Planning Commission Agenda

August 10, 2017—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: July 20, 2017

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

(No Items)

8. Public Hearings: Non-Consent Agenda Items

A. Expansion permit and shoreland setback variance for a second floor addition to the existing home at 2604 Crosby Road.

Recommendation: Adopt the resolution approving the expansion permit and variance (5 votes)

- Final Decision Subject to Appeal
- Project Planner: Susan Thomas

B. Items concerning Midwest MasterCraft at 17717 State Highway 7.

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

- Recommendation to City Council (Tentative Date: August 28, 2017)
- Project Planner: Susan Thomas
C. Items concerning Mesaba Capital, at 17710 and 17724 Old Excelsior Boulevard:

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

- Recommendation to City Council (Tentative Date: August 28, 2017)
- Project Planner: Drew Ingvalson

9. Other Business

A. Concept plan review for Villa West at 16913 and 17101 State Highway 7.

Recommendation: Discussion only. No formal action required

- Recommendation to City Council (Tentative Date: August 28, 2017)
- Project Planner: Susan Thomas

10. Adjournment
Notices

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

2. Applications and items scheduled for the August 24, 2017 Planning Commission meeting:

   Project Description: The property owners are proposing improvements to the existing home at 4316 Camelot Dr. To assist with their improvement plans, the property owners have submitted two variations for city consideration: Option A: Requires a variance to reduce the front yard setback from 35 feet to 32 feet for a three-stall garage and 2nd story addition. Option B: Requires a variances to reduce the side yard setback from 10 feet to 4 feet and the front yard setback from 35 feet to 32 feet for an oversized three car garage and 2nd story addition.
   Project No.: 17016.17a        Staff: Ashley Cauley
   Ward/Council Member: 3—Brad Wiersum    Section: 20

   Project Description: The applicant is requesting a variance from the aggregate side yard and rear yard setbacks to build a second story addition within the existing footprint of a building at 3715 Huntingdon Drive.
   Project No.: 05098.17a        Staff: Drew Ingvalson
   Ward/Council Member: 1—Bob Ellingson    Section: 14

   Project Description: Dashfire LLC is requesting a conditional use permit to operate a microdistillery in a tenant space previously occupied by Lucid Brewing at 6020 Culligan Way.
   Project No.: 11016.17a        Staff: Susan Thomas
   Ward/Council Member: 1—Bob Ellingson    Section: 34

   Project Description: Reaffirmation of previous approvals of a two-lot subdivision at 11806 Cedar Lake Road.
   Project No.: 14005.17a        Staff: Susan Thomas
   Ward/Council Member: 2—Tony Wagner    Section: 11

   Project Description: The applicant is proposing to operate a full service sushi restaurant at 17420 Minnetonka Blvd. According to the application, the restaurant would also have beer and wine. The application requires a conditional use permit and a parking variance.
   Project No.: 06027.17a        Staff: Ashley Cauley
   Ward/Council Member: 3—Brad Wiersum    Section: 17
Project Description: The applicant is proposing to replace an existing, detached one-car garage with an attached two-car garage at 4714 Caribou Drive.
Project No.: 17017.17a        Staff: Drew Ingvalson
Ward/Council Member: 1—Bob Ellingson        Section: 27

Project Description: Ron Clark Construction is proposing a three-story, 49-unit apartment building on the property located at 4312 Shady Oak Road. The proposed apartment building would have underground parking, resident community room, exercise room, on-site manager’s office and an outdoor play area. The building would have a mix of 1, 2 and 3 bedroom apartments with rents expected to be between $800 and $1200 per month. The proposal requires: (1) Comprehensive Plan amendment, (2) Rezoning, (3) Subdivision and (4) Site and Building Plan review.
Project No.: 17018.17a        Staff: Loren Gordon
Ward/Council Member: 1—Bob Ellingson        Section: 23
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

2. Staff presents their report on the item.

3. The Commission will then ask City staff questions about the proposal.

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

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

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

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

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

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

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

11. Final decisions by the Planning Commission may be appealed to the City Council. Appeals must be written and filed with the Planning Department within 10 days of the Planning Commission meeting.

It is possible that a quorum of members of the City Council may be present. However, no meeting of the City Council will be convened and no action will be taken by the City Council.
1. Call to Order

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

2. Roll Call

Commissioners Schack, Sewall, Knight, O’Connell, Powers, and Calvert were present. Kirk was absent.

Staff members present: City Planner Loren Gordon, Planner Drew Ingvalson, Water Resources Technician Tom Dietrich, and Natural Resource Manager Jo Colleran.

3. Approval of Agenda: The agenda was approved as submitted.

4. Approval of Minutes: July 6, 2017

Knight moved, second by Sewall, to approve the July 6, 2017 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of July 10, 2017:

- Adopted a resolution approving a conditional use permit for an accessory structure exceeding 1,000 square feet and 12 feet in height at 3841 Baker Road.
- Tabled action on items concerning Minnetonka Hills Apartments at 2800 and 2828 Jordan Avenue.
- Adopted a resolution denying the major amendment to the existing master development plan, parking setback variance, and an encroachment agreement for parking lot expansion for Minnetonka Executive Plaza at 10275 Wayzata Boulevard.
Gordon gave an update on the meetings related to the comprehensive guide plan review process.

There will be a joint EDAC and planning commission tour August 3, 2017 at 5 p.m.

The next planning commission meeting will be held August 10, 2017.

6. Report from Planning Commission Members

Schack and Calvert attended a neighborhood meeting for a trail proposed to be located on Plymouth Road between Hilloway Road West and Minnetonka Boulevard. The proposal would connect many existing trails. The neighborhood is very supportive. The project would make the city more pedestrian and biker friendly.

7. Public Hearings: Consent Agenda

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

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

A. Front yard setback variance for a new home at 17300 County Road 101.

Adopt the resolution approving the variance.

B. Expansion permit for an addition to the existing home at 5017 Mayview Road.

Adopt the resolution approving the expansion permit.

C. Conditional use permit to allow accessory structures with an aggregate gross floor area of 1,455 square feet at 13330 North Street.

Recommend that the city council approve the request.

Schack, Sewall, Knight, O’Connell, Powers, and Calvert voted yes. Kirk was absent. Motion carried and the items on the consent agenda were approved as submitted.
8. Public Hearings

A. Preliminary and final plats with lot area and front yard setback variances and waiving of the McMansion Policy for Grenier Road Addition at 5717 Eden Prairie Road.

Acting Chair Calvert 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.

Sewall asked why the right-of-way easement would be increased. Gordon explained that it would bring the right of way closer to the city's fifty-foot standard.

The public hearing was opened.

Duane Schulz, owner of 5717 Eden Prairie Road, explained that the house across from Grenier Road is five feet from the paved street. His property's lot line is located in his neighbor's front yard. His property's back lot line is about three fourths of the way across Grenier Road. The current situation created the need for the change in dedication. Staff made a good point that four of the properties adjoining his property are substandard-sized lots now. There is a tree shown on the proposed lot that was damaged by a storm two weeks ago that will have to be removed or it will fall on his garage.

No testimony was submitted and the hearing was closed.

Acting Chair Calvert felt that the proposal is pretty straightforward.

Powers moved, second by Sewall, to recommend that the city council adopt the resolution approving preliminary and final plats with lot area and front yard setback variances and waiving of the McMansion Policy for Grenier Road Addition at 5717 Eden Prairie Road.

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

This item is tentatively scheduled to be reviewed by the city council at its August 14, 2017 meeting.
B. Conditional use permit and site and building plan review for a storage building at Hopkins High School at 10901 Hillside Lane West.

Acting Chair Calvert introduced the proposal and called for the staff report.

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

Powers appreciated the colorful drawings.

Kevin Newman, Hopkins Public Schools Buildings and Grounds staff, applicant, appreciated Ingvalson explaining the situation. He stated that the school would be installing the second largest turf field in Minnesota. It would allow use of the field during more months of the year. The storage building would allow cleanup of an outdoor storage area. He was excited to move forward with the project. There may be improvements done to the older storage buildings, but the proposal should provide adequate storage. The current pending referendum includes a proposal for a new plaza in the southeast corner with new concessions area, ticket sale booth, and bathrooms.

The public hearing was opened.

Steve Thompson, 2204 Hillside Circle, stated that he was concerned that there are already five buildings surrounding the baseball field. He would like some of them removed and consolidated. He was concerned with noise, lights, and the visual aesthetics. He has a good relationship with the school staff. He would like approval of a comprehensive plan to combine the small shacks put up over the years. The wind blows around the screening of the tennis courts.

Mr. Thompson stated that he received a notification for this proposal, but not for a different proposal. Ingvalson looked up the mailing list and found Steve and Mary Thompson’s name and address on the list of those who were sent a notice for the public hearing for that proposal. Ingvalson explained what lighting would be used for the other project. There would be no lighting added for the current proposal.

No testimony was submitted and the hearing was closed.

Mr. Newman explained which poles are used for telecommunications equipment and rope courses. He explained how the lighting would be improved for the neighbors. The older buildings belong to the football and baseball associations to
house their equipment. The proposed building is the first step in improving the area. A new comprehensive plan will be developed for the high school site.

Acting Chair Calvert thought the proposal would be a step in the right direction to clean up the site.

**Schack moved, second by Knight, to recommend that the city council adopt the resolution approving a conditional use permit and final site and building plans for a storage building at Hopkins High School at 10901 Hillside Lane West.**

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

This item is tentatively scheduled to be reviewed by the city council at its August 14, 2017 meeting.

**C. Conditional use permit for a restaurant with outdoor seating area at Ridgedale Corner Shoppes at 1801 and 1805 Plymouth Road.**

Acting Chair Calvert 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.

Steve Johnson, applicant, explained that parking for the site has always been tight. The proposal was approved knowing that parking would be tight and that there would be a restaurant use on the east end. The Starbucks leasing the space is willing to go ahead without additional parking. He was comfortable with adding the parks which would enhance the project even more. Firestone refused to consider negotiation of shared parking spaces. Joan Suko, the mall manager for General Growth Properties, has agreed to provide 20 spaces for construction and contractor parking. The proposal seems to be the most logical solution to the traffic study. TCF staff agreed that the proposal would not impact its drive-through windows. The Starbucks would be a café and not have a drive-through window.

Mr. Johnson said that the other two uses would have minimal impact on parking. Gordon said that the site would not have enough parking for the other two uses to be restaurants.
The public hearing was opened. No testimony was submitted and the hearing was closed.

Powers thought that the proposal would be a good solution to the parking concerns. He appreciated the applicant providing a broad understanding of the issue.

Schack noted that Starbucks seems confident that there would be enough parking.

Sewall noted that Starbucks would have peak hours earlier than the other uses. He thought it would work. It is nice to see a small, start-up business in Minnetonka.

Acting Chair Calvert thought it would be a great location.

**Powers moved, second by Sewall, to recommend that the city council adopt the resolution approving a conditional use permit for a restaurant with an outdoor seating area at Ridgedale Corner Shoppes at 1801 and 1805 Plymouth Road.**

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

This item is tentatively scheduled to be reviewed by the city council at its August 14, 2017 meeting.

### 9. Adjournment

**Sewall moved, second by Schack, to adjourn the meeting at 7:45 p.m. Motion carried unanimously.**

By: 

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
August 10, 2017

Agenda Item 7

Public Hearing: Consent Agenda

(No Items)
Minnetonka Planning Commission Meeting

August 10, 2017

Agenda Item 8

Public Hearing: Non-Consent Agenda
Brief Description  Expansion permit and shoreland setback variance for a second floor addition to the existing home at 2604 Crosby Road

Recommendation  Adopt the resolution approving the expansion permit and variance

Background
The property at 2604 Crosby Road was originally platted in 1909, prior to adoption of the city’s first subdivision ordinance. As it does not meet current lot standards, the lot is considered non-conforming.

<table>
<thead>
<tr>
<th>Area</th>
<th>Width</th>
<th>Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>Buildable</td>
<td>Right-of-Way</td>
</tr>
<tr>
<td>22,000 sq.ft.</td>
<td>3,500 sq.ft.</td>
<td>80 ft</td>
</tr>
<tr>
<td>Existing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7,365 sq.ft.</td>
<td>1,500 sq.ft.</td>
<td>60 ft</td>
</tr>
</tbody>
</table>

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

The roughly 3,285 square foot home on the property was constructed in 1954, prior to adoption of the city’s first zoning ordinance. As the home itself does not meet current side yard setback standards, it too is considered non-conforming.

<table>
<thead>
<tr>
<th>Front</th>
<th>Side</th>
<th>Aggregate Side</th>
<th>Shoreland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td>35 ft</td>
<td>10 ft</td>
<td>30 ft</td>
</tr>
<tr>
<td>Existing</td>
<td>19 ft</td>
<td>4.5 ft and 7 ft</td>
<td>11.5 ft</td>
</tr>
</tbody>
</table>

* numbers rounded down to closest .5 ft

Proposal
The property owners, Michelle Weber and Jeffrey Eckroth, are proposing a significant remodel of the home. The remodel includes addition of a second floor over the existing main floor space. The enclosed portion of the second story would be fully located above the main floor, maintain the home’s existing, non-conforming setbacks. This area requires an expansion permit. Roughly 20 square feet of proposed second floor balcony space would extend slightly closer to the ordinary high water line of Lake Minnetonka than the existing home. This area requires a variance.

Staff Analysis
Staff finds that the applicants' proposal would meet the expansion permit and variance standards.
Reasonableness. The proposed setbacks are reasonable, as:

a) The addition would not encroach further into the required setbacks than the existing structure; and

b) The balcony would have a 43-foot shoreland setback, 10 feet greater than that of the home directly to the north.

c) The addition and balcony would be located 30 feet and 15 feet from the adjacent homes to the north and south.

Unique Circumstance:

a) The existing property is just 7,365 square feet in size, less than half the city’s minimum lot size. However, it is not classified as a “small lot” by city code definition. For more information on “small lots,” see the “Supporting Information” section of this report. Were it a “small lot:”

- The home would be subject to a minimum 7-foot setback from both side property lines and just 4% – or 56 square feet – of the home’s footprint would encroach within the required setback. Because it is not a “small lot,” over 37% of the footprint encroaches. (See attached.)

- Roughly, 59% of the property would be encumbered by required setbacks. Because it is not a “small lot,” over 79% of the property is encumbered. (See attached.)

b) The non-conforming setbacks of the existing home and ground level deck present a unique circumstance. Any addition to, or above, these existing improvements would require an expansion permit or variance.

Neighborhood Character: The proposed remodeling and addition resulting from the requested expansion permit would visually impact the property and immediate area. However, the impact would not be negative or atypical for the neighborhood. Five of the nine homes on the Crosby Road peninsula have been constructed since 2000. These homes range in total size (including porch and garage space) from 6,275 square feet to 8,530 square feet. Even with the proposed addition, the home on the subject property would be smaller those recently constructed.

Staff Recommendation

Adopt the resolution approving an expansion permit and shoreland setback variance for a second floor addition to the existing home at 2604 Crosby Road.

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

### Surrounding Land Uses

The subject property is surrounded by single-family homes.

### Planning

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

### Small Lot

By city code definition a “small lot” is one that: (1) was created prior to 1966; (2) is less than 15,000 square feet in area; and (3) is located in an area where the average lot size is less than 15,000 square feet in size. While the subject property was created in 1909 and is just over 7,300 square feet in size, the median average lot size within 400 feet to the property is 15,250 square feet. As such, it’s not considered “small lot.”

### Expansion Permit

By City Code §300.29 Subd.3(g), an expansion permit is required for an expansion of a non-conforming structure when the expansion would not intrude into a setback area beyond the distance of the existing structure. A variance is required when the expansion would intrude further into the setback area.

By City Code §300.29 Subd.7(c), an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

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

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

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

Neighborhood Comments

The city has sent notice to 29 area property owners and has received no written comments to date.

Pyramid of Discretion

Motion Options

The planning commission has three options:

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

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

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

Voting Requirement

The planning commission action will be final, subject to approval. Approval of the request requires an affirmative vote of a five commission members.

Appeals

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

Deadline for Action

October 23, 2017
Location Map

Project: Weber & Eckroth Residence
Address: 2604 Crosby Rd
Project No. 17015.17a

This map is for illustrative purposes only.
DEMO PLANS
LOWER LEVEL

DEMOLITION NOTES:

1. REMOVE EXISTING WALL CONSTRUCTION AS SHOWN. PROVIDE TEMPORARY SUPPORT AS REQUIRED.
2. REMOVE EXISTING DOOR & FRAME.
3. REMOVE EXISTING WINDOW AND FRAME.
4. REMOVE EXISTING PLUMBING FIXTURES. CAP WATER SUPPLIES & DRAIN.
5. REMOVE EXISTING CABINETS & COUNTERTOPS.
6. REMOVE APPLIANCES.
7. REMOVE EXISTING FLOORING DOWN TO SUBFLOOR.
8. REMOVE EXISTING CEILING SYSTEM.
9. REMOVE EXISTING STAIRS.
10. REMOVE EXISTING MECH. CHIMNEY CHASE.
1. REMOVE EXISTING WALL CONSTRUCTION AS SHOWN. PROVIDE TEMPORARY SUPPORT AS REQUIRED.
2. REMOVE EXISTING DOOR & FRAME
3. REMOVE EXISTING WINDOW AND FRAME.
4. REMOVE EXISTING PLUMBING FIXTURES. CAP WATER SUPPLIES & DRAIN.
5. REMOVE EXISTING CABINETS & COUNTERTOPS.
6. REMOVE APPLIANCES.
7. REMOVE EXISTING FLOORING DOWN TO SUBFLOOR.
8. REMOVE EXISTING CEILING SYSTEM.
9. REMOVE EXISTING STAIRS
10. REMOVE EXISTING MECH. CHIMNEY CHASE
"SMALL LOT" SETBACKS

ENROACHMENT
Planning Commission Resolution No. 2017-

Expansion permit for a second floor addition to the existing home
at 2604 Crosby Road

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

Section 1. Background.

1.01 Michelle Weber and Jeffrey Eckroth own the property at 2604 Crosby Road. The property is legally described on Exhibit A of this resolution.

1.02 The home does not meet current side yard set setback requirements as follows:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Yard Setback</td>
<td>10 feet</td>
<td>4.5 and 7.5 feet</td>
</tr>
<tr>
<td>Aggregate Side Yard Setback</td>
<td>30 feet</td>
<td>11.5 feet</td>
</tr>
</tbody>
</table>

1.03 As the existing home was constructed in 1954 prior to adoption of the city’s first zoning ordinance, the existing side yard setbacks are considered non-conforming.

1.04 The property owners are proposing a significant remodel of the home. The remodel includes addition of a second floor over the existing main floor space. The enclosed portion of the second story would be fully located above the main floor, maintain the home’s existing, non-conforming setbacks. This area requires an expansion permit. Roughly 20 square feet of proposed second floor balcony space would extend slightly closer to the ordinary high water line of Lake Minnetonka than the existing home. This area requires a variance.

1.05 Minnesota Statute §462.357 Subd. 1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.
1.06 City Code §300.29 Subd. 3(g) allows expansion of a nonconformity only by variance or expansion permit.

1.07 City Code §300.29 Subd. 7(c) authorizes the planning commission to grant expansion permits.

1.08 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 §300.29 Subd. 7(c), an expansion permit may be granted, but is not mandated, when an applicant meets the burden of proving that:

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

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

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

2.02 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 expansion permit request is reasonable and would meet the required standards outlined in City Code §300.29 Subd. 7(c):
1. **Reasonableness.** The proposed setbacks are reasonable, as the addition would:

   a) Not encroach further into the required setbacks than the existing structure; and

   b) Be located 30 feet and 15 feet from the adjacent homes to the north and south.

2. **Unique Circumstance:** The existing property is just 7,365 square feet in size, less than half the city’s minimum lot size. However, it is not classified as a “small lot” by city code definition. Were it a “small lot:”

   a) The home would be subject to a minimum 7-foot setback from both side property lines and just 4% – or 56 square feet – of the home’s footprint would encroach within the required setback. Because it is not a “small lot,” over 37% of the footprint encroaches.

   b) Roughly, 59% of the property would be encumbered by required setbacks. Because it is not a “small lot,” over 79% of the property is encumbered.

3. **Neighborhood Character:** The proposed remodeling and addition resulting from the requested expansion permit would visually impact the property and immediate area. However, the impact would not be negative or atypical for the neighborhood. Five of the nine homes on the Crosby Road peninsula have been constructed since 2000. These homes range in total size (including porch and garage space) from 6,275 square feet to 8,530 square feet. Even with the proposed addition, the home on the subject property would be smaller those recently constructed.

   The variance request is reasonable and would meet the required standards outlined in City Code §300.07 Subd. 1:

1. **Purpose and Intent:** The purpose and intent of required shoreland setback is to ensure appropriate separation between structures and regulated bodies of water for both ecological and aesthetic reasons. The requested variance would meet this intent. The unenclosed, second story balcony, located over an existing deck, would not result in increased impervious surface nor impact lake views.

2. **Comprehensive Plan:** The requested variance is consistent with the comprehensive plan. The guiding principles in the comprehensive
plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood, and would provide investment in the property to enhance its use.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance:

   a) Reasonableness and Neighborhood Character. The proposed variance is reasonable and would not impact neighborhood character. The variance would result in two-foot further encroachment into required shoreland setback. The proposed 43-foot shoreland setback would be 10 feet greater than that of the home directly to the north.

   b) Unique Circumstance: The non-conforming setbacks of the existing home and ground level deck present a unique circumstance. Any addition to, or above, these existing improvements would require an expansion permit or variance.

Section 4. Planning Commission Action.

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

1. Subject to staff approval, the property must be developed in substantial conformance with the following plans, except as modified by conditions below.
   - Floor plans dated June 26, 2017
   - Building elevations dated June 26, 2017

2. Prior to issuance of a building permit:
   a) This resolution must be recorded with Hennepin County.
   b) Install temporary erosion control for staff inspection. These items must be maintained throughout the course of construction.

3. Under existing conditions, the subject property has a non-conforming amount of impervious surface. The plans outlined above would not increase impervious surface. However, note that no additional
impervious surface may be added to the site without a separate variance.

3. This expansion permit and variance approval will end on December 31, 2018, unless the city has issued a building permit for the project covered by this expansion permit approval or approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on August 10, 2017.

Brian Kirk, Chairperson

ATTEST:

______________________________
Kathy Leervig, Deputy City Clerk

Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent: O’Connell
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 August 10, 2017.

______________________________
Kathy Leervig, Deputy City Clerk
Lot 49 and that part of adjoining vacated Lake Street lying between the Westerly extensions across it of the Northwesterly and Southeasterly lines of said Lot 49 and that portion of the adjoining vacated France Avenue lying between the Southerly extensions across it of the Northeasterly and Southwesterly lines of said Lot 49, "Griswold's Addition On Gray's Bay, Lake Minnetonka", Hennepin County, Minnesota.
Brief Description  
Items concerning Midwest MasterCraft at 17717 State Highway 7:

1) Final site and building plans, with expansion permit for non-conforming side yard setback; and

2) Conditional use permit, with variance for time and location of outdoor display.

Recommendation  
Recommend the city council approve the proposal.

Introduction

Andy Larson, on behalf of Midwest MasterCraft, has submitted plans to redevelop the property at 17717 State Highway 7. As proposed, the existing office building would be removed and new showroom/retail building would be constructed.

Proposal Summary

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

- **Existing Site Conditions.** The roughly 1-acre subject property is located between Delton Avenue and Hutchins Drive, near the Highway7/County Road 101 intersection. City records indicate that the site’s existing 6,600 square foot building was constructed in 1968. The building is situated on the north side of the property. It has a non-conforming side yard setback of just under 7 feet. Surface parking lots spaces are located both north and south of the building. Over the last 50 years, the building and site have been occupied by a variety of different uses, including a real estate office, law office, and counseling center.

- **Proposed Building.** As proposed, the existing building would be removed and a new one-story, 11,200 square foot building would be constructed. The building would generally have a north south orientation. Building materials would include metal panels of two different finishes and three different colors, as well as large windows and glass overhead doors on the north and west façades respectively. The majority of the interior space would be occupied by boat showroom and retail area. A small office and storage area would occupy the remaining space.
• **Proposed Site Design.** The proposed building would slightly improve the non-conforming side yard setback of the existing building. The building would meet all other standards as outlined by city code. Proposed surface parking would generally reflect existing conditions, with the exception that one of two existing driveways onto Delton Avenue would be eliminated.

• **Proposed Outdoor Display.** The applicant is proposing the exterior display of one boat within the north parking lot.

**Primary Questions and Analysis**

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

• **Is the proposed indoor showroom/retail use appropriate?**

  Yes. The subject property is zoned B-2, limited business district. Within this zoning district, indoor showroom and “general retail uses occurring within an enclosed building” are permitted.

• **Is the proposed exterior display of one boat reasonable?**

  Yes. Staff finds that the exterior display of one boat is reasonable for two reasons:

  1. **Ordinance Discrepancy**

     By ordinance, “general retail uses occurring within an enclosed building” are permitted uses. Outside storage/display is a conditionally permitted use and, as a conditional use permit standard, such storage/display is allowed for just 20 days per calendar year. Therefore, by ordinance:

     • The proposed showroom/retail building is permitted;

     • The proposed outdoor display of one boat requires a conditional use permit; and

     • The outdoor display could occur only for significantly short period of time.

   However, in reviewing the applicant’s proposal, staff found an odd ordinance discrepancy. Under the same B-2 ordinance, automobile, truck, trailer or boat sales/rentals that are accessory to another use are allowed by conditional use permit. Examples of such conditional uses would be auto body shops that sell repaired vehicles or gas stations that rent moving vans. In these examples, the sale/rental of vehicles is accessory, or secondary, to the primary use at the site.
Interestingly, such conditionally permitted sales/rentals are not prohibited from storing or displaying vehicles outside. Rather, the display area must simply meet certain setback standards.

Essentially, when it comes to outdoor storage/display, the ordinance gives more “allowances” to a retailer that provides a variety of sales and services than to a retailer that specializes in a certain type of sale. Staff finds this odd. In staff’s opinion, the tasteful display of one boat would be less visually impactful than the storage of a fleet of moving vans.

2. Neighboring Uses

The subject property is located near Frattalone’s Ace Hardware. Outdoor storage has been allowed on this site since the mid-1980s.

- Is the proposed building and site design reasonable?

Yes. The proposed building has been attractively designed. It would improve the non-conforming side yard setback of the existing building and would meet all other standards as outlined by city code. The site design is intuitive and would maintain appropriate access to surrounding properties, as well as reasonable amounts of parking. (For more discussion on parking, see the “Supporting Information” section of this report.

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<td>10 ft (E)**</td>
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<td>.24</td>
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<tr>
<td>Parking</td>
<td>12 stalls (proposed use)</td>
<td>74 stalls</td>
<td>38 stalls</td>
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</table>

* existing non-conformity
** existing non-conformity maintained or improved

**Staff Recommendation**

Recommend the city council adopt the resolution approving final site and buildings, with expansion permit, and conditional use permit, with variance, for Midwest MasterCraft at 17717 State Highway 7.
Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

**Surrounding Land Uses**
- Northerly: Highway 7
- Easterly: commercial parking lot and office building
- Southerly: Delton Avenue
- Westerly: restaurant and office buildings

**Planning**
- Guide Plan designation: mixed-use
- Existing Zoning: B-2 limited business district

**Midwest MasterCraft**
The proposed Minnetonka location would be the third Midwest MasterCraft location in the area; other locations are in Victoria and Crystal. Reflecting hours at the existing stores, the Minnetonka location would generally be open:
- Monday – Friday: 10 a.m. to 6:00 p.m.
- Saturday: 10 a.m. to 4:00 p.m.
- Sunday: Closed

The Minnetonka location would offer sales and “pro shop” accessories. No boat servicing would occur onsite. Rather, all service activities would take place at the Crystal location.

**Access and Parking**
The subject property is encumbered by an access easement benefiting the adjacent properties to the west. In addition, the neighboring restaurant property has a lease agreement for 17 parking stalls on the subject property.

The restaurant building, now occupied as Ike’s Food and Cocktails, has been used for restaurant purposes for decades. Though the site does not contain enough parking per current city code requirements, restaurant have continued to use the building and site under the non-conformity provisions of state law and city code. In 2012, Ike’s requested approval for construction of an outdoor seating area. As a condition of that approval, a parking agreement was required for off-site parking spaces. The city required an *agreement* rather than *easement* for two reasons: (1) it did not seem reasonable to now burden a surrounding property with a perpetual encumbrance for what had been a longstanding restaurant use of the site; and (2) on-street parking is available on Delton Avenue.

The applicant is aware of the existing parking agreement and his rights under that agreement. Though the proposed Midwest MasterCraft is required just 12 parking stalls by ordinance, 38 stalls are proposed. The applicant and Ike’s ownership will be
meeting to discuss any changes that may be wanted/needed to the parking lease agreement. This agreement is a private issue and has no bearing on the current request.

**Stormwater**

The subject property was developed prior to current stormwater management requirements. This existing condition would, therefore, be improved under the redevelopment. As proposed, surface runoff and roof runoff would be surface directed to catch basins. From these catch basins, runoff would be directed via pipe to under an underground treatment facility and, ultimately, directed to the city’s storm sewer system. As a condition of approval, final stormwater plans must be approved by both city engineering and Riley-Purgatory-Bluff-Creek Watershed District staff.

**SBP Standards**

By City Code §300.27 Subd.5, in evaluating a site and building plan, the planning commission and city council must consider its compliance with certain standards. The proposal would meet these standards.

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

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

2. Consistency with this ordinance;

   **Finding:** The proposed 10-foot building setback would improve the existing, non-conforming 6.9-foot side yard setback. However, it would not meet the required 30-foot setback. An expansion permit is required. As is outlined in the Expansion Permit section of this report, the proposal would meet the expansion permit standard.

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 subject property is a developed site. As such, the proposal would not impact natural topography or native-vegetation.
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 proposal would result in an intuitive and attractive redevelopment of the existing site.

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 proposal would result in an intuitive and attractive redevelopment of an existing site.

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 proposed building would meet minimum energy standards.

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.
Finding: The proposal would visually alter the property and surrounding area. However, staff does not anticipate that this change would be negative.

Expansion Permit

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

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

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

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

Reasonableness and Unique Circumstance. The proposed expansion permit to improve the existing side yard setback from 6.9 feet to 10 feet is reasonable, based on the site’s unique circumstance. The subject property is 100 feet wide. Given that the current ordinance requires a side yard setback of 35-feet, the buildable area of the property is just 30 feet in width. It is unlikely that any commercial redevelopment of the site could occur without an expansion permit or variance. This is unique circumstance not common to all other commercially-zoned properties in the community.

Neighborhood Character. The removal of a nearly 50-year-old building and redevelopment of the subject property would visually alter that surrounding area. However, the expansion permit, in and of itself, would not.

CUP Standards

City Code §300.21 Subd.2, outlines general standards for conditional uses.

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

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

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

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

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

City Code §300.21 Subd.4(a), outlines specific standards for outdoor storage on commercially-zoned property.

1. Shall be allowed for periods not exceeding 20 days per year and shall include only items sold on the premises;

   **Finding:** As proposed, one boat would be stored outside on the site for the majority of the year. As such, a variance is required. See the Variance Standard section of this report.

2. Screening shall be provided from residential and office business property;

   **Finding:** A restaurant use is located directly west of the property and a parking lot to the east. This standard is met.

3. No public address system shall be audible from any residential property;

   **Finding:** No PA system is proposed.

4. Site shall be kept in a neat and orderly fashion;

   **Finding:** One boat would be located in the parking lot north of the building. This standard is met.

5. No uses shall be permitted in required parking or building setback areas; and
Finding: One boat would be located in the parking lot north of the building. It would not meet required building setback and would, therefore, require a variance. See the Variance Standard section of this report.

6. Shall not be permitted within 100 feet of any residential parcel.

Finding: The display boat would be situated roughly 300 feet from the closest residential property, which is located across State Highway 7. This standard is met.

Variance Standard

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

Intent of Ordinance. The intent of the ordinance as it pertains to time and locational limits on outdoor storage/display is to limit the negative visual impact such storage may have on the surrounding area. The outdoor display of one, new boat would not result in a visual blight, particular as other portions of city code – City Code 300.21 Subd. 4(g) – would allow for continuous display of such boat were it related and accessory to another type of retail establishment.

Comprehensive Plan. The subject property is guided for mixed use. The proposed outdoor display of one boat would not be inconsistent with the designation.

Reasonableness and Unique Circumstance. The display of one boat is reasonable given the unique circumstance caused by an oddity of city code. By city code 300.2 Subd.4(g) the continuous outdoor display of one boat would be allowed if that display was related and accessory to another type of retail establishment. For instance, a store selling boat parts and lifejacket could display a boat outside without time and location limitations. However, since the proposed primary use on the site is boat retailer, code limits outdoor display.
**Neighborhood Character.** The display of one boat would not negatively impact the essential character of the locality. The subject property is located near a garden/hardware store. Outdoor storage has been allowed on that site since the mid-1980s.

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**Pyramid of Discretion**

![Pyramid diagram]

This proposal is indicated by the red line on the diagram. It represents the evaluation of the proposal against the hierarchy of planning permit levels.

**Motion Options**

The planning commission has three options:

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

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

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

**Neighborhood Comments**

The city sent notice to 61 area property owners. No comments have been received.

**Deadline for Action**

October 23, 2017
Project: Midwest Mastercraft  
Address: 17717 Hwy 7  
Project No. 91011.17a

This map is for illustrative purposes only.
LEGAL DESCRIPTION

SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining who you own, which is a legal matter. Please check the legal description with your counsel or consult with competent legal counsel, if necessary, to make sure that it is current and that any matters of record, such as easements, that you wish to be included on the survey have been done.
2. Showing the locations of observed existing improvements are done
   summervary for the survey.
3. Setting survey markers or verifying existing survey markers to
   establish the corners of the property.
4. Existing building dimensions and setbacks measured to outside
   of existing structures.
5. Showing elevations on the site at selected locations to give some
   indication of the topography of the site. We have also provided a
   benchmark for your use in determining elevations for excavation
   on this site. The elevations shown relate only to the benchmark
   provided on this survey. Use that benchmark and check it at least one
   other location shown on the survey when determining other
   elevations for use on this site or before beginning excavation.

4. The utilities shown are based on source information from plans
   and/or markings and have been confirmed with observed evidence
to develop a view of these underground utilities. However,
   lacking excavation, the exact location of underground features
   cannot be accurately, completely and reliably depicted. When
   additional or more detailed information is required, the client is
   advised that excavation may be necessary. This survey requires
   underground utilities to be located 45 feet prior to any
   excavation.

STANDARD SYMBOLS & CONVENTIONS
- * Denotes one survey marker, see, unless otherwise noted.
Landscape Symbols Legend:
- Existing Tree To Remain
- Proposed Deciduous Ornamental Tree
- Proposed Large Deciduous Shrub
- Proposed Medium Deciduous Shrub
- New Turf/Soil Areas
- Rock Mulch Areas
- Wood Mulch Areas
- Tree Protection Fence Boundary

Planting Palettes:

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**SHRUBS:**

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<td>PVG</td>
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Landscape Value Basis:

- Required Landscape Value: 2% of the Project Cost (estimate $11,000,000)
- Projected Project Cost: $590,000
- Projected Landscape Cost: $11,000 (including irrigation)
- Required Landscape Cost: $18,000

General Notes:
1. Refer to Sheet LT02 for Plant Details, Notes, Sowing Area, and Other Landscape Requirements.
2. See Civil Engineer's plans for site plan layout and dimensions.
3. Contractor to coordinate any work in the city right-of-way with the City of Minnetonka Public Works Department.
4. See Architect's plans for additional requirements regarding the site plan layout.
5. Landscape contractor is responsible for rendering all trees, shrubs, & greenery outside the irrigation limits for 30 days after installation or until plant establishment.

Preliminary Landscape Plan

PRELIMINARY LANDSCAPE PLAN

L101
GENERAL PROJECT NOTES

1. FLOOR SLAB TO BE CONSTRUCTED OF 6" SAND BASE, 15 MIL REINFORCED POLY VAPOR BARRIER, 6" REINFORCED CONCRETE SLAB.

2. TUBE STEEL COLUMNS TO BE DESIGNED AND SIZED BY STRUCTURAL ENGINEER.

3. HIGH BAY LED LIGHTING THROUGHOUT.
NORTHWEST PERSPECTIVE

NORTHEAST PERSPECTIVE
Master Plan Studies

The purpose of the master plan studies for the 7/101 Village Center are to graphically illustrate what could happen with a revitalized district. This approach does not outline a prescriptive plan, but rather a collection of ideas which articulate the key principles of land use, transportation & connectivity and public realm enhancements envisioned for the district.

Southwest Quadrant - Study #1

The southwest quadrant holds the most potential to become a truly mix-use district. The Master Plan Vision Book explores to varying degrees of development magnitude for this area, one a more horizontally mixed development better focused on improved access, circulation and connectivity and a second more intensive pattern of development that may become vertically mixed with a focused area of housing complementing the retail and commercial uses.

The first study is just that, looking at a true urban village comprised of vertical mixed use structures at the intersection of Hutchins and Thimsen. This intersection becomes the 100% intersection and identity, or brand for the neighborhood. Buildings are placed near the street, on-street parking feeds the ground-level retail uses and structured or underground parking is envisioned to serve the residential population and office/commercial uses above. Nested between the LSS office building and the revitalized Park Nicollet Clinic building, an urban residential village is envisioned. At the high-end, 296 new residential units would be added to the district - a number reflected in the City’s Comprehensive Plan as the planned growth for this village center. The housing in the neighborhood could be a collection of apartments, condominiums, rowhouses, senior co-op buildings, walk-up townhomes, targeting both the empty nester and young professional markets the market overview indicated were lacking in the community. Key to attracting these buyers and renters are a high level of amenities. Creating a walk-able urban district with convenient shopping and restaurants and convenient connections to significant park and open space areas are integral in attracting the right demographics to the area, the community desires.

Moving north toward Highway 7 and C.S.A.H. 101 a more traditional retail environment is envisioned, but becomes an extension of the urban fabric of streets to the south. Again, Thimsen Ave acts as a primary spine of activity with walkable streets and angled, on-street parking to serve the retail establishments. The smaller footprints allow for visibility into storefronts from Highway 7 and enhancement of the district stormwater pond at the terminus of Thimsen becomes a beacon from the highway to entice patrons into the development. Continuing down Thimsen, the grade separated tunnel directly connects with the retail uses in the northwest quadrant near the Super Target.

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<th>Study #1</th>
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<td>Mixed Use</td>
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<td>Apartments  = 30-48 units</td>
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<td></td>
<td>Condos      = 120-162 units</td>
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<td>Townhomes   = 20 units</td>
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<tr>
<td></td>
<td>Total       = 224 - 296 units</td>
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This study diagram shows a transition of organized, suburban retail uses to an area of vertical mixed use of the intersection of Hutchins and Thimsen and transitioning to an urban residential area along an extended Thimsen and Old Excelsior Boulevard.
Master Plan Studies

Southwest Quadrant - Study #2

Smaller in scale, but in keeping with the similar fabric of access points, streets, infrastructure the second study investigates a smaller scale approach to retail development along C.S.A.H. 101 and creates three prominent office / medical / bank sites along Highway 7. This study effectively creates five legitimate development sites out of what today is a unorganized collection of struggling small office and retail sites and hidden services uses.

Hutchins Drive, Thimsen Ave, Delton Ave and Porter Avenue for the key circulation network and ultimately organize this portion of the southwest quadrant into easily developable parcels. Primarily suburban in character with parking lots in front of buildings, this approach seeks to organize access points, roadways, parking lots, pedestrian connections (walks and trails) and stormwater treatment into an efficient, logical pattern to set the area up for long term success.

Key to the success of the Southwest Quadrant will be the additional access off or eastbound Highway, shown in this concept as a right-in only access point and connecting to Delton Avenue and a realigned Porter Avenue. The circulation network is the most critical element to the success of this quadrant. Aligning the access points from Highway 7 and C.S.A.H. 101 with streets and private drives will improve legibility and provide flexibility in size and number of potential redevelopment sites.

<table>
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The urban street areas along Hutchins Drive and where vertical mixed use and higher density residential are present should provide on-street parking, a boulevard area with the potential for stormwater treatment, a broad pedestrian zone, and a buffer or setback where the ground level use is residential to provide separation for the unit.

Retail storefronts should be varied and expansive pedestrian areas should be developed for outdoor seating, dining opportunities.

Pedestrian amenities, outdoor gathering, dining, performance spaces should be elements of future redevelopment proposals.

The urban street areas along Hutchins Drive and where vertical mixed use and higher density residential are present should provide on-street parking, a boulevard area with the potential for stormwater treatment, a broad pedestrian zone, and a buffer or setback where the ground level use is residential to provide separation for the unit.
Resolution No. 2017-

Resolution approving final site and building plans, with expansion permit, and conditional use permit, with variance, for Midwest MasterCraft at 17717 State Highway 7

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

Section 1. Background.

1.01 The subject property is located at 17717 State Highway 7. It is legally described Tract B, Registered Land Survey No. 117, Hennepin County, Minnesota.

1.02 In 1968, an office building and associated parking lots were constructed on the subject property. In 1979, the subject property was rezoned to B-4. Under the B-4 ordinance, no side yard setback was required for structures or parking lots abutting other commercial sites. The respective 6.9-foot and 6.5-foot setback of the existing building and parking lot were, therefore, allowed. In 1986, the B-4 zoning district was eliminated. In 1987, the subject property was rezoned to B-2 and existing building and parking lots became non-conforming.

1.01 Andy Larson, on behalf of Midwest MasterCraft, is proposing to redevelop the subject property. As proposed, the existing building would be removed and a new showroom and retail building would be constructed. The proposal requires approval of the following:

1. Final Site and Building Plans. By City Code §300.27 Subd.2, site and building plan approval is required prior to construction of any commercial building.

2. Expansion Permit. By City Code §300.29 Subd.3(g), an expansion permit is required for any expansion that would not intrude into one or more setback areas beyond the distance of the existing, non-conforming structure or site feature. Under the applicant's proposal,
the new building would be located 10 feet from the side property line. This is a greater setback than the existing, non-conforming structure, but less than the required 35-foot setback. Under the proposal, parking lots would maintain their general configuration and existing, non-conforming setbacks.

3. Conditional Use Permit. By City Code §300.18 Subd.4, outdoor display is conditionally-permitted on B-2 zoned properties. The applicant proposes the outdoor display of one boat.

4. Variance. By City Code §300.21 Subd.4(a), outdoor display is permitted for 20 days per calendar years and display areas must meet required building setbacks. The applicant proposes continuous display of one boat within the northerly parking lot.

1.04 On August 10, 2017, 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 final site and building plans, with expansion permit, and conditional use permit, with variance.

Section 2. Standards and Findings

2.01 City Code §300.27 Subd. 5, outlines several items that must be considered in the evaluation of site and building plans.

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

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

2. Consistency with this ordinance;

Finding: The proposed 10-foot side yard setback would requires an expansion permit. As is outlined in Section 2.02 of this resolution, the proposal would meet the expansion permit standard.

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 subject property is a developed site. As such, the proposal would not impact natural topography or native-vegetation.

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 proposal would result in an intuitive and attractive redevelopment of the existing site.

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 proposal would result in an intuitive and attractive redevelopment of an existing site.

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

Finding: The proposal would visually alter the property and surrounding area. However, the city does not anticipate that this change would be negative.

2.02 By City Code 300.29 Subd.7(c), an expansion permit may be granted, but is not mandated, when the applicant meets the burden of proving that: (1) the proposed expansion is a reasonable use of the property; (2) the circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and (3) the expansion would not adversely affect or alter the essential character of the neighborhood.

Finding: Reasonableness and Unique Circumstance. The proposed expansion permit to increase the existing side yard setback from 6.9 feet to 10 feet is reasonable, based on the site's unique circumstance. The subject property is 100 feet wide. Given that the current ordinance requires a side yard setback of 35-feet, the buildable area of the property is just 30 feet wide. It is unlikely that any commercial redevelopment of the site could occur without an expansion permit or variance. This is a unique circumstance not common to all other commercially-zoned properties in the community.

Finding: Neighborhood Character. The removal of a nearly 50-year-old building and redevelopment of the subject property would visually alter that surrounding area. However, the expansion permit, in and of itself, would not.

2.03 City Code §300.21 Subd.2, outlines the following general standards for conditional uses:

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

Finding: The intent of the B-2 ordinance is to facilitate general business activities. The proposal is consistent with this intent.

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
Finding: The outdoor display of one boat would not be in conflict 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;

Finding: The outdoor display of one boat would not adversely impact governmental facilities, utilities, services or existing or proposed improvements.

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

Finding: As a condition of this resolution, final stormwater management plans must comply with both city and Riley Purgatory Watershed District rules.

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

Finding: See Section 2.01 of this resolution.

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

Finding: The outdoor display of one boat would not adversely impact adverse impact on the public health, safety or welfare.

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2.04 City Code §300.21 Subd.4(a), outlines the following specific standards for outdoor storage on commercially-zoned property.

1. Shall be allowed for periods not exceeding 20 days per year and shall include only items sold on the premises;

Finding: As proposed, one boat would be stored outside on the site for the majority of the year. A variance is required. As outlined in Section 2.05 of this resolution, the proposal would meet the variance standard.

2. Screening shall be provided from residential and office business property;

Finding: A restaurant use is located directly west of the property and a parking lot to the east.
3. No public address system shall be audible from any residential property;

Finding: No PA system is proposed.

4. Site shall be kept in a neat and orderly fashion;

Finding: As a condition of this resolution, outdoor display would be limited to one boat located in the parking lot north of the building.

5. No uses shall be permitted in required parking or building setback areas; and

Finding: The display location would not meet the required building setback. A variance is required. As outlined in Section 2.05 of this resolution, the proposal would meet the variance standard.

6. Shall not be permitted within 100 feet of any residential parcel.

Finding: The display boat would be situated roughly 300 feet from the closest residential property, which is located across State Highway 7.

2.05 By City Code §300.07 Subd. 1(a), 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.

Finding: Consistent with the Comprehensive Plan. The subject property is guided for mixed use. The proposed outdoor display of one boat would not be inconsistent with the designation.

Finding: Purpose and Intent of the Ordinance. The intent of the ordinance as it pertains to time and locational limits on outdoor storage/display is to limit the negative visual impact such storage/display may have on the surrounding area. The outdoor display of one, new boat would not result in a visual blight, particularly as other portions of city code – City Code
300.21 Subd. 4(g) – would allow for continuous display of such boat were it related and accessory to another type of retail establishment.

Finding: Reasonableness and Unique Circumstance. The display of one boat is reasonable given the unique circumstance caused by an oddity of city code. By City Code §300.2 Subd.4(g) the continuous outdoor display of one boat would be allowed if that display was related and accessory to another type of retail establishment. For instance, a store selling boat parts and lifejackets could display a boat outside without time and location limitations. However, since the proposed primary use on the site is a boat retailer, code limits outdoor display.

Finding: Neighborhood Character. The display of one boat would not negatively impact the essential character of the locality. The subject property is located near garden/hardware store. Outdoor storage has been allowed on that site since the mid-1980s.

Section 3. City Council Action.

3.01 The above-described site and building plans, with expansion permit, and conditional use permit, with variance, are hereby approved subject to the following conditions:

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

   • Grading, Drainage & Erosion Control Plan dated July 6, 2017
   • Preliminary Landscape Plan dated July 6, 2017
   • Floor Plan dated July 6, 2017
   • Exterior Building Elevations dated July 6, 2017

2. Prior to issuance of a building permit:

   a) Submit the following for staff review and approval:

      1) An electronic PDF copy of all required plans and specifications.
      2) Three full size sets of construction drawings and project specifications.
3) Items associated with site work:

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

1. Final site plan must clearly note that any new concrete apron cannot be integral to the curb.

2. Final stormwater management plan must meet the requirements of the city’s Water Resources Management Plan, as outlined in Appendix A. Design. The treatment required will depend upon the amount of impervious surface disturbed. If more than 50% of the existing imperious surface is disturbed, or if the imperviousness of the site increases by more than 50%, the treatment standards will apply to the entirety of site imperious surface.

The stormwater management plan must include:

- Volume Control: Provide 1-inch of runoff over the entire site’s impervious surface.

- 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.

- Water Quality: provide for all runoff to be treated to at least 60% removal efficiency for total phosphorus and 90% total suspended solids.
3. Final landscaping and tree mitigation plans must:
   
   - comply with requirements as outlined in City Code §300.27.
   - include specific species for each planting location and type of perennials.

b. Stormwater maintenance agreement over the proposed underground stormwater treatment facility.

c. Approved permit from the Riley Purgatory Bluff Creek Watershed District or indication that such permit is not required.

d. 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.

e. Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct parking lot and stormwater facility improvements, comply, tree mitigation requirements, 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. A final as-built survey has been submitted;
   
   2. An electronic CAD file or certified as-built drawings for public infrastructure in microstation or DXF and PDF format have been submitted;
   
   3. Vegetated ground cover has been established; and
4. Required landscaping or vegetation has survived one full growing season.

f. 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:

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

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

4) Items associated with building work:

a. A final material and color palate board for staff review and approval.

b. All required hook-up fees.

5) A snow storage/removal plan.

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

3. The applicant may choose to submit a separate grading permit application to facilitate site work prior to issuance of a building permit. In such case, prior to issuance of a grading permit, the items outlined in preceding condition 2(a)(3) – “Items associated with site work” – must be submitted for staff review and approval and required erosion control must be installed for inspection.

4. During construction the street must be kept free of debris and sediment.

5. Prior to issuance of a certificate of occupancy:
a) Submit an updated as-built drawing showing water and sanitary service locations.

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

7. This resolution does not approve any signs. Separate sign permit applications must be submitted.

8. The approvals granted under this resolution will expire on December 31, 2018 unless: (1) a building permit has been issued for the proposal as outlined; or (2) the city has received and approved a written request for extension of the approvals.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 28, 2017.

______________________________
Terry Schneider, Mayor

Attest:

______________________________
David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption:  
Seconded by:  
Voted in favor of:  
Voted against:  
Abstained:  
Absent:  
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on August 28, 2017.

__________________________________________
David E. Maeda, City Clerk
Introduction

Mesaba Capital development, working with Walker Methodist, has submitted applications and plans for the combination and redevelopment of two properties. As proposed, a three-story senior rental building would be constructed on the 2.5 acre subject site. The building would consist of 100 units and be a combination of independent living, assisted living, and memory care units. Both underground and surface parking would be provided. (See attached).

Walker Methodist specializes in lifestyle housing and health care services for older adults. They currently own, operate, and manage eleven senior housing facilities within the metro area. (See attached).

Proposal Summary

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

- **Existing Site Conditions.**

  The subject properties are located west of County Road 101, north of Old Excelsior Boulevard. The properties each contain an office building (5,800 and 7,200 square feet). The site’s slopes upward slightly from Old Excelsior Boulevard towards the center of the western property (17724 Old Excelsior Boulevard), then slopes noticeably downward toward the north. The slope has a significant drop-off; however, no portions of this slope area are classified as “steep” by city code definition.
• **Existing Zoning and Guide Plan Designation**

The property is currently zoned B-1, office. It is designated as mixed-use in the comprehensive guide plan. The requested rezoning, to R-5 (high-density), is an allowed zoning within a guided mixed-use area.

• **Highway 7 / County Road 101 Village Center Study**

The Highway 7 / County Road 101 Village Center Study identified opportunities for increased retail and residential development in this area. The proposed site was more specifically addressed in the study as an appropriate location to entertain higher density residential development. The study envisions densities will increase on other properties in the neighborhood over time. Existing single-family homes along the south side of Old Excelsior Boulevard are guided for medium-density residential.

• **Proposed Use**

As proposed, the senior rental building would include 76 independent/assisted living units and 24 memory care units. The building would have a footprint of just under 36,000 square feet and total gross building area of roughly 104,000 gross square feet, excluding underground garage space.

The building would have a three-story appearance from the south, east, and west and a four-story appearance from the north and entrance to the underground parking space. As designed, the lowest level would be for underground parking, utilities and maintenance. All memory care units, some independent/assisted units, and common spaces would be located on the ground floor, with additional independent/assisted living units and other common spaces occupying the 2nd and 3rd floors.

The building would be served by 57 parking stalls located in the underground garage, 43 surface parking stalls, and 20 covered parking stalls on the north side of the building. Main access to the site and building would be off Old Excelsior Boulevard and an additional access would be created through a new parking lot on the property north of the subject site, off Hutchins Drive. (See attached).

• **Site impacts.**

Construction of the building and parking lot would require grading and tree removal. Some excavation would be needed on the north side of the property to accommodate the new parking lot area and within the building area to provide space for the underground parking garage. Large retaining walls would be constructed on the north side of the building, with smaller retaining walls around the perimeter of the site.
This grading and construction of the building and parking areas would result in removal of several trees on the property. However, the applicant has proposed a landscape plan that includes several trees to create screening of the proposed building from Old Excelsior Boulevard and adjacent properties.

**Primary Questions and Analysis**

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

- **Is the proposed R-5 zoning appropriate?**
  
  Yes. The subject property is currently zoned B-1, office. Changing the zoning to R-5, high-density residential, would be considered a comparable or lateral zoning change.

  The Highway 7 / County Road 101 Village Center Study identified opportunities for increased residential development in this area. The proposed site was more specifically addressed in the study as an appropriate location to entertain higher density residential development. Currently, there are single-family homes, zoned R-1, located along the south side of Old Excelsior Boulevard. However, these properties are guided for medium-density residential. The high-density/low density residential relationship may be an abrupt land use transition initially, but the city expects redevelopment within the neighborhood based on the Highway 7 / County Road 101 Village Center Study and existing land use designations (medium-density and mixed-use). The future redevelopment of the area would allow the proposed building to serve as a transition from retail uses to medium-density housing.

  The subject property is guided for mixed-use. The subject site has direct access to a neighborhood collector street and is located in close proximity to a state highway/county road interchange. Further, the site is bordered by existing office uses.

- **Is the proposed site and building design reasonable?**
  
  Yes. The applicant has proposed a three-story building, with underground parking. The proposed structure would meet the 1.0 floor area ratio (FAR) requirement for R-5 zoned properties. If approved, the proposed structure would have the same number of stories as the adjacent (east) Meditech building and would be one story taller than the adjacent (north) South Lake Pediatrics building. However, it should be noted, that the proposed building would appear taller than these adjacent buildings due to: (1) having underground parking, which raises the height
appearance from the north; and (2) its location on a higher elevation than the adjacent buildings.

The applicant has provided an architecturally attractive building that fits within the general office-use neighborhood. Two types of siding, smooth panels, stone veneer, and simulated wood would be incorporated into the building facade. The building would have a flat roof with varying roof heights and a covered entry over the main drive aisle. Several units would have glass sliding doors with a deck attached to the unit. The applicant has also proposed a landscaping plan that would add screening of the building from Old Excelsior Boulevard and adjacent properties. (See attached).

The proposed project would extend the pedestrian walkway along Old Excelsior Boulevard. The applicant has proposed internal walkways on the west side of the building and around the parking lot (east of the building). Both of these pedestrian walkways would connect to a new sidewalk on the north side of Old Excelsior Boulevard. This new path would travel east to join with the existing sidewalk along County Road 101, which connects to the Hennepin County Library to the east and retail stores to the north.

- Are the setback (side/rear and parking lot) and drive aisle width variances reasonable?

Yes. The applicant is requesting variances for:

<table>
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<tr>
<th>Variance</th>
<th>Required</th>
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<tr>
<td>Side and Rear Yard Setbacks</td>
<td>69 ft</td>
<td>26 ft (W)</td>
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<td></td>
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<td>26 ft (E)</td>
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<tr>
<td></td>
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<td>Parking Lot Setback</td>
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</tr>
<tr>
<td>Parking Lot Aisle Width</td>
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<td>24 ft</td>
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</table>

The side/rear property line setback variances are reasonable as the setback distances are similar to the existing setbacks of other multi-story buildings within the neighborhood. Four multi-story buildings within 400 feet of the subject properties have side/rear yard setbacks ranging from 20-33 feet. In addition, in recent years, the city has approved multi-family residential projects with setbacks less than those proposed for the subject project. However, these applications have not required variances because they were within PID or PUD Districts, which allow flexible setbacks based on the city council’s discretion. (See Supporting Information Section).

The applicant is requesting a zero foot parking lot setback for a shared parking lot between the new building and property directly to the north. Staff finds this request to be reasonable because the proposed parking lot would add additional parking.
spaces to the medical office building on the northern site, which is currently under parked.

The applicant is requesting a 24-foot wide parking lot aisle, which requires a 2-foot variance from the 26-foot wide requirement. The parking lot aisle width variance is reasonable as the American Planning Association’s *Planning and Urban Design Standards* manual finds that a 23-foot wide aisle would be adequate width for a low level of service parking area. In addition, the city would permit a 24-foot wide parking aisle if the parking lot were within a structure, such as the underground parking garage.

**Summary Comments**

Staff acknowledges that the proposed Mesaba Capital project would result in a significant physical change to the subject property and neighborhood. Two office buildings would be removed, as would several of the trees on the property. These changes would alter the visual character of Old Excelsior Boulevard in the immediate area. However, such alteration would most likely occur with any redevelopment on the mixed-use guided property. Additionally, the Highway 7 / County Road 101 Village Center Study found that the subject area has the opportunity for increased retail and residential development, with the specific site being an appropriate location for higher density residential development.

**Staff Recommendation**

Recommend the city council adopt the following, all associated with Mesaba Capital, at 17710 and 17724 Old Excelsior Boulevard:

1) Ordinance rezoning the properties from B-1 to R-5;

2) Preliminary and final plats; and

3) Final site and building plans, with variances.

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

**Surrounding**
- Northerly: Medical Office property (South Lake Pediatrics); guided mixed-use
- Easterly: Office property (Meditech Inc.); guided mixed-use
- Westerly: Office property (various small offices); guided mixed-use
- Southerly: single-family home properties (KinderCare and single-family home); guided service commercial and medium-density residential

**Land Uses**
- Northerly: Medical Office property (South Lake Pediatrics); guided mixed-use
- Easterly: Office property (Meditech Inc.); guided mixed-use
- Westerly: Office property (various small offices); guided mixed-use
- Southerly: single-family home properties (KinderCare and single-family home); guided service commercial and medium-density residential

**Planning**
- Guide Plan designation: mixed-use
- Existing Zoning: B-1, office

**Concept Plans**
In November 2016, the city council conducted a concept plan review for the redevelopment of the existing property. The plan contemplated the construction of a four-story, senior housing building. The building would contain 110 units and include a mixture of independent, assisted and memory care units. The council provided comment that the project was:

- a good use for the area;
- an appropriate use of the site; and
- aligned with the Highway 7 / 101 Vision Plan.

In addition, council provided critiques of the plan, which included:

- a need to provide model/illustrations of the project with the surrounding area;
- evaluation of the building size and massing considering the low-density residential neighborhood along Old Excelsior Boulevard; and
- evaluation and possibly scaling back the building height and setbacks.

In February 2017, the applicant submitted a revised concept plan for city council review. The revised plan, which is similar to the application submitted for this request, included the following highlights and responses to the November council review:

- building height was reduced from 4 to 3 stories;
• building size above ground was reduced by 9,000 square feet; and

• general unit count was reduced from 110 units to 100 units.

At the meeting, the council provided comments regarding the plan, which included:

• a request that the applicant work with staff regarding variances required for the project;

• a recommendation that the application investigate affordability options for the project; and

• further review should consider views from the neighborhood.

Introduction

In July 2017, the city council introduced the ordinance rezoning the subject property from B-1 to R-5. At that time, the council generally noted that the formal proposal seems to reflect many of the comments made during the previous concept reviews. However, the council also noted that the project may require setback variances due to the building height.

City Actions

The Mesaba Capital proposal necessitates the following applications:

• **Rezoning.** The subject site is currently zoned B-1, office. The applicant requests that the site be rezoned to R-5, high-density residential. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the rezoning.

• **Preliminary and Final Plat.** The applicant has proposed to combine two lots to create one lot. The city council approves the platting of land. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the platting.

• **Site and Building Plan Review.** By city code, site and building plan review is required in conjunction with construction of a multi-family building. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the site and building plan.
- **Variance.** As proposed, side and rear yard setback variances would be required for the building. Per ordinance, 69-foot side and rear yard setbacks would be required for the building. However, the applicant is proposing side and rear yard setbacks ranging from 26 to 20 feet. Additionally, the applicant is requesting a zero foot parking lot setback variance and a 24-foot parking lot aisle width (26-foot required) variance. Because the variances are required for the approval of the site and building plan, the planning commission makes a recommendation to the city council, which has final authority to approve or deny the site and building plan.

**Preliminary and Final Plat**

The preliminary and final plat combines the two existing parcels into a single parcel. (See attached). Staff has reviewed the request and determined that the proposal meets city ordinance.

**Stormwater**

As proposed, drainage from the site would be managed via an underground chamber facility. This system would capture rainwater on site for storage and infiltration. As a condition of approval, a final stormwater management plan and specifications must be submitted prior to issuance of a grading permit. The plans must meet the standards of the city’s Water Resources Management Plan, incorporating rate control, volume control, and water quality treatment.

Stormwater reuse was considered for the proposed project; however, stormwater reuse was not found to be a reasonable option due to the limited green space on the site.

**Solar Energy**

Solar energy opportunities were reviewed for the site, but significant vegetation towards the south side of the proposed building would limit solar access.

**Utilities**

Public water, sanitary, and storm sewer facilities are available to the site from Plymouth Road.

**Trails**

As proposed, internal walking paths would be constructed for both memory care residents and independent/assisted residents. The independent/assisted walking path would connect a patio on the east side of the building to a future public sidewalk along the north side of Old Excelsior Boulevard. In addition, there would be sidewalks throughout the parking lot, which would also connect to the public sidewalk along Old Excelsior Boulevard. As conditions of approval, a public trail easement would be required for the portion of the Old Excelsior Trail that is on private property.
Traffic and Parking Study

The city commissioned a traffic study to:

1. Understand existing traffic and parking conditions of the site;

2. Evaluate potential impacts of the proposed redevelopment; and

3. Address improvement options for any issues, if necessary.

In evaluating each of these items, the city’s traffic engineering consultants drew on general engineering principles, as well as specific observations of the existing site. (See attached). The study concluded:

1. The proposal is anticipated to generate eight (8) fewer a.m. peak hour trips, one (1) additional p.m. peak hour trip and 101 additional daily drips. Due to the similar number of trips to the redevelopment during the peak hours, future conditions are expected to improve or remain similar to existing conditions.

2. Minor modifications to the site plan and signage were recommended to increase traffic safety on site. Specifically, the study recommends considering adding a traffic stop at the exit of the building and moving the entrance of the site to the west side of the property to extend the distance between the entrance and the County Road 101 intersection. Both of these recommendations were provided for “consideration” and were not provided as traffic hazards of the project.

3. The proposed parking is expected to be adequate to meet parking demand.

Parking

The city code parking requirements do not differentiate between types of senior housing. Specifically, there is no distinction made for independent/assisted living or memory care units. By code, the Mesaba Capital project would be required to provide 100 parking stalls, half of which must be within an enclosed weather controlled structure. The applicant has proposed 120 total parking spaces for the subject site, exceeding the parking requirement by 20 spaces.
### Mesaba Capital Project

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</tbody>
</table>

South Lake Pediatrics is located north of the subject property (17705 Hutchins Drive). As a medical office, this property requires 104 parking spaces. However, this property is currently non-conforming with city ordinance parking requirements, as it has only 52 parking spaces.

The applicant has been working with the owner of South Lake Pediatrics to add parking spaces on their property. As a part of this project, the applicant has proposed adding an additional 36 parking spaces, bringing the total parking spaces on site to 88 spaces. While this would not bring the property into compliance with city code, it would greatly reduce the parking deficit.

<table>
<thead>
<tr>
<th>South Lake Pediatrics Property (17705 Hutchins Drive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
</tr>
<tr>
<td>Number of Spaces Required</td>
</tr>
<tr>
<td>104</td>
</tr>
</tbody>
</table>

### Building Design

The proposed Mesaba Capital Building would have a three-story appearance from the east, south, and west elevations and four-story appearance from the north and underground parking garage entrance, due to elevation changes and the underground garage. (See attached). The proposed Mesaba Capital building would have a code-defined height of 46 feet; however, the majority of the building would appear 30-35 feet.

<table>
<thead>
<tr>
<th></th>
<th>Code-Defined</th>
<th>To Peak</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Ridge</td>
<td>49 ft</td>
<td>49 ft</td>
</tr>
<tr>
<td>Applewood Pointe</td>
<td>50 ft</td>
<td>60 ft</td>
</tr>
<tr>
<td>Cherrywood Pointe</td>
<td>55 ft</td>
<td>72.5 ft</td>
</tr>
<tr>
<td>The Overlook</td>
<td>62 ft</td>
<td>72 ft</td>
</tr>
</tbody>
</table>
Meeting of August 10, 2017
Subject: Mesaba Capital, 17710 and 17724 Old Excelsior Blvd.

The Exchange 61.5 ft 85.5 ft
St. Therese 55.5 ft 81 ft
Mesba Capital 46 ft 46 ft

Building materials would include two types of siding, smooth panels, stone veneer, and simulated wood veneer. As a condition of approval, a final materials and color palate board must be submitted for staff review and approval.

Rezoning

The subject properties are currently zoned B-1, office. The applicant is proposing to rezone the combined properties to R-5, high-density residential. The new zoning, R-5, is consistent with the guided use for the property, mixed-use. Additionally, the rezoning would be considered a comparable or lateral zoning change. After reviewing the neighborhood, staff recognizes that the zoning change may seem abrupt moving from the subject site, requested to be zoned R-5, to the single-family home properties to the south, currently zoned R-1. However, it is important to acknowledge that the properties south of the subject site, across Old Excelsior Boulevard, are guided for medium-density. Staff finds that the proposed development of the property would serve as an appropriate transition from commercial uses north of Old Excelsior Boulevard to medium-density south of Old Excelsior Boulevard.

Building Setbacks (Variance Required)

City code requires that buildings within the R-5 District have a 35-foot front yard setback (local and neighborhood collector streets) and side and rear yard setbacks of a distance not less than 1.5 times the height of the building. As submitted, the subject proposal does not meet the side and rear yard setback requirements. (See table on the next page).

<table>
<thead>
<tr>
<th></th>
<th>Required Setback</th>
<th>Proposed Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>35 ft</td>
<td>35 ft</td>
</tr>
<tr>
<td>Side (E)</td>
<td>69 ft</td>
<td>26 ft</td>
</tr>
<tr>
<td>Side (W)</td>
<td>69 ft</td>
<td>26 ft</td>
</tr>
<tr>
<td>Rear</td>
<td>69 ft</td>
<td>20 ft</td>
</tr>
</tbody>
</table>

Staff finds that the applicant’s proposal is reasonable as:

1. Purpose and Intent of the Zoning Ordinance:
The proposal, and resulting variance request, would be in keeping with the city’s zoning ordinance. The intent of the ordinance, as it pertains to high-density residential side and rear yard setback requirements, is to ensure an appropriate distance between structures based on the height of the building. As such, the proposed setbacks are consistent with the existing side and rear yard setbacks of several multiple story office buildings within the area.

<table>
<thead>
<tr>
<th>Property</th>
<th>Approximate Side/Rear Yard Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>5130 County Road 101</td>
<td>23 ft</td>
</tr>
<tr>
<td>17705 Hutchins Drive</td>
<td>33 ft</td>
</tr>
<tr>
<td>17809 Hutchins Drive (one story with pitched roof)</td>
<td>23 ft</td>
</tr>
<tr>
<td>5125 Porter Avenue</td>
<td>20 ft</td>
</tr>
</tbody>
</table>

The proposed building setbacks would have similar property line setbacks as multi-family buildings previously approved by the city council. However, none of these properties were required to obtain a variance as they were zoned in districts (PID or PUD) that allow flexible setbacks based on city council discretion. (See table below).

<table>
<thead>
<tr>
<th>Project</th>
<th>Approved Property Line Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applewood Pointe</td>
<td>20 ft</td>
</tr>
<tr>
<td>The Glen</td>
<td>16 ft</td>
</tr>
<tr>
<td>The Ridge</td>
<td>22 ft</td>
</tr>
</tbody>
</table>

2. Consistent with the Comprehensive Plan:

The proposal would be consistent with the city’s comprehensive plan. The subject property is guided for mixed-use. This designation has been established to allow flexibility in land use and creative site design. The proposed use of this property, high-density residential, would be consistent with this objective.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance.
Reasonableness: Staff finds that the request for a variance from the required side and rear yard setbacks to be reasonable as:

- The setbacks are consistent with the side and rear yard setbacks of other multiple story buildings within the area.

- The proposed setbacks are similar to the property line setbacks approved for other apartment buildings within the City.

Circumstance Unique to the Property: The Highway 7 / County Road 101 Village Center study identified the subject property as an appropriate location for high-density residential development. The narrow shape of the lot, combined with the requirement for sheltered parking and adding architectural interest to the roofline (which both raise the height of the building), create a practical difficulty for high-density development on the property without acquiring property line setback variances.

Neighborhood Character: As stated previously, the side and rear yard setback variance would be consistent with setbacks of other multiple story buildings within the area.

Parking Setbacks (Variance Required) City code requires that R-5 district parking lots are setback at least 10 feet from properties guided for office use. As proposed, the rear parking lot would have a zero foot setback because the parking lot would be shared between the two properties. As a condition of approval, the applicant would be required to obtain a cross-access agreement with the adjacent property owner.

Staff finds that the applicant’s proposal is reasonable as:

1. Purpose and Intent of the Zoning Ordinance:

   The proposal, and resulting variance request, would be in keeping with the city's zoning ordinance. The intent of the ordinance, as it pertains to parking lot setbacks, is to ensure an appropriate separation between structures and parking lots. As such, the proposed zero foot setback would be appropriate as the parking lot would be shared between the adjacent properties.
2. Consistent with the Comprehensive Plan:

The proposal would be consistent with the city’s comprehensive plan. The subject property is guided for mixed-use and parking lot setback variance would not create an inconsistency with the comprehensive plan.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance.

- Reasonableness: Staff finds that the request for a zero foot parking lot setback would be appropriate, as the parking lot would be shared between the adjacent properties.

- Circumstance Unique to the Property: The adjacent property (17705 Hutchins Drive) is currently under parked. The proposed project would add parking spaces to the adjacent property and bring the property closer to conformance with city ordinance.

- Neighborhood Character: The zero foot parking lot setback would maintain the existing neighborhood character as the property adjacent to the subject properties currently has a shared parking lot between the two properties (17809 Hutchins Drive and the property directly south).

Aisle Widths (Variance Required) City code also requires that surface parking drive aisles are at least 26 feet wide if serving two sides of 90 degree parking and 22 feet wide if serving one side of 90 degree parking. As proposed, the northern aisle (on the adjacent property) would be widened from 21 feet wide to nearly 23 feet wide, thus reducing the non-conformity and not requiring a variance. However, the new southern aisle (on the subject property) would be only 24 feet wide and would require a 2-foot variance from city ordinance.

Staff finds that the applicant’s proposal is reasonable as:

1. Purpose and Intent of the Zoning Ordinance:

The proposal, and resulting variance request, would be in keeping with the city’s zoning ordinance. The intent of the ordinance, as it pertains to parking aisle widths, is to ensure safe passage for vehicles as they navigate through parking lots. As such, the proposed 2-foot aisle width
would be appropriate. Per the *Planning and Urban Design Standards* book by the American Planning Association, a 23-foot wide aisle would be adequate width for a low level of service parking area.

2. Consistent with the Comprehensive Plan:

   The proposal would be consistent with the city's comprehensive plan. The subject property is guided for mixed-use and parking lot aisle width variance would not create an inconsistency with the comprehensive plan.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance.

   - Reasonableness: Staff finds that the request for a 2-foot aisle width variance would be reasonable as:
     - The American Planning Association's *Planning and Urban Design Standards manual*, finds that a 23-foot wide aisle would be adequate width for a low level of service parking area.
     - City ordinance would permit a 24-foot wide parking aisle if the lot were within a structure.

   - Circumstance Unique to the Property: The adjacent property (17705 Hutchins Drive) is currently under parked and has a non-conforming parking lot aisle. The proposed project would add several parking stalls to the adjacent property and bring it closer to conformance with city ordinance. In addition, the proposal would not require a variance if the northern aisle was reduced to the existing 21-foot wide width and the southern aisle was increased to 26 feet wide. However, staff finds that increasing the northern aisle width and creating a 24-foot wide southern aisle width is the safest and most appropriate design.

   - Neighborhood Character: The 2-foot drive aisle width variance would not alter the essential character of the neighborhood. The 24-foot wide parking lot drive aisle would be wider than the existing drive aisle currently on the site.
Recreational Facilities

The ordinance requires that each residential development in the R-5 district provide a minimum of 10 percent of the gross project area in private recreational uses for project residents. This area can be for active or passive recreational uses suited to the needs of the residents of the project. The gross project area is approximately 110,236 square feet. The applicant is proposing to provide 11,074 (10%) square feet of active and passive recreational space to meet the ordinance as follows:

- Walking paths with patio - 9,517 sq. ft.
- Outdoor recreation area - 513 sq. ft.
- Outdoor bench area - 1,044 sq. ft.

**TOTAL RECREATIONAL SPACE** = 11,074 sq. ft.

NR Ordinances

As proposed, the project would remove eight of the 12 high priority trees on the property. The subject proposal would meet the tree protection ordinance, however, even if it did not meet the tree ordinance, the project would still be allowed because the proposed project is classified as a “redevelopment,” and not a subdivision.

With the proposed project, there would be no tree mitigation required because the trees being removing are located within the basic tree removal area. Nevertheless, the applicant has still proposed to replant 76 trees on the site.

Affordable Housing

The subject proposal does not include any formal affordable housing units. Often, the city requires that a percentage of units to be affordable housing units if the project is receiving funding from the city. As the subject project does not require city funding, staff is not recommending an affordable housing requirement for the project.

Alternatively, the applicant has informed staff that the Walker Methodist organization does participate in the Elderly Waiver program. The Elderly Waiver program is available to persons age 65 and over who are eligible for Medical Assistance (MA), and who require the nursing facility level of care provided in a nursing home, but choose to reside in the community. Only residents with a rent rate of the predetermined nursing home rate are permitted to participate in the program. Walker Methodist estimates that 4-5 units would receive a reduced unit rent rate so that they can participate in this program. However, the applicant foresees using this program to allow residents to age in place within their building, so they do not plan on having people within this program.
Motion Options

The planning commission has four options:

1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the rezoning ordinance, preliminary and final plat resolution, and site and building plan resolution, with variances.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the requested rezoning, preliminary and final plat, and final site and building plans, with variances. This motion must include a statement as to why denial is recommended.

3. Concur with some of staff’s recommendations and disagree with the others. In this case, a motion should be made recommending approval of the some and denial of the others. This motion must include a statement as to why denial is recommended.

4. 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

At the time of publication of this report, the city had received no comments regarding the formal application. Notices were sent to 183 property owners.

Deadline for Action

October 23, 2017
LOCATION MAP

Mesaba Capital Development
17710 and 17724 Old Excelsior Blvd.

This map is for illustrative purposes only.
LOCATION MAP

Mesaba Capital Development
17710 and 17724 Old Excelsior Blvd.
Master Plan
Village Center
View from Homes South of Old Excelsior Boulevard
View from Walking Along New Sidewalk
View from Driving West on Old Excelsior Boulevard Near Main Entry
Grand total 127,371 SF

LEVEL 3 33,477 SF
LEVEL 1 35,701 SF
LEVEL 0 23,448 SF

BUILDING OVERALL AREAS

<table>
<thead>
<tr>
<th>NAME</th>
<th>AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEVEL 0</td>
<td>23,448 SF</td>
</tr>
<tr>
<td>LEVEL 1</td>
<td>35,701 SF</td>
</tr>
<tr>
<td>LEVEL 3</td>
<td>33,477 SF</td>
</tr>
</tbody>
</table>

Department Legend
- CL-1/DEN
- CL-1
- CL-1B
- CL-2B/1B
- CL-2B/2B
- GUEST
- MC COMMONS
- MC FOODSVC
- MC STUDIO

PLD SUBMITTAL
6/28/2017
NOT FOR CONSTRUCTION

PREPARED BY
M. SWanks

LICENSE
License # Date

AUTHOR
Old Excelsior Senior Living

FIRST LEVEL PLAN

A1.1

17710 & 17724 Old Excelsior Blvd.
Minnetonka, MN  55345
Buildings West of Property
EXISTING TREES TO REMAIN, PROVIDE TREE PROTECTION FENCING, TYP. CONTRACTOR TO PROVIDE INLET PROTECTION AT ALL DOWNSTREAM CATCH BASINS.

PERIMETER EROSION CONTROL AT CONSTRUCTION LIMITS, TYP.

INLET PROTECTION AT CATCH BASINS, TYP.

CITY OF MINNETONKA EROSION CONTROL NOTES:

1. SOIL SURFACES COMPACTED DURING CONSTRUCTION AND REMAINING PERVIOUS UPON COMPLETION OF CONSTRUCTION MUST BE DECOMPACTED THROUGH SOIL AMENDMENT AND/OR RIPPING TO A DEPTH OF 18 INCHES TAKING CARE TO AVOID UTILITIES, TREE ROOTS AND OTHER EXISTING VEGETATION PRIOR TO FINIAL REVEGETATION OR OTHER STABILIZATION.

2. THE CONTRACTOR MUST INSPECT, MAINTAIN AND REPAIR ALL DISTURBED SURFACES AND ALL EROSION AND SEDIMENT CONTROL FACILITIES AND SOIL STABILIZATION MEASURES EVERYDAY WORK IS PERFORMED ON THE SITE AND AT LEAST WEEKLY UNTIL LAND-DISTURBING ACTIVITY IS CEASED. THEREAFTER, THE CONTRACTOR MUST PERFORM THESE RESPONSIBILITIES AT LEAST WEEKLY UNTIL VEGETATIVE COVER IS ESTABLISHED. THE CONTRACTOR SHALL MAINTAIN A LOG OF ACTIVITIES UNDER THIS SECTION FOR INSPECTION BY THE DISTRICT ON REQUEST.

RPBCWD EROSION CONTROL NOTES:

1. SWPPP EXISTING CONDITIONS

2. SEE SHEETS SW1.0 - SW1.5 FOR ALL EROSION CONTROL NOTES, DESCRIPTIONS, AND PRACTICES.

3. SEE GRADING PLAN FOR ADDITIONAL GRADING AND EROSION CONTROL NOTES.

4. CONTRACTOR IS RESPONSIBLE FOR SWPPP IMPLEMENTATION, INSPECTIONS, AND COMPLIANCE WITH NPDES PERMIT.

SWPPP - EXISTING CONDITIONS

1. RESERVED FOR CITY SPECIFIC EROSION CONTROL NOTES.

CITY OF MINNETONKA EROSION CONTROL NOTES:

1. THIS PROJECT IS GREATER THAN ONE ACRE AND WILL REQUIRE AN MPCA NPDES PERMIT. AN EROSION CONTROL PERMIT IS ALSO REQUIRED FROM THE CITY OF MINNETONKA.

2. SEE SHEETS SW1.0 - SW1.5 FOR ALL EROSION CONTROL NOTES, DESCRIPTIONS, AND PRACTICES.
To: Loren Gordon, AICP, City Planner  
City of Minnetonka  
From: Emily Gross, PE, Senior Engineer  
Brent Clark, EIT, Engineer  
Date: August 1, 2017  
Subject: Mesaba Capital Traffic and Parking Study

Introduction

As requested, SRF has completed a traffic and parking study for the proposed senior housing redevelopment at 17710 and 17724 Old Excelsior Boulevard, in Minnetonka, MN (see Figure 1: Project Location). The main objectives of the study are to identify existing traffic and parking conditions within the study area, evaluate potential impacts of the proposed redevelopment, and recommend improvements to address any issues, if necessary. The following information provides the assumptions, analysis, and study recommendations offered for consideration.

Existing Conditions

The existing conditions were reviewed to establish a baseline to compare and determine future impacts associated with the proposed redevelopment. The evaluation of existing conditions includes 13-hour intersection turning movement counts, field observations, and an intersection capacity analysis.

Data Collection

Since the County Road (CR) 101/Old Excelsior Boulevard intersection is currently under construction, historical non-construction intersection turning movement counts were utilized. Supplemental weekday 13-hour turning movement counts were collected at the existing site driveways along Old Excelsior Boulevard on June 6, 2017, which included:

1) Sounds of Music Studio Driveway (11724 Old Excelsior)
2) Stubbe and Associates Driveway (11710 Old Excelsior)

Observations were completed to identify various roadway characteristics within the study area (i.e. roadway geometry, posted speed limits, and traffic controls). CR 101 is primarily a four-lane divided roadway that transitions to a three-lane undivided roadway with a two-way left-turn lane (TWLTL) south of Old Excelsior Boulevard. CR 101 has a posted speed limit of 40 miles per hour (mph). Old Excelsior Boulevard is a two-lane undivided roadway with a posted speed limit of 30 mph. The CR 101/Old Excelsior Boulevard intersection is signalized and the Stubbe and Associates/Sounds of Music Studio driveways are uncontrolled, but operate as side-street stop controlled intersections. It should be noted that the existing Sounds of Music Studio and Stubbe and Associates signage impedes sight distance onto Old Excelsior Boulevard.
Existing geometrics, traffic controls, and volumes within the study area are shown in Figure 2. It should be noted that due to the proximity of the study intersection to Minnetonka High School, the a.m. peak (coincides with the school arrival peak), afternoon peak (coincides with the school departure peak), and p.m. peak (evening commuter peak) hours were evaluated.

**Intersection Operations Analysis**

An operations analysis was conducted to determine how traffic is currently operating at the study intersections. All intersections were analyzed using Synchro/SimTraffic software (V9) and the Highway Capacity Manual (HCM). 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 considered to be acceptable traffic flow conditions in the Twin Cities metropolitan area.

<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 side-street approach. 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 side-street approaches. It is typical of intersections with higher mainline traffic volumes to experience high levels of delay (poor levels of service) on the side-street approaches, but an acceptable overall intersection level of service during peak hour conditions.

The CR 101/Old Excelsior Boulevard intersection was operating under temporary signal timing and had construction lane closures during recent data collection efforts. Therefore, to determine non-construction conditions, all intersections were analyzed with post-construction geometries (no lane closures) and optimized signal timing.
Existing Conditions
Mesaba Capital Traffic and Parking Study
Minnetonka, MN

Figure 2

LEGEND
XX - A.M. Peak Hour Volume
[XX] - School P.M. Peak Hour Volume
(XX) - P.M. Peak Hour Volume
- Uncontrolled
- Signalized Control
Results of the existing operations analysis shown in Table 2 indicate that all study intersections currently operate at an acceptable overall LOS C or better during the a.m., school p.m. and p.m. peak hours. However, eastbound queues at the CR 101/Old Excelsior Boulevard intersection were observed extending beyond the current site driveways, which may be impacted by the temporary signal timing and lane closures. The queues observed during the peak hours are summarized as follows:

- Eastbound queues extend beyond the Stubbe and Associates driveway approximately two (2) times during the a.m. peak hour.
- Eastbound queues extend beyond the Sounds of Music Studio driveway approximately 50 percent of the school p.m. peak hour.
- Eastbound queues extend to the Sounds of Music Studio driveway approximately two (2) times during the p.m. peak hour.

### Table 2. Existing Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Intersection</th>
<th>A.M. Peak Hour</th>
<th>School P.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOS</td>
<td>Delay</td>
<td>LOS</td>
</tr>
</tbody>
</table>

(1) Indicates an uncontrolled intersection that was analyzed as an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.

**Proposed Redevelopment**

As shown in Figure 3, the Mesaba Capital redevelopment is located at 17710 and 17724 Old Excelsior Boulevard and consists of a 100-unit senior housing facility. The facility is designed to accommodate a variety of services including independent living (45-units), assisted living (30-units), memory care (24-units), and a care suite. Currently the site is occupied by Sounds of Music Studio and Stubbe and Associates. The site plan indicates that the existing access to the Sounds of Music Studio will be removed and the proposed redevelopment will utilize the Stubbe and Associates access, which is located approximately 150 feet west of the CR 101/Old Excelsior Boulevard intersection.

A total of 105 parking spaces are proposed for the senior housing facility, which includes 48 surface parking spaces and 57 underground garage parking spaces. It should be noted that the South Lake Pediatrics office, located directly north of the proposed redevelopment at 17705 Hutchins Drive, currently uses the Sounds of Music Studio parking lot for staff parking. However, as part of this project, the South Lake Pediatrics parking lot will be expanded, providing a net increase of 38 spaces to their current parking lot.
Trip Generation

To account for traffic impacts associated with the proposed redevelopment, a trip generation estimate for the weekday a.m. and p.m. peak hours and a daily basis was developed. The trip generation estimate for the proposed redevelopment, shown in Table 3, was developed using a combination of existing traffic counts collected at the site access locations and the *ITE Trip Generation Manual, 9th Edition*. For comparison purposes, trips generated by the existing developments are shown in Table 3.

Table 3. Trip Generation Estimate

<table>
<thead>
<tr>
<th>Land Use Type (ITE Code)</th>
<th>Size</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Land Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stubbe and Associates</td>
<td>Driveway Counts</td>
<td>5</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Sounds of Music Studio/Southlake Pediatrics Employee Parking (1)</td>
<td>Driveway Counts</td>
<td>17</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Total Existing Site Trips</td>
<td></td>
<td>22</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Proposed Land Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Adult Housing-Attached (252)</td>
<td>45 DU</td>
<td>3</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Assisted Living (254)</td>
<td>55 Beds</td>
<td>5</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Total Proposed Site Trips</td>
<td></td>
<td>8</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>Total Change in Site Trips</td>
<td>(-14)</td>
<td>+6</td>
<td>+5</td>
<td>(-4)</td>
</tr>
</tbody>
</table>

(1) Includes traffic generated by the Sounds of Music Studio and employee parking from the Southlake Pediatrics building.
(2) Daily trips estimated using 13-hour driveway counts.

Results of the trip generation comparison between the proposed redevelopment and the existing land use indicate that the proposed redevelopment will generate approximately eight (8) fewer a.m. peak hour trips, one (1) additional p.m. peak hour trips, and an additional 101 daily trips. Due to the similar number of trips to the redevelopment during the peak hours, future conditions are expected to improve or remain similar to existing conditions. Therefore, future build conditions were not evaluated as part of this study.

Site Review

A review of the proposed redevelopment site plan was completed to identify any issues with regard to intersection sight distance, traffic control, and circulation. As mentioned previously, the Stubbe and Associate signage impedes sight distance onto Old Excelsior Boulevard. Based on a review of the site plan, existing signage is planned to be relocated for Mesaba Capital, which would provide adequate sight distance. However, special consideration should be made to limit any further sight distance impacts from future landscaping and signing, particularly as part of the proposed redevelopment.
State law requires vehicles to yield on driveway approaches and does not require traffic controls to be installed. However, installing stop control at the proposed redevelopment access should be considered. Stop control could minimize driver confusion and provide safety benefits to the intersection.

As noted earlier, eastbound queues on Old Excelsior Boulevard are expected to impact the redevelopment access during the peak hours. If feasible, consider relocating the proposed site access to the west side of the parcel (where the Sounds of Music Studio Access is currently located), approximately 325 feet west of CR 101. Relocating this access would reduce the frequency of Old Excelsior Boulevard queues impacting the driveway and also reduce potential conflicts for entering/exit ing vehicles into the site. By shifting this access, additional site plan modifications to parking, driveway aisles, and retaining walls are likely needed.

**Parking Review**

As previously mentioned, the Mesaba Capital redevelopment is planning to provide a total of 105 parking spaces for the senior housing facility, which includes 48 surface parking spaces and 57 underground garage parking spaces. Also, as part of the redevelopment, the existing South Lake Pediatrics parking lot will be reconstructed to provide a net increase of 38 parking spaces. To determine if the proposed parking supply will meet the demand for the site, a detailed parking review was completed using a combination of existing parking utilization counts, the *ITE Parking Generation Manual, 4th Edition*, and the City of Minnetonka parking requirements.

Pedestrian observations were conducted to determine the number of South Lake Pediatrics staff currently utilizing the Sounds of Music Studio parking lot. Observations indicate that the Sounds of Music Studio parking lot is predominantly used by South Lake Pediatrics employees (i.e. approximately 85 percent or greater). Therefore, to provide a conservative estimate, all Sounds of Music Studio parking was assumed to be affiliated with South Lake Pediatrics.

SRF conducted off-street parking utilization surveys during three (3) time periods (9:00 a.m., 12:00 p.m., 3:00 p.m.) between Monday, June 5, 2017 and Wednesday, June 7, 2017 at the South Lake Pediatrics and Sounds of Music Studio parking lots. These time periods were selected as they represent the typical peak periods for general medical office buildings. The differing days also provide a variety of parking conditions. The purpose of the parking utilization counts was to establish whether 38 additional parking spaces would be sufficient to accommodate the peak parking demand for South Lake Pediatrics. Results of the parking utilization counts, shown in Table 4, indicate that the highest parking utilization occurred on a Monday, when 28 vehicles were parked in the Sounds of Music Studio parking lot. Overall, the additional 38 parking spaces are expected to provide adequate parking for South Lake Pediatrics.
The minimum parking requirement for the proposed redevelopment based on Minnetonka City Code (Chapter 3, Section 300.28) states that for a senior citizen housing, the minimum number of parking spaces required is one space per unit. The code also requires that at least 50 percent of the required parking spaces be provided in an enclosed weather controlled structure connected to the principal structure, such as the proposed parking garage. Additional parking should be provided for visitors based on the “anticipated demand for visitor spaces as determined by the City”. Based on this guidance, the proposed redevelopment meets the Minnetonka City Code requirements of 100 total spaces (5 space surplus) and 50 enclosed spaces (7 space surplus).

To further evaluate parking requirements for the proposed redevelopment, the *ITE Parking Generation Manual, 4th Edition* was used. ITE estimates an 85th percentile parking demand based on comparable study sites and includes key inputs such as facility size and travel behavior. The 85th percentile is a statistical measure that represents the point at which 85 percent of the study sites had an observed peak parking demand equal to or less than the value. ITE estimates the parking demand for the proposed redevelopment to be 60 spaces, which is a 45-space surplus from the proposed supply. The proposed redevelopment parking supply and demand based on these two methodologies is summarized in Table 5. The proposed parking supply meets both City Code requirements and the parking demand of the redevelopment based on comparable parking data from ITE.

<table>
<thead>
<tr>
<th>Land Use Code</th>
<th>Size</th>
<th>Rate</th>
<th>Demand</th>
<th>Surplus/(Deficit)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City Parking Requirement</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Citizen Housing Developments (Ch. 3, Section 300.28)</td>
<td>100-Units</td>
<td>1 space per unit</td>
<td>100 spaces (1)</td>
<td>+5</td>
</tr>
<tr>
<td><strong>ITE Parking Demand Rate – 85th Percentile Demand</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Adult Housing (252)</td>
<td>45-Units</td>
<td>0.66 space per unit</td>
<td>30 spaces</td>
<td>-</td>
</tr>
<tr>
<td>Assisted Living (254)</td>
<td>55-Units</td>
<td>0.54 space per unit</td>
<td>30 spaces</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>100-Units</td>
<td>-</td>
<td>60 spaces</td>
<td>+45</td>
</tr>
</tbody>
</table>

(1) Does not include additional required parking for visitors.

Table 4. Parking Utilization (June 5, 2017 to June 7, 2017)

<table>
<thead>
<tr>
<th>Lot ID</th>
<th>Parking Supply</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>3:00PM</td>
<td>12:00PM</td>
<td>9:00AM</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Occupied Spaces</td>
<td>Percent Utilized</td>
<td>Occupied Spaces</td>
</tr>
<tr>
<td>South Lake Pediatrics</td>
<td>53</td>
<td>30</td>
<td>57%</td>
<td>27</td>
</tr>
<tr>
<td>Sounds of Music Studio</td>
<td>40</td>
<td>28</td>
<td>70%</td>
<td>22</td>
</tr>
<tr>
<td>Proposed South Lake Pediatrics Parking Spaces</td>
<td>91 (1)</td>
<td>58</td>
<td>64%</td>
<td>49</td>
</tr>
</tbody>
</table>

(1) Parking supply is composed of existing South Lake Pediatrics parking spaces and the additional 38 parking spaces proposed as part of the redevelopment.
Summary and Conclusions

Based on the analysis, the following summary and conclusions are offered for your consideration:

1) Results of the existing operations analysis indicate that all study intersections currently operate at an acceptable overall LOS C or better during the a.m., school p.m., and p.m. peak hours. Eastbound queues occasionally extend beyond the Stubbe and Associates driveway during the a.m. and p.m. peak hours, and frequently extend beyond the Sounds of Music Studio driveway during the school p.m. peak hour.

2) The proposed redevelopment consists of a 100-unit senior housing facility, which provides a variety of services including independent living (45-units), assisted living (30-units), memory care (24-units), and a care suite.

3) The existing Sounds of Music Studio access will be removed and the proposed redevelopment will utilize the Stubbe and Associates access, which is located approximately 150 feet west of the CR 101/Old Excelsior Boulevard intersection.

4) The proposed redevelopment is expected to generate approximately eight (8) fewer a.m. peak hour trips, one (1) additional p.m. peak hour trips, and an additional 101 daily trips compared to the existing land use.

5) Due to the similar amount of trips to the redevelopment, future conditions are expected to improve or remain similar to existing conditions.

6) Special consideration should be made to limit any sight distance impacts from future landscaping and signing, particularly as part of the proposed redevelopment.

7) Consider installing stop control at the proposed redevelopment access Old Excelsior Boulevard to reduce driver confusion.

8) If feasible, consider relocating the proposed site access to the west side of the parcel (where the Sounds of Music Studio access is currently located), approximately 325 feet west of CR 101. By shifting this access, additional site plan modifications to parking, driveway aisles, and retaining walls are likely needed.

9) A total of 105 parking spaces are proposed for the senior housing facility, which includes 48 surface parking spaces and 57 underground garage parking spaces. The existing South Lake Pediatrics parking lot will be reconstructed to provide a net increase of 38 parking spaces.

10) Parking utilization counts indicate that the net increase of 38 parking spaces are expected to provide adequate parking for South Lake Pediatrics.

11) The proposed parking supply meets both City Code requirements and the estimated parking demand for the redevelopment based on comparable parking data from ITE.
Enjoy life fully.

Walker Methodist is a faith-based, not-for-profit organization that specializes in lifestyle, housing and health care services for older adults. We own, operate and manage eleven housing communities, provide rehabilitation services, and operate leading sub-acute transitional care centers that help people recover from hospitalizations or surgeries so they can return home.

At Walker Methodist, our mission is Life. And all the living that goes with it.

Independent and Assisted Living
Ease everyday responsibilities and burdens
- Beautiful apartments
- Life-enhancing social events and outings
- Restaurant-quality dining

Care Suites
Live fully
- Care beyond assisted living
- 5-to-1 resident-to-staff ratio
- 24/7 on-site health care staff

Memory Care
Provide safety for loved ones
- Environments designed for safety
- 24/7 on-site health care staff
- Active social events
- Certified Music & Memory\textsuperscript{SM} program communities

Transitional Care
Regain your health so you can return home
- Short-term and respite health care services
- Rehabilitation services
- Personalized care plans

Long-Term Care
Delight in an invigorating environment
- Care in a comfortable setting
- Exciting social events and outings
- Quality dining in private dining room

Affordable Housing
Comfortable and relaxed surroundings
- Individual interests are encouraged
- Beautiful apartments and grounds
- Close proximity to local businesses

Rehabilitation Program
Get back up to speed
- Physical, occupational and speech therapies
- Options for inpatient or outpatient care
- Services available seven days per week

Adult Day Program
Enjoy an active social life with conveniences
- Enriching activities and healthy meals
- Access to rehabilitation and health services
- Health and medication monitoring

Fitness Center
Achieve optimal health and well-being
- Varied membership options and programs
- Access to fitness center and training classes
- Fitness specialists and nutritionists on staff

Respite Care
Take a break
- Beautifully furnished suite
- Daily rates available
- Access to rehabilitation and health services

Spiritual Life
Find hope, peace and meaning
- Chaplains on site
- Worship services
- Bible studies
- Pastoral care for residents and families
- End-of-life care and support

Dental Clinic
Comfort, convenience, and complete services
- Nationally recognized leader in oral care
- The only full service clinic in MN designed for 55+ population
- All major dental insurance and state health plans accepted
A Care Suites
Edina, MN
(952) 835-8351
- Assisted Living
- Care Suites
- Memory Care
- Respite Care

B Hazel Ridge
Maplewood, MN
(651) 779-9779
- Independent Living
- Light Assisted Living

C Health Center
Minneapolis, MN
(612) 827-5931
- Transitional Care
- Long-Term Care
- Long-Term Memory Care

D Highview Hills
Lakeville, MN
(952) 985-9000
- Independent Living
- Assisted Living
- Care Suites
- Memory Care
- Respite Care

E Kenzie
St. Anthony, MN
(612) 781-0755
- Affordable Housing

F Lyndale
Minneapolis, MN
(612) 869-8484
- Affordable Housing

G Place
Minneapolis, MN
(612) 827-8500
- Independent Living
- Assisted Living

H Plaza
Anoka, MN
(763) 453-7125
- Independent Living
- Assisted Living
- Care Suites
- Memory Care
- Respite Care

I River
Anoka, MN
(763) 421-0434
- Affordable Housing

J Westwood Ridge
West St. Paul, MN
(651) 259-2701
- Independent Living
- Assisted Living
- Care Suites
- Memory Care
- Respite Care
- Transitional Care

K Levande Coming Soon
Cambridge, MN
(612) 827-8409
- Assisted Living
- Memory Care

Outside the Twin Cities Metro Area

Summit Pointe Senior Living
3505 English Glen Avenue
Marion, IA 52302
(319) 373-4242
- Independent Living
- Assisted Living
- Memory Care
Ordinance No. 2017-

Ordinance rezoning the existing properties at 17710 and 17724 Old Excelsior Boulevard from B-1, office, to R-5, high density residential

The City Of Minnetonka Ordains:

Section 1.

1.01 The properties at 17710 and 17724 Old Excelsior Boulevard are hereby rezoned from B-1, office, to R-5, high density residential.

1.02 The properties are legally described as EXHIBIT A.

Section 2.

2.01 This ordinance is based on the following findings:

1. The rezoning would be consistent with the intent of the zoning ordinance and of the comprehensive guide plan.

2. The rezoning would be consistent with the public health, safety, and welfare.

Section 3.

3.01 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans:

   a) Preliminary Plat, date received June 28, 2017
   b) Revised Site Plan, date received August 1, 2017
   c) Site Plan Enlargement, date received June 28, 2017
   d) Grading Plan, date received June 28, 2017
ORDINANCE NO. 2017-


Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on August 28, 2017.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction:
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on August 28, 2017.

David E. Maeda, City Clerk
Date:
EXHIBIT A

PARCEL A (17710 Old Excelsior Blvd (per Title Commitment No. 32438)):
Tract E, REGISTERED LAND SURVEY NO. 149G, Hennepin County, Minnesota.
(Torrens Property)
(Torrens Certificate No. 1116134)

PARCEL B (17724 Old Excelsior Blvd (per Title Commitment No. 52871)):
That part of the Southhalf Quarter of Section 30, Township 117, Range 22, described as
follows:

Beginning at the intersection of the West line of the East 544.42 feet of the
Southeast Quarter of said Section 30, and the Northeasterly line of Excelsior Boulevard, now
known as County Road No. 3; thence north along said West line of said East 544.42 feet a
distance of 300.00 feet; thence East at right angles a distance of 145.00 feet; thence
South on a line 145.00 feet East of, measured at right angles to and parallel with, said
West line to the Northeasterly line of said County Road No. 3; thence Northwesterly along
the Northeasterly line of said County Road to place of beginning, Hennepin County,
Minnesota.
Resolution No. 2017-

Resolution approving preliminary and final plats and final site and building plans, with variances, for Mesaba Capital at 17710 and 17724 Old Excelsior Boulevard

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

Section 1. Background.

1.01 Mesaba Capital has requested approval of preliminary and final plats and final site and building plans, with variances, for a senior housing building.

1.02 The properties are located at 17710 and 17724 Old Excelsior Boulevard. They are legally described on EXHIBIT A of this resolution.

1.03 On August 10, 2017, 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 preliminary and final plat and final site and building plans, with variances.

Section 2. Preliminary and Final Plat Standards and Findings.

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

2.02 The proposed preliminary and final plats meet the design requirements as outlined in City Code §400.030.

Section 3. Site Plan Standards and Findings.

3.01 City Code §300.27, Subd. 5, outlines several items that must be considered in the evaluation of site and building plans. Those items are incorporated by reference into this resolution.
3.02 The proposal would meet site and building plan standards outlined in the City Code §300.27, Subd.5.

1. The proposal would result in a high-density residential development consistent with the site’s mixed-use designation. Further, the proposal has been reviewed by city planning, public works, engineering, and natural resources staff and found to be generally consistent with the city’s development guides, including the water resources management plan.

2. The proposal requires variances from the zoning ordinance standards. As outlined in Section 4.01 of this report, the requests meet the variance standards.

3. The proposed building and parking lot would be appropriately located with reference to both existing constructed and natural features. The proposed building would fit with the existing office neighborhood by using similar architecture and having a similar building height. Additionally, the proposed building location would work with the existing topography and vegetation.

4. The proposal would visually and physically alter the site and Old Excelsior Boulevard corridor. However, any redevelopment of the subject property consistent with its mixed-use designation or high-density residential, as recommended in the Highway 7 / County Road 101 Village Center Study, would result in such changes.

5. The proposal addresses protections of adjacent and neighboring properties through reasonable provisions. The proposed building would mitigate for rainwater on site, using a stormwater chamber. Additionally, the proposal would screen views of the proposed structure through landscaping along Old Excelsior Boulevard and neighboring property lines.

Section 4. Variance Standards and Findings.

4.01 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.

4.02 The applicant has requested the following variances:

<table>
<thead>
<tr>
<th>Variance</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side and Rear Yard Setbacks</td>
<td>69 ft</td>
<td>26 ft (W)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>26 ft (E)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>20 ft (N)</td>
</tr>
<tr>
<td>Parking Lot Setback</td>
<td>10 ft</td>
<td>0 ft</td>
</tr>
<tr>
<td>Parking Lot Aisle Width</td>
<td>26 ft</td>
<td>24 ft</td>
</tr>
</tbody>
</table>

Separate findings have been included for each of the three variance categories. Please see the sections below.

4.03 The proposed side and rear yard setbacks would meet the variance standards outlined in the City Code §300.07 Subd. 1.

1. Purpose and Intent of the Zoning Ordinance:

The proposal, and resulting variance request, would be in keeping with the city’s zoning ordinance. The intent of the ordinance, as it pertains to high-density residential side and rear yard setback requirements, is to ensure an appropriate distance between structures based on the height of the building. As such, the proposed setbacks are consistent with the existing side and rear yard setbacks of several multiple story office buildings within the area.

<table>
<thead>
<tr>
<th>Property</th>
<th>Approximate Side/Rear Yard Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>5130 County Road 101</td>
<td>23 ft</td>
</tr>
<tr>
<td>17705 Hutchins Drive</td>
<td>33 ft</td>
</tr>
<tr>
<td>17809 Hutchins Drive (one story with pitched roof)</td>
<td>23 ft</td>
</tr>
<tr>
<td>5125 Porter Avenue</td>
<td>20 ft</td>
</tr>
</tbody>
</table>

The proposed building setbacks would have similar property line setbacks as multi-family buildings previously approved by the city council. However, none of these properties were required to obtain a variance as they were zoned in districts (PID or PUD) that allow flexible setbacks based on city council discretion.
2. Consistent with the Comprehensive Plan:

The proposal would be consistent with the city’s comprehensive plan. The subject property is guided for mixed-use. This designation has been established to allow flexibility in land use and creative site design. The proposed use of this property, high-density residential, would be consistent with this objective.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance.

a) Reasonableness and Neighborhood Character: Staff finds that the request for a variance from the required side and rear yard setbacks to be reasonable as:

1) The setbacks are consistent with the side and rear yard setbacks of other multiple story buildings within the area.

2) The proposed setbacks are similar to the property line setbacks approved for other apartment buildings within the City.

b) Circumstance Unique to the Property: The Highway 7 / County Road 101 Village Center study identified the subject property as an appropriate location for high-density residential development. The narrow shape of the lot, combined with the requirement for sheltered parking and adding architectural interest to the roofline (which both raise the height of the building), create a practical difficult for high-density development on the property without acquiring property line setback variances.

4.04 The proposed parking lot setback would meet the variance standards outlined in the City Code §300.07 Subd. 1.

1. Purpose and Intent of the Zoning Ordinance:

<table>
<thead>
<tr>
<th>Project</th>
<th>Approved Property Line Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applewood Pointe</td>
<td>20 ft</td>
</tr>
<tr>
<td>The Glen</td>
<td>16 ft</td>
</tr>
<tr>
<td>The Ridge</td>
<td>22 ft</td>
</tr>
</tbody>
</table>
The proposal, and resulting variance request, would be in keeping with the city’s zoning ordinance. The intent of the ordinance, as it pertains to parking lot setbacks, is to ensure an appropriate separation between structures and parking lots. As such, the proposed zero foot setback would be appropriate as the parking lot would be shared between the adjacent properties.

2. Consistent with the Comprehensive Plan:

The proposal would be consistent with the city’s comprehensive plan. The subject property is guided for mixed-use and parking lot setback variance would not create an inconsistency with the comprehensive plan.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance.

- Reasonableness: Staff finds that the request for a zero foot parking lot setback would be appropriate as the parking lot would be shared between the adjacent properties.

- Circumstance Unique to the Property: The adjacent property (17705 Hutchins Drive) is currently under parked. The proposed project would add parking spaces to the adjacent property and bring the property closer to conformance with city ordinance.

- Neighborhood Character: The zero foot parking lot setback would maintain the existing neighborhood character as the property adjacent to the subject properties currently has a shared parking lot between the two properties (17809 Hutchins Drive and the property directly south).

4.05 The proposed parking lot aisle width would meet the variance standards outlined in the City Code §300.07 Subd. 1.

1. Purpose and Intent of the Zoning Ordinance:

The proposal, and resulting variance request, would be in keeping with the city’s zoning ordinance. The intent of the ordinance, as it pertains to parking aisle widths, is to ensure safe passage for vehicles as they navigate through parking lots. As such, the proposed 2-foot aisle width would be appropriate. The American Planning Association’s *Planning and Urban Design Standards*
manual finds that a 23-foot wide aisle would be adequate width for a low level of service parking area.

2. Consistent with the Comprehensive Plan:

The proposal would be consistent with the city’s comprehensive plan. The subject property is guided for mixed-use and parking lot aisle width variance would not create an inconsistency with the comprehensive plan.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance.

a) Reasonableness: Staff finds that the request for a 2-foot aisle width variance would be reasonable as:

1) The American Planning Association’s Planning and Urban Design Standards manual finds that a 23-foot wide aisle would be adequate width for a low level of service parking area.

2) City ordinance would permit a 24-foot wide parking aisle if the lot were within a structure.

b) Circumstance Unique to the Property: The adjacent property (17705 Hutchins Drive) is currently under parked and has a non-conforming parking lot aisle. The proposed project would add several parking stalls to the adjacent property and bring it closer to conformance with city ordinance. In addition, the proposal would not require a variance if the northern aisle was reduced to the existing 21-foot wide width and the southern aisle was increased to 26 feet wide; however, staff finds that increasing the northern aisle width and creating a 24-foot wide southern aisle width is the safest and most appropriate design.

c) Neighborhood Character: The 2-foot drive aisle width variance would not alter the essential character of the neighborhood. The 24-foot wide parking lot drive aisle would be wider than the existing drive aisle currently on the site.

Section 5. City Council Action.

5.01 The above-described preliminary and final plats and site and building plans, with variances, are hereby approved subject to the following conditions:
1. Subject to staff approval, Mesaba Capital Project must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:

- Preliminary Plat, date received June 28, 2017
- Revised Site Plan, date received August 1, 2017
- Site Plan Enlargement, date received June 28, 2017
- Grading Plan, date received June 28, 2017
- Utility Plan, date received June 28, 2017
- Landscape Plan, date received June 28, 2017
- Landscape Plan Notes and Details, date received June 28, 2017
- SWPPP- Proposed Conditions, date received June 28, 2017
- SWPPP- Details, date received June 28, 2017
- Architectural Plans (A.01, A1.1, A1.2, A3.1, A3.2, A3.3), date received June 28, 2017

2. Prior to the release of the final plat for recording purposes:

   a) Submit the following:

      1) Final plat drawing with easement legend and easement dedication clause.

      2) Two sets of mylars for city signatures.

      3) An electronic CAD file of the plat in microstation or DXF.

      4) Title evidence that is current within thirty days before release of the final plat for the city attorney’s review and approval.

      5) A trail easement document that provides a trail easement over the proposed sidewalk along Old Excelsior Boulevard.

   b) This resolution must be recorded with Hennepin County.

3. Prior to issuance of a building permit:

   a) Submit the following for staff review and approval:
1) An electronic PDF copy of all required plans and specifications.

2) One full size set of construction drawings and project specifications.

3) Items associated with site work:

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

      1. Final site plan:

         • Plans must be submitted for retaining walls over four feet in height; a licensed structural engineer must design these plans.

         • Drive lane width must be a minimum of 26' wide with minimum inside turning radius of 22' for fire apparatus. This submittal must include an exhibit illustrating truck turning movements/templates.

      2. Final stormwater management plan must meet the requirements of the city’s Water Resources Management Plan, Appendix A. Design. The plan must include a narrative, impervious surface information, soil boring data, and modeling demonstrating rate control and water quality treatment.

         • Underground stormwater chambers must be able to support 83,000 lb. fire apparatus and 10,800 psf outrigger load.

3. Final utility plan must include:
• Looped water feed.

• Utility information. Provided information indicates two sewer and two water services to the site. Service sizes must be confirmed. If possible, the water services must be utilized and tied together. If not, new services must be tapped to the main and the old services removed back to the main, turn off the corp. or cut out tee and sleeve. Excavations into the new roadway will require road replacement of the utility trench. The surface will further be required to be milled full width between existing street saw cuts for a 2-inch overlay.

• Note that unused sewer services will be removed back to the main and the wye will be cut out and sleeved. Excavations into the new roadway will require road replacement of the utility trench. The surface will further be required to be milled full width between existing street saw cuts for a 2” overlay.

4. Final landscaping and tree mitigation plans must:

• Meet minimum landscaping and mitigation requirements as outlined in city code. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on-site conditions.

• Be revised in consultation with staff. Two northern red maples are specified in an area that is only 7 feet wide. The applicant must work with staff to find two trees that are smaller in stature at maturity.
• Include an itemized plant material list to illustrate that the landscape value of the project.

• Not include grading within 10 feet of the west property line in areas adjacent to trees.

b. A sequencing plan for review and approval of the city engineer. The plan must notate the series of construction events that will occur involving driveway construction and sanitary sewer and water main connections and disconnections. The number of events in which disturbances to the street and utilities occur must be minimized. For example, multiple crews may be required to disconnect water services simultaneously.

c. The following documents for the review and approval of the city attorney:

1. Development agreement.

2. Cross-access and cross parking agreements between the subject property and 17705 Hutchins Drive.

3. An encroachment agreement, or language in covenants, is required for retaining walls within the public easements.

4. A trail easement. The easement must cover the newly constructed pedestrian trail on private property along Old Excelsior Boulevard.

5. Stormwater maintenance agreements over all stormwater facilities. This agreement must state that the city will not maintain private structures (stormwater chambers) within public easements.
6. Private maintenance agreement for storm sewer with 17705 Hutchins Drive.

7. A private fire hydrant maintenance agreement.

d. Proof of subdivision registration and transfer of NPDES permit.

e. Evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.

f. 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.

g. Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct parking lot and utility improvements, comply with grading permit, tree mitigation requirements, 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. A final as-built survey has been submitted;

2. An electronic CAD file or certified as-built drawings for public infrastructure in microstation or DXF and PDF format have been submitted;

3. Vegetated ground cover has been established; and

4. Required landscaping or vegetation has survived one full growing season.

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

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

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

   i. Any required administration and engineering fees.

   j. Park dedication fees in the amount of $500,000. City staff are authorized to reduce this amount commensurate with the cost of providing a trail easement and associated trail construction.

4) Items associated with building work:

   a. A revised building plan that increases the canopy by the main entry height to 13’6”, per the fire code.

   b. A final material and color palate board for staff review and approval.

   c. All required hook-up fees.

b) Obtain and submit a permit from the Minnesota Department of Health.

c) Obtain and submit a sanitary sewer extension permit from the Minnesota Pollution Control Agency.

d) Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
e) Schedule and hold a preconstruction meeting with engineering, planning, and natural resources staff as determined by city staff.

4. The applicant may choose to submit a separate grading permit application to facilitate site work prior to issuance of a building permit. In such case, prior to issuance of a grading permit, the items outlined in preceding condition 3(a)(3) – “Items associated with site work” – must be submitted for staff review and approval and required erosion control must be installed for inspection.

5. Retaining walls over four feet in height must be engineered.

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

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

8. The applicant must work with the city for identification of acceptable street light fixtures.

9. Snow removed from the parking lot and drive aisles must be hauled off site.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 28, 2017.

______________________________
Terry Schneider, Mayor

Attest:

______________________________
David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on August 28, 2017.

_____________________________________
David E. Maeda, City Clerk
EXHIBIT A

PARCEL A (17710 Old Excelsior Blvd (per Title Commitment No. 32438)):

Tract E, REGISTERED LAND SURVEY NO. 149C, Hennepin County, Minnesota.
(Torrens Property)
(Torrens Certificate No. 1116134)

PARCEL B (17724 Old Excelsior Blvd (per Title Commitment No. 52871)):

That part of the Southeast Quarter of Section 30, Township 117, Range 22, described as follows:

Beginning at the intersection of the West line of the East 544.42 feet of the Southeast Quarter of said Section 30, and the Northeasternly line of Excelsior Boulevard, now known as County Road No. 3; thence north along said West line of said East 544.42 feet a distance of 300.00 feet; thence East at right angles a distance of 145.00 feet; thence South on a line 145.00 feet East of, measured at right angles to and parallel with, said West line to the Northeasternly line of said County Road No. 3; thence Northwesternly along the Northeasternly line of said County Road to place of beginning, Hennepin County, Minnesota.
Minnetonka Planning Commission Meeting
August 10, 2017

Agenda Item 9

Other Business
MINNETONKA PLANNING COMMISSION
August 10, 2017

**Brief Description**

Concept plan review for Villa West at 16913 and 17101 State Highway 7

**Action Requested**

Provide comments, feedback, and direction.

**Background**

In 2015, RTS Development submitted a concept plan for redevelopment of the existing single-family residential properties at 16901, 16913 and 17101 State Highway 7. The plan contemplated construction of 30 detached villa homes accessed directly from Highway 7 via a new, one-way street. During review of the concept, area residents, the planning commission, and the city council raised concerns about density, site design, and the concept’s general lack of information. (See pages A1–A12.)

In 2016, RTS Development and David Carlson submitted a revised concept plan for redevelopment of just the 16913 State Highway 7 property. The concept contemplated construction of three, two-unit townhomes, accessed directly from Highway 7 via a new roadway. The plan further projected continuation of the concept to the west if that property became available. This second concept was generally well received by area residents, the planning commission, and city council. However, some commission and council members expressed regret that a more coordinated development of sites along Highway 7 could not be achieved.

**Revised Concept**

David Carlson has now submitted a revised concept plan for redevelopment of the 16913 and 17101 State Highway 7 sites. This concept plan is essentially the “further projected continuation” concept presented in 2016. As illustrated, the concept includes construction of a new street with access from Highway 7, six twinhomes (12 living units) and one single family home.

**Key Issues**

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

- **Access:** MnDOT has jurisdictional control of access from Highway 7. Therefore, the applicant would need to work with MnDOT and the city in order to provide safe access to the development site.
• **Planned Development:** The parcels are part of a larger area that are guided for medium-density residential development. The comprehensive plan anticipates that this area would be developed as a single, medium-density development. This is especially important due to access constraints. It is not desirable to have separate developments with separate accesses from Highway 7. However, it may be difficult for one developer to assemble all of the properties at one time given that there are multiple property owners involved. In this case, any development of a portion of the properties would need to account and plan for the potential of future development on the other properties that are guided medium-density.

**Review Process**

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

• **Neighborhood Meeting.** The developer will hold a neighborhood meeting on August 8, 2017. Staff will report on that meeting during the planning commission’s consideration.

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

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

**Staff Recommendation**

Staff recommends the commission provide comments, feedback, and direction that may lead to the preparation of more detailed development plans.

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

Next Steps

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

- **Neighborhood Meeting.** Prior to the planning commission meeting and official public hearing, an additional public meeting may be held with neighbors to discuss specific engineering, architectural and other details of the project, and to solicit feedback. This extends the timing that has historically been provided in advance of the planning commission review to allow more public consideration of the project specifics.

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

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

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

Roles and Responsibilities

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

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

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

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

- **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.
Location Map

Applicant:      David Carlson
Address:       16913 and 17101 Hwy 7
2015 CONCEPT PLAN
Odland was concerned with the water table level and what potential negative changes would occur to provide underground parking. A location closer to light rail might make more sense. There are issues that need to be looked at.

Magney felt multi-family housing would be a good choice for the location. A little smaller scale of three or four stories may be preferable. He was not concerned with the groundwater issue. The engineers would work out those details. It might impact the whole project, but the engineers would determine that. There should be more guest parking. In the big picture, multi-family housing would be just fine.

O’Connell concurred that the density of housing would be a good fit for the area with an office park so close to jobs. It fits the long-term vision of using existing infrastructure. The issues raised would have to be addressed. He supports the proposal.

Knight agrees with Magney and O’Connell. The proposal would be an appropriate use of the property. The area has a lot of employment. Right now, employees are driving in from outside the area. If some of the workers lived in the apartment building, then that would be a good thing. The area is not residential where neighbors would be concerned about what could be seen out the window. It would not bother him if a five-story building was constructed next to the building he works in. The size of the building does not bother him at all.

Chair Kirk recapped that more than five stories would be an issue for the commission. Transportation issues need to be addressed because of current problems, but the proposal is not being rejected. He would appreciate more of a clear, long-range vision in the comprehensive guide plan for the Opus area. He did not object to the proposal, but he was worried how the greater Opus area associations and trip counts fit in with each other. Wischnack stated that the city council will look at comprehensive guide plan studies done on the Opus area.

B. Concept plan review for Villa West on State Highway 7.

Staff recommends that commissioners provide feedback to assist the applicant with direction that may lead to the preparation of more detailed development plans.

Bob Schmidt, president of RTS Development, applicant, stated that:

- Thomson did a good job explaining the proposal.
- The property owner of the site used to fix his boat props. It was a unique piece of property located off a gravel road on Highway 7.
- The plan is wonderful. It would create housing for the aging population.
- An association would maintain the grounds.
- He developed townhouses on Covington Road in Minnetonka years ago. He built villa-style townhomes in Golden Valley which is a primary example of the proposed development.
- This property lends itself to a community development master plan.
- He found a way to access the property that MNDot agrees with.
- He was available for questions.

Scott Dahlke, civil engineer of site design, stated that:

- The site is a long, rectangle shape. The plan proposed an access road to run down the center of the property and be constructed on both sides of the road.
- There are currently no sewer or water utilities. The utilities would be extended from the northwest corner down the center of the road.
- He has met with MNDot and reviewed many concept plans. MNDot prefers a single access point on the east end. There would be a private drive 20 feet in width with a turn lane on Highway 7 for the entrance. Traffic would enter on the east side, travel west through the site, and then exit on the west end. The reason MNDot prefers this configuration is because of the existing exit from the adjacent townhomes on the west. The nearest city street is Clear Spring Road. A connection to Clear Spring Road would not be beneficial.
- Topography and drainage details will be provided as the plan moves forward. He described the drainage pattern, location of wetlands, stormwater management plans, and importance of tree preservation and screening.

Rob Eldrich, of Ridge Creek Custom Homes, stated that he is one of the preferred builders for the project. He is looking to do the detached villa concept, rambler houses, and two-story houses. The targeted market would be looking to downsize or get rid of large yards. There would be main-floor master suites and elevators for some. Minnetonka’s median age is 60 years. These would be nice, new homes for local residents. He is available for questions.

Chair Kirk invited residents to provide input.

David Devins, 17100 Sandy Lane, stated that:
The project is too dense. The homes would be substantial in size and be priced around $500,000.

The property is zoned R-1 and guided R-3. He asked for the comprehensive guide plan to be changed to R-1, single-family residential.

He has concerns about tree preservation and keeping the existing berm. It works as natural drainage control.

The area has terrible drainage and is full of springs. The whole area is wet.

There is mixed topography.

The density seems too big. Houses with 2,800 square feet would be too large to still have room for trees, streets, and driveways.

Lisa Brown, 4926 Clear Spring Road, stated that:

- The small area cannot handle going from 5 houses to 30 houses.
- The issues include loss of trees, wetlands, and springs.
- She has seen a lot of change in 26 years. She remembers Snuffy’s and Lilliput.
- The proposal would be too big and cause the removal of mature trees that are significant.
- Removing buckthorn would eliminate a lot of screening.
- She understood something would be constructed, but this would be too big.
- She encouraged commissioners to visit the site. There is a bike trail along Highway 7.

Beth Frost, 4914 Clear Spring Road, stated that:

- The proposal seems massive.
- Her lot and those in the area are huge, but they would abut 40-foot lots if the proposal would be done. The proposal would be out of character with the neighborhood. She feels strongly about that.
- The elevation would be higher, so the proposed houses would be looking down on the existing surrounding houses and create a privacy issue.
- Access to Highway 7 would be crucial for the neighborhood, because it would create too much traffic for Clear Spring Road.
- She wants more history on Mr. Schmidt and his developments. The judgements against him are extensive, so she hopes those are looked at.
John Eiden, 16821 Highway 7, stated that:

- He declined selling. He does not think the proposal is a good idea. It would create a dead end. It would not be the best use of the property.
- The 2030 comprehensive guide plan is dedicated to preserving Minnetonka’s natural beauty. This proposal would impact the drainage. He explained the drainage pattern.
- This corridor is a gateway to a section of Minnetonka. The property owners have taken care of the land for decades. Trees help preserve the ozone, reduce emissions, and prevent global warming.
- He supports extending the Purgatory Creek area to the site. All 7 properties drain into Purgatory Creek.
- He does not want to live next to all of the construction.
- His living room faces Highway 7. It does not look pretty and is not quiet. He cannot see people paying $700,000 for property that is not quiet. The builder did not say anything about sound barriers. The project would be a “slow seller.” Neighbors would have to watch the construction unless barriers are provided.
- He understood that the property owners want to sell, but that does not mean that the neighborhood should be turned into a senior living center.
- He reviewed the traffic pattern. He did not think it made sense.
- The best use of the property would be to turn it into open space. It would look good as a corridor and bring up the value of surrounding properties.
- The proposal would be a mistake.

Pam Scherling, 4925 West End Lane, stated that:

- She had the same concerns as the previous speakers.
- There is a heavily used trail located in the front of the property. There are many near misses. Construction equipment would create a lot of traffic.
- Resident surveys show that parks and trails are a main priority. Residents do not want neighborhoods leveled or trees removed.
- The development should be much lower density. There is no walkability to shopping.
- The price point would be too high for a high-traffic area.
Ms. Frost added that the wetlands on the northwest side are connected by a tunnel that travels under Highway 7 and the bike path connects to Purgatory Creek.

Knight asked how the proposal compares to the development on the west in terms of density. Thomson said that the proposal would be 6.5 to 7 units per acre. Medium density zoning allows 4 to 12 units per acre. Thomas calculated that the Carlysle Townhomes next door are 9 units per acre.

Calvert asked what the price point would be. Mr. Eldrich did not know the lot cost yet, so the price has not been determined. The estimate would be $500,000 for one story with 1,400 to 1,700 square feet on the main level and $600,000 for two stories with 1,000 square feet on the main level and 1,500 square feet above. A market study was completed. There is a project in Minnetonka off of County Road 101 and Highway 5 that starts in the upper $700,000 and goes into the $1 million range.

Odland remembered conversations that Groveland Pond would be too big. The proposal looks like 15 lbs. of potatoes would be put into a 5 lb. bag. It would be too large. She thought the price point would be too high for a resident downsizing and considering that the units would be on a highway.

Chair Kirk was concerned that the access on Highway 7 would not be safe. The development would be too dense. The Carlysle development looks fairly dense. Once the driveways and garages were added to the Groveland Pond proposal, commissioners determined it would be too dense. The houses would have been within 15 feet of each other. There must be a market, because developers are proposing the density. Determining whether the residences would sell is up to the developer. The size, density, and safety of the accesses is within the purview of commissioners.

Knight has been on the trail biking. He did not like the steep hills to the Carlysle Townhomes. He stops for the stop sign and nearly hits a cyclist that does not stop at that intersection often. He crosses the path on his way to work. Motorists stop in the middle of the road because bicyclists do not stop.

Calvert noted that it seems that the Carlysle is protected by old trees that provide a buffer. The proposal would have to reduce the number of trees by an enormous amount. That would not be right.
Chair Kirk asked if commissioners would prefer an extension of Carlysle Place. Calvert said that the proposal is hard to visualize. A neighborhood would be significantly changed and commissioners have it in their purview to encourage responsible development that includes meeting demographic need by attracting young people and helping seniors have housing options. She was not convinced if the proposal would achieve either goal. It is hard to see the impact without a tree survey and the actual plans. Minnetonka does not have a lot of the type of housing that Carlysle would provide. There is not a lot of space to build new single-family housing stock in Minnetonka. It is a conundrum.

Chair Kirk said that it is nice to have some amenities when adding single-family houses. This is not a great spot. It would not be an easy place to get in and out of. It is not walkable to the store. Carlysle is full, but has the same traffic issues.

Thomson requested direction from commissioners regarding potential future development of the area as a whole. Chair Kirk asked if waiting for other parcels to be included in the development site would be an option. Thomson stated that the comprehensive guide plan guides the area to be considered as a whole for redevelopment. Planning for future connections would be a reasonable approach.

Chair Kirk thought that two additional lots on the east would be an easy extension of the proposal.

Thomson clarified that the comprehensive guide plan calls for an understanding that redeveloping the area in part would have some impact on future redevelopment of two properties on the east and what would ultimately happen to them.

Chair Kirk stated that the commission could request that the developer to create an extension of the proposal that would incorporate those two additional lots.

Chair Kirk wants tree preservation and a buffer to the Clear Spring Road neighborhood taken into account. To go from low density to high density suggests that there needs to be an area of buffer. Commissioners agree that the proposal is too dense and a buffer is needed between the proposal and Highway 7.

Calvert took to heart the comments regarding the wetlands.

Chair Kirk was interested to see how acceleration and deceleration would work with the access points.
Odland requested statistics on the number of accidents at Carlyle for motor vehicles, bicyclists, and pedestrians. Thomson will request that information from the police department.

O’Connell deferred the access issues to MNDot. He was not so certain that it would not be too dense based on the comprehensive guide plan. The same arguments could be made for Carlyle, but residents like living there.

Magney agreed that the proposal would not be too dense. The site is awkward. Safety is a big concern, but he would defer to MNDot on that.

10. Adjournment

_Odland moved, second by O’Connell, to adjourn the meeting at 9:20 p.m. Motion carried unanimously._

By: ________________
Lois T. Mason
Planning Secretary
Aggarwal said he would not be back before the council asking for another variance. He asked if it mattered to the council if the homes had a full basement or a lookout. Schneider said it did matter. The way the 3,200 square foot was calculated was on all exposed levels. Wischnack said that would be included in the resolution.

Allendorf moved, Wiersum seconded a motion to adopt Res. 2015-083 approving the preliminary plat including the condition that:

- Plat won’t be released until the building plans are submitted that meet the specified criteria – Square foot above ground of 3200 or less; FAR of 0.14
- Building permits won’t be approved unless the plans submitted with the building permit application substantially conform to the plans approved prior to release of the final plat

All voted “yes.” Motion carried.

Schneider said if the provision worked there may be other opportunities to do the right thing without making things so complicated.

C. Concept plan review for Villa West

Thomas gave the staff report.

Bob Schmidt, president of RTS Development, said the villa concept was designed for Minnetonka residents looking to downsize or not wanting to do yardwork.

Scott Dahlke, civil engineer of site design, said the biggest challenge was the access. He met with MnDOT staff who provided a recommendation about how to maintain access to the properties. The recommendation was to continue down to the east to the most easterly boundary, come off of Highway 7 and circle back through the site with an exit at the west end. This would provide two exit maneuvers that were in close proximity on to Highway 7. He said all of the properties except the most westerly property were on well and septic. The project would extend sewer and water to all the lots. A survey has been completed and wetland delineation has been done. There is a creek that runs through the center of the site. The development plan would take that into consideration.

Rob Eldrich, of Ridge Creek Custom Homes, said one issue that came up during the neighborhood meeting and the planning commission meeting was the tree canopy and the privacy of the neighboring properties. He said he, Schmidt, and Dahlke went out to the property and were confident that the major woods along the south property line would maintain the privacy.
The goal was to maintain a buffer from between the proposed houses and the existing houses so the woodsy feel remains. He said it was likely that none of the homes would be priced above $750,000. Looking at new construction in the city built during the last two years, there were six homes available under $750,000, five were two stories, one was split level. The median age in the city was 60 years old. He was excited to bring this product to the market.

Schneider asked if the homes would be detached or attached. Eldrich said they would be detached with a rambler style. There were some alternative two story styles for young families looking for new construction.

Schneider asked if there was any effort to cooperatively work with the property to the west of the western exit to have the entrance be combined between the two. The tradeoff would be more setback behind the home. Dahlke said that had been discussed with MnDot and the recommendation was for the exit to be independent.

Allendorf asked for more information about how the circuitous route exiting on the east side would work. Dahlke said traffic coming from the west would go along the entire frontage of the project with a turn lane on Highway 7 coming into the easterly point. Traffic would come back through to the west on the one way private drive that would exit on to Highway 7 continuing to the east. Allendorf asked if there had been any consideration of an internal two way circulation system that would allow entering and exiting on the east to avoid the proximity of the two exits to the west. Dahlke said the limited property boundaries led to the narrower one way configuration. There just wasn't enough space to have a full two way road. Allendorf said that meant no street parking on the property. Dahlke confirmed that was correct. He said more work would be done to look at how to handle the parking.

Schneider said this was less of a concept review and more a reaffirmation of the density of housing. There wasn't enough information to evaluate the pros and cons of the concept.

Wiersum agreed. His natural inclination was to wonder what the houses would look like and that information was not yet available. He recommended that the applicant not come back with an application before doing a more detailed concept review.

Schmidt said the plan began with a single parcel and then the neighbors expressed interest in selling. He said there was a lot of demand and interest for this type of housing. The density would be about half of the density of the neighboring townhouses.
Bergstedt said he attended a neighborhood meeting at the beginning of the process. There were a lot of questions about the concept review process. He noted staff had not seen any type of detailed plans. The area had been planned for medium density since the 1970's so he didn't think anyone should be concerned with a medium density proposal. He said some of the neighbors inquired about the city purchasing the property for park land or open space. This would not happen and he thought the property should be developed but developed sensibly. Along with the existing Carlyle Place townhouses there were six single family parcels, four were under control. Whatever plan that comes forward involving the four parcels should be looked at more broadly to determine how the final two parcels would be integrated in an orderly way. He thought the detached villa townhomes would be very popular but looking at the plan it seemed to be very dense.

Pam Scherling, 4925 West End Lane, said the townhomes were not double the density of the proposed new development. The proposal was for six per acre and the townhomes were nine per acre. She said the proposal had one street while the townhomes had four. The four streets were curved so the townhomes looked like a neighborhood. Because of the amount of open space between the buildings there were mature trees that were able to thrive. This was also where guests parked. One of the association's challenges was the guest parking because many of the residents own boats and sometimes the boat takes up the entire garage space. She said the trees would have to be clear cut in order to get to the proposed density. She questioned who would move into the proposed houses given the pricing.

David Devins, 17100 Sandy Lane, said when he exits his driveway and enters Highway 7, traffic does not yield and he was concerned about an exit on the neighboring property with traffic going out at the same time. He said the density was way out of line. He noted there were serious water and drainage issues when Carlyle Place was built.

D. Concept plan review for redevelopment of the property located at 10101 Bren Road E

Thomas gave the staff report.

Wagner said as the council had discussed the area, the discussion was that it was going to change to a higher density. He thought there was agreement it would be a combination of businesses and residential. It was more logical that the Merchandise Mart area might have more residential, and he had argued for residential on the Datacard site as well but the
2016 CONCEPT PLAN
Odland moved, second by Knight, to recommend that the city council adopt the resolution on pages A18-A25 of the staff report. This resolution approves a conditional use permit and site and building plans for a licensed daycare facility at 10401 Bren Road East.

Powers, Calvert, Knight, Odland, and Kirk voted yes. Magney and O’Connell were absent. Motion carried.

9. Other Business

A. Concept plan review for Villa West at 16913 State Highway 7.

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

Thomas reported. Staff recommended that commissioners provide comments, feedback, and direction that may lead to the preparation of more detailed development plans.

Kirk noted that the proposal has changed to only include 16913 State Highway 7.

David Carlson, real estate developer with Gatehouse Properties, applicant, stated that the design would be for empty nesters. The houses would be one level with master bedroom, second bedroom, two bathrooms, and sunroom or loft within the roof line. There is little new construction at a reasonable price for empty nesters. The property owner of the adjacent property declined to sell, but a plan was created to show what could be done on the Anderson property. The proposal is at the minimum number of units per acre. The base price would be $489,900 for 1,500 square feet and a 12 x 12-foot sunroom or 700-square-foot loft. Three of the lots could have a basement. A loft is a lot less expensive than a basement.

Knight asked about the different plans. Mr. Carlson explained that six units on the Carlson piece would be done if the Anderson property would not be included. The other plan is an example of what could be done if the Anderson property was included in the proposal.

Scott Dahlke, applicant’s engineer, explained that a small modification could be done to keep the extension if the Anderson property would be included in the project.

Odland asked what would be done to make the site blend in with the neighborhood. Mr. Carlson said that the minimum number of units per acre would
blend in nicely. He provided a clearer rendering to commissioners. The mass would be kept to one level or within the roof line for units with a loft.

Odland asked if there would be a yard. Mr. Carlson answered in the affirmative. All of the units would be end units. The windows would be staggered to provide private backyards.

Calvert said that the proposal feels like it would be part of the neighborhood.

Mr. Carlson said that he received no objections from the neighbors to the south.

Chair Kirk invited those present to provide comments.

David Devins, 17100 Sandy Lane, stated that he objected to the last proposal and favored something like the current proposal. The current proposal would fit into the neighborhood. He preferred one entrance and one exit.

Calvert thought the other concept plan was too dense, but this transitions from the surrounding neighborhood and fits the space better. The homes are attractive. The price point is right. This fits all of the criteria for a down-sizing demographic.

Powers likes the proposal.

Chair Kirk appreciated the proposal taking bicyclists into account and the applicant including an example of what could happen with the Anderson property.

Chair Kirk noted that there would have to be another entrance and exit on Highway 7 if the three parcels to the east would be developed.

Odland asked if it would be possible to add a bridge to mirror what is proposed on the west side and provide safety for bicyclists and pedestrians if all of the parcels would be developed at one time.

The city council will review the concept plan February 8, 2016.

B. Concept plan for Highview Villas, a residential development of properties at 4301 Highview Place and an adjacent, unaddressed parcel.

Chair Kirk introduced the proposal and called for the staff report.
just get platted to move forward. The lots might just sit there because a builder would not take the chance of building million dollar homes. Eventually a home might get built on one lot with nothing happening on the other lots for a number of years. Then another builder could come in who doesn’t think about things like tree cover or drainage.

Schneider said he would prefer determining the right setback between the northerly homes. Having 25 feet between the homes was not that different than any other half acre lot neighborhood but would restrict the size of the homes. The tradeoff was having a single builder doing the entire development and reducing the development by one lot and risk having the development never happen or occur over a number of years with no control over the size of the homes. He said when he saw the plan his initial reaction was not favorable but when he saw the elevations, the distance between the homes, the attractive, good quality homes in a price range that’s needed in the city, he changed his mind. He would be inclined to gamble on allowing nine lots rather than having the area platted and seeing what happens over time.

Wiersum said assuming there were nine $250,000 lots it would total $2,250,000 in property. Dividing that total by eight would equal $281,250 per lot. This would mean the house costs would likely be around $50,000 more. He said the notion that the homes would have to be $200,000 more if a lot was removed didn’t seem quite right. He agreed keeping the homes within the desired price point was important.

Michael Halley, 14801 Minnehaha Place, said he was under contract to purchase the Swanson’s existing home. The plat indicated there was around 30,000 square feet. He was willing to commit to a covenant on the property that would stipulate it would not be subdivided. He said the home was a mostly one level home that sits in the center of the lot and has a swimming pool. He and his wife have been looking for a home they felt comfortable with. He said Ridge Creek Homes’ valued the lots around $150,000 to $175,000 to deliberately hit a price range around $550,000. Halley said he had concerns with the proximity of the freeway but being in the proximity of new homes in that price range gave him comfort. He asked that if he committed to the covenant to not subdivide, that it be credited toward Ridge Creek’s development.

B. Concept plan review for Villa West at 16913 State Highway 7

Gordon gave the staff report.

Allendorf asked if there were three properties, the Nelson’s, the Anderson’s, and the Carlson’s involved in the original plan. Gordon
confirmed that was correct. Allendorf noted the proposed development was on one of the properties. There was a potential development on the second property. He asked how the third property fit in with an expansion of the idea. Gordon said there was not a roadway connection that one might expect with a development. He said all the properties need city utilities. The current sewer and water was at the northwest corner of one of the properties. The likely scenario would be to extend that east to serve all the properties when redevelopment occurs. This was the connecting piece between all the properties.

Allendorf asked if the Nelson property would need its own access to Highway 7. Gordon said under this plan that would be the case. Allendorf noted in the original plan there was a one way street and two access points to Highway 7. MNDOT would not want too many access points from a safety standpoint. He questioned if this plan for the two properties would harm development of the third property. Gordon said one of the things the city would have to look at if plans started coming in for the individual properties was how best to coordinate access.

David Carlson, 2249 Portico Green, indicated he was not related to the owner of the property. He said when he first got involved with the project and knowing the builder, he was concerned with the amount of money that would be spent on the site with beautiful lots on the south side of the property but with lots along Highway 7 that would be difficult to sell. He said he had previous developments in other suburbs for one level empty nester townhomes and thought that product would fit in well in this area. The price point would start at $489,900. Adding a sun room and loft would increase the purchase price to $589,900. He said he presented an offer to buy the Anderson property but Anderson declined. There was a neighborhood meeting that went well. The idea of adding space without increasing the height of the building was well liked.

Wiersum asked Carlson if he was comfortable going forward with the stand alone plan without the Anderson property being involved. Carlson said he would go ahead with the plan without the Anderson property.

Acomb asked if Carlson had discussions with the property owners on the other side. Carlson said those property owners had a similar position to Anderson. The loss of property value from the last recession made it difficult for people to decide to sell. To connect to the property to the east would be challenging due to the wetland.

Allendorf noted the original concept plan connected all three properties. He asked how that plan dealt with the wetland. Carlson said the connection in the original plan would take out two of the houses he was
proposing. He didn't think the numbers would work if those houses were removed. Allendorf said the land use plan showed the whole area as being developed in a consistent manner. Gordon said the comp plan would like nice orderly development and it would be a goal for that to happen. Allendorf said the preference would be not having three streets go out to Highway 7 and instead somehow internally connect.

Schneider said ideally one of the lots off of Clear Spring Drive would be picked up so direct access to Highway 7 would not be needed. This was not likely. He asked what MNDOT feedback was about the access. If the properties were redeveloped into higher density was there an obligation to allow the continued access with five times the amount of traffic. Gordon said it was a difficult question to answer because of the timing issue. With five owners for the six properties that are all single family homes that seemingly will redevelop sooner rather than later, the ideal number of access points would have to be determined. The goal was zero access points but if the properties were redeveloped at different times the opportunity to meet that goal might go away. City Engineer Will Manchester agreed the goal would be zero access points. He believed MNDOT had a requirement for individual lots. Schneider asked if it was feasible if MNDOT determined it needed ponding for the area, one of the homes on Clear Spring Drive would be purchased for that and to provide access. Gordon said it was possible this could occur.

Wiersum said from a product standpoint the proposal was attractive. The negative issue was what was going to happen with the other properties. He said his guess was if this plan was approved and built as is, it would impact what would happen with the other properties. His preference was for the property owners to agree on something.

Dr. John Eiden, 16821 State Highway 7, said he bought his property about 10 years ago as an investment opportunity. He started out thinking the highest and best use was for open land. He thought Carlson's ideas looked good but didn't make sense. Eiden said the properties should be developed as one piece. Four of the property owners wanted to do something as one. He said he was not going to give away his property nor would he be pressured into selling. He was against spot zoning. He and Anderson were going to remain holdouts until something came along that made sense.

Beth Frost, 4914 Clear Spring Road, said she was a real estate agent who knows there was a huge demand for this type of housing. In a perfect world the whole plan would be done with the lots all the way down Highway 7.
Schneider said he would seriously question any senior housing project for any of the properties. Even though many seniors do not drive, there would be traffic from visitors, emergency and delivery vehicles. A town home product or something similar was probably the right thing to do.

Acomb said she liked the product and the fact the houses would not be too tall. The piece meal aspect concerned her.

Bergstedt noted the properties were in his ward. He said no one liked the previous plan with the 30 homes and one way street. A lot of the neighbors on Clear Spring were concerned about stormwater issues. A number of the residents wanted the city to purchase the properties to keep as open space. This likely was not going to ever happen. He said the worst thing would be to develop the properties piece meal but if the property owners could not come together to do something that was coordinated there was nothing the city could do to prevent any of the parcels from being developed. He thought the type of housing was good. Another concern from the residents on Clear Spring was the possibility of MNDOT closing the access on and off of Highway 7 and creating a new access back to Clear Spring. Whatever happens with the parcels, he hoped the bike and pedestrian trail would remain, and depending on the volume of traffic, creative things are done with signage and other things for the safety of the trail users.

Allendorf said he liked the product in isolation. If this property and the Anderson property could be developed together he wondered if there could be a shared entry on to Highway 7. This would give him some comfort about some of the piece meal aspects of the development.

Schneider said he had similar thoughts about the access to Highway 7. He wasn’t sure where the best location for the one access point would be. The concept of having 12 or 13 homes rather than six along with one access point was a better alternative.

Wiersum said there seemed to be agreement that the product was a good product. There also seemed to be agreement that a development involving multiple properties was significantly more desirable than developing the one property. The economics was the issue in getting that to happen. He questioned if there was a way to make the properties more valuable for the property owners. One way was adding density.

Allendorf said it would be nice if the access point for the Carlson property could be placed where the Anderson property could hook up to it when it was developed.
Carlson said he pointed out to Anderson that if the Carlson plan was developed it would limit what Anderson could develop on his own property because of the setbacks.

Allendorf asked if the Carlson property was developed and then later on the Anderson property was purchased by the Carlson property owner, if the lots could then be combined. Gordon said that could occur. The zoning classification would come in to play.

C. Resolution supporting the DEED Job Creation Fund Application by Freudenberg North America LP

Wischnack gave the staff report.

Acomb moved. Allendorf seconded a motion to adopt resolution 2016-014 expressing support of the project proposed by the Company and its application for an award from the DEED Job Creation Fund.

15. Appointments and Reappointments:

A. Appointment of representatives to various advisory boards, commissions and committees

Bergstedt moved. Wiersum seconded a motion to approve the appointments to the various advisory boards, commissions and committees. All voted “yes.” Motion carried.

16. Adjournment

Wiersum moved. Bergstedt seconded a motion to adjourn the meeting at 8:56 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

Davie E. Maeda
City Clerk
2017 CONCEPT PLAN