the Chabad Center’s desire to be a good neighbor, creating a positive impact on the social and natural environment.

A primary goal is to preserve and protect as many of the existing high-quality, mature trees as possible. Areas with standing groves of trees will be cleared of understory invasive species such as buckthorn, alleviating pressure from competing and undesirable species while allowing the existing trees to flourish. This understory grubbing will create a permeable screen of trees, creating moments of curated views into the site and to the center. The location of new plantings will follow the same guiding principle of providing both screening along sensitive boundaries requiring privacy, as well as visual access into the site at moments that present a welcoming face to the community. Maintaining areas of existing privacy between neighboring properties will continue to be a primary concern. Importantly, the impact of proposed tree plantings will be analyzed with sun studies so as to preserve access to natural light.

New hardscaping will be softened and balanced with planting areas that will increase the landscape’s ability to receive and mitigate stormwater runoff. Areas of turf will be minimized in favor of plant species...
with more extensive root systems, which allows the landscape to withstand erosive conditions. The final selection of plant species will reflect the wooded character of the site, giving the center a strong sense of place and blending into the surrounding landscape at large.

**Trees:**

All Trees in the area of the addition (and parking area):
Existing trees to be preserved: 71
Existing trees to be removed: 75
New trees – deciduous: 28
New trees – coniferous: 60

As the design progresses, additional trees may be added to the site plan as needed to maintain visual character and provide roadway screening.

**Stormwater Management:**

The proposed development will require stormwater management measures meeting the standards of the city, the Minnehaha Creek Watershed District, and the MPCA. The existing drainage patterns at the property remain generally unchanged in the proposed condition, with the majority of runoff draining to the road right of ways. Standards of runoff rate control, volume control and treatment have been met with the proposed design, which incorporates an underground chamber system for retention and detention of runoff. Additional detail is provided in the project Storm Water Management Plan (SWMP).
## ANTICIPATED OCCUPANCY USE

<table>
<thead>
<tr>
<th>Day / Event</th>
<th>Time of Day</th>
<th>Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Monday - Friday</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Morning Services</td>
<td>6:30am – 7:30am</td>
<td>10-15</td>
</tr>
<tr>
<td>Classes</td>
<td>Throughout day</td>
<td>5-15</td>
</tr>
<tr>
<td>Evening classes and lectures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ongoing classes</td>
<td>7:00pm – 9:00pm</td>
<td>5-15</td>
</tr>
<tr>
<td>Standard Lectures (25/Year)</td>
<td>7:30pm – 9:00pm</td>
<td>30-50</td>
</tr>
<tr>
<td>Large Lectures (2-3/Year)</td>
<td>7:00pm – 9:00pm</td>
<td>50–100</td>
</tr>
<tr>
<td>Office</td>
<td>8:30 am – 5:00pm</td>
<td>5–10</td>
</tr>
<tr>
<td><strong>Total Average Daily Use:</strong></td>
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<td>20-30</td>
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<tr>
<td><strong>Friday Night</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weekly Services</td>
<td>Sunset</td>
<td>10-15</td>
</tr>
<tr>
<td>Monthly Shabbat meal</td>
<td>After 6:00pm</td>
<td>75-125</td>
</tr>
<tr>
<td><strong>Saturday (Services)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10:00am – 2:00pm</td>
<td>50-100</td>
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<tr>
<td><strong>Sunday</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Services &amp; Class</td>
<td>8:00am – 9:15am</td>
<td>10-15</td>
</tr>
<tr>
<td>Classes</td>
<td>9:45am – 12:00pm</td>
<td>35-50</td>
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<tr>
<td>*<em>Holiday Services</em></td>
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</tr>
<tr>
<td>Evening (13/year)</td>
<td>After Sunset</td>
<td>10-15</td>
</tr>
<tr>
<td>Morning (10/year)</td>
<td>10:00am – 12:30pm</td>
<td>25-100</td>
</tr>
<tr>
<td><strong>Larger Holiday Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HH - Rosh Hashanah Day 1</td>
<td>9:00am – 2:00pm</td>
<td>75-150</td>
</tr>
<tr>
<td>Rosh Hashanah Day 2</td>
<td>9:00am – 2:00pm</td>
<td>75-150</td>
</tr>
<tr>
<td>Yom Kippur Eve</td>
<td>Sunset, about 7:00pm</td>
<td>75-150</td>
</tr>
<tr>
<td>Yom Kippur Day</td>
<td>9:00am – 3:00pm</td>
<td>75-150</td>
</tr>
<tr>
<td>Simchat Torah Eve</td>
<td>7:30pm-9:30pm</td>
<td>100-150</td>
</tr>
<tr>
<td><strong>Larger Holiday Events</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rosh Hashanah meal night 1</td>
<td>8:00pm</td>
<td>75-125</td>
</tr>
<tr>
<td>Purim Celebration</td>
<td>4:00pm</td>
<td>100-150</td>
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<tr>
<td>Pesach Seder night 1</td>
<td>8:30pm</td>
<td>75-125</td>
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<tr>
<td><strong>Lifecycle events not on Saturday</strong></td>
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<td></td>
</tr>
<tr>
<td>2018 – 5 events</td>
<td>AM, PM</td>
<td>10 – 75</td>
</tr>
<tr>
<td>2017 – 6 events</td>
<td>AM, PM</td>
<td>10 – 75</td>
</tr>
<tr>
<td><strong>Lifecycle events</strong> larger than typical</td>
<td></td>
<td></td>
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<tr>
<td>Saturday morning service.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2018 – 4 events</td>
<td>10:00am – 2:00pm</td>
<td>100 – 180</td>
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<tr>
<td>2017 – 5 events</td>
<td>10:00am – 2:00pm</td>
<td>100 – 150</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Women’s Mikva</td>
<td>After dark</td>
<td>Approximately four people per week by appointment only</td>
</tr>
<tr>
<td>Men’s Mikva</td>
<td>6:30am</td>
<td>5 - 10</td>
</tr>
</tbody>
</table>
December 18, 2018

Conditional Use Permit
Chabad Center for Jewish Life
2327/2333/2339 Hopkins Crossroad / 11170 Mill Run Road / 11021 Hillside Lane West
Minnetonka, Minnesota 55305

ATTACHED DOCUMENTS

CONDITIONAL USE PERMIT: Request for a conditional use permit for a religious institution within an R-1 zoning area, as permitted under 300.10/4 of the City Zoning Code.

Response to review criteria 300.16/2 General Standards:

The proposed project meets all of following required standards consistent with how the City has interpreted and applied these standards for other similar religious institutions within Minnetonka. The supportive documentation is as outlined below and supported by our other submitted application materials:

a) The use is consistent with the intent of this ordinance:
   The proposed project is consistent with intent of the Conditional Use Permit Standards for Residential Districts, as outlined in the 300.16/1:
   “It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this ordinance and the comprehensive plan."
   - Religious Institutions are explicitly listed as conditionally permitted uses in R-1 districts.
   - Location:
     o The location of the site within the R-1 zoning area is well positioned according to the priorities of the City Zoning Code and 2030 Comprehensive Plan:
       ▪ The site is situated adjacent to both an arterial roadway (Hopkins Crossroad) and a major collector roadway (Hillside Lane). This allows for site access that is “provided without conducting significant traffic on local residential streets.”
       ▪ The site is located at the edge the R-1 neighborhood as it is bisected by the arterial roadway of Hopkins Crossroad, an area appropriate for the increased use of a religious institution.
   - Size:
     o The size of the proposed project is appropriate and consistent with the purposes and intent of the ordinance and the Comprehensive Plan. This appropriateness can be demonstrated in a variety of methodologies:
       ▪ Floor Area Ratio (FAR):
         • There is no maximum FAR requirement for religious institutions within R-1 districts. However, the project is within the range of other religious institutions that have been allowed by the City in R-1 districts (a range of .05-.19).
The FAR of the proposed project is significantly less than what would be allowable without any variances or conditional use permits if single-family residences were built on each individual lot. This establishes that the mass of the proposed project is well within what is envisioned for development with R-1 zoning, as residential development is allowed to be significantly larger than our proposed project without City review or approval. Each individual lot could accommodate a home of 15,000 square feet.

- **Building Square Footage:**
  - There is not maximum square footage requirement for religious or residences on R-1 lots. However, the project is significantly smaller than the majority of religious institutions on R-1 zoning lots (which range from 6,662-72,000 square feet).
  - The square footage of the proposed project is significantly less than what would be allowable without any variances or conditional use permits if single-family residences were built on each individual lot. This establishes that the expanse and building lot coverage of the proposed project is well within what is envisioned for development with R-1 zoning, as residential development is allowed to be significantly larger than our proposed project without City review or approval. Each individual lot could accommodate a home of 15,000 square feet, or a total square footage of 60,000 over the four lots.

- **Parcel Size:**
  - The project parcel significantly exceeds the minimum lot size as required by City zoning code.
  - The parcel size of 2.98 acres is within the range of other religious institutions with R-1 zoning districts (a range of 1.96-25.70 acres).

- **Height:**
  - The project is 17’ in height, significantly under the maximum building height of 35’ established for both single family residences and religious institutions within the R-1 zoning district.
  - The project is a single story in height, below the maximum allowable number of stories for single-family homes, and also below the typical new single-family home built in the area.

- **Setbacks:**
  - The proposed building meets or exceeds the required 50’ yard setbacks as required for a religious institution within the R-1 zoning district:
    - The setback along the east side is between 50’ and 58’.
    - The setback along the south side is between 93’ and 132’ (excluding the existing single-family home).
The setback along the west side is between 59’ and 91’.

The setback along the north side is between 140’ and 244’.

The setback of 50’ is well beyond the required side yard setback of 15’ for a single-family home. This indicates that the proposed building will have significantly less impact on the surrounding neighbors than an allowable single-family home might have without any required variances or conditional use permits.

- **Impervious Surface Coverage:**
  - The project’s impervious surface coverage of 46% is significantly under the maximum allowable impervious surface coverage of 70% established for religious institutions within R-1 zoning districts.
  - The square footage of the proposed project is significantly less than what would be allowable without any variances or conditional use permits if single-family residences were built on each individual lot. In fact, single-family homes do not have any limitations for impervious surface coverage. This establishes the proposed amount of impervious surface coverage of the proposed project is well within what is envisioned for development with R-1 zoning.

- **Design:**
  - The design of the proposed project is appropriate and consistent with the purposes and intent of the ordinance and the Comprehensive Plan:
    - The design is residential in architectural style, inspired by a modern “prairie style” architecture of horizontal roof planes and beautiful masonry walls broken by open expenses of glass.
    - The design deconstructs the mass of the building into component elements, which reduces its perceived size and creates a human scaled design.
    - The building is sited to bring the height of the floor level as low to the site as is feasible. This limits the perceived scale of the building from the surrounding properties.
    - The height of the building is residential in scale, below the height of two-story adjacent homes, and well below the maximum allowable height of 35’.
    - The siting of the building, and proposed landscape plan, maintains as many significant trees to the extent possible, and proposes the addition of new trees and plantings. These trees will maintain and eventually enhance a rich tree canopy, as well as screen the project from the surrounding neighborhood.
    - The building is designed on all four sides, presenting a richly detailed façade to all viewpoints.
    - The siting and site access of the project, in response to community and City Council concerns raised during the prior design process, creates site access off of Hillside Lane instead of Hopkins Crossroad.
b) **The use is consistent with the goals, policies and objectives of the comprehensive plan:**

The proposed project is consistent with the goals, policies and objectives of the comprehensive plan:

- **Prior Staff findings:** “The goals, policies and objectives of the comprehensive plan are generally the City’s effort to create a vibrant and resilient community. Religious Institutions area component of such communities.”

- **Prior development precedents:**
  - The proposed project is similar in design and location within R-1 zoning to past religious institutional projects that the City has approved. This indicates that developments of this nature and intensity within the R-1 zoning area has already been demonstrated to meet the goals and objectives of the comprehensive plan.

- **Natural Environment:**
  - The project has been designed to maximize any available benefits to the natural environment, while limiting environmental disruption to the extent possible:
    - All stormwater runoff will be managed onsite through a comprehensive stormwater management plan that will meet or exceed City requirements. This will be a net decrease from the current stormwater runoff that exists on the sites.
    - The project has been sited to minimize significant tree removal and site grading to the extent possible.
    - The project will plant a minimum of 88 new trees, enhancing the City tree canopy into the future.
    - As a religious institution, the construction and material quality of the building and site work will be of heritage quality. This enhances and revitalizes the surrounding built environment and neighborhood.
    - The project site has already been developed and disrupted, which minimizes the impact that would otherwise be had for a greenfield site.
    - The agreement with Ackerberg to provide overflow parking for significant holiday events decreases traffic on these days, and limits the parking lot size onsite.

- **Public Safety/Transportation:**
  - The location of the site within the R-1 zoning area is well positioned according to the priorities of the City Zoning Code and 2030 Comprehensive Plan, as stated in the 2030 Strategic Vision and Goals:
    - The site is situated adjacent to both an arterial roadway (Hopkins Crossroad) and a major collector roadway Hillside Lane. This allows for site access that is “provided without conducting significant traffic on local residential streets.”
    - The site is located at the edge the R-1 neighborhood as it is bisected by the arterial roadway of Hopkins Crossroad, an area appropriate for the increased use of a religious institution.
  - The siting and site access of the project, in response to community and City Council concerns raised during the prior design process, creates site access off of Hillside Lane only for guests in order to enhance public safety.
  - The entrance off of Hillside Lane coordinates with the City’s stated plan to provide sidewalk infrastructure along Hillside Lake in the future.
The provision of the City code required parking onsite to accommodate typical daily and weekly activities ensures street parking is not needed. This enhances public safety.

The agreement with Ackerberg to provide overflow parking for significant holiday events decreases traffic on these days, and limits the parking lot size onsite.

The traffic study completed by the City expert “concluded that there would be minimal overall change in area traffic operations resulting from the proposed Chabad Center.”

- **Development:**
  - **Prior development precedents:**
    The proposed project is similar in design and location to past religious institutional projects that the City has approved in the past. This indicates that developments of this nature and intensity within the R-1 zoning area has already been demonstrated to meet the goals and objectives of the comprehensive plan.

  - The proposed project will enhance the neighborhood compared to the existing structures onsite, ensuring continued community vitality and redevelopment. Given the sites proximity to such a significant arterial road, it questionable if the properties would otherwise attract new residential single-family home development.

  - The proposed project carefully balances individual property rights with the public interest as:
    - The project meets all the required zoning requirements without the need for variances.
    - The project is significantly under the required building height.
    - The project is significantly under the maximum required impervious surface.
    - The project meets or exceeds the setback requirements.
    - The current project design and siting is specifically responsive to the concerns raised by the City Council and some neighbors while still providing for the needs of the building occupants.

- **Building Community:**
  - As a religious institution, the proposed Chabad Center for Jewish Life promotes activities that encourage understanding and involvement. The congregation is open and welcoming, encouraging those of all faiths to join them in an exploration of Judaism. This includes community-oriented events.

  - As a minority religious development, the project will bring greater diversity to the community, and will foster increased inclusiveness and understanding.

  - As a religious institution, the project supports a specific comprehensive plan policy to “Support and collaborate with schools, agencies, non-profits and others that support diverse lifecycle and cultural services and programs for residents.”

c) **The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements:**

The proposed project does not have an adverse impact on governmental facilities, utilities, services or existing or proposed improvements:
The site access is coordinated with City plans for a future sidewalk along Hillside Lane.

- All required utility easements are being maintained.
- The project does not impact any future improvements of Hopkins Crossroad by the City or County.

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

The proposed project does not have an undue adverse impact on the public health, safety or welfare:

- **Traffic/Site Access:**
  - The initial traffic study completed by the City expert “concluded that there would be minimal overall change in area traffic operations resulting from the proposed Chabad Center.”
  - The projects impact on daily traffic along Hopkins Crossroad and Hillside Lane will be negligible. Hopkins Crossroad has a current average daily auto volume of 14,500. The City expert’s initial traffic study indicated the project would increase volume by approximately .7%.
  - The siting and site access of the project, in response to community and City Council concerns raised during the prior design process, creates site access off of Hillside Lane only in order to enhance public safety. This eliminates concerns that were raised about access directly off of Hopkins Crossroad.
  - The project provides for all required parking for the project without relying on street parking.
  - The site is situated adjacent to both an arterial roadway (Hopkins Crossroad) and a major collector roadway Hillside Lane. This allows for site access that is “provided without conducting significant traffic on local residential streets.”

- **Fire/Public Safety:**
  - The proposed project and the site plan allows for fire access as required by the City Fire Chief, and reflects his input and advisement.

**Response to review criteria 300.16/3/b Specific Standards for Religious Institutions:**

The proposed project meets all of following required standards consistent with how the City has interpreted and applied these standards for other similar religious institutions within Minnetonka. The supportive documentation is as outlined below and supported by our other submitted application materials:

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

The proposed project site specifically meets this requirement:

- The site is situated adjacent to both an arterial roadway (Hopkins Crossroad) and a major collector roadway Hillside Lane. This allows for site access that is “provided without conducting significant traffic on local residential streets.”
- The site is located at the edge the R-1 neighborhood as it is bisected by the arterial roadway of Hopkins Crossroad, an area appropriate for the increased use of a religious institution.
- The initial traffic study completed by the City expert “concluded that there would be minimal overall change in area traffic operations resulting from the proposed Chabad Center.”
2) **Buildings set back 50 feet from all property lines:**
The proposed building meets or exceed the 50’ setback requirement:
- The setback along the east side is between 50’ and 58’.
- The setback along the south side is between 93’ and 132’ (excluding the existing single-family home).
- The setback along the west side is between 59’ and 91’.
- The setback along the north side is between 140’ and 244’.

3) **Parking spaces and parking setbacks subject to section 300.28 of this ordinance:**
The project meets or exceeds all parking and loading requirements as detailed in 300.28/12, including:
- The project provides for onsite parking that exceeds the code required parking requirements.
- All parking spaces and drive lanes meet or exceed the minimum yard setback of 20’ from the property lines.

4) **No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped:**
The proposed project will have impervious surfaces not to exceed 47%, well below the maximum allowable coverage. In addition, all stormwater runoff will be managed onsite, an improvement from the existing conditions. Minimum design standards are detailed in the submitted documents.

The remainder of the site will be carefully designed to provide contextual infill trees to provide screening from the surrounding residences. This will include a mix of existing significant trees, new coniferous trees, new deciduous trees, bushes and low-maintenance groundcover. Initial minimum landscape design is included in the submitted documentation.

5) **Site and building plan subject to review pursuant to section 300.27 of this ordinance:**
The proposed project will satisfy the relevant site and building design requirements as detailed in 300.27. Such conformance is detailed in our current submittal, or will be provided at the appropriate time in the review and submittal process.

The proposed project meets the intent and purpose this ordinance seeks to accomplish:

**a) Implement the comprehensive plan:**
As detailed in prior responses, the project as proposed meets the goals and intent of the comprehensive plan. Specifically, religious institutions are explicitly listed as conditionally permitted uses in R-1 zoning districts.

**b) Maintain and improve the city's tax base to a reasonable extent:**
Although the project itself will not increase the City's tax base, we anticipate the addition of a heritage quality religious institution within the community will enhance the quality of life within the City and have a positive overall long-term impact on the tax base:
- The new institution will attract a broader base of residents that will desire to live in the vicinity.
- The quality of the building will improve the aesthetic and streetscape experience of the community.

**c) Mitigate to the extent feasible adverse impacts of one land use upon another:**
As detailed in prior responses, the residentially inspired and scaled project is designed to blend with the surrounding neighborhood and limits the impact of the project on the adjacent residents. This includes:

- The project is located adjacent to Hopkins Crossroad and Hillside Lane. Site access off of Hillside Lane, as requested by the City and neighborhood, will limit traffic through the residential neighborhood.
- The project is residential scaled and designed, and significantly under the maximum required FAR and height.
- The project is sited and landscape to be screened from the surrounding homes.
- The exterior lighting is designed to meet or exceed the Dark Sky requirements, and will meet or exceed the lighting requirements of the Zoning Code limiting light levels onto adjacent properties.

**d) Promote the orderly and safe flow of vehicular and pedestrian traffic:**

- The initial traffic study completed by the City expert “concluded that there would be minimal overall change in area traffic operations resulting from the proposed Chabad Center.”
- The location of the site within the R-1 zoning area is well positioned according to the priorities of the City Zoning Code and 2030 Comprehensive Plan, as stated in the 2030 Strategic Vision and Goals:
  - The site is situated adjacent to both an arterial roadway (Hopkins Crossroad) and a major collector roadway Hillside Lane. This allows for site access that is “provided without conducting significant traffic on local residential streets.”
  - The site is located at the edge the R-1 neighborhood as it is bisected by the arterial roadway of Hopkins Crossroad, an area appropriate for the increased use of a religious institution.
- The siting and site access of the project, in response to community and City Council concerns raised during the prior design process, creates site access off of Hillside Lane only for guests in order to enhance public safety.
- The entrance off of Hillside Lane coordinates with the City’s stated plan to provide sidewalk infrastructure along Hillside Lake in the future.
- The provision of the City code required parking onsite to accommodate typical daily and weekly activities ensures street parking is not needed. This enhances public safety.
- The agreement with Ackerberg to provide overflow parking for significant holiday events decreases traffic on these days, and limits the parking lot size onsite.

**The proposed project meets the review Standards as per 300.27/5:**

**a) Consistency with the elements and objectives of the city’s development guides, including the comprehensive plan and water resources management plan:**

- As detailed in prior responses, the project as proposed meets the goals and intent of the comprehensive plan. Specifically, religious institutions are explicitly listed as conditionally permitted uses in R-1 zoning districts.
- The proposed project will enhance the neighborhood compared to the existing structures onsite, ensuring continued community vitality and redevelopment. Given the site’s proximity to such a significant arterial road, it questionable if the properties would otherwise attract new residential single-family home development.
Stormwater management will exceed City requirements and improve upon the current conditions, as detailed within our submittal.

b) Consistency with this ordinance:
   o As detailed in prior responses, the project as proposed meets the goals and intent of the comprehensive plan. Specifically, religious institutions are explicitly listed as conditionally permitted uses in R-1 zoning districts.
   o The project is similar in scale, scope, site size and characteristics of other religious institutions within R-1 zoning areas that have been approved in the past by the City.
   o The project meets all zoning requirements, and requires no variances.

c) Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas:
   o The siting of the building, and proposed landscape plan, maintains as many significant trees to the extent possible, and proposes the addition of new trees and plantings. These trees will maintain and eventually enhance a rich tree canopy, as well as screen the project from the surrounding neighborhood.
   o The building has been carefully site to minimize grading within the site, and minimize the impact and view corridors of the surrounding neighborhood.

d) Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development:
   o The building has been carefully site to minimize grading within the site, and minimize the impact and view corridors of the surrounding neighborhood.
   o The design is residential in architectural style, inspired by a modern “prairie style” architecture of horizontal roof planes and beautiful masonry walls broken by open expenses of glass.
   o The design deconstructs the mass of the building into component elements, which reduces its perceived size and creates a human scaled design.
   o The building is sited to bring the height of the floor level as low to the site as is feasible. This limits the perceived scale of the building from the surrounding properties.

e) Creation of a functional and harmonious design for structures and site features, with special attention to the following:
   1) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community:
      ▪ The building has been carefully site to minimize grading within the site, and minimize the impact and view corridors of the surrounding neighborhood.
      ▪ The design is residential in architectural style, inspired by a modern “prairie style” architecture of horizontal roof planes and beautiful masonry walls broken by open expenses of glass.
The design deconstructs the mass of the building into component elements, which reduces its perceived size and creates a human scaled design.

The building is sited to bring the height of the floor level as low to the site as is feasible. This limits the perceived scale of the building from the surrounding properties.

2) the amount and location of open space and landscaping:
   - The building has been carefully site to minimize grading within the site, and minimize the impact and view corridors of the surrounding neighborhood.

3) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses:
   - The design is residential in architectural style, inspired by a modern “prairie style” architecture of horizontal roof planes and beautiful masonry walls broken by open expenses of glass.

4) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
   - All site circulation has been carefully designed by the civil engineers and landscape architect to ensure adequate widths for turning of both autos and emergency vehicles.

f) Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading:
   - As a new building, the project will meet or exceed the new building and energy codes.
   - The project has been sited to reduce grading to the extent possible. Any usable fill will be stored and reused onsite.

The proposed project meets the Architectural Standards as per 300.27/13, including:

- The building is designed with quality architectural materials, including masonry, metal or composite panel and glass. The design is residential in style and scale, and are of a quality to complement or exceed the surrounding neighborhood structures.
- All mechanical equipment, trash and recycling bins, will be enclosed consistent with the design and materials of the building. Such services are located to as not to intrude upon the surrounding properties.
- All utilities for the project will be provided underground.

**The proposed project meets the or exceeds the Minimum Landscaping Requirements as per 300.27/15:**

a) All areas of the lot that are not hardscape will be landscaped overstory trees, understory trees, shrubs, and ground cover materials. The minimum initial landscape design is provided in our submittals. The proposed budget for the landscape will meet or exceed required minimum value of 1%, or $45,000.

b) The project has been sited and graded in such a way as to preserve as many existing trees as is feasible, as detailed in our submittals.

c) All new trees will meet the minimum requirements for size upon installation, as detailed in our submittals.

d) All areas that are not hardscape, or covered with existing vegetation, will be covered with sod or ground cover, as detailed in our submittals.

e) An underground sprinkler system will be provided to all landscaped areas, except where existing natural landscape is being preserved.

f) All trees will be of approved species and mix as required, and as detailed in our submittals.

**The proposed project meets the or exceeds the Interior Parking Lot Landscaping Requirements as per 300.27/16, including:**

b) The proposed site plan provides for landscaped and curbed parking islands to breakup any expanse of parking area. Such islands will contain trees and appropriate ground cover. The number of trees will exceed the requirement of one for every 15 parking spaces. Details are contained within our submittals.

**The proposed project meets the or exceeds the Screening and Buffering Requirements as per 300.27/20, including:**

3) The proposed off-street parking area will be screen and buffered from the adjacent residential lots through a combination of deciduous and conifer trees, and select perimeter site fencing. Details are provided within our submittal.

4) All trash and recycling dumpsters are located to be concealed and screened by landscape from the surrounding lots and public roads. Details are provided within our submittal.
DESIGN INSPIRATION

SUNFISH LAKE RESIDENCE - PETERSSEN/KELLER ARCHITECTURE, PHOTO: PAUL CROSBY

TEMPLE ISRAEL - HGA, PHOTO: PAUL CROSBY

SHORELINE RESIDENCE - PETERSSEN/KELLER ARCHITECTURE, PHOTO: PAUL CROSBY
MATERIALITY

1. MASONRY

2. METAL SURROUNDS / COMPOSITE PANEL

3. NATURAL WOOD
NEIGHBOR SECTION DIAGRAM

- 6' FENCE
- NEW SCREENING TREES
- 50' SETBACK

VIEW FROM NEIGHBOR’S BACK YARD

2390 VERNON CIRCLE
2391 VERNON CIRCLE

VIEW FROM NEIGHBOR'S BACK YARD

NEIGHBOR SECTION DIAGRAM

6' FENCE

NEW SCREENING TREES

50' SETBACK

CHABAD CENTER FOR JEWISH LIFE
PETERSSEN/KELLER ARCHITECTURE
2919 JAMES AVENUE SOUTH
MINNEAPOLIS, MN 55408
© 2018 PETERSSEN + KELLER ARCHITECTURE MINNETONKA C.U.P.
2018-12-18
These diagrams show massing of speculative houses (in red) that meet the City of Minnetonka's height, setbacks, F.A.R., and lot coverage code for single-family homes. If four new houses were to be built on these lots, they would likely be taller and have more combined square footage than the proposed single-story Chabad Center.
DESCRIPTION

DATE

Chabad Center
2339 Hopkins Crossroad & 11170 Mill Road
Minnetonka, MN

10.11.2018 SD MTG 1
10.26.2018 SD MTG 2
10.28.2018 SD MTG 3
12.18.2018 C.U.P.

NOT FOR CONSTRUCTION
Chabad Center
2339 Hopkins Crossroad & 11170 Mill Road
Minnetonka, MN

DESCRIPTION
DATE

SD MTG 1
10.11.2018

SD MTG 2
10.26.2018

SD MTG 3
10.28.2018

C.U.P.
12.18.2018

NOT FOR CONSTRUCTION
PRELIMINARY PLANS FOR THE
Chabad Center
Minnetonka, MN
December 2018

Architect: Petersen / Keller Architecture
2919 James Avenue South
Minneapolis, MN 55408
Attn: Ryan Fish
Ph: 612.353.4920

City: City of Minnetonka
14600 Minnetonka Blvd
Minnetonka, MN 55345
Attn: Ph: 952.936.8200

Watershed District: Minnehaha Creek Watershed District
15320 Minnetonka Blvd, Minnetonka, MN 55345
Attn: Ph: 952.471.0590

Landscape Architect:
Travis Van Liere Studios, LLC
211 1st Street North #350
Minneapolis, MN 55406
Attn: Travis Van Liere
Ph: 612.760.0494

Plan References:
1. Minnesota Dept. of Transportation - Standard Specifications for Construction, 2018 (XXX) or MnDOT XXXX
2. City Engineers Association of Minnesota Standard Specifications 2013 Edition
3. Unreinforced Concrete Per ACI 330R-08 and ACI 336.1-03

Certification
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the state of Minnesota.

David Nyvold P.E.
Kathy Johnson

12-18-2018

Not for Construction

CIVIL METHODS, INC.
1551 Livingston Avenue, Suite 104
West St. Paul, MN 55118
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
EROSION CONTROL NOTES:
1. See ESWIP sheet for additional information.
2. Install construction entrance and perimeter controls prior to beginning grading operations.
3. Trails and access control area shall conform to Mn/DOT 2014-2015.
5. Stabilization area shall be in place during all phases of construction and until site is seeded and mulched.
7. See Landscape plan for additional landscaping details.
8. Erosion control blanket, Mn/DOT Cat. 3 (2015), shall be installed on swale bottoms, and side slopes at 2:1 or greater.
9. All steel grates/pipes shall be installed to provide proper drainage, soil, or seed with hydraulic flushmatrix (2004-02).
10. Draping (Cat. 3) shall be installed to 2:1 or greater.
11. Random riprap size per Mn/DOT 2015 shall be of size and quantity as indicated, and shall include geotextile fabric (272).
12. Erosion control during construction shall be replaced immediately by the Contractor.
13. Contractor is responsible for preventing sediment transport from site; sediment tracked onto adjacent streets will be swept immediately upon discovery (incidents).
NOTE: Existing tree survey includes trees greater than 6" diameter. However, the property contains numerous trees less than 6" that will be protected and preserved as possible.

EXISTING STAND OF TREES TO BE PRESERVED AS POSSIBLE FOR ADDITIONAL SCREENING

EXISTING FENCE

EXTEND PRIVACY FENCE 10'

APPROXIMATE CONSTRUCTION EXTENTS
### EXISTING TREES

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<td>71</td>
<td>3.0&quot;</td>
<td>ULMUS AMERICANA</td>
<td>PUPALE MULBERRY</td>
<td>N/A</td>
<td>100%</td>
</tr>
<tr>
<td>73</td>
<td>3.0&quot;</td>
<td>ULMUS AMERICANA</td>
<td>PUPALE MULBERRY</td>
<td>N/A</td>
<td>100%</td>
</tr>
</tbody>
</table>

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**CIVIL METHODS, INC.**
1551 Livingston Avenue, Suite 104
West St. Paul, MN 55118

**MINNEAPOLIS CHABAD LUBAVITCH**

**TREE INVENTORY**

2845 HIEBERG DRIVE
MINNETONKA, MN 55345

**TREE#**
L02
Chabad site FAR in red outline
- 0.13 = Religious Institution
- (0.16) = Religious Institution and Existing Home

Floor Area Ratio
Memorandum

To: Susan Thomas, Assistant City Planner  
City of Minnetonka
From: Matt Pacyna, PE, Principal  
Tom Sachi, PE, Associate
Date: January 31, 2019
Subject: Chabad Center for Jewish Life Traffic Study

Introduction

SRF has completed a traffic study for the Chabad Center for Jewish Life development in Minnetonka, Minnesota (see Figure 1: Project Location). The project site is generally located east of Hopkins Crossroad (County Road (CR) 73) between Hillside Lane and Mill Run. The main objectives of this study are to quantify existing operations, identify traffic impacts associated with the proposed development, and recommend any necessary improvements to ensure safe and efficient operations. The following provides the assumptions, analysis, and study findings offered for consideration.

Existing Conditions

The existing conditions were reviewed to establish a baseline for comparison and to determine potential impacts associated with construction of the proposed Chabad Center development. The evaluation of existing conditions includes various data collection efforts and an intersection capacity analysis.

Data Collection

Vehicular turning movement counts were collected by SRF during typical weekday a.m. (7:15 to 8:15), Friday p.m. (5:00 to 6:00), and Saturday midday (12:30 to 1:30) peak hours the week of January 7, 2019. The timeframes collected correspond to the expected service times for the proposed development. Note that the weekday data collection occurred while area Hopkins Schools were in session, including Tanglen Elementary School (8:58 a.m. start), Hopkins North Junior High (7:47 a.m. start), and Hopkins High School (7:50 a.m. start).

The data collected focused on the Hopkins Crossroad (CR 73) and Hillside Lane intersection, which is the closest intersection to the proposed development driveway. Existing average daily traffic volumes along Hopkins Crossroad (CR 73) are approximately 14,500 to 15,200 vehicles per day (vpd) within the study area. Note that historically since 1998, average daily traffic volumes along Hopkins Crossroad (CR 73) within the study area have ranged from 11,400 to 15,200 vehicles per day.
Project Location
Chabad Center of Jewish Life Traffic Study
City of Minnetonka

Figure 1
Field observations were also completed to identify roadway characteristics within the study area (i.e. roadway geometry, posted speed limits, and traffic controls). Hopkins Crossroad (CR 73) is a Hennepin County facility and primarily a two-lane undivided urban minor arterial roadway with a 40 mile per hour (mph) posted speed limit. There are right- and left-turn lanes at this study intersection. The Hopkins Crossroad (CR 73) and Hillside Lane intersection is unsignalized with side-street stop control. Existing traffic volumes, roadway geometry, and traffic controls within the study area are shown in Figure 2.

**Volume Comparison**

A comparison of the traffic volumes at the Hopkins Crossroad (CR 73) and Hillside Lane intersection was completed to determine how volumes have changed since previous data collection efforts were completed in Spring 2018. The following observations were noted for the peak collection hours:

**Weekday a.m. peak hour**
- Hopkins Crossroad (CR 73) volumes decreased by 33 vehicles, approximately three (3) percent
- Hillside Lane volumes increased by 38 vehicles, approximately 12 percent
- Total intersection volume increased by five (5) vehicles

**Friday p.m. peak hour**
- Hopkins Crossroad (CR 73) volumes increased by 213 vehicles, approximately 18 percent
- Hillside Lane volumes increased by 11 vehicles, approximately seven (7) percent
- Total intersection volumes increased by 224 vehicles, approximately 16.5 percent

**Saturday midday peak hour**
- Hopkins Crossroad (CR 73) volumes decreased by 38 vehicles, approximately four and a half (4.5) percent
- Hillside Lane volumes decreased by 6 vehicles, approximately three and a half (3.5) percent
- Total intersection volumes decreased by 44 vehicles, approximately four (4) percent

Differences in the volumes may be attributed to climate and school related activities, and these traffic volume fluctuations are common and within typical daily variations.

**School Queues**

A review of the queues along Hillside Lane during the morning arrival period for Tanglen Elementary school was completed to determine if school traffic would be expected to impact operations at the proposed development. The maximum observed queues were between six (6) and eight (8) vehicles (i.e. 200 feet) turning eastbound right into the school. Based on the maximum observed queue, there is estimated to be approximately 600 feet between the maximum queue and the driveway to the proposed development and no issues would be expected.
Figure 2

Existing Conditions
Chabad Center of Jewish Life Traffic Study
City of Minnetonka

001912430
January 2019

LEGEND

XX - Weekday A.M. Peak Hour Volume
[XX] - Friday P.M. Peak Hour Volume
(XX) - Saturday Midday Peak Hour Volume
X,XXX - Existing Average Daily Traffic Volume
- Side-Street Stop Control
**Intersection Capacity Analysis**

A detailed intersection capacity analysis was conducted for peak conditions to establish a baseline condition to which future operations can be compared. The study intersection was analyzed using Synchro/SimTraffic software (Version 9).

Intersection capacity analysis results identify a Level of Service (LOS) which indicates how well an intersection is operating. Intersections are ranked from LOS A through LOS F. The LOS results are based on average delay per vehicle, which correspond to the delay threshold values shown in Table 1. LOS A indicates the best traffic operation and LOS F indicates an intersection where demand exceeds capacity. Overall intersection LOS A through LOS D is generally considered acceptable in the Twin Cities Metropolitan area.

**Table 1. Level of Service Criteria for Signalized and Unsignalized Intersections**

<table>
<thead>
<tr>
<th>LOS Designation</th>
<th>Signalized Intersection Average Delay/Vehicle (seconds)</th>
<th>Unsignalized Intersection Average Delay/Vehicle (seconds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>≤ 10</td>
<td>≤ 10</td>
</tr>
<tr>
<td>B</td>
<td>&gt; 10 - 20</td>
<td>&gt; 10 - 15</td>
</tr>
<tr>
<td>C</td>
<td>&gt; 20 - 35</td>
<td>&gt; 15 - 25</td>
</tr>
<tr>
<td>D</td>
<td>&gt; 35 - 55</td>
<td>&gt; 25 - 35</td>
</tr>
<tr>
<td>E</td>
<td>&gt; 55 - 80</td>
<td>&gt; 35 - 50</td>
</tr>
<tr>
<td>F</td>
<td>&gt; 80</td>
<td>&gt; 50</td>
</tr>
</tbody>
</table>

For side-street stop controlled intersections, special emphasis is given to providing an estimate for the level of service of the minor approaches. Traffic operations at an unsignalized intersection with side-street stop control can be described in two ways. First, consideration is given to the overall intersection level of service. This takes into account the total number of vehicles entering the intersection and the capability of the intersection to support these volumes. Second, it is important to consider the delay on the minor approach. Since the mainline does not have to stop, the majority of delay is attributed to the minor approaches. It is typical of intersections with higher mainline traffic volumes to experience increased levels of delay (i.e. poor levels of service) on the side-street approaches, but an acceptable overall intersection level of service during peak hour conditions.

Results of the existing peak hour capacity analysis, shown in Table 2, indicate that the Hopkins Crossroad (CR 73) and Hillside Lane intersection operates at an acceptable overall LOS A during the peak hours reviewed with the existing geometric layout and traffic control. Average side-street delays from Hillside Lane during both the weekday a.m. and Friday p.m. peak hours are 24 seconds and 27 seconds, respectively. The northbound right-turn and southbound left-turn queues were accommodated within the existing turn lane storage provided (i.e. approximately 100 feet). Note that during the a.m. peak hour, the southbound left-turn is expected to have 95th percentile queue of approximately 90 feet.
Table 2. Existing Peak Hour Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Hopkins Crossroad (CR 73) Intersection</th>
<th>Peak Hour Level of Service (Delay)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Weekday A.M.</td>
</tr>
<tr>
<td></td>
<td>Overall</td>
</tr>
<tr>
<td>Hillside Lane</td>
<td>A (3 sec)</td>
</tr>
</tbody>
</table>

The average number of vehicles waiting to turn from Hillside Lane onto Hopkins Crossroad (CR 73) was observed to be approximately one (1) vehicle during the peak hours. The 95th percentile queues along Hillside Lane extended from three (3) to four (4) vehicles during the peak weekday a.m. and Friday p.m. peak hours, respectively. Based on observations, these queues were a result of vehicles waiting for a westbound left-turning motorist to perform their maneuver.

**Proposed Development**

The proposed development includes construction of a 16,400 square foot Jewish Life Center, as shown in Figure 3. The proposed development is expected to contain sanctuary space for services, classrooms, and a social hall. There is expected to be 52 parking stalls on site, three (3) of which are handicapped accessible. Additionally, there are expected to be eight (8) overflow parallel stalls, if necessary, for an ultimate total of 60 stalls. Access to the proposed development would be located on Hillside Lane approximately 275 feet east of Hopkins Crossroad (CR 73).

**Year 2021 Build Conditions**

The proposed development was assumed to be completed by the year 2020. Therefore, traffic forecasts were developed for year 2021 conditions (i.e. approximately one year after opening). Year 2021 build condition traffic forecasts were developed and include both general area traffic growth and trips generated by the proposed development. The following information provides a summary of the year 2021 build conditions.

**Background Traffic Growth**

To account for general background traffic growth in the area, a review of historical ADT volumes was completed. Based on this review, area traffic volumes have grown by approximately one (1) percent per year since 2006, although average daily traffic volumes along Hopkins Crossroad (CR 73) have ranged from 11,400 to 15,200 vehicles per day since 1998. Therefore, existing traffic volumes collected were grown at one (1) percent annually to reflect year 2021 background traffic volumes.

**Trip Generation**

To account for traffic impacts associated with the proposed development, trip generation estimates for the typical peak hours of operation were developed. The trip generation estimates were developed using information provided by the Chabad Center, shown in the Appendix, and include a comparison with the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition. The following
Site Plan
Chabad Center of Jewish Life Traffic Study
City of Minnetonka

Figure 3
1) Weekday Morning Service Attendance: 10 to 15 guests
2) Friday Evening Sundown Service (Typical Week) Attendance: 10 to 15 guests
3) Friday Evening Sundown Service (Once per Month) Attendance: 75 to 125 guests
4) Saturday Midday (Shabbos) Service Attendance: 50 to 100 guests

Note that other services and classes are expected to occur throughout the day. However, these additional events are expected to have fewer attendees or occur outside of the peak traffic periods along Hopkins Crossroad (CR 73) and Hillside Lane. To help determine the expected trip generation, the average vehicle occupancy for the weekday morning service was assumed to be one (1) attendee per vehicle based on information provided by the Rabbi. During the Friday evening and Saturday midday services, the average vehicle occupancy was assumed to be approximately 2.25 attendees per vehicle, which is similar to City parking code requirements. The difference in vehicle occupancy relates to the type of attendees, where the Friday and Saturday services are expected to have more families, which correlates to a higher vehicle occupancy. The trip generation estimate, shown in Table 3, includes both the expected vehicle trips base on the previously mentioned assumptions, as well as the ITE Trip Generation Manual.

### Table 3. Trip Generation Estimates

<table>
<thead>
<tr>
<th>Approach Land Use (ITE Code)</th>
<th>Size</th>
<th>Weekday A.M.</th>
<th>Friday P.M. (No Dinner)</th>
<th>Friday P.M. Dinner Service</th>
<th>Saturday Midday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attendance Approach</td>
<td></td>
<td>In</td>
<td>Out</td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>Chabad Center</td>
<td>16,400 sf</td>
<td>18</td>
<td>18</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>ITE Approach</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Synagogue (561)</td>
<td>16,400 sf</td>
<td>25</td>
<td>15</td>
<td>27</td>
<td>21</td>
</tr>
<tr>
<td>Difference</td>
<td></td>
<td>7</td>
<td>(-3)</td>
<td>+20</td>
<td>+14</td>
</tr>
</tbody>
</table>

Results of the trip generation estimate shown in Table 3 indicate that the proposed development is expected to generate a total of approximately 36 weekday a.m., 14 Friday p.m., 60 Friday p.m. (once per month), and 50 Saturday midday peak hour trips using the attendance assumptions previously discussed. Note that using the ITE approach for a Synagogue land use results in a relatively similar overall trip generation, however the ITE approach is only based on one (1) study that may not have the same service types. Therefore, to provide an accurate estimate, the attendance approach was utilized for the future capacity analysis.

The new trips generated by the proposed development were distributed to the study area based on the directional distribution shown in Figure 4. The distribution was developed based on the existing travel patterns in the area and engineering judgement. Traffic forecasts for year 2021 build conditions, which includes historical background growth and trips generated by the proposed development are shown in Figure 5.
Directional Distribution

Chabad Center of Jewish Life Traffic Study
City of Minnetonka

Figure 4
Year 2021 Build Conditions
Chabad Center of Jewish Life Traffic Study
City of Minnetonka

Figure 5

<table>
<thead>
<tr>
<th>Legend</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>XX</td>
<td>Weekday A.M. Peak Hour Volume</td>
</tr>
<tr>
<td>[XX]</td>
<td>Friday P.M. Peak Hour Volume (No Dinner)</td>
</tr>
<tr>
<td>{XX}</td>
<td>Friday P.M. Peak Hour Volume (Shabbat Meal)</td>
</tr>
<tr>
<td>(XX)</td>
<td>Saturday Midday Peak Hour Volume</td>
</tr>
<tr>
<td>X,XXX</td>
<td>Estimated Average Daily Traffic Volume</td>
</tr>
<tr>
<td></td>
<td>Side-Street Stop Control</td>
</tr>
</tbody>
</table>

- Weekday A.M. Peak Hour Volume
- Friday P.M. Peak Hour Volume (No Dinner)
- Friday P.M. Peak Hour Volume (Shabbat Meal)
- Saturday Midday Peak Hour Volume
- Estimated Average Daily Traffic Volume
- Side-Street Stop Control
Supplemental Trip Generation Considerations

The following information provides additional trip generation considerations with respect to time of year, day of the week, and time of day. The intent of this information is to provide additional context with respect to the potential trip generation of the proposed development.

Note that the Friday (no dinner) p.m. peak hour trips shown in Table 3 are not expected to occur on a weekly basis. The trips shown coincide with the Friday evening sundown service, which varies by time of day and is based on the actual sundown timeframe. This service is expected to coincide with the p.m. peak of the adjacent roadway (4:00 p.m. to 6:00 p.m.) between November and February, as shown in Figure 6, which equates to four days a year. Throughout the rest of the year, the arrival and departure time for the Chabad Center would be later than the Friday p.m. peak period along Hopkins Crossroad (CR 73).

Figure 6. Sunset Times

Graphs indicating the impact of the expected Chabad Center trip generation in relation to existing traffic volumes along Hopkins Crossroad (CR 73) and Hillside Lane are shown in Figures 7, 8, and 9 for typical weekday, Friday, and Saturday conditions, respectively.
Figure 7. Typical Weekday Trip Generation

Figure 8. Friday (Dinner Service) Trip Generation
Intersection Capacity Analysis

To determine impacts associated with the proposed development, year 2021 build conditions were analyzed. Once again, a detailed intersection capacity analysis was completed using Synchro/SimTraffic (Version 9). The Friday p.m. peak hour was analyzed under both a typical weekly service (no dinner) and a monthly service (Shabbat dinner) condition.

Results of the year 2021 build capacity analysis shown in Table 4 indicate that the study intersection and proposed access location are expected to operate at an overall LOS A during the peak hours with the current geometric layout and traffic control. Average delays along Hillside Lane are expected to increase by approximately three (3) to six (6) seconds during the peak hours, except for the Friday p.m. peak hour with dinner service, which increased by 10 seconds, as shown in the side-street comparison section of Table 4. It is expected that the increase in delay would be experience during the peak arrival period of guests attending the monthly Shabbat dinner service at 6:00 p.m.

Average and 95th percentile queues on Hillside Lane are expected to increase by one (1) vehicle during the a.m. peak hour and Saturday midday peak hour to approximately five (5) and four (4) vehicles, respectively. Queues on Hillside Lane are expected to remain similar during the Friday p.m. peak hour conditions.
Table 4. Year 2021 Build Intersection Capacity Analysis and Comparison

<table>
<thead>
<tr>
<th>Hillside Lane Intersection</th>
<th>Peak Hour Level of Service (Delay)</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Weekday A.M.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Overall</td>
<td>Side-Street</td>
<td>Overall</td>
<td>Side-Street</td>
<td>Overall</td>
<td>Side-Street</td>
</tr>
<tr>
<td>Hopkins Crossroad</td>
<td>A (3 sec)</td>
<td>D (30 sec)</td>
<td>A (2 sec)</td>
<td>D (31 sec)</td>
<td>A (2 sec)</td>
<td>D (33 sec)</td>
</tr>
<tr>
<td>Chabad Center Access</td>
<td>A (1 sec)</td>
<td>B (11 sec)</td>
<td>A (1 sec)</td>
<td>B (10 sec)</td>
<td>A (1 sec)</td>
<td>B (10 sec)</td>
</tr>
<tr>
<td></td>
<td>Side-Street Comparison</td>
<td>Existing</td>
<td>2020 Build</td>
<td>Existing</td>
<td>2020 Build</td>
<td>Existing</td>
</tr>
</tbody>
</table>

The average and 95th percentile queues at the proposed development driveway are expected to range from one (1) to two (2) vehicles during all peak hours. It is expected that there will be minimal changes to the average and 95th percentile queues on Hopkins Crossroad (CR 73) for both the northbound right-turn and southbound left-turn. Both queues are still expected to be accommodated within the existing turn lane storage length of 100 feet.

**Site Plan Review**

A review of the site plan was completed regarding parking and circulation. Results of the review indicate that parking spaces 51 and 52 on the south side of the parking lot will prohibit access to proposed refuse area. Further information is needed to determine how access to this refuse area will be provided to avoid conflicts with these two parking spaces or if a different management condition is planned. Furthermore, the driveway aisle services this area appears to be approximately 20-feet wide, which is generally not wide enough to provide two-way operations, particularly with respect to refuse vehicles.

Landscaping within the area should be maintained to allow for adequate sight distance from the site driveway to Hillside Lane. Easements or right-of-way should also be considered to accommodate future sidewalk and/or trail facilities along Hillside Lane and Hopkins Crossroad (CR 73).
Conclusions and Recommendations

The following study conclusions and recommendations are offered for consideration:

1. The existing average daily traffic volume along Hopkins Crossroad (CR 73) is 14,500 vehicles per day. Historically since 1998, average daily traffic volumes along Hopkins Crossroad (CR 73) have ranged from 11,400 to 15,200 vehicles per day.

2. The Hopkins Crossroad (CR 73) and Hillside Lane intersection currently operates at an acceptable overall LOS A during the peak hours reviewed with the existing geometric layout and traffic control.
   a. Average side-street delays from Hillside Lane during both the weekday a.m. and Friday p.m. peak hours are 24 seconds and 27 seconds, respectively.
   b. The average number of vehicles waiting to turn from Hillside Lane onto Hopkins Crossroad (CR 73) was observed to be approximately one (1) vehicle during the peak hours.
   c. The 95th percentile queues along Hillside Lane extended from three (3) to four (4) vehicles during the peak weekday a.m. and Friday p.m. peak hours, respectively

3. The proposed mixed-use development includes the construction of a 16,400 square foot Chabad Center for Jewish Life.
   a. Access to the proposed development is located along Hillside Lane approximately 275 feet east of Hopkins Crossroad (CR 73).

4. Results of the trip generation estimate indicate that the proposed development is expected to generate a total of approximately 36 weekday a.m., 14 Friday p.m., 60 Friday p.m. (once per month), and 50 Saturday midday peak hour trips based on the attendance assumptions provided.

5. Under year 2021 build conditions, average daily traffic volumes along Hopkins Crossroad (CR 73) are expected to be approximately 15,650 vehicles per day. Average daily traffic volumes along Hopkins Crossroad (CR 73) would need to increase by approximately 1,500 vehicles per day to reach the theoretical capacity of the roadway.

6. Results of the year 2021 build operations analysis indicate that all study intersections are expected to continue to operate an overall LOS A during the reviewed peak hours.
   a. No significant operational impacts are expected as a result of the proposed development.

7. A review of the site plan includes the following considerations:
   a. Parking spaces 51 and 52 on the south side of the parking lot will prohibit access to the enclosed refuse area. Further information is needed to determine how access to this refuse area will be provided to avoid conflicts with these two parking spaces or if a different management condition is planned.
   b. Landscaping should be maintained to ensure adequate sight distance is provided.
   c. Easements or right-of-way should be considered to accommodate future sidewalk and/or trail facilities along Hillside Lane and Hopkins Crossroad (CR 73).
Jan. 31, 2019 – Meeting between Minnetonka residents and Chabad applicants.

Attendance:

Soo
Weins
Lierdahl/Flint
Moscowitz
Rabbi Grossbaum
Councilmember Schack
Architectural Team
Julie Wischnack, AICP, Community Development Director

The remaining lot on the north - questions about what would happen. Rabbi indicated that the property would be privately owned after the development.

Questions about safety requirements for access onto Hillside in terms of line of sight.

Design of building courtyard, does it reflect the sound. The architect, indicated the undulation of the building would help address the sound.

If a school where added to the building where would it go? Architect responded that they had not been asked to accommodate in building designs and it would be difficult to add without some accommodation in this design.

There were questions about the kinds of glass do that they have on east end. The architect indicated that the glass would have a screen, but also indicated lighting is very important to consider.

Questions about what trees they were saving. Architect provided a map that indicated the existing tree locations.

A resident asked what the size of the courtyard? Architect indicated 24 x 50.

How long would it take for the landscaping to grow? Landscape architect indicated 3-5 years.

Rear elevations and the windows - architect showed the area.

From the entrance from Hillside, Vernon Circle residents had concerns about headlights all the way from the entry to the turning. Headlights and turning into area.

Hillside on the south side, stays for the underground garage.

Parking – concern still. Size of events. Architect indicated the extra spaces in the driveway area. Mill Run or Vernon Circle – the resident indicated that he felt that parking would still be a problem. Resident asked about the parking agreement. Rabbi indicated Ackerberg agreement as long as they live there.

Lighting issues on the east side. Clerestory windows and the lights – inside the building. Probably shading in the windows as well. Suggestion for shades.
Glad the building is not as tall.

Outside lighting. Technical requirements of the city. Architect indicated that they would be sensitive to the neighboring properties.

Traffic is still a big concern. There are a lot of users of Hillside, a lot of different users. Hillside – left turn from CR 73.

Mass, intensity of use are different, some felt it was somewhat addressed. But some neighbors are still concerned about the intensity of use.

Property management – sophistication of the design is a concern in terms of on-going management.
Proposed Chabad Driveway Vehicle Headlight Issues
January 31, 2019 - Prepared by Michael Leirdahl, 2390 Vernon Circle
Resolution No. 2019-

Resolution approving a conditional use permit and site and building plans for a religious institution located at 11021 Hillside Lane West, 2327, 2333 and 2339 Hopkins Crossroad, and 11170 Mill Run

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

Section 1. Background.

1.01 Chabad Center for Jewish Life has requested a conditional use permit to operate a religious institution on the combined site at 11021 Hillside Lane West, 2327, 2333 and 2339 Hopkins Crossroad, and 11170 Mill Run

1.02 The site is legally described on Exhibit A of this resolution.

1.03 On Feb. 7, 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 following conditional use permit general standards:

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

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

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

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

2.02 City Code §300.16 Subd.3(b) outlines the following specific conditional use permit standards for religious institutions and facilities:
1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines;

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

4. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and

5. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

2.03 City Code §300.27 Subd.5 outlines the following site and building plan standards:

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

2. Consistency with this ordinance;

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

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

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

   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

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

   c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and

   d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access
points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

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

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

Section 3. Findings.

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

1. Religious institutions are specifically listed as conditionally-permitted uses in the single-family residential zoning district.

2. The goals, policies, and objectives of the comprehensive plan are generally the city’s effort to create a vibrant and resilient community. Religious institutions are a component of such communities.

3. The proposal has been reviewed by members of the city’s community development, engineering, public works, fire, and legal departments. Staff finds that the proposed religious institution would not have an adverse impact on the provision of government services or infrastructure.

4. The proposed institution would visually alter the immediate area and result in a different level of activity than was historically observed while the site contained occupied single-family homes. Though noticeable, these changes would not be detrimental to the health, safety, or welfare of the community.

3.02 The proposal would meet the specific conditional use permit standards outlined in City Code 300.16 Subd.3(b).

1. The proposed facility would have access to Hillside Lane West, which is defined as a neighborhood collector roadway in the comprehensive plan.

2. The institution would meet the required setbacks from east and west property lines and exceed the required setbacks from the north and south.

3. By ordinance, 1 parking space is required for every 2.5 seats within the main sanctuary of a religious facility. As proposed the sanctuary would regularly have seating for 98 people, requiring 39 parking spaces. 60
parking spaces would be available on site; this include striped and
georgic spaces. Staff notes additional areas would be available as proof-
of-parking.

4. Impervious surface would cover roughly 46 percent of the institution site.

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

1. The proposal has been reviewed by city planning, engineering, and
natural resources staff and found to be generally consistent with the city's
development guides, include the water resources management plan.

2. Religious institutions are specifically listed as conditionally-permitted uses
in the single-family residential zoning district.

3. The proposal would result in significant alteration of the site, including
changes to grade and tree removal/impact. However, site disturbance
would be limited to the extent practicable, given construction of a building
and parking lot.

4. The new building and parking lot would be appropriately located at the
center of the site, maintaining green space and the opportunity for new
plantings at its perimeter.

5. The location of buildings relative to open space and paved areas is
appropriate. The plan incorporates natural building materials and neutral
color palate, which are residential in character. Additionally, proposed
building height would be consistent with residential homes. City code
allows homes to be constructed to a height of 35 feet, as measured to the
midpoint of a pitched roof. The proposed building would have an average
height of 17 feet, measuring 23 feet at its highest point.

6. As new construction, the building code requires use of energy saving
features.

7. Generally, any change to the use of a property will result in changes to
drainage patterns, sounds, and site lines. The objective conditional use
permit standards – building setbacks, parking setbacks – as well as
conformance with the stormwater management rules and conformance
with nuisance regulations regarding lighting and “quiet hours” are
intended minimize or mitigate for these changes.

Section 4. City Council Action.

4.01 The above-described conditional use permit and site and building plans are
approved based on the findings outlined in section 3 of this resolution. Approval
is subject to the following conditions:
1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:

- Site Layout Plan, dated Dec. 18, 2018
- Utilities Plan, dated Dec. 18, 2018
- Grading Plan, dated Dec. 18, 2018
- Landscape Plan, dated Dec. 18, 2018
- Floor Plan, dated Dec. 18, 2018
- Building Elevations, dated Dec. 18, 2018

2. A grading permit application must be submitted through the city's electronic permit system. A complete application submittal must include the following:

   a) Final site, grading, stormwater management, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

      1) Final site plan must:

         a. Illustrate B618 curb/gutter at the Hillside driveway entrance. The driveway must have either 3-inch valley gutter or knockdown B618 curb. If a concrete apron is installed it must not be integral to the curb and gutter.

      2) Final grading plan must:

         a. Include no grading below the floodplain elevation of 949.0.

         b. Confirm retaining wall elevations. Note, walls exceeding four feet must be engineered by a structural engineer.

      3) Final stormwater management plan must meet the requirements of the city's Water Resources Management Plan, as outlined in Appendix A. Design. The plan and acceptable model must demonstrate conformance with the following criteria:

         a. Volume Control: Provide onsite retention of 1-inch of runoff from impervious surfaces. The city prefers that this be accomplished through infiltration practices.
b. Rate Control: Limit peak runoff flow rates to that of existing conditions for the 2-, 10-, and 100-year storm events at all points where stormwater discharge leaves the parcel.

c. Water Quality: Provide for all runoff to be treated to at least 60% removal efficiency for total phosphorus and 90% total suspended solids.

In addition:

d. Provide detailed plans for the StormTech MC-3500 chambers, including inverts, outlet elevation, and detailed storage curve.

e. Provide soil boring at the proposed infiltration location.

f. Revise the chamber design to meet 48-hour drawdown requirement.

g. Provide a HydroCad model to reflect the entire parcel area. Note, the parcel area reports in the project summary and the stormwater management narrative conflict.

h. Water quality modeling should be provided in MIDS or P8.

i. Provide evidence that the underground system will be able to support 83,000 pounds and 10,800 pounds per square foot outrigger load.

j. The underground facility must be inspected by a qualified third party during installation and that party must verify that the pressure requirements are adequately met.

4) Final utility plan:

a. Illustrate unused water service pipes removed back to the main with the corporation stops turned off.

b. Illustrate unused sanitary sewer removed back to the main with wye being cut and sleeved.

In addition, note:
c. Separate sewer and water permits, tests, and inspections are required for on-site work located outside of public utility easements. Permits must be submitted by a licensed contractor.

d. Water service piping must be run to complete from wet tap valve to inside building by same contractor during one installation.

e. All sanitary sewer service piping must run at minimum 2% grade.

f. Piping for rain water collection from manhole to ten feet outside building must be scheduled 40 pipe minimum.

g. Stormwater piping crossing watermains must be installed per The 2015 MPC 4714.720 and 609.2.

3. Prior to issuance the grading permit:

a) This resolution must be recorded at Hennepin County.

b) Secure utility permits from Hennepin County for sewer and water service disconnects and installations.

c) Secure right-of-way permit from Hennepin County for removal of existing driveways from the Hopkins Crossroad right-of-way.

d) Submit the following:

1) A 10-foot wide trail easements adjacent to Hopkins Crossroad and Hillside Lane West for future trail purposes.

2) A 25-foot wide temporary easements for grading work necessary to construct future trail segments.

3) Private driveway easement for review and approval by the city attorney.

4) An off-site parking plan for major events.

5) All required hook-up fees.

6) A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.
7) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an engineers estimated cost to construct comply with grading permit and landscaping requirements and to restore the site. One itemized letter of credit is permissible, if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the underground facility has been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.

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

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

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

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

4. A building permit application must be submitted through the city’s electronic permit system. Prior to issuance of the permit:

a) The Hopkins Crossroad and Mill Run properties must be tax combined.

b) Obsolete public easements must be vacated.

c) Submit the following:

1) A final landscaping plan. The plan must meet minimum landscaping and mitigation requirements as outlined in ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site
conditions. Staff suggests replacement of proposed sugar maple in parking lot islands.

2) Final tree mitigation plan must include a minimum of 34 inches of mitigation, plus 10, 2-inch trees.

3) An exterior lighting and photometric plan.

5. In the event that the city observes recurrent parking demand exceeding on-site parking supply, proof-of-parking spaces must be constructed within a reasonable and mutually agreeable timeframe. The property owner will be responsible for all cost associated with this construction and with any costs associated with required stormwater management facilitates.

6. This conditional use permit approves the land use as presented in the plans outlined in this resolution and as outlined in associated staff reports. 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 beyond that outlined in this resolution may require a revised conditional use permit.

8. Construction of the building must begin by December 31, 2020, unless the city council approves a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Feb. 25, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, Acting 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 Feb. 25, 2019.

__________________________
Becky Koosman, Acting City Clerk
EXHIBIT A

Lots 1, Block 1, Heeler’s First Addition, according to the recorded plat thereof, Hennepin County, Minnesota.
(Abstract Property)

AND

The East 165 feet of the West 429 feet of the North 264 feet of the Southwest quarter of the Northwest quarter of Section 12, Township 117, Range 11, Hennepin County, Minnesota. Subject to road.
(Abstract Property)

Lots 2, 3, and 4, Block 1, Heeler’s First Addition, according to the recorded plat thereof, Hennepin County, Minnesota.
(Abstract Property)
2018 PROPOSAL EXCERPT
Location Map

Project: Chabad Center for Jewish Life
Address: 2339 Hopkins Xrd
Ellingson moved, Happe seconded a motion to adopt ordinance 2018-08 and Res. 2018-073 approving the Master Development Plan amendment and Site and Building Plan Review with drive aisle and stall length variances. All voted “yes.” Motion carried.

D. Order for tobacco license violation at Freedom Valu Center #57, 17516 State Hwy 7

Ellingson moved, Happe seconded a motion to approve issuing the Findings of Fact, Conclusion, and Order for the Freedom Valu Center #57, 17516 Hwy 7. All voted “yes.” Motion carried.

E. Resolution providing for the issuance and sale of $10,000,000 General Obligation Utility Revenue Bonds, Series 2018A

Ellingson moved, Happe seconded a motion to adopt resolution 2018-074 providing for the issuance and sale of approximately $10 million General Obligation Utility Revenue Bonds, Series 2018A. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes:

A. Resolution approving a conditional use permit, with a parking variance, to expand an existing medical clinic at 10653 Wayzata Blvd.

Ellingson moved, Happe seconded a motion to adopt resolution 2018-075 approving a conditional use permit for a medical clinic, with parking variance, at 10653 Wayzata Blvd. All voted “yes.” Motion carried.

12. Introduction of Ordinances: None

13. Public Hearings: None

14. Other Business:

A. Conditional use permit for a religious institution at 2333 and 2339 Hopkins Crossroad and 11170 Mill Run

City Planner Loren Gordon gave the staff report.

Wagner asked if the road were to be perfectly reconstructed, what the width of the lanes would be. City Engineer Will Manchester said if the road were to be reconstructed, the county would do an extensive study. A common width of lanes per state aid standards would be 11 feet. He said the county would look to add a trail and a sidewalk to each side as well as widening the shoulder on the west. Wagner asked what the likelihood the road could be widened in the next four to five years where the guard rails were located. Manchester said it was a very expensive widening because it would require retaining walls. This was usually done as part of a reconstruction given the costs.
Happe asked if the current plan was for the trail to be built in 2023. Manchester confirmed that was correct.

Wagner asked if the grading plan had changed from what the council had previously seen. Gordon said that was mostly true. Berming had been previously discussed. It was decided during the neighborhood meetings that trying to berm might lead to unintended consequences. Wagner said it appeared that in the grading plan there was a contour where the parking lot would be. The fence would be 10 feet high. He asked what the impact of headlights would be during the wintertime. Gordon noted the parking lot was four to five feet lower than the property line. The fence would block the headlights but the question was if the light would shine over the top of the fence. Wagner asked staff to come up with some conditions for approval to address this issue.

Wiersum said he was sensitive to the headlight issue as well but thought there was a difference between having headlights shine directly into people’s windows as opposed to having the light being refracted. The intensity was dramatically different.

Wagner said the parking was being based on the assembly standard seating with 99 seats. If that increased there was a trigger for the council to look at the conditional use permit again. He asked staff’s opinion on maximum capacity. He said the applicant’s document inferred the maximum would be 125 for a large gathering. Gordon said when the parking study was done, staff wanted to look at existing conditions as well as the proposed parking. Conditions were looked at for a typical week day as well as Saturdays. The study indicated parking would be adequate during these times. Wagner said there would be special events with 250-300 people attending. He said he would like to hear comments on how parking would work for those events.

Rabbi Mordechai Grossbaum said there had been a lot of discussion about traffic and landscaping. He said Ackerberg agreed it would provide additional parking. This would suffice for the larger events. He said he had committed over and over to working with the city on the landscaping.

David Abrams, 11501 Fetterly Road W, asked what the nature of the contractual commitment was for things like landscaping and water management. What was the process should the city find the verbal commitments were not being met? He said the plantings shown in the pictures would take a number of years to provide adequate screening. He asked what the plan was for replacing the plantings should they die. He grew up in a home where headlights came directly into his bedroom. He said it was utterly important that the lighting provide the proper security. He asked how bright the security lights would be. He said the city already had experience at the other three synagogues in the city for understanding what parking was needed during the high holidays.

Aaron Parker, the project architect, said if there was a violation of the storm water management, the property owner would be penalized. He said he was working closely with a civil engineer to ensure there would not be a problem with
the storm water management. The existing situation would be improved. He said there would be adequate security lighting that would be well back from the property line. He was as concerned as others about the security. He said headlights should not be an issue given the slope and the fencing. A fast growing very dense cedar would be used for the landscaping.

Jo Soo, 2391 Vernon Circle, asked the council to require an eight foot tall fence. The fence would provide better noise mitigation. He also asked that the council require a 50 foot green space that would act as a buffer to the properties to the east. He said the neighbors still have an issue with the size and mass of the building that was too close to the neighboring homes.

Candace Velasquez, 11512 Fetterly Road, said the safety issues caused by the proposal were very disturbing. She said the school parking lot and bus stop at Fetterly Road and Hopkins Crossroads was precarious. Her children do not use it because it was too dangerous. She was very concerned with the dedicated left turn lane at the expense of the homes in the area that lose a dedicated right hand turn lane. She said the Mill Run and Overlook neighborhoods were very small neighborhoods. The Fetterly neighborhood was much larger and had a lot of inbound and outbound traffic. She asked the council to reject the proposal.

Vladimir Greengauz, 15200 Willowood Drive, said he tried to imagine a situation where something big was moving into his neighborhood. The first question he would have was if the proposal was legal. This proposal was legal. He might then take the attitude he wouldn’t like the proposal no matter what, no matter how many changes were made. Everyone wants something nice facing their front yard. Something would definitely be built on the property whether or not the council approved Chabad. He said the congregation was part of the community. He asked that when the council made its decision it did not think only about the upset neighbors but also the people looking for a place to pray.

Lori Fritz, 11111 Mill Run, noted she had emailed a court case to all the councilmembers that involved a CUP in Bloomington. The city denied the CUP citing safety concerns and the Minnesota Supreme Court upheld the denial. She said if the council denied this proposal due to safety concerns, the next proposal would also be denied for the same reason. The concerns had nothing to do with this being a religious organization. She said the new striping design would make her right turn less safe because it was taking away the area she uses to speed up to merge into traffic. As a public entity the city had the obligation to design and maintains roads that do not pose a reasonably foreseeable risk.

Susan Wiens, 2346 Vernon Circle, said she recognized that the staff recommendation was for approval of the project. She also recognized the council were elected by residents to use their own judgment to make an independent determination on the proposal. She said there was factual basis to deny the CUP. The city zoning was enacted to promote public health and safety and general welfare. The CUP gave even more specific requirements for approval. The neighboring houses were dwarfed by the proposal and the land use was not compatible. The structure was jammed into a small space. Congestion was not
limited to County Road 73. The neighbors were thankful for the city and the county attempting to address the issues, but what was before the council was not the solution. She said the CUP required that the proposed use did not have an undue, adverse impact on the public health, safety and welfare. The location of the curb cut had not been changed even though there had been many discussions about moving it more toward Hillside. The re-striping did not help the access and sightline issues. The drivers exiting Chabad by taking a left hand turn, would have to cross two lanes of traffic instead of one. The problem had not been solved by the re-striping. The county’s spacing guidelines were not met. There was a known risk that was being created by the additional use of the site. The county commented on the re-striping plan by indicating its preference for relocating the access point further north because of safety concerns. She said if there was an agreement of offsite parking the agreement should be in writing and should ensure the arrangement continued into the future. The ordinance required the council to consider what the design capacity was. The design capacity was not 99 people.

Amy Weiss, 2308 Nottingham Court, said her children use the bus stop. Eliminating the right turn lane would make it even more difficult for the children to safely get on the bus. Making the right turn required the driver to do so slowly because the width of the road was narrow. Doing this with cars driving 40 mile per hour behind you was an accident waiting to happen.

Michael Leirdahl, 2390 Vernon Circle, said his house was directly adjacent to the project property’s parking lot. The 10 foot high fence was needed to address the lighting, the noise and the visual coming from the property. The six foot tall arborvitae would not grow the first two years. After that there would be roughly eight inches of growth a year. It would take 10 years for the arborvitae to provide the same amount of privacy for his property as a 10 foot fence. Because there was not a light plan, the height of the lights was not known. He said he felt disrespected by some of Grossbaum’s comments and those comments made him concern about what type of neighbor Chabad would be.

Marvin Liszt, the attorney for Chabad, 9701 Oak Ridge Trail, said change was difficult and could be disconcerting. Human nature was to like things the way they are. That’s not what always happens. Land use changes occur in both urban and suburban environments. The city’s ordinances allow religious institutions and other institutions in R1 neighborhoods. He said all the comments he heard from the neighbors could be made for any proposal for an institution going into an R1 neighborhood where the facility was larger than the surrounding homes, was visible by the surrounding homes, and may create more traffic than a single family or two single family homes. The staff report indicated there were 21 other religious facilities in the city in R1 zones. Every one of those were larger than the homes around them but they still coexisted well with the surrounding environment. He said the traffic studies indicated the additional traffic from this proposal was negligible. He noted the staff report indicated the proposal met the CUP standards. Three experts, SRF, city engineering staff, and county engineering staff had looked at the project in terms of safety. All three didn’t find a safety issue with the use and the re-striping project. He said in the Supreme
Court case involving the CUP in Bloomington, there were competing expert traffic engineering reports and there was a 26 percent increase in traffic as a result of the proposed use. He noted the resolution before the council contained a provision that would allow the council to consider revisiting the CUP if there were any changes from what was approved and issues arose. He supported this language. He said there was no legal basis to deny the CUP.

Amy Taswell, 11120 Mill Run, said the staff report for the April planning commission meeting contained the word “safety” one time. The staff report indicated there was not a safety issue but it did not address specific concerns. There was nothing about the increased turning traffic on County Road 73, pedestrian traffic, bicycle traffic, parking or congestion. The re-striping would not address the safety issue. She said the staff report was heavily reliant on the traffic study and the traffic study was heavily reliant on information provided by the applicant. If the information provided by the applicant was wrong or incomplete, there was a safety issue.

Skylar Silberman, 11123 Mill Run, said she was 18 years old and had been driving for a little over a year. She is Jewish and in high school was the regional leader of the Minnesota Chapter of the B’nai Brith Youth Organization. She asked the council to reject the proposal because of the safety concerns. She waited to get her driver’s license because she was terrified of driving. She still dreads making the left hand turn from Mill Run onto Hopkins Crossroad. Her younger sister who just began driving would also be affected. Silberman said her sister often walks to Ridgedale with her friends. Change should always be for the better and not make things less safe for her sister, herself and other residents. One accident that took a life would be on the hands of the people who approved the project.

Susan Flint, 2390 Vernon Circle, said the traffic expert the neighbors hired indicated there were safety issues. Similar to the Supreme Court case, there were conflicting expert opinions. She said the language in the resolution that Liszt cited allowed the council to review the CUP if there were changes, however it wasn’t mandatory that the council do so. She requested that be changed. She noted that the last time the council reviewed this proposal, Wiersum asked the city attorney how much latitude the council had in making a decision. The city attorney indicated that whatever decision was made there was a requirement to support the decision with findings. There were some objectives standards not subject to debate, but there were also some subjective standards that allow some exercise of discretion. Flint said all the information from the community had been reasonable, founded in fact, and credible. There were at least 16 discretionary standards that were identified that should lead the council to deny the application. The council was fully in its purview to deny the application.

James Bechthold, 11320 Fetterly Road, said the hill coming up Fetterly Road should be three lanes, not two. When somebody parks on the hill there was only room for one car to get up to the stop sign. Eliminating the right turn lane would stop traffic. He said the right turn lane on the east side of County Road 73 should be extended as far down as possible and the entrance to Chabad should be as
far north as possible. He was concerned about the safety on County Road 73 whether this proposal was approved or not. He suggested Chabad pay for the right turn lane.

Parker said the request for the fence on the east side was related to security, sound, and visibility. He said the type of fence being discussed would provide no noise mitigation. The height of the fence had to do with the fence being able to withstand strong winds.

Kristin Soo, 2391 Vernon Circle, said she hoped the city would ask Chabad to put in a fence that would provide noise mitigation.

David Carlson, 11171 Mill Run, said the project would negatively impact the neighborhood. If it wasn’t going to adversely impact the neighborhood there would be no need to have a schematic showing the re-striping. If three single family homes were built, there would be no discussion about re-striping the road. He questioned why taxpayer money was being used for the re-striping.

Gordon said he and Manchester reviewed the issue related to headlights. Based on the slope, headlights would shine below halfway up on the fence. There would not be direct headlights on to the properties to the east but there might be some glare. In terms of safety, staff looked at the issue from a volume standpoint. As far as the access currently there were two driveways and the proposal was to consolidate them into one. He said if something were not built as approved, the correction would be handled administratively. If the issue wasn’t discovered until after construction was complete, the CUP could come back to the council. Wischnack said every project came with financial security to ensure things were done as approved. Gordon said the costs of the re-striping would be shared by the city, county, and applicant.

Wagner said the re-striping was a $20,000 project. He asked what the additional benefit was to having a right turn lane. Manchester said staff looked at the intersections to see what would fit in and the impact to the shoulder of the road. The road could be widened to accommodate a right turn lane. The volume of traffic during peak hours was looked at. In this case there were around 20 cars in a peak hour that would take the turn. Typically what triggers a turn lane was 100 cars in a peak hour. Wagner said this was the location of the bus stop, which gave him pause. There was not a perfect solution. This was the way the county was designing roads. He said driving down Minnetonka Road, he had to wait for drivers turning right into the Marsh. He agreed with the traffic study’s conclusion that this proposal would not generate a lot of traffic. What he didn’t necessarily agree with was that the turns would not have an impact.

Wiersum said that was what he had been grappling with. Was County Road 73 unsafe? The neighbors indicated it was. The lane width after the re-striping would meet the current way roads were being done. The center turn lane was the wave of the future if not the wave of the present. This was done on many roads in the area. The question he had was if there were characteristics of certain
intersections in this neighborhood that made some of the intersections inherently less safe.

Calvert asked for clarification of the location of the access out of Chabad on to Hopkins Crossroad. Gordon pointed to the access point on the plans drawn up by Chabad. He said when the county was asked to review the driveway permit, they may decide to request it be moved north. Staff and SRF do not believe there would be sight or visibility issues if the access was as shown.

Acomb said traffic on the road already was an issue. She agreed the impact of the proposal would be negligible although it certainly would not make things better. She asked if there had ever been a project involving a road of this grade that was denied because of the impacts of traffic. Gordon said normally an engineered solution is agreed upon that accommodates a project through an improvement of some type. He cited the Fingerhut development on Baker Road as an example. Acomb asked if Baker Road was graded as a "D" like County Road 73. Gordon said it probably doesn’t have quite the same volume. Wagner said Syngenta was another example.

Wagner said at the May meeting there were concerns about the locations of the Mikveh and playground. He asked if anything had changed. Parker said the entrance to the Mikveh was moved from the east side to the south side. It had not been determined if there would be a playground.

Wagner said if the council approved the proposal, he had identified some things that should be considered so that expectations were aligned. He was not comfortable with the lack of specificity in the CUP for a site this small in an R1 neighborhood. It was a permitted use and the center would be fabulous addition to the city. The proposal met the objective criteria. As far as the subjective criteria, he thought there were some challenges associated with the fears of the neighborhood. The council was entrusted with making sure the issues could be effectively managed. He didn’t want staff to be in the position of being a mediator to an issue every month. He suggested codifying some language related to event or large gathering management plans. During his time on the council he had only received one call about Adath and it was because Adath had such a management plan in place. The council policy was in order to get no parking on a street, the city had to receive a petition. He didn’t think this was the right policy for Mill Run. One thing that gave him pause was dragging staff into ongoing deliberations. He said he was extremely involved with the Syngenta landscaping. What worked out well was there was an active neighborhood with similar concerns so a landscaping plan was developed. Expectations were communicated about the ongoing maintenance. He didn’t want staff to get in the middle of ongoing management of the plan. He said another fear of the neighborhood was what would happen if there was a great deal of increased usage. Determining upfront how to mitigate this should it occur, was something that also should be discussed. He had great concern about the proposal related to the footprint and the intensity of the usage of the site tied to the pinch points on Hopkins Crossroad and that a trail would not exist for another five years. This would have some adverse effects on the safety in the area.
Acomb said as she thought about this project she thought back to other projects that had similar neighborhood engagement. One such project was the Highland Bank building that had a great deal of pushback from the neighbors. The biggest concerns were around traffic. That situation was totally different because the city had control over the road. Because the city was a responsive government the decision was made to redo the road at a major expense. This project involved a county road. She noted the trail was not scheduled for another five years and asked if the trail plan had been looked at to move it up on the list. Barone said there was a list of trails in the CIP that were prioritized based on predetermined criteria. There were other projects ahead of this trail. She said the council could reprioritize projects in order to move this trail up on the list.

Calvert said at the last council meeting she had brought up the idea of making a right turn only out of the parking lot. This was absent a request for a median. If there was a way to encourage people only to turn right, many of the concerns would be addressed. She said she belonged to a congregation that had a flexible space. She appreciated Wagner’s comments about an event or large gathering management plan. She didn’t think this issue was insurmountable. Parking at Ackerman would accommodate a number of people.

Happe said religious institutions were generally pretty good neighbors. This location from a redevelopment standpoint was attractive to do something different. He continued to have grave concerns about traffic, pedestrian, and bicycle safety. This was an area that already had issues. Because of the safety concerns, he was not in a position to support the proposal.

Bergstedt said the zoning allowed religious institutions. The county approved an access on to County Road 73. He still had concerns about the mass of the development on a very small piece of property. This had led to elaborate landscaping plans to protect the neighbors. If Chabad was willing to work with the neighbors on the landscaping, proper buffering was possible. He said he was really struggling with the public safety issue. This was a very dangerous road especially for people walking and biking. The pinch points were a serious matter. A lot of his concerns would somewhat be alleviated if the trail was going in at the same time as this proposal. He was concerned about eliminating the right turn lane on to Fetterly Road because this would add to the danger. There were benefits to the re-striping but as he looked at the re-striping plan he saw as many negatives as positives.

Calvert said this was prime real estate in the city and everyone agreed Chabad would make good neighbors. The county proposed an initial solution to some of the roadway intensity issues. She worried what could end up on the property if this was not approved. If it were three single family homes, the driveway access would be an issue. She said this project met the objective standards. She thought it was a very intense use of the property. The original traffic study showed there would be a .7 percent added traffic. The property would not remain empty forever and whatever ended up going there would also add complexity.
Heine said the ordinance contains purpose and intent sections that do not create independent standards. The burden was on the applicant to show he met the conditions for this use set forth in the ordinance. There were both objective and subjective standards. The applicant had to meet all the standards. When it came to the subjective standards the council had to consider all of the evidence in the record and needed to make a determination and judgement on whether the subjective standards had been met. If the council found that all the standards had been met, it couldn’t go back to the purpose and intent sections and say that something did not meet the intent. The intent and purpose sections were meant to guide and inform the council in determining what the actual set standards were. She said all the testimony on the traffic related to the standard of public health, safety and welfare. The testimony related to the site plan and landscaping related to the standard of protection of adjacent and neighboring properties. Both of these standards were subjective standards.

Ellingson said he agreed with the other councilmembers who felt this was a good project and Chabad would be a good neighbor. He also shared the concerns about public safety and traffic. It was a difficult decision because this was a good project. He was apprehensive about accidents that might happen.

Acomb agreed Chabad would be a good neighbor and good member of the community. She appreciated the efforts made to the landscaping design. Her concern was about the safety of the road. She worried about the location of the bus stop and kids having to cross multiple lanes to the other side.

Calvert said one of the things she thought about was that most of the activities of the center would occur during nonpeak traffic times. This lessened some of her concerns.

Wiersum said when the proposal was first before the council the issues were with the landscaping and not knowing if the county would agree the access could be off Hopkins Crossroad. The county agreed to that access. He said he heard many comments that the council had not even discussed safety issues. There was no need to get into the safety issue if the county had denied the access on to Hopkins Crossroad. Now the safety issues needed to be discussed. If Hopkins Crossroad was striped the way other roads in the city were being striped, it wouldn’t be inherently unsafe. At the same time he wasn’t willing to say it was a safe road for pedestrians. One of the things he was pushing for as the mayor was greater attention to pedestrian safety. He wanted people to be able to walk safely in the city. He wanted people to stop at yellow lights and not accelerate through the intersection. He wanted people to be able to step into a crosswalk and not worry about getting run over. The geometry of County Road 73 was not kind to pedestrians even if the lanes of traffic were conforming and the way of the future. He said the proposal technically met the CUP standards. Religious institutions were allowed in R1 zoning. He said this was a poor location for this facility. It was an intense use on the smallest religious institution property in the city. Most religions want to grow. If this facility was a success that meets its mission the intensity of use would get greater. The added traffic was not so great it would dramatically change the safety of County Road 73. He said this use was
exceedingly intensive. He said Chabad satisfied him with the proposed landscaping. He would love if they found a larger property in the city. He didn’t know if his concern about the intensity was a valid reason to deny the CUP. Pedestrian safety and the general safety associated with this location was a valid reason for denial.

Heine said the question if this was an appropriate site was a valid consideration for the council if it determined the intensity of use on this particular parcel was not appropriate for the neighborhood and did not meet the CUP.

Wiersum said if the proposal were to be approved there needed to be a special event management plan if there were 125 people or more as Wagner suggested. The management plan would need to include things like temporary no parking signs in the neighborhood, a specific offsite parking plan, and a specific traffic management plan.

Gordon said an approval resolution was included in council packet. The council could add whatever conditions it deemed necessary. If the council was of the mind to deny the proposal then it needed to state findings of fact. Heine provided language to include in the resolution about the event management plan.

Bergstedt said given the size of the parcel, the proposal was way too intense. His biggest concern was not to come up with an event management plan, it was the public safety concerns. He wasn’t concerned about number of cars exiting Chabad during the day, but he was concerned about the re-striping plan, loss of the turn lane and having a middle turn lane. The additional turning movements would affect the traffic all day long. There were existing safety issues.

Acomb said public safety was her biggest concern and she leaned toward denial.

Wagner said it was important to keep in mind that rarely has the council wrestled with something like this. There was a 7-0 vote for approval of the Highland Bank. Here, the council was split. The council doesn’t always strive for 7-0 votes but many of them end up that way because through the process the proposal gets better. He said this proposal never went through a concept review plan and many of the comments made at this meeting would have been made at a concept plan review. This would not be a bad site for this proposal if the site was bigger. It was not a bad site if some of the improvements could be done. He suggested coming up with findings of fact to deny the request. He said the council found the drivers for denial being tied to the intensity of use and turning movements that it generated negatively impact the public safety on the county road. Also, there were multiple driveways within a short distance with limited shoulder widths.

Heine said those comments along with Bergstedt’s comments about the turning movements and the lack of a right turn lane for Fetterly Road would be used for findings of fact. She said several councilmembers made comments about pinch points in terms of the narrowed shoulders. Comments were also made about the development adding additional traffic onto a roadway that the council already considered unsafe. Wagner said he disagreed with that suggested finding. He
thought the concerns were with the turns that would be generated not the amount of traffic coming from the development. Wiersum agreed. Heine said all those findings would support a determination that the applicant had not met the burden of demonstrating that the use would not have undue adverse on public health and safety.

Wagner asked if it would be helpful to include in a motion that the council agreed it was a conditionally permitted use because this was a site specific issue not a use specific issue. Heine said it was undisputed that the use was conditionally permitted in this district provided they met all the objective and subjective standards. The council was finding that due to the traffic safety and intensity of use on a small site that the application did not meet the standards.

Wagner moved, Bergstedt seconded a motion to deny a conditional use permit for a religious institution at 2333 and 2339 Hopkins Crossroad and 11170 Mill Run based on the stated findings. Acomb, Happe, Bergstedt, Wagner, Ellingson and Wiersum voted “yes.” Calvert voted “no.” Motion carried.

Wiersum called a recess at 10:26 p.m. He called the meeting back to order at 10:37 p.m.

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

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

Gordon gave the staff report.

Wagner said he disagreed with some of the planning commission and staff dialogue. There was discussion there was a fixation with the building and not about the site. He when he was talking about mass it was about how much mass the site had that was buildable and not the slopes. When the existing building was approved the council had approved a dual use site. The city had encumbered itself with a relatively new, highly valued building while also wanting residential on the site. Staff and the developer seemed to take the council’s comments that the mass and intensity of the site did not include the office building. He said for him, it did. Wischnack said the council had talked about footprint so that was part of the planning commission discussion. Gordon said the staff and planning commission talked about the functionality of the site with the office building. He said some of the planning commissioners were not concerned with the intensity of the site and would have supported a five or six story building.

Wiersum said the scale of the new building was quite a bit smaller. The concerns about the mass and scale of the building had largely dissipated. He agreed with staff that having an office building that wasn’t visible from the primary road was a problem. Given the office building was there he asked what changes could be
MINNETONKA PLANNING COMMISSION
Feb. 7, 2019

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<th>Brief Description</th>
<th>Concept Plan for redevelopment of the property at 14525 State Hwy. 7</th>
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<td>Action Requested</td>
<td>Provide comments and feedback. No formal action is required.</td>
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Background

The property at 14525 State Hwy 7 is 3.56 acres in size and is improved with a 56,715 square-foot, three-story retail/office building and associated parking lot. The property is zoned B-3, general business district, and holds a commercial designation in the 2030 (currently in effect) and 2040 (proposed) Comprehensive Guide Plan.

2040 Comprehensive Land Use Plan Guidance

The immediate neighboring properties along Hwy 7 are all commercially zoned and used with retail, restaurant and office uses. Tower Hill Park is located directly south of these commercial properties. The single-family residential neighborhoods surrounding the area are zoned R-1.

Zoning in the immediate area
Concept Plan

Lake West Development has submitted a concept plan for the property to introduce a multi-story apartment building in the parking lot behind the existing commercial building. The plan contemplates a four-story design, 103-units, with 146 underbuilding parking spaces. As indicated on the floor plans, apartment units would be a mix of studio, two, and three bedroom units. There are no specific common or resident amenities noted at this time. Also, it is not known if the project would provide affordable units.

If a formal proposal based on the concept plan were submitted for review, the potential applications as a part of the submittal could include: (1) rezoning, (2) comprehensive guide plan amendment, (3) final site and building plans likely with variances, and (4) subdivision.

Review Process

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

- **Neighborhood Meeting.** Lake West Development hosted a neighborhood meeting on Jan. 30, 2019. Approximately 8 residents were in attendance. Residents asked the following questions:
  - How many parking stalls are under the building?
Will the proposal create access changes to Hwy 7? Would the acceleration lane at Woodhill be lengthened?
- What is the bedroom count?
- How many units are affordable?
- What are the exterior materials?
- What type of amenities will be provided for residents? Is Tower Hill Park available to residents? Would it be improved?
- What is the project schedule?

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

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

**Key Issues**

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

- **Land Use.** The 2030 and 2040 land use plans guide the property for commercial use which reflects the existing use of the property as a multi-tenant office and commercial retail building. The incorporation of a residential apartment building would require a change of land use guidance from commercial to mixed use. In the 2040 land use plan, a number of commercial areas were reguided from commercial to mixed use. This area along Hwy. 7 was not an area considered for a broader mix of land uses. Feedback on introducing a mix of uses in this area is requested.

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

- **Parking.** A parking observation study was performed by Lake West Development during the summer of 2018. Consideration of a reduction of parking spaces available for the office/commercial building would likely be necessary.
Staff Recommendation

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

Originator: Loren Gordon, AICP, City Planner
Next Steps

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

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

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

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

City Roles and Responsibilities

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

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

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

Project: Lakewest Apartments
Address: 14525 Hwy 7
Concept Review – Narrative

LAKE WEST APARTMENTS
14525 Highway 7, Minnetonka, MN 55345
PID: 2111722440032

December 21, 2018

Overview

Lakewest, LLC requests Concept Review approvals in order to develop the southern portion of the property located at 14525 Highway 7 in Minnetonka, MN. The proposal is to construct a 4 story, 103 unit multi-family structure with underground parking as shown in the attached site plan and architectural elevations.

Perry Ryan, PE – Vice President
Lake West Development, LLC
Office: 952-653-1359
A. Contact Information

| Owner of Record       | Lake West Development, LLC  
|                       | 14525 Highway 7, Suite 265  
|                       | Minnetonka, MN 55345       |

| Applicant             | Perry Ryan, PE, Vice President  
|                       | Lake West Development, LLC,  
|                       | 14525 Highway 7, Suite 265 Minnetonka, MN 55345,  
|                       | Phone 952-653-1359          |

B. Site Data

| Address               | 14525 Highway 7                             
|                       | Minnetonka, MN 55345                      |

| Zoning                | B-3 General Business District (Existing)  
|                       | PUD Planned Unit Development (Proposed)   |

| Parcel Size           | 3.47 +/- acres                            |

| PID                   | 2111722440032                             |

| Description           | Lot 3, Block 1, Tower Hill               
|                       | Hennepin County, Minnesota.             
|                       | Torrens Property.                       |

C. Description of the Project - Overall

The proposal is to construct a 4 story, 103 unit multi-family structure with underground parking as shown in the attached site plan and architectural elevations. This proposal is for concept review.

The building is proposed to sit on the southern portion of the parcel and generally be oriented east-west and parallel to the southern property line. The underground parking will be accessed on the west side of the building and an additional level of parking will be accessed on the northeast side of the building and will be generally at existing grade. Above this second level of parking will be 4 stories of multi-family housing units. In general, the architectural design is to match the proposed modifications that are designed for the exterior of the existing mixed-use building on the property without the metal panels. There are two color schemes shown as Option 1 and Option 2 on the architectural plans provided.

At the direction of staff, we have prepared a Parking Study Analysis which is enclosed in the application. We are showing that the required parking for the existing building as well as the proposed multi-family units will be obtained via the surface parking and the proposed 146 underground stalls as shown.

We are showing some additional green area on the north side of the building and would anticipate proposing some rooftop amenities as well for the future tenants.
Lake West Apartments
Minnetonka, MN

**Concept Sketch Plan**

THIS GRAPHIC IS ARTIST’S RENDITION FOR ILLUSTRATIVE PURPOSES ONLY AND IS SUBJECT TO CHANGE

EXISTING
WOODLANDS

LAKE WEST BUILDING

EXISTING TREES TO REMAIN

PROPOSED BUILDING

EXISTING TREES TO REMAIN

CONCEPT DATA

Existing Zoning:   B-3 General Business District
Proposed Zoning:  PUD Planned Unit Development

Gross Site Area:    3.57 ac

Proposed Multi-Family:  103 units

This site was photographed by Google Earth.
LAND DEVELOPMENT SERVICES

ZONING:
EXISTING ZONING: B-3 GENERAL BUSINESS DISTRICT
PROPOSED ZONING: PUD PLANNED UNIT DEVELOPMENT

MINIMUM LOT REQUIREMENTS (R-5 HDR):
MINIMUM LOT AREA: 30,000 SF
MINIMUM LOT WIDTH: N/A
MINIMUM LOT DEPTH: N/A
FRONT SETBACK: 50 FEET
REAR/SIDE SETBACK: 1.5X HEIGHT OF BUILDING
FLOOR AREA RATIO: 1.0 MAXIMUM
BUILDING SPACING: AVERAGE HEIGHT OF BUILDINGS (MIN)
OUTDOOR REC AREA: 10% OF GROSS PROJECT AREA

PROPOSED MULTI-FAMILY BUILDING:
BUILDING HEIGHT: 56-66 FEET

PROPOSED BUILDING:
2ND FLOOR = 24,675 SF
3RD FLOOR = 24,675 SF
4TH FLOOR = 24,675 SF
5TH FLOOR = 24,335 SF
TOTAL GFA: 98,360 SF

EXISTING BUILDING:
55,131 SF
FLOOR AREA RATIO: 0.96
BUILDING SPACING: 73 FEET

PARKING REQUIREMENTS (R-5 HDR):
MULTIFAMILY: 1.5 STALLS/UNIT (REG. VARIANCE)
REQUIRED PARKING: 102 UNITS = 153 STALLS
REQUIRED ADA: 1 STALL/50 STALLS (5 STALLS)

PARKING REQUIREMENTS (B-3 GBD, Per Parking Study):
EXISTING PEAK PARKING: 118 STALLS (90% Occupied)
PROJECTED PEAK PARKING: 131 STALLS (100% Occupied)

OVERALL PARKING REQUIREMENTS (PUD):
R-5 HDR: 155 STALLS (3 ADA)
B-3 GBD: 131 STALLS (6 ADA)
TOTAL PARKING REQUIRED: 286 STALLS (9 ADA)

PARKING PROVIDED:
EXISTING PARKING: 135 STALLS
EXISTING ADA: 6 STALLS
TOTAL EXISTING: 141 STALLS
PROPOSED PARKING: 140 STALLS (UNDERGROUND)
PROPOSED ADA: 6 STALLS (UNDERGROUND)
TOTAL PROPOSED: 146 STALLS

LEGAL DESCRIPTION:
THE EAST 397.00 FEET OF THE WEST 442.00 FEET OF LOT 3, BLOCK 1,
TOWER HILL, HENNEPIN COUNTY, MINNESOTA
TORNES PROPERTY - TORNES CERTIFICATE NO. 1352614

PROPERTY ADDRESS:
14525 HIGHWAY 7, MINNETONKA, MN 55345

PROPERTY AREA:
155,424 SF, 3.57 AC

100' 150' 200' 250' 300' 350' 400' 450' 500' 550' 600' 700' 750' 800' 850' 900' 950' 1000' 1050' 1100' 1150' 1200' 1250' 1300' 1350' 1400' 1450' 1500' 1550' 1600' 1650' 1700' 1750' 1800' 1850' 1900' 1950' 2000' 2050' 2100' 2150' 2200' 2250' 2300' 2350' 2400' 2450' 2500'
MATERIAL INDEX

1. Pre-Finished Metal Parapet Cap
2. Cement Board Flat Panel
3. Cement Board Lap Siding
4. Composite Window
5. Patio Door
6. Brick
7. Metal Panel
8. Rock-Face Block

NORTH ELEVATION

OPTION 1
Material Index:

1. Pre-Finished Metal
2. Parapet Cap
3. Cement Board Flat Panel
4. Cement Board Lap Siding
5. Composite Window
6. Patio Door
7. Brick
8. Metal Panel
9. Rock-Face Block
**MATERIAL INDEX**

1. PRE-FINISHED METAL
2. PARAPET CAP
3. CEMENT BOARD FLAT PANEL
4. CEMENT BOARD LAP SIDING
5. COMPOSITE WINDOW
6. PATIO DOOR
7. BRICK
8. METAL PANEL
9. ROCK-FACE BLOCK

**OPTION 2**
LAKE WEST APARTMENTS
14525 HIGHWAY 7
MINNETONKA, MN
08.21.2018

74 PARKING STALLS
24,675 GSF
SECOND FLOOR PLAN

26 RESIDENTIAL UNITS
04 STUDIOS
13 2 BEDROOMS
09 3 BEDROOMS
24,675 GSF
LAKE WEST APARTMENTS
14525 HIGHWAY 7
MINNETONKA, MN
08.21.2018

25 RESIDENTIAL UNITS
03 STUDIOS
13 2 BEDROOMS
09 3 BEDROOMS
24,335 GSF
Total Existing Parking Stalls  227

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AVERAGE 37.8 96.9 69.7

% OF TOTAL 16.7% 42.7% 30.7%

PEAK 46 118 88

20.3% 52.0% 38.8%