



**Agenda
Minnetonka City Council
Regular Meeting
Monday, Nov. 28, 2022
6:30 p.m.
Council Chambers**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Kirk-Schack-Wilburn-Calvert-Schaeppi-Coakley-Wiersum
4. Approval of Agenda
5. Approval of Minutes:
 - A. Oct. 24, 2022 regular meeting minutes
 - B. Nov. 14, 2022 regular meeting minutes
6. Special Matters:
 - A. Recognition of 2022 Minnetonka Police Academy graduates
 - B. 2022 Sustainability commission progress report and 2023 work plan
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases: None.
10. Consent Agenda - Items Requiring a Majority Vote:
 - A. Conditional use permit for an educational use within an existing religious institution at 4600 Shady Oak Road

Recommendation: Adopt the resolution (4 votes)
11. Consent Agenda - Items Requiring Five Votes: None.
12. Introduction of Ordinances:
 - A. Housekeeping ordinance amending various sections of Chapter 3, Zoning Regulations, of the Minnetonka City Code

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Recommendation: Introduce the ordinance and refer it to the planning commission (4 votes)

13. Public Hearings: None.

14. Other Business:

A. Concept plan for Walser Kia at 15700 Wayzata Blvd

Recommendation: provide feedback, no formal action required

B. Concept plan for Minnetonka Partners, LLC at 15407 and 15409 Wayzata Blvd

Recommendation: provide feedback, no formal action required

C. Closed Session. Section 13D.05, subd. 3(c) of the Open Meeting Law, allows the city council to close a meeting to develop an offer to purchase the properties at 15000 and 15208 Minnetonka Blvd.

15. Appointments and Reappointments:

A. Appointment of young adult to the sustainability commission

Recommendation: Approve the appointment (4 votes)

16. Adjournment

**Minutes
Minnetonka City Council
Monday, October 24, 2022**

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:31 pm

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Council Members, Bradley Schaeppi, Kissy Coakley, Brian Kirk, Rebecca Schack, Kimberly Wilburn, Deb Calvert and Brad Wiersum were present.

4. Approval of Agenda

Calvert moved, Wilburn seconded a motion to accept the agenda with addenda to Items 10K, 14A, 14B and removing Item 6B. All voted "yes." Motion carried.

5. Approval of Minutes:

A. October 3, 2022 regular meeting minutes

Calvert moved, Kirk seconded a motion to approve the minutes. All voted "yes." Motion carried.

B. September 29, 2022 special meeting minutes

Calvert moved, Kirk seconded a motion to approve the minutes. All voted "yes." Motion carried.

6. Special Matters:

A. Retirement recognition for Police Reserve Officer Billy Gerard

Wiersum read a proclamation in full for the record recognizing Police Reserve Officer Billy Gerard and thanked him for his many years of dedicated service to the City of Minnetonka. A standing ovation and round of applause was offered by all in attendance. He then presented Police Reserve Officer Gerard with picture frame and picture of Minnehaha Creek.

Police Reserve Officer Gerard stated he has seen it all, done it all and heard it all, with the only problem of not remembering it all. He thanked the city for the recognition.

B. Minneapolis Regional Chamber update

This item was pulled from the agenda.

C. Sustainability Minnetonka awards

Wiersum presented the Sustainable Minnetonka Awards that recognized five community members for their sustainability work in the fields of energy, landscape, water, waste and young adult.

D. Police update

City Manager Mike Funk explained Police Chief Boerboom had a presentation from the Minnetonka Police Department. He thanked the community and the council for their continued support of the police department.

Police Chief Boerboom provided the council with an update from the police department. He discussed the crime patterns and property crime trends in the community noting his officers were working diligently to be part of the solution. A crime map for 2022 was reviewed. He commented further on the number of thefts that had occurred year to date, noting theft from motor vehicles was a growing concern. He described the initiatives that were in place to assist with deterring motor vehicle thefts and thefts from vehicles. He explained 6,170 spot checks have proactively been conducted by Minnetonka Police Officers in 2022. He discussed how his office was directing patrols based on intelligence in order to address areas of concern. He commented on how the license plate readers and camera trailers were deployed to assist the department.

Wiersum thanked Police Chief Boerboom for this thorough report. He explained his wife had her car broken into in another community and had her wallet stolen. He discussed how this event made his wife feel less safe. He was of the opinion that public safety was job one for the city and he wanted the residents of Minnetonka to feel safe. He believed the city needed partners at the prosecution and judge level in order to properly handle criminals in the community. In addition, the city needed programs in place to help kids or adults that need help. He concluded by stating he was very proud of the work being done by the Minnetonka Police Department.

Calvert agreed the city need programs in the schools and for parents to help the children who have landed themselves in trouble. She indicated there was also a need for more mental health services. She supported the city and its residents

providing more funding for schools and youth programming to address this growing concern.

7. Reports from City Manager & Council Members

City Manager Mike Funk reported on upcoming city events and council meetings. He commented on the upcoming election and encouraged residents to vote early or on the day of the General Election, which was Tuesday, November 8.

Schaeppi thanked staff for their assistance with the buckthorn removal event that was held at Lenner Park on Sunday, October 9.

Schaeppi thanked all of the city staff and community members that participated in the Groveland walk and bike to school day which was held on Wednesday, October 12.

Schaeppi explained he was up to 2,000 miles on his e-Bike in the community over the past two years. He noted these miles per put on bringing his daughters to school, running errands or biking to city council meetings. He indicated this has been a life changing mode of transportation for him and his family. In addition, he appreciated being outside more for both himself and his family. He encouraged residents to consider purchasing an e-Bike for themselves or a loved one when the weather gets warmer to get around town.

Calvert thanked the city manager for mentioning the voting numbers and encouraged all residents to get out and vote on or before Tuesday, November 8.

Wiersum explained the city open house was very well attended. He thanked city staff for all of their hard work on this event.

Wiersum noted he attended the recent ICA fundraiser. He reported this organization was in need. He urged residents in need to consider visiting the ICA food shelf and for those that have enough to consider contributing to the ICA food shelf.

8. Citizens Wishing to Discuss Matters not on the Agenda: None.

9. Bids and Purchases:

A. Bids for the Minnetonka Community Center project

Public Works Director Will Manchester gave the staff report.

Calvert commented on the current bidding environment and stated she wanted to get this project done right without breaking the bank and she understood this project may need to be put on hold for a small time period in order to receive more cost effective bids. City Manager Mike Funk reported the rebidding would occur in one month.

Kirk explained construction costs were rising on a monthly basis. He was hopeful the city would receive more favorable bids in November in order to move this project forward.

Schack moved, Calvert seconded a motion to reject all bids and authorize a new advertisement for bid. All voted "yes." Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

Wiersum explained he sent a letter to the Met Council requesting grant funds to assist business and properties within Opus with the expense of having their roadways renamed. City Manager Mike Funk indicated staff would be available to discuss these costs with local business and property owners.

A. Resolution concerning "no parking" zones on Fairfield Road, Covington Lane and Covington Terrace

Calvert moved, Kirk seconded a motion to adopt Resolution 2022-095 and Resolution 2022-096. All voted "yes." Motion carried.

B. Commercial Code Compliance Loan Program for Minnetonka businesses

Calvert moved, Kirk seconded a motion to adopt Resolution 2022-097. All voted "yes." Motion carried.

C. Resolution supporting an application to Metropolitan Council Livable Communities Act – Affordable Homeownership Pilot Grant Program

Calvert moved, Kirk seconded a motion to adopt Resolution 2022-098 All voted "yes." Motion carried.

D. Resolution approving a conditional use permit for a detached accessory dwelling unit at 3274 and 3305 Fairchild Avenue

Calvert moved, Kirk seconded a motion to adopt Resolution 2022-099 All voted "yes." Motion carried.

E. Energy Action Plan (EAP) addendum

Calvert moved, Kirk seconded a motion to adopt Resolution 2022-100. All voted "yes." Motion carried.

F. 2023-2027 Public Health Mutual Aid Agreement

Calvert moved, Kirk seconded a motion to approve the agreement. All voted "yes." Motion carried.

G. Ordinance establishing Juneteenth, June 19 as a city holiday

Calvert moved, Kirk seconded a motion to adopt Ordinance 2022-15. All voted "yes." Motion carried.

H. Renaming roadways in Opus area

Calvert moved, Kirk seconded a motion to adopt Ordinance 2022-16. All voted "yes." Motion carried.

I. Ordinance regarding storage of deicing material

Calvert moved, Kirk seconded a motion to adopt Ordinance 2022-17. All voted "yes." Motion carried.

J. Strategic profile quarter three report

Calvert moved, Kirk seconded a motion to adopt accept the report. All voted "yes." Motion carried.

K. 2023 city calendar

Calvert moved, Kirk seconded a motion to adopt Resolution 2022-103. All voted "yes." Motion carried.

11. Consent Agenda – Items requiring Five Votes: None.

12. Introduction of Ordinances:

A. Ordinance establishing licensing requirements for the sale or disposal of edible products containing tetrahydrocannabinol (THC)

Community Development Director Julie Wischnack gave the staff report.

Coakley asked if THC would be allowed in food products or juices. She commented how people of color has been criminalized for selling and using

marijuana products. She explained she did not want this to occur in this community with THC products. City Attorney Corrine Heine reported the THC products have very specific limitations. She indicated this bill slipped through legislation and would be further reviewed by the legislature in 2023. She stated only a very narrow array of products could be sold at this time and the proposed ordinance does not prohibit the sale of THC products, but rather requires a license and does not allow for the sale to minors. Wischnack commented she had data from state regarding cottage products.

Coakley questioned why the city was restricting mobile and vending sales of THC. Wischnack reported this was done to assist with properly tracking vendors and sales. She explained the city does not allow for the sale of alcohol or tobacco from mobile or vending machines.

Calvert asked if the city received any feedback from local retailers. Wischnack stated staff held a meeting with local business owners and there were questions about what the fee would be for the THC license and there were concerns about how highly regulated this product was.

Wilburn inquired if this ordinance required THC vendors to be a certain distance from schools. Wischnack commented there were no location or geography types of regulations within this ordinance. She indicated this was done because there was a large number of businesses that could sell THC, such as Target, drug stores, gas stations, etc. and these types of establishments were already located near schools.

Schaeppi commented people could already order THC from businesses in Minnesota or through the mail. He questioned if the ordinance addressed these types of sales. Heine reported the ordinance does require sales in Minnetonka to be person to person, which meant orders by mail were prohibited. She indicated it would be difficult to enforce people ordering a THC product over the internet or through the mail.

Wiersum discussed how the city did not allow the sale of flavored cigarettes. He asked if the city could only allow for the sale of edibles that were unflavored in order to reduce the appeal of gummies to minors. Heine commented staff was still working through what they could and could not regulate, with the understanding the legislature would be revisiting this topic next year. She reported the state did have very specific restrictions regarding how edibles could be packaged.

Wiersum inquired if edibles could be sold at a restaurant or bar. Wischnack stated there would be more learning as sales occur and after the legislature addresses this issue in 2023. She noted the city could revisit this ordinance again in the future if concerns with sales were to occur.

Schack thanked staff for all of their work on this ordinance. She requested staff seek feedback from local businesses regarding issues they were facing.

Coakley stated she would be interested to know if there had been any arrests related to edibles.

Schaeppi explained he supported adult use of THC edible products. However, he was concerned with how these products would impact underage minors, if they were to get their hands. He anticipated there would be unintended consequences by allowing THC products to be sold in Minnetonka. He stated it would be nice to focus on the impact on children and recommended instore advertising be addressed.

Calvert stated at a committee meeting with the League of Minnesota Cities she received an eye opening presentation on edibles. She explained edibles appeared like a lot of other products and she was concerned with how they would get into the hands of youth. She anticipated regulating the sale of these products would be a heavy burden on staff and law enforcement. In addition, there would be challenges for parents in the community. She thanked staff for all of their efforts on this ordinance, given the fact this topic was a moving target.

Kirk stated he would like additional information on what THC was and the amount of milligrams it takes to get a high.

Wiersum commented the approval at the state level was rife with confusion because it was passed as part of an omnibus bill. He understood that the city's ordinance was not going to be perfect, but he appreciated the fact the city was putting regulations in place. He stated as the legislature works to address the error that was made, this will impact the city.

Schack moved, Coakley seconded a motion to introduce the ordinance. All voted "yes." Motion carried.

B. Solar energy systems ordinance update

Associate Planner/Sustainability Coordinator Drew Ingvalson gave the staff report.

Wiersum explained some neighborhood associations had more restrictive covenants than what the city allows. He asked if neighborhood associations could disallow solar installations. Ingvalson stated this was something the city ran into and noted private organizations would have to come to an agreement on solar installations.

Wilburn moved, Calvert seconded a motion to introduce the ordinance. All voted "yes." Motion carried.

13. Public Hearings: None.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

14. Other Business:

A. Preliminary and final plat of DUNIBAR COURT, a five-lot subdivision, at 17809 Ridgewood Road

Community Development Director Julie Wischnack gave the staff report.

Coakley explained she met with residents in this neighborhood and they spoke to her about why this project should not move forward. She stated she was concerned with how vehicle would have to maneuver into the new cul-de-sac. She understood this project met the ordinance, but asked if the neighbor's concerns have been addressed. Wischnack explained she understood there was neighbor opposition and staff has reviewed the letters that have been sent to the city. She empathized with their points of issue as this was a secluded area. She noted staff responded to requests for information and staff has weighed in on the snow concerns. She reported staff respected the concerns that have been raised and noted the final decision on this matter rested with the city council.

Calvert noted she visited the site and understood this was a hard to develop area. She commented on the tree inventory on the site and requested further information from staff on where the trees were located on the site. Wischnack reviewed the location of the trees on the property and noted the trees that were located within the wetland.

Calvert indicated she was deeply uncomfortable with the amount of tree loss proposed within this development. She noted she was also concerned about how this project was building into a steep slope. Wischnack explained staff was requiring the developer to readdress the grading in the southern area of the development to address this concern. She noted the proposed home locations on the lot were proposed and not set.

Calvert stated in talking with the neighbors there was talk about giving up property to allow the cul-de-sac to move northward. She commented if a property owner was willing to do this, how should this project move forward. Wischnack stated this would create other tree implications that would have to be considered.

Schack asked if restricting the number of lots would be considered a taking of the property. City Attorney Heine stated this would not become a takings analysis issue. She reported if an application for a plat meets all city ordinance requirements the property owner was entitled to plat approval. She commented if the council believed three lots fit better than four, the council would have to consider what portions of city code were not being met and why the developer was not entitled to four lots.

Kirk indicated he visited the site today. He requested further information regarding the right of access to this property. Heine stated this property does have a legal right of access because it fronts on Ridgewood Road. She explained the property also has access on Dunibar Court.

Wilburn stated she had visited the site and met with the residents. She commented if the safety concerns are valid, was the city obligated to alter the cul-de-sac. Wischnack reported if the council had safety concerns, the cul-de-sac could be altered. However, she reported city staff believed the cul-de-sac was not a safety concern as proposed.

Wiersum explained the city's degrees of freedom on conforming proposals was really quite constrained. He understood the developer worked with staff on this proposal, but asked if this conforming proposal could be made better. Wischnack stated this proposal meets city ordinance. She commented on how staff always pushes for more than was required in terms of regulations. She believed this plan was the best plan to move forward. She indicated the city would save every tree that they could and noted the house locations would be adjusted.

Wiersum discussed how challenging it was to snow plow cul-de-sacs. He requested staff speak to how difficult it would be to plow the proposed cul-de-sac. Public Works Director Will Manchester stated the city has 581 cul-de-sacs and the city does find itself in situations where snow is hauled away. He noted staff does not have any concerns with the proposed cul-de-sac.

Wiersum requested the applicant come forward at this time.

Eric Zehnder, Zehnder Homes, thanked the council for their time and consideration. He commented on the rights of property owners and noted he had worked very hard to meet all of the city's ordinances through the proposed plat. He reported he has been working with staff for over a year to complete this plat. He commented on the snow removal plan for the development. He discussed how the neighborhood would add more traffic to the neighborhood, but stated this increase would be minimal. He noted he spoke with the neighbors at a community meeting and suggested a consolidated garbage service be considered by the neighbors. He indicated the existing cul-de-sac did not have a lot of on-street parking and noted the new houses would have longer driveways,

which meant they would have more off-street parking. He discussed how the existing driveway at the end of the cul-de-sac was not a problem he created, but rather was already in place. He reported the cul-de-sac would be 80 feet in diameter per city code requirements. He reiterated that this was a conforming R-1 plat and noted he was available for comments or questions.

Wiersum opened the meeting for public comments.

Dan Schoenecker, 4525 Dunibar Ridge Road, stated he lives adjacent to the proposed development. He indicated he was not opposed to the property being developed, but he was opposed to how it has been passed to the council without the neighbors concerns regarding roadway safety, parking and snow removal being addressed. He indicated when he purchased his land in 2001 he asked the city what the plans were for this land and he was told the land would sell at some point, but there were no proposed plans. He expressed concern with the fact the site would now have five homes that were being accessed through the bulb of his cul-de-sac. He indicated he was later told by staff that this had been the plan for the site since 1999, and there was previously a clerical error. He reviewed the proposed cul-de-sac plans stated he understood there were three other balls off of a ball in the city. He commented on the current proposal and noted most cul-de-sacs service three to five properties. He explained his cul-de-sac would now service nine properties. He noted there was not another cul-de-sac in Minnetonka that serviced nine properties. He anticipated it would not be safe to back into a bulb that served nine homes. He stated these dangers would be magnified when the cul-de-sac was surrounded by snow banks. He commented his last concern was with the proposed tree loss, especially with the significant, mature trees. He understood that the developer owned the property and could do what he wants, but he asked that the buffer pine trees located on his developments property remain in place or that the buffer be replanted at the developers expense. He encouraged the council to not dismiss the concerns of the nine families that were located Dunibar Ridge. He respectfully requested the council hold off on taking action on this plan and that the proposed plan from 1999 be further considered.

Karen Evenson, 4478 Dunibar Ridge, thanked the council for their time and for hearing her concerns. She stated she was the first home in her neighborhood in 2000. She explained she liked the location because it was safe and on a cul-de-sac. She reported her boys used this cul-de-sac well. She understood the proposed plat somehow met all of the city's requirements, but noted there was concerns with how the property would be accessed via Dunibar Ridge Road. She read through how city ordinance defines a cul-de-sac. She noted Dunibar Ridge Road already has one road extension. She asked how adding yet another extension to the cul-de-sac conforms with city ordinance. She explained the neighbors had asked the developer to create a separate access roadway to the development that does not disrupt the existing townhomes, church or Dunibar

Ridge Road. She noted the neighbors have come up with multiple solutions, with the most viable option coming along the eastern property line adjacent to the church. She commented on the history of the property, noting the neighbors were not wetland delineation experts. However, the neighbors did believe there were viable options for accessing the development other than using Dunibar Ridge Road and requested the council pursue these options further with the developer.

Laurie Schoenecker, 4525 Dunibar Ridge Road, stated there were safety problems with the proposed access for the Dunibar Court development. She noted the planning commission was aware of these concerns. She summarized the concerns that were voiced at the planning commission meeting. She did not want there to be an accident on her cul-de-sac before the concerns of the neighbors were taken seriously. She did not like the fact the city was creating a bulb on bulb cul-de-sac and recommended another entry point be considered.

Bobbie Rochlin, 4445 Dunibar Ridge, stated her home was the home on the corner of Ridge Road and Dunibar Ridge Road. She reported she currently had roads on two sides of her triangular lot and with the proposed development she would now have another maintenance driveway abutting her property. She explained this would put her property on an island of pavement. She requested the council take this into consideration, along with the other concerns that have been voiced by her neighbors. She recommended another access point be considered.

Rajesh Nagalla, 4502 Dunibar Ridge Road, thanked the council for making kids safety a focus. He reported he had young children and requested the proposed plans be further vetted for safety purposes.

Wiersum closed the meeting for public comments.

Wiersum asked if there were any comments from staff based on the statements made by the public. Wischnack stated many of these issues were discussed at the planning commission.

Calvert reported she watched the planning commission meeting. She indicated the legal definition of a cul-de-sac was being brought into question. She inquired if the city had to legally redefine what a cul-de-sac was. She asked if the electrical box was located within the delineated wetland area. Wischnack stated the electrical box was within the delineated wetland area. She commented this happens from time to time. Heine explained she was of the opinion the definition of a cul-de-sac was not being violated with this plat because there was one point of entry at Ridgewood Road and there would be a cul-de-sac off of a cul-de-sac. She reported the city has several cul-de-sacs off of cul-de-sacs already in place. Public Works Director Will Manchester concurred with these comments.

Kirk requested further confirmation on the tree count. Wischnack reviewed the tree inventory in further detail with the council. She reported the trees in question in the buffer area were planted on city right of way.

Kirk commented there were two cul-de-sacs in his ward that have been abandoned through roadway extensions. He asked if the new cul-de-sac would be called Dunibar Ridge Road. Wischnack explained the cul-de-sac would be named Dunibar Court. Heine discussed how some of these abandoned cul-de-sacs were intended to be removed and extended, but rather were simply extended for new developments.

Wiersum questioned if the ghost plat was considered a proposal. Wischnack described what was viewed as a proposal and what was not viewed as a proposal by the city. She noted a concept was provided for this property for future subdivision and road alignments, however she noted there were no proposals. She stated a concept becomes a proposal when the applicant applies for something. Further discussion ensued regarding the application process for official proposals, which included the payment of fees and filling out of a complete application.

Schaeppi thanked the neighbors that came in to speak regarding the proposed plat. He discussed the request before the council and noted the plat was conforming. He indicated it was not the role of the council to add additional conditions because this would become problematic. He explained he understood the concerns of the neighbors and stated he also lives at the end of a cul-de-sac. He explained this plat was not intending to store snow on the existing cul-de-sac. He acknowledged the applicant for meeting the city's requirements with respect to steep slopes and the tree ordinance. He stated he also acknowledged the loss of trees, but did not see how the council could put additional conditions on this conforming project.

Schack stated she agreed with most of what Councilmember Schaeppi said. She commented this parcel was vacant and the property owner had the right to develop this land. She reported if this lot were geographically different, the site would be able to hold even more homes. She indicated she would be offering her support to the proposed plat.

Kirk explained she was on the planning commission for seven years. During this time he did not recall approving a long drive with four homes at the end, which would be the alternative to the proposed cul-de-sac off a cul-de-sac. He stated the long driveway option would not be safe. He believed the proposed access point was the most logical access point. He indicated the cul-de-sac was already compromised with a through street. He noted this turn would change the character of the existing cul-de-sac, but he believed it made sense. He encouraged the developer to reconsider the tree inventory and the trees that

could be saved. He reported he would be supporting the proposed plat. He encouraged the developer to keep the access/maintenance drive vegetation.

Coakley commented she appreciated the neighbors coming out and voicing their concerns regarding the proposed development. She believed the project would create safety concerns and for this reason she would not be offering her support to the proposed plat.

Calvert stated this was a difficult project for her. She thanked the neighbors for being thoughtful and engaged. She explained she served on the planning commission for many years and reported this group made recommendations to the city council and did not make final decisions. She commented if a develop meets city ordinances, it restrains whether or not the council could deny the request. She understood the developer had the lots and setbacks fully conforming. In addition, the proposed plat minimally meets the steep slope ordinance. She indicated the tree ordinance was being met, but the sense of tree loss would be significant. She encouraged the developer to consider a better configuration for the road and buildings in order to address the tree loss. She understood that nobody on the planning commission felt good about this plat even though it checked the right boxes. She stated she felt much the same way about this project.

Wilburn commented she was struggling with this request. She explained she visited the site and she has safety concerns. She did not believe city staff was dismissing the neighbors concerns, but she feared traffic safety would be an issue. However, she also understood the plat met city requirements.

Calvert reported one of her biggest concerns was with vehicular circulation in the bulb because there were no clear lanes for traffic.

Wiersum thanked the neighbors for coming forward and clearly articulating their concerns. He explained the council was torn on this plat because this was not an easy development. He understood this plat took creativity because the property was landlocked. He commented he believed in the rule of law and that Mr. Zehnder, the property owner, has property rights. He stated the council cares about all of the things the neighbors care about and the council has put ordinances in place to guide future developments. He reported Mr. Zehnder had brought a conforming plat to the city. For this reason, he would be offering his support to the request.

Schaeppi moved, Kirk seconded a motion to adopt Resolution 2022-101.

Schaeppi, Kirk, Schack, Wilburn and Wiersum voted "yes." Coakley and Calvert voted "no". Motion carried.

B. Intersection concept for Gleason Lake Road and Vicksburg Lane

Public Works Director Will Manchester gave the staff report.

Kirk commented the flashing beacon was not warranted at this time. He understood the traffic in this area was difficult at certain times during the day because of the school. He asked if these peak moments were being taken into consideration for the flashing beacons. Manchester stated cameras were installed to monitor this intersection and it was determined warrants were not met for the flashing beacons.

Wilburn requested further comment from staff on the difficulties of working the County on this project. Manchester stated the county looked into the warrants at this intersection in order to not set a precedent when moving forward with improvements at this intersection. He explained he spoke with Plymouth further and noted they would consider improvements if Minnetonka wanted to move forward with this project.

Wilburn questioned how much property would be lost along Towns Road. She then inquired if Plymouth could move forward with this project without approval from the City of Minnetonka given the fact the majority of the intersection land was in Plymouth. City Engineer Phil Olson reported there was a fair amount of right of way along Towns Road and only one property on the south side of Towns Road would be impacted by snow storage. Manchester explained Plymouth could choose to move forward without the City of Minnetonka's approval, but they preferred to work with the city.

Schaeppi asked if the proposed roundabout would have a curb. Manchester stated the center of the roundabout would have a surmountable curb.

Schaeppi explained he looked forward to hearing from the neighbors in attendance and thanked staff for all of their work on this project.

Wiersum opened the meeting for public comments.

Judy Wright, 303 Townes Lane, explained she lived a few doors down from Councilmember Schaeppi. She believed it feels as if this project was being dictated by Plymouth and that the concerns of the residents of Minnetonka were not being considered. She noted she sent a letter to the city and she read this letter in full for the record. She encouraged the council to reconsider the project and the problems associated with the proposal.

John Remakel, 150 Townes, stated he was a father to young boys and he understood the neighbors would have differing opinions regarding the roundabout. He discussed how roundabouts were the wave of the future. He commented on how roundabouts were becoming more popular in the suburbs.

He stated his main concern was with losing the RFB's and discussed how these flashing beacons provide safety for children crossing the street. He feared that with the roundabout, pedestrian safety would be compromised. He commented on how Plymouth was focused on getting traffic through the area to their business district, but he wanted Minnetonka's voices and concerns to be heard for the safety of his children.

Gervaise Peterson, 212 Townes Lane, commented she was surprised there was no one from the City of Plymouth in attendance. She stated she appreciated the stop signs that were in place now. She indicated she was concerned with pedestrian safety given the number of children that walked to school. She supported flashing lights being installed. She believed there had to be a safer way for the residents to leave the neighborhood and she did not see the roundabout being an option. She thanked the council for listening and requested the roundabout not move forward.

Tim Engel, 350 Townes Road, stated his neighborhood has discussed this topic and he believed the main concern was safety and children walking to school. He discussed how the point of land was used for children catching buses to other schools and noted this property had good access at this time. He indicated if this property goes away, so does the safe pickup and drop off location for these students. He believed the crosswalk system that was in place now served the students well and he did not want to see this go away. He expressed concern with how the neighbors were being dismissed by the City of Plymouth. He discussed how difficult it was to get out of his neighborhood already and he feared how this would be impacted by the proposed changes.

Colette Sulser, 259 Townes Road, explained that she did not see how safety would be improved through the proposed roundabout. She discussed how well the existing stop signs and crosswalks work. She commented on how many children were in her neighborhood and all of these kids had to cross the street to get to school. She urged the council to keep the four stop signs in place for the safety of these children.

Mike Sulser, 259 Townes Road, stated there was a lot of speeding south on Vicksburg and Gleason. He discussed how the stop sign slows this traffic down. He anticipated the roundabout would validate and encourage speeding south through the intersection because cars would not have to stop. He reported this was a big concern for him, along with the safety of the children trying to cross the street.

Matt Michaels, 600 Townes Road, explained he understood this was a problematic intersection. He discussed the traffic forecasts and stated they were hard to believe. He anticipated the roundabout would move through, but he

recommended the flashing lights be required for the safety of pedestrians crossing this intersection.

Michael Bruflodt, 16018 Gleason Lake Road, indicated he lived on the corner and had a great view of the intersection. He believed the previous comments were very valid. He recommended a beacon be installed for the safety of the children crossing this roadway. He noted he was not a fan of the roundabout, but she could live with it if the safety concerns were taken into consideration.

Wiersum closed the meeting for public comments.

Wiersum indicated Councilmember Schaeppi has been working with the neighbors on this issue and allowed him to speak first.

Schaeppi stated he lives on Townes Lane and would be impacted by this project. He thanked his neighbors for coming in to speak. He thanked staff who have been working behind the scenes on this project. He commented on the calls he has been making to learn more about roundabouts and mini-roundabouts. He discussed how a flashing beacon could be part of this project. He explained he had two young daughters that would be walking and biking through this intersection. He indicated the intersection was oddly shaped, took some time to cross, and was between two different cities. He summarized the feedback that has been received regarding this intersection noting he understood there was a lot going on at this intersection. He reported he valued the stop signs that were in place because they slowed traffic. He commented the challenge of the intersection was the different angles of the turns. He reviewed the discussions that were held today between Minnetonka and Plymouth staff regarding a flashing beacon. He stated staff was recommending the roundabout move forward with a flashing beacon. He reported if the council supported this recommendation he would also be making a motion direction staff to coordinate with Hennepin County and the City of Plymouth to include the RFB at the intersection through a right-of-way permit. He reiterated that he has a very strong concern about the children walking and biking to school that have to use this intersection. He discussed the manner in which traffic and pedestrians would move through the proposed roundabout with the flashing beacon and noted he would be offering his support for this project.

Schack thanked the neighbors for coming in and speaking. She explained their were professionals that study safety and she would have to defer to the professionals for this project. She agreed with Councilmember Schaeppi that there would be tradeoffs and noted she would support this project moving forward with beacons.

Kirk explained he lived on Excelsior and Baker Road which has a similar angle to this intersection. He believed the proposed roundabout would address the safety

concerns and noted the roundabout would address the log jam and sharp angle concerns. He stated he supported the roundabout moving forward with the RFB's.

Calvert commented change was really hard and it would take some time to get used to a roundabout. She noted traffic could only drive so fast through a roundabout and were viewed as a traffic calming measure. She believed the roundabout would assist with slowing traffic down. She supported the roundabout moving forward and believed it would create safer conditions for pedestrians with the RFB's. She understood the city was dealt a difficult hand and she appreciated the comments from Councilmember Schack that even if the council doesn't like all of the outcomes, Minnetonka had a voice in shaping the outcome of this project. She indicated she would be offering her support for this project.

Wilburn explained the RFB's had to be a part of this project for the safety of the pedestrians in the area.

Wiersum stated the multi-jurisdictional aspect of this project was tricky. He discussed how it benefited the city to work with the City of Plymouth. He understood that residents don't like traffic and they don't like change. He understood the proposed roundabout was a proposed change, but he believed over time, this change would improve safety for the community. He discussed how the roundabout would improve traffic flow. He commented on how important public safety was to the city council, especially for the children in the community. He stated traffic slows down through roundabouts. He thanked Councilmember Schaeppi for all of his efforts and involvement on this project and for getting the RFB's a part of this project.

City Manager Mike Funk summarized the comments from staff noting the recommended action was to approve the concept plans and the joint powers agreement with the City of Plymouth. He stated the RFB was not included in the proposed design, but would be included in a second motion from the council requiring the RFB through a right-of-way permit.

Schaeppi moved, Kirk seconded a motion to approve the concept, joint powers agreement and direct staff to coordinate with Hennepin County and the City of Plymouth to include RRFB's at the intersection of Gleason Road and Vicksburg Lane through a right-of-way permit. All voted "yes." Motion carried.

C. Resolution approving a 10-year commitment for the LOGIS enterprise resource planning and utility billing software applications

Finance Director Darin Nelson gave the staff report.

Calvert reported she engages with an ERP system on a daily basis. She indicated she was in the middle of updating at her place of employment. She asked how confident staff was that the proposed program would meet the city's needs. Nelson explained LOGIS would aid the city along with the transition, which would make it successful. City Manager Mike Funk stated both of the software programs were known quantities and were industry leaders.

Wiersum anticipated the transition would be hard, but would be well worth the upgrade.

Calvert moved, Wilburn seconded a motion to adopt Resolution 2022-102. All voted "yes." Motion carried.

15. Appointments and Reappointments: None.

16. Adjournment

Calvert moved, Schack seconded a motion to adjourn the meeting at 11:34 pm. All voted "yes." Motion carried.

Respectfully submitted,

Becky Koosman
City Clerk

**Minutes
Minnetonka City Council
Monday, November 14, 2022**

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:31 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Council Members Kissy Coakley, Brian Kirk, Rebecca Schack, Kimberly Wilburn, Deb Calvert, Bradley Schaeppi and Brad Wiersum were present.

Wiersum asked for a moment of silence for Keith Clark, the Senior Diversity, Equity and Inclusion Coordinator, who recently passed away unexpectedly.

4. Approval of Agenda

Calvert moved, Kirk seconded a motion to accept the agenda as presented. All voted "yes." Motion carried.

5. Approval of Minutes: None.

6. Special Matters:

A. Minneapolis Regional Chamber update

Minneapolis Regional Chamber Representative Grace Waltz discussed the efforts being pursued by the chamber.

Wiersum thanked Ms. Waltz for her continued partnership with the City of Minnetonka and stated he appreciated the chamber's priorities.

B. State Highway 7 MnDOT Safety Audit

Public Works Director Will Manchester and MNDOT State Traffic Engineer Derek Leuer gave the staff report.

Schaeppi asked what the top priorities were from this study. City Engineer Phil Olson commented on the results from the safety audit and noted several intersections in Minnetonka stand out. He reported having battery backup at

some intersections would be key, along with addressing pedestrian movements. He stated as intersections are replaced going forward, further safety and pedestrian improvements would be considered.

Schaeppi questioned if state grants could be pursued for corridor improvements. Olson explained this corridor has been identified for more intensive study. He commented further on how and when the city would work with MNDOT on corridor improvements.

Schaeppi stated he was happy the city was working with MNDOT to improve safety along this corridor. He discussed how Highway 7 was a physical barrier in Minnetonka, especially for Minnetonka residents that live to the north. He supported the city rediscussing an underpass in the community.

Kirk agreed Highway 7 was a barrier in Minnetonka, especially where the LRT crosses into the community at Minnetonka Boulevard. He discussed how Shady Oak Road was a mess and this roadway was realigned. He commented on how important it was for roadways to have 90 degree intersections.

Calvert explained there were many communities impacted by Highway 7. She stated now may be the time for the city to pursue a Highway 7 Coalition with surrounding communities. Leuer discussed the coalition that was created for Highway 12. He reported this coalition has been instrumental in getting people to the table while also securing funding for the corridor.

Wiersum supported the city forming a Highway 7 Coalition as well. He understood there were real needs for this corridor, which included improving pedestrian safety. He indicated he would be happy to assist with creating this coalition.

City Manager Mike Funk suggested the council continue this conversation through the strategic profile. He noted staff was creating action steps for 2023 and this item could be brought back to the council for further discussion at a future meeting.

Manchester reported there was a caller on the line that would like to speak to this topic.

Luke Van Santen was not able to connect with the council at this time. Wiersum encouraged Mr. Van Santen to send the council an email regarding his comments or questions on this topic.

C. 2022 Small Business Saturday Proclamation

Wiersum read a proclamation in full for the record declaring Saturday, November 26 to be Small Business Saturday in the City of Minnetonka.

7. Reports from City Manager & Council Members

City Manager Mike Funk reported on upcoming city events and council meetings.

Schack stated the Spooktacular event was very well done again this year. She thanked staff for all of their efforts.

Schack thanked all of the staff members and election judges who worked on the election this year.

Wilburn explained she had the privilege of attending the service for the Hopkins Assistant Fire Chief who passed away. She offered her condolences to his family and colleagues. She also sent her condolences to the family and friends of Keith Clark.

Calvert stated several months ago she attended a fundraiser for the organization that was providing prosthetics to the soldiers that were in Minnetonka from Ukraine. She indicated her heart continues to be with the Ukrainian people.

Calvert thanked staff for another well run election and thanked all of the residents who served as election judges. She stated she also appreciated the fact that 74.86% of registered voters took the time to engage in the community by voting in this year's election.

Schaeppi thanked staff and all who served on election day for their efforts.

Schaeppi reported city leadership was looking into the concerns that have been raised about the Marsh.

Wiersum thanked the election judges and city staff for another well run election in Minnetonka. He thanked residents for being patient and respectful throughout the voting process.

Wiersum stated that today he attended a Vantage Class at the high school with City Manager Mike Funk.

Wiersum extended his deepest sympathies to Keith Clark's family, friends and staff members.

8. Citizens Wishing to Discuss Matters not on the Agenda:

Brad Buscher, 13939 Emerald Ridge, stated he was the victim of a recent crime, noting his home was broken into and his vehicle was stolen. He explained he was a single father with eight daughters and three of his daughters were at home. He reported this created a horrific stir in his home. He thanked the Minnetonka Police Department for their tremendous response to this event. He indicated there were nine other homes that were vandalized the same night as his. He stated Detectives Pat Eggleston and Samantha Johnson were miraculous and noted the chief even took the time to speak to him personally. He thanked the evidence department for being amazing. He appreciated the fact his Navigator was found in nine hours, but it had over \$25,000 worth of damage to it after being returned. He reiterated that the response time and work done by the Minnetonka Police Department was exemplary. He explained he was interested in looking into why this type of crime was occurring by juveniles in the community. He stated last time he looked, 1900 vehicles had been stolen in the city. He reported there needed to be more accountability for the actions of these juveniles than the current "catch and release". He stated this system was not working and noted all communities were being impacted by rising crime. He recommended the county attorney's office be addressed, along with the State Capitol. He reported he would like to work in concert with Minnetonka, Wayzata, Plymouth and Medina in order to address this concern. He anticipated this issue was not going to go away and the city would have to keep talking about it. He believed the police department needed more tools in order to keep these criminals off the street and stated he was willing to work with the city to advocate for change.

Wiersum thanked Mr. Buscher for coming forward and speaking to the council. He stated the city needed support from judges, the court system and new solutions for juvenile offenders. He reported the council was committed to addressing this issue. He understood that public safety was job one for the city council and he understood there was work to do.

Tom Madden, e-Cig Pod of Minnetonka, explained he has been a small business owner in Minnetonka for the past nine years. He provided the council with packets of information regarding THC. He discussed how .3 THC was now legal in all 50 states. He commented on how Minnesota State Statute addresses THC. He reported he tests all of the products he sells to ensure they were meeting proper standards. He stated 85% of his customers were using THC products to help with anxiety and sleep.

Wiersum encouraged Mr. Madden to attend the Monday, November 28 city council meeting where the THC ordinance will be addressed.

9. Bids and Purchases:

A. Bids for the Water Treatment Plant #14 Generator Project

Public Works Director Will Manchester gave the staff report.

Calvert moved, Schack seconded a motion to award the contract. All voted "yes."
Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:**A. Revised purchase agreement for 1809 Welland Avenue and 10505 Belmont Road**

Wilburn moved, Calvert seconded a motion to approve the revised purchase agreement. All voted "yes." Motion carried.

B. Certification of delinquent utility charges to the Hennepin County Auditor

Wilburn moved, Calvert seconded a motion to adopt Resolution 2022-104. All voted "yes." Motion carried.

C. Conditional use permit for The Social Kitchen & Libations, a restaurant with an outdoor patio at 12411 Wayzata Boulevard

Wilburn moved, Calvert seconded a motion to adopt Resolution 2022-105. All voted "yes." Motion carried.

D. Solar energy systems ordinance update

Wilburn moved, Calvert seconded a motion to adopt Ordinance 2022-18. All voted "yes." Motion carried.

E. Resolution approving the final plat for CUMMINGS HOMESTEAD at 5024 Sparrow Road

Wilburn moved, Calvert seconded a motion to adopt Resolution 2022-106. All voted "yes." Motion carried.

F. Ordinance prohibiting unauthorized possession of catalytic converters

Wilburn moved, Calvert seconded a motion to adopt Ordinance 2022-19. All voted "yes." Motion carried.

11. Consent Agenda – Items requiring Five Votes: None.

12. Introduction of Ordinances: None.

13. Public Hearings:

A. On-sale intoxicating liquor license for Racks II, INC, located at 11032 Cedar Lake Road

City Planner Loren Gordon gave the staff report.

Wiersum opened the public hearing.

There being no comments from the public, Wiersum closed the public hearing.

Schack reported she received some emails from people in the neighborhood. She explained she did not realize Racks was a “Hooters-type” restaurant. She stated it was disappointing this neighborhood restaurant would rely on the objectification of women as part of their marketing tactics, especially given the fact this restaurant was in close proximity to a middle school and high school.

Calvert stated she shared Councilmember Schack’s sentiments. She indicated she also feared how the existing mom and pop restaurant would fair after this new restaurant as open. She questioned if this was a business model that was needed in Minnetonka.

Wiersum concurred this concept was not Minnetonka-like. He encouraged the applicant to consider a new business model for the sports bar proposed in this community.

Schack moved, Wilburn seconded a motion to grant the license. All voted “yes.” Motion carried.

14. Other Business: None.

15. Appointments and Reappointments: None.

16. Adjournment

Calvert moved, Kirk seconded a motion to adjourn the meeting at 7:57 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

Becky Koosman
City Clerk



**City Council Agenda Item 6A
Meeting of Nov. 28, 2022**

Title: Recognition of 2022 Minnetonka Police Academy graduates
Report from: Scott Boerboom, Police Chief
Submitted through: Mike Funk, City Manager

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

Recognize the forty participants who graduated from the 7th biennial police academy on November 16, 2022.

Recommended Action

N/A

Strategic Profile Relatability

Financial Strength & Operational Excellence Safe & Healthy Community
 Sustainability & Natural Resources Livable & Well-Planned Development
 Infrastructure & Asset Management Community Inclusiveness
 N/A

Statement:

Financial Consideration

Is there a financial consideration? No Yes [Enter estimated or exact dollar amount]
Financing sources: Budgeted Budget Modification New Revenue Source
 Use of Reserves Other [Enter]

Statement:

Background

Community outreach is critical in building trust and legitimacy in policing. Unfortunately, much of the engagement with the community occurs in a reactionary way, but this program allows us to

Subject: Recognition of 2022 Minnetonka Police Academy Graduates

engage proactively. The Minnetonka Police Department conducts a nine-week police academy every other year, to provide insight into how police officers perform their duties and how the department serves the community. The program covers different areas of police work, and each week is led by police officers, supervisors and civilian personnel. The purpose of the academy is to provide information to the community, enabling them to make informed judgements about police services, police activity, or why certain decisions are made. The program is designed to increase police awareness in order to dispel suspicions and misconceptions and to increase police/community rapport through an educational process. The department in turn, becomes more aware of the feelings and concerns of the community from the participant's interaction and input. This is a very valuable two-way learning experience.

We are pleased to present the following academy graduates:

Charlene	Adamsheck
Marion	Anderson
Steven	Anderson
Alexandria	Anderson
Mary	Arnold
Steve	Arnold
Hitendra	Bhadang
Sandy	Carlson
Kathleen	Cumming
Berik	Damberg
Jeffrey	Davis
Lexie	Devries
Bill	Douglass
Flor	Franklin
Joe	Fredkove
Nancy	Fritzke
Margie	Goldfine
Patricia	Hawver
John	Hawver
Kristina	Hoefer
Nikki	Hopf
Kathiravan	Kandasamy
Daniel	Kral
Nancy	Kralovec
Lisa	Lang
Amy	Lindholm
Peg	Meier
Carrie	Michels
Heidi	Mogck
Lisa	Nicpon
Carol Ann	Pike

Larry	Quinn
Jason	Schuneman
Ronald	Sigal
George	Skinner
Thomas	Somers
Alan	Stewart
Elizabeth	Van Oss Tymchuck
Stephanie	Volk
Susan	Yourzak

Thank you to all of the participants! We sincerely appreciate your time, interest and active participation in the City of Minnetonka.



**City Council Agenda Item 6B
Meeting of Nov. 28, 2022**

Title: 2022 Sustainability commission progress report and 2023 work plan

Report From: Drew Ingvalson, Associate Planner/Sustainability Coordinator

Submitted through: Mike Funk, City Manager
Julie Wischnack, AICP, Community Development Director

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

City Code Section 145.015 (7) states, “The commission will annually submit a written work plan and progress report to the city council for review and approval.” Staff has put together a work plan update of the past year for review, comments, and approval from the city council.”

Recommended Action

Review and approve the 2022 progress report and 2023 work plan.

Strategic Profile Relatability

- | | |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input checked="" type="checkbox"/> Sustainability & Natural Resources | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness |
| <input type="checkbox"/> N/A | |

Statement: [link to strategic profile](#)

Financial Consideration

Is there a financial consideration? No Yes [Enter estimated or exact dollar amount]
Financing sources: Budgeted Budget Modification New Revenue Source
 Use of Reserves Other [Enter]

Background

The sustainability commission must annually submit a progress report and work plan to the city council per city code. The progress report provides the city council with an overview of the sustainability commission's progress on tasks outlined in their work plan over the past year, and the work plan forecasts the activities ahead. After a review of the annual summary, the city council will have the opportunity to ask questions or request follow-up work on specific items of the work plan.

2022 Progress Highlights

Below are a few completed task highlights from the 2022 progress report:

- The city hosted various sustainability educational opportunities for community members, such as:
 - o [Organics Recycling](#) webinar, attended by 32 people;
 - o Solar Energy Systems (Solar Power Hour), attended by 36 people; and
 - o Home Energy Audits (Home Energy Squad), attended by six people.
- In 2022, the sustainability commission members and staff served as ambassadors at nine (9) city events (Summer Farmers Market, Summer Fest, Winter Farmers Market, and City Open House).
 - o Staff and commissioners distributed free LED light bulbs, gave sustainability handouts, and spoke with community members about various sustainability topics.
- Commission members, city staff, and community volunteers attended three energy action plan workshops in May and June 2022. These workshops led to the city's approved Energy Action Plan addendum.
- On July 24, 2022, the city hosted its inaugural "Everything Electric" event. Staff estimates that 160 guests visited this new event.
- The commission reviewed and provided comments on the city's solar energy system ordinance update.
- The commission selected winners of the city's inaugural Sustainable Minnetonka Awards. The city received eight applications for these awards.
- There are 853 people following sustainability topics on the city's website.

Sustainability Commission Meeting

Staff reported on the 2022 Progress Report at the Nov. 15, 2022, sustainability commission meeting. The 2023 work plan was also discussed. The commission asked questions about the city's grant applications and requested additional information about the grants. On a 7-0 vote, the sustainability commission recommended the city council accept the 2022 Progress Report and 2023 Work Plan without further changes.

Future Submittals

In Winter 2023/2024, the sustainability commission will be required to submit an annual update on the 2023 work plan to the city council.

**Unapproved
Minnetonka Sustainability Commission
Virtual Meeting
Minutes**

Nov. 15, 2022

1. Call to Order

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

2. Roll Call

Sustainability commissioners Justin Anderson, Edwin Avalos, Elizabeth Boor, Brian Golob, Matt Henry, David Ingraham and Ashley Pattain were present. Harapanahalli Muralidhara was absent.

Staff present: City Planner Loren Gordon and Staff Liaison/Planner/Sustainability Coordinator Drew Ingvalson.

3. Approval of the Agenda

Henry moved, second by Pattain, to approve the agenda as submitted.

Anderson, Avalos, Boor, Henry, Ingraham, Pattain and Golob voted yes. Muralidhara was absent. Motion carried.

4. Approval of Sustainability Commission Sept. 20, 2022 Meeting Minutes

Boor moved, second by Avalos, to approve the Sept. 20, 2022 minutes as submitted.

Anderson, Avalos, Boor, Golob, Henry and Pattain voted yes. Muralidhara was absent. Ingraham abstained. Motion carried.

5. Report from Staff

Ingvalson gave the staff report:

- Winners of the Sustainable Minnetonka Awards were presented a plaque at the city council meeting on Oct. 24, 2022.
- The city council adopted the update to the solar energy system ordinance at its meeting held on Nov. 14, 2022. The update approved by the city council will allow ground-mounted-solar-energy systems to be located in non-residential parking lots.
- An applicant for the young sustainability commissioner position is anticipated to be appointed to the commission by the end of 2022.

- A home energy squad event was held Nov. 9, 2022. The turnout was smaller than expected. Attendees may sign up for a free home energy squad visit at the winter farmer's market.
- Staff sent out a request for qualifications for someone to complete the climate action and adaptation plan. The application deadline is Dec. 21, 2022. The applications are expected to be reviewed in January for work to begin in February.
- Staff will be advertising the locations of the NexTrex recycling containers once they are in position.
- The city's fleet of vehicles now includes two Chevy Volts.
- At the school's request, Ingvalson taught students of the Minnetonka Vantage and Momentum Classes the regulations that must be met to develop a property including those related to stormwater retention, tree removal, impervious surface and setbacks.

6. Report from Sustainability Commission Members

7. Agenda Items

A. 2022 Work Plan Update

Ingvalson reported. Staff recommends that commissioners recommend approval of the 2022 work plan update to the city council.

Henry suggested that commissioners could assist with grant applications.

Chair Golob appreciated seeing the summary of what the commission has accomplished. Ingvalson stated that the summary will be reviewed by the city council before the end of 2022.

In response to Boor's question, Gordon answered that the city is not required to select the low bid for professional services like it is for capital improvement projects.

In response to Chair Golob's question, Ingvalson answered that the budget includes funds to perform community outreach.

Ingraham moved, second by Pattain, to recommend that the city council approve the 2022 work plan update.

Anderson, Avalos, Boor, Henry, Ingraham, Pattain and Golob voted yes. Muralidhara was absent. Motion carried.

B. 2023 Work Plan

Ingvalson reported. Staff recommend that commissioners review and discuss the 2023 work plan; recommend changes or additions if needed; and recommend its approval to the city council.

Anderson suggested inviting staff, residents and commissioners on the tours. Ingvalson explained that some presentations will take place at the sustainability commission meetings. Some tours have a strict limit to the number of visitors and require identification of the participants. He will keep that opportunity in mind as the tours are planned.

Anderson noted that Eureka Recycling may be conducting in-person tours as well as virtual tours.

In 2023, Pattain would like the commission to look into ways to help reduce the cost haulers charge for organics recycling. Ingvalson will include that in his notes.

In response to Henry's question, Ingvalson explained that staff will be contacting Hennepin County staff to request an environmental justice presentation be done at a sustainability commission meeting.

Boor learned that Plymouth is working to create stormwater ponds that would hold salt and possibly remove it from stormwater. She would like a presentation on how that is done. Ingvalson will look into that possibility.

In response to Avalos' question, Ingvalson explained that a vulnerability assessment would be done to identify human, environmental and infrastructure vulnerabilities in the community related to climate change by Barr Engineering. The vulnerability assessment would be used by another party to complete the climate action and adaptation plan.

Avalos noted how much the drought affected Shady Oak Lake this year. He is interested in seeing the results of the vulnerability assessment.

Anderson would like specifics of climate change impacts identified in Minnetonka.

Boor noted that Barr Engineering already did a vulnerability assessment for Hennepin County. Ingvalson explained that the vulnerability assessment would look more in depth and be focused on Minnetonka to provide additional data and specific values not included in the report to Hennepin County.

Henry suggested including the vulnerability assessment as an attachment to the 2040 comprehensive guide plan. Ingvalson explained that the vulnerability assessment would be included as an attachment to the climate action and adaptation plan.

In response to Ingraham's question, Ingvalson explained that the vulnerability assessment would work with the natural resources management plan.

Chair Golob is excited to see the preview of the updated sustainable portion of the Minnetonka website in the first quarter of the year.

Chair Golob would like to learn which materials are being recycled. Anderson would like to see the breakdown on recyclables in the city and trace where each type of plastic goes.

Chair Golob noted that Earth Day occurs in the early spring which may not allow enough time to organize an event. He would like at least a resolution providing a formal acknowledgement of Earth Day by the city. Boor likes the idea of recognizing Earth Day in a formal statement. She has learned from working at the Watershed District that it is hard to plan an event on Earth Day since there are already so many events that take place that day.

Chair Golob would like the issues related to leaf blowers to be researched and discussed by the commission.

Ingvalson asked commissioners for their level of interest in adding the following items to the 2023 work plan:

- Tour a recycling facility and learn what happens to each type of plastic and other items put into recycling.
- Presentation and discussion on ways to reduce the cost of a hauler providing organics recycling.
- Presentation and discussion on the issues created by leaf blowers.

Henry would like to expand the leaf blower discussion to include all gas-powered-lawn equipment including mowers. Chair Golob agreed.

Henry moved, second by Ingraham, to recommend that the city council approve the 2023 Work Plan with the addition of including a tour of a recycling facility and education regarding what happens to each type of item put into recycling; presentation and discussion on ways to reduce the cost of a hauler providing organics recycling; and a presentation and discussion on the issues created by gas-powered-lawn-maintenance equipment.

Anderson, Avalos, Boor, Henry, Ingraham, Pattain and Golob voted yes. Muralidhara was absent. Motion carried.

8. Other Business

Pattain and Chair Golob appreciated Ingvalson and Gordon's work to move the efforts of the sustainability commission forward.

9. Adjournment

Avalos moved, second by Henry, to adjourn the meeting at 7:29 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

2022 Sustainability Commission (SC) Progress Report

City of Minnetonka

1st Quarter

Area	Items	Status
Events and Outreach	<ul style="list-style-type: none"> ✓ Ambassador events (Winter Farmer’s Market)* AS AVAILABLE ✓ Share sustainability programs and initiatives (Home Energy Squad visits, Energy Action Plan, Climate Action Plan, renewable resource options, etc.) with personal networks to spread awareness in the community ✓ Sustainable Minnetonka Webinar Series <ul style="list-style-type: none"> ○ Attend and present where applicable 	<ul style="list-style-type: none"> ✓ Commissioners and staff shared various sustainability handouts at the February and March Farmer’s Markets
Education and Recognition	<ul style="list-style-type: none"> ✓ Sustainable Minnetonka Awards <ul style="list-style-type: none"> ○ Review final eligibility rules ○ Finalize selection parameters ○ Determine the date for recognition 	<ul style="list-style-type: none"> ✓ The SC discussed organics recycling promotion at their 1/18 meeting ✓ The SC discussed award guidelines at their 1/18 meeting
Input and Support	<ul style="list-style-type: none"> ✓ Energy Action Plan <ul style="list-style-type: none"> ○ Recommend programs/events that could enhance the plan ○ Recommend focus areas for the plan update ✓ Provide recommendations on how to promote organic recycling 	<ul style="list-style-type: none"> ✓ The SC recommended business outreach and electric vehicle adoption as energy action plan focus areas at their 3/15 meeting
Learning	<ul style="list-style-type: none"> ✓ Attend tour or presentation *AS AVAILABLE 	<ul style="list-style-type: none"> ✓ MN House Rep. Patty Acomb presented to the SC on 3/15 on the UN Climate Change Conference she attended
Partnerships	<ul style="list-style-type: none"> ✓ Foster new partnerships and build existing relationships with other organizations, commissions, and others 	<ul style="list-style-type: none"> ✓ N/A
Other	<ul style="list-style-type: none"> ✓ Research opportunities to apply for grants (programming, events, resident/business programs, climate action, and adaptation plan) 	<ul style="list-style-type: none"> ✓ The city unsuccessfully applied for an MPCA climate resilience-planning grant.

2022 Sustainability Commission (SC) Progress Report

City of Minnetonka

2nd Quarter

Area	Items	
Events and Outreach	<ul style="list-style-type: none"> ✓ Potential ambassador events (Summer Festival, Summer Farmer's Market)* AS AVAILABLE <ul style="list-style-type: none"> ○ Obtain public input on energy action plan update ○ Obtain public input on CAAP creation ✓ Share sustainability programs and initiatives (Home Energy Squad visits, Energy Action Plan, Climate Action Plan, renewable resource options, etc.) with personal networks to spread awareness in the community ✓ Plan for the "Everything Electric" event ✓ Plan for solar energy event (Solar Power Hours) ✓ Sustainable Minnetonka Webinar Series <ul style="list-style-type: none"> ○ Attend and present where applicable 	<ul style="list-style-type: none"> ✓ SC and staff provided sustainability handouts and spoke with residents about sustainability items at the Summer Fest and 6/28 Farmer's Market ✓ The city hosted an Organics Recycling webinar on 4/26 ✓ City scheduled Everything Electric and solar events
Education and Recognition	<ul style="list-style-type: none"> ✓ Sustainable Minnetonka Awards <ul style="list-style-type: none"> ○ Post the application on the city website ○ Promote awards on various city platforms and with SC sphere of influence 	<ul style="list-style-type: none"> ✓ The city promoted the awards via social media, Minnetonka Memo, the city website, and email subscribers
Input and Support	<ul style="list-style-type: none"> ✓ Energy Action Plan <ul style="list-style-type: none"> ○ Attend Workshops with Energy Action Team ○ Provide input and recommendations for medium/long-term initiatives and goals ✓ Discuss parameters for the Climate Action and Adaptation Plan (CAAP) ✓ Discuss and provide input on sustainability commission learning opportunities (presentations/tours) 	<ul style="list-style-type: none"> ✓ SC members attended three Energy Action Plan workshops (5/10, 5/24, and 6/14) ✓ SC provided CAAP comments at 9/20 meeting ✓ SC voted on education opportunity preferences at the 5/17 meeting
Learning	<ul style="list-style-type: none"> ✓ Attend tour or presentation *AS AVAILABLE 	<ul style="list-style-type: none"> ✓ N/A
Partnerships	<ul style="list-style-type: none"> ✓ Foster new partnerships and build existing relationships with other organizations, commissions, and others 	<ul style="list-style-type: none"> ✓ N/A

2022 Sustainability Commission (SC) Progress Report

City of Minnetonka

<p>Other</p>	<ul style="list-style-type: none"> ✓ Review and approve sustainability commission bylaws ✓ Elect Chair and Vice-chair ✓ Research opportunities to apply for grants (programming, events, resident/business programs, climate action, and adaptation plan) and prepare RFP for climate action and adaptation 	<ul style="list-style-type: none"> ✓ SC approved bylaws at the 3/15 meeting ✓ SC elected chair and vice chair at the 3/15 meeting
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3rd Quarter

<p>Area</p>	<p>Items</p>	
<p>Events and Outreach</p>	<ul style="list-style-type: none"> ✓ Potential ambassador events (Summer Farmer’s Market)* AS AVAILABLE <ul style="list-style-type: none"> ○ Obtain public input on CAAP creation ✓ Share sustainability programs and initiatives (Home Energy Squad visits, Energy Action Plan, Climate Action Plan, renewable resource options, etc.) with personal networks to spread awareness in the community ✓ Host Everything Electric Event *AS AVAILABLE ✓ Host solar energy event (Solar Power Hour) *AS AVAILABLE ✓ Sustainable Minnetonka Webinar Series <ul style="list-style-type: none"> ○ Attend and present where applicable 	<ul style="list-style-type: none"> ✓ SC and staff provided sustainability handouts and spoke with residents about sustainability items at the 7/26, 8/30, and 9/27 Farmer’s Markets ✓ SC hosted the inaugural Everything Electric event on 7/24 ✓ The city hosted a Solar Power Hour presentation on 7/14
<p>Educational and Recognition Material</p>	<ul style="list-style-type: none"> ✓ Present and promote winners of the Sustainable Minnetonka Awards 	<ul style="list-style-type: none"> ✓ SC selected inaugural Sustainable Minnetonka Award winners at the 9/20 meeting
<p>Input and Support</p>	<ul style="list-style-type: none"> ✓ Provide input on Climate Action and Adaptation Plan (CAAP) 	<ul style="list-style-type: none"> ✓ SC provided input on CAAP and Solar Energy System Ordinance Update at the 9/20 meeting
<p>Learning</p>	<ul style="list-style-type: none"> ✓ Attend tour or presentation *AS AVAILABLE 	<ul style="list-style-type: none"> ✓ SC attending a tour of SMSC Organics facility on 7/28

2022 Sustainability Commission (SC) Progress Report

City of Minnetonka

Partnerships	<ul style="list-style-type: none"> ✓ Work with utility providers to promote energy efficiency and renewable energy opportunities ✓ Foster new partnerships and build existing relationships with other organizations, commissions, and others 	<ul style="list-style-type: none"> ✓ SC, city staff and volunteers helped create the Energy Action Plan addendum through Xcel Energy's Partners in Energy program
Other	<ul style="list-style-type: none"> ✓ Research opportunities to apply for grants (programming, events, resident/business programs, climate action and adaptation plan). Select a consultant for CAP 	<ul style="list-style-type: none"> ✓ The city will be selecting a CAAP consultant in the beginning of 2023

4th Quarter

Topics	Items	
Events and Outreach	<ul style="list-style-type: none"> ✓ Potential ambassador events (City Open House, Winter Farmer's Market) *AS AVAILABLE <ul style="list-style-type: none"> ○ Obtain public input on potential CAAP creation ✓ Share sustainability programs and initiatives (Home Energy Squad Visits, renewable resource options, etc.) with personal networks to spread awareness in the community ✓ Sustainable Minnetonka Webinar Series <ul style="list-style-type: none"> ○ Attend and present where applicable 	<ul style="list-style-type: none"> ✓ SC and staff provided sustainability handouts and spoke with residents about sustainability items at the Open House (10/11) and Winter Farmer Market (12/10)
Educational and Recognition Material	<ul style="list-style-type: none"> ✓ Decide how to recognize Sustainable Minnetonka Award winners at the City Open House 	<ul style="list-style-type: none"> ✓ The city recognized winners at the 10/24 city council meeting. The city will also be recognizing winners via other city media outlets
Input and Support	<ul style="list-style-type: none"> ✓ Provide support for new energy action plan initiatives 	<ul style="list-style-type: none"> ✓ N/A
Learning	<ul style="list-style-type: none"> ✓ Attend Tour or Presentation *AS AVAILABLE 	<ul style="list-style-type: none"> ✓ N/A
Partnerships	<ul style="list-style-type: none"> ✓ Participate in metro environmental/sustainable commission workshops *AS AVAILABLE ✓ Work with utility providers to promote energy efficiency and renewable energy opportunities 	<ul style="list-style-type: none"> ✓ SC members attended the Resilient Cities and Communities Conference on 10/6

2022 Sustainability Commission (SC) Progress Report

City of Minnetonka

	<ul style="list-style-type: none">✓ Continue to foster new partnerships and build existing relationships with other organizations, commissions, and others	<ul style="list-style-type: none">✓ The city hosted a presentation on Home Energy Squad visits on 11/9
Other	<ul style="list-style-type: none">✓ Draft 2022 Annual Report and 2023 Work Plan✓ Prepare for the CAAP kick-off✓ Research opportunities to apply for grants (programming, events, resident/business programs, climate action and adaptation plan)	<ul style="list-style-type: none">✓ SC drafted the 2022 Annual Report and 2023 Work Plan at the 11/15 meeting✓ CAAP kick-off will tentatively occur in Spring 2023

2023 Sustainability Commission Work Plan

City of Minnetonka

1st Quarter

Area	Items
Events and Outreach	<ul style="list-style-type: none"> ✓ Ambassador events (Winter Farmer’s Market) ✓ Review tabling materials ✓ Discuss ways the city can celebrate 2023 Earth Day (Saturday, April 22nd) ✓ Share sustainability programs and initiatives with personal networks to spread awareness in the community
Education and Recognition	<ul style="list-style-type: none"> ✓ Sustainable Minnetonka Awards <ul style="list-style-type: none"> ○ Consider changes to the award program ✓ Present and preview the updated Sustainable Minnetonka Webpage <ul style="list-style-type: none"> ○ Include tools available to the public (Regional Indicators Initiative, solar tools, etc.) ✓ Decide on 2023 Sustainable Minnetonka Webinar topics (quarterly)
Input and Support	<ul style="list-style-type: none"> ✓ Climate Action and Adaptation Plan (CAAP) <ul style="list-style-type: none"> ○ Attend kick-off meeting
Learning	<ul style="list-style-type: none"> ✓ As available <ul style="list-style-type: none"> ○ Attend a tour at Hennepin County Energy Recovery Center ○ Attend environmental justice presentation ✓ Attend other tours or presentations
Partnerships	<ul style="list-style-type: none"> ✓ Foster new partnerships and build existing relationships with other organizations, commissions, and others
Other	<ul style="list-style-type: none"> ✓ Present information on no-cost energy audits for multi-family buildings and non-profits with the sustainability commission. Sustainability commission members share ideas on how to promote programs. ✓ Share vulnerability assessment data, if available

2023 Sustainability Commission Work Plan

City of Minnetonka

2nd Quarter

Area	Items
Events and Outreach	<ul style="list-style-type: none"> ✓ Ambassador events (Summer Fest, Summer Farmer's Market) <ul style="list-style-type: none"> ○ Obtain public input on CAAP ✓ Consider changes for the "Everything Electric" event ✓ Plan for solar energy event (Solar Power Hours) ✓ Discuss ways the city and commission can promote watershed district grant opportunities ✓ Host Earth Day event/program (if desired by commission) ✓ Sustainable Minnetonka Webinar Series or other presentations <ul style="list-style-type: none"> ○ Attend and present where applicable ✓ Share sustainability programs and initiatives with personal networks to spread awareness in the community
Education and Recognition	<ul style="list-style-type: none"> ✓ Sustainable Minnetonka Awards <ul style="list-style-type: none"> ○ Post the application on the city website ○ Promote awards on various city platforms ○ SC members consider additional strategies to promote awards
Input and Support	<ul style="list-style-type: none"> ✓ CAAP <ul style="list-style-type: none"> ○ Attend workshops/meetings ✓ Discuss and provide input on sustainability commission learning opportunities (presentations/tours)
Learning	<ul style="list-style-type: none"> ✓ City staff presentation on city trail planning and/or stormwater, if available ✓ Attend other tours or presentations
Partnerships	<ul style="list-style-type: none"> ✓ Foster new partnerships and build existing relationships with other organizations, commissions, and others
Other	<ul style="list-style-type: none"> ✓ Organics recycling discussion (renter options, city participation, pricing issues, opportunities to increase participation) ✓ Gas powered lawn equipment discussion (opportunities to promote electrification) ✓ Recommend additional learning opportunities ✓ Review and approve sustainability commission bylaws ✓ Elect Chair and Vice-chair

2023 Sustainability Commission Work Plan

City of Minnetonka

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3rd Quarter

Area	Items
Events and Outreach	<ul style="list-style-type: none"> ✓ Potential ambassador events (Summer Farmer’s Market) <ul style="list-style-type: none"> ○ Obtain public input on CAAP ✓ Host Everything Electric Event ✓ Host on-site solar energy event (Solar Power Hour) ✓ Discuss ways the commission and city can promote responsible chloride use ✓ Sustainable Minnetonka Webinar Series <ul style="list-style-type: none"> ○ Attend and present where applicable ✓ Share sustainability programs and initiatives with personal networks to spread awareness in the community
Educational and Recognition Material	<ul style="list-style-type: none"> ✓ Present and promote winners of the Sustainable Minnetonka Awards
Input and Support	<ul style="list-style-type: none"> ✓ CAAP <ul style="list-style-type: none"> ○ Attend workshops/meetings
Learning	<ul style="list-style-type: none"> ✓ As available: <ul style="list-style-type: none"> ○ Invite a guest speaker to present to SC on chlorides (best practices, water softeners, effect on the environment, etc.) ○ Attend recycling facility tour ○ City staff provide an overview of the city's invasive species removal and management ✓ Attend other tours or presentations
Partnerships	<ul style="list-style-type: none"> ✓ Foster new partnerships and build existing relationships with other organizations, commissions, and others
Other	<ul style="list-style-type: none"> ✓ Update on the city's promotion of no-cost energy audits for non-profits and multi-family buildings ✓ Staff follow up on meetings with community solar garden providers ✓ Discuss ways to encourage community participation in off-site renewable energy

2023 Sustainability Commission Work Plan

City of Minnetonka

	<ul style="list-style-type: none"> ✓ Request Hennepin County to attend a sustainability commission meeting to present on county initiatives and how Minnetonka can assist in shared goals
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4th Quarter

Topics	Items
<p>Events and Outreach</p>	<ul style="list-style-type: none"> ✓ Potential ambassador events (City Open House, Winter Farmer’s Market) ✓ Sustainable Minnetonka Webinar Series <ul style="list-style-type: none"> ○ Attend and present where applicable ✓ Share sustainability programs and initiatives with personal networks to spread awareness in the community
<p>Educational and Recognition Material</p>	<ul style="list-style-type: none"> ✓ Recognize Sustainable Minnetonka Award winners
<p>Input and Support</p>	<ul style="list-style-type: none"> ✓ CAAP <ul style="list-style-type: none"> ○ Attend workshops/meetings ○ Review the final draft of CAAP
<p>Learning</p>	<ul style="list-style-type: none"> ✓ As available: <ul style="list-style-type: none"> ○ Research alternate transportation opportunities (future light rail, car share, e-bikes, etc.) ○ Attend a presentation on PFAS (polyfluoroalkyl substances) ✓ Attend other tours or presentations
<p>Partnerships</p>	<ul style="list-style-type: none"> ✓ Participate in metro environmental/sustainable commission workshops ✓ Continue to foster new partnerships and build existing relationships with other organizations, commissions, and others
<p>Other</p>	<ul style="list-style-type: none"> ✓ Draft 2023 Annual Report and 2024 Work Plan ✓ Review the final draft of CAAP



**City Council Agenda Item 10A
Meeting of Nov. 28, 2022**

Title: Conditional use permit for an educational use within an existing religious institution at 4600 Shady Oak Road

Report From: Susan Thomas, AICP, Assistant City Planner

Submitted through: Mike Funk, City Manager
Julie Wischnack, AICP, Community Development Director

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

In 1971, the city approved a conditional use permit (CUP) for a religious institution to occupy the property at 4600 Shady Oak Road.

Since the fall of 2020, three homeschool co-ops have occupied space within the church building during the week.¹ This regular, weekday educational use of the religious building was not contemplated under the 1971 CUP. Therefore, a separate CUP for an educational facility is required.

Recommended Action

Adopt the resolution approving the conditional use permit.

Strategic Profile Relatability

- | | |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input type="checkbox"/> Sustainability & Natural Resources | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness |
| <input checked="" type="checkbox"/> N/A | |

Statement: NA

Financial Consideration

Is there a financial consideration? No Yes [Enter estimated or exact dollar amount]
Financing sources: Budgeted Budget Modification New Revenue Source
 Use of Reserves Other [Enter]

¹ Per the applicant's narrative: "The homeschool co-ops are small groups of parents and students, pre-K through 12th grade, that gather weekly to support one another in education with a Biblical worldview using classical and contemporary methods. These groups involve volunteers as well as trained and paid parent tutors from within the group."

Planning Commission Hearing

The planning commission considered the proposal on Nov. 17, 2022, on its consent agenda. The staff report and meeting minutes are attached. Staff recommended approval of the proposal, noting:

- **CUP Standards.** The educational use would meet all CUP standards.
- **Complimentary Use.** The co-ops' daytime and weekday use of the building would be complementary to the church's more typical evening and weekend use.
- **Parking.** The proposed use would meet the existing and proposed parking ordinance requirements.
- **Complaints.** The co-ops have been occupying space in the building for over two years. The city has received no complaints about the educational use during this time.

On a 4-0 vote, the planning commission recommended the city council approve the CUP.

MINNETONKA PLANNING COMMISSION
Nov. 17, 2022

Brief Description Conditional use permit for an educational use within an existing religious institution at 4600 Shady Oak Road

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

Background

In 1971, the city approved a conditional use permit (CUP) for a religious institution to occupy the property at 4600 Shady Oak Road. Cross of Glory Baptist Church was constructed soon after. Additions to the church building were made in 1978 and 2002.



Proposal

Since the fall of 2020, three homeschool co-ops have occupied space within the church building during the week.¹ The typical co-op schedule at Cross of Glory is Monday thru Thursday, 8 a.m. to 3:30 p.m.:

Days	Estimated Number of People	Co-op
Monday	75 per day	Hopkins Classical Conversations
Tuesday	116 per day	Eden Prairie Classical Conversations
Wednesday	80 per hour	Christian Homeschool Academy of Tutoring
Thursday	150 per hour	Christian Homeschool Academy of Tutoring

This regular, weekday educational use of the religious building was not contemplated under the 1971 CUP. Therefore, a separate CUP for an educational facility is required.

¹ Per the applicant's narrative: "The homeschool co-ops are small groups of parents and students, pre-K through 12th graded, that gather weekly to support one another in education with a Biblical worldview using classical and contemporary methods. These groups involve volunteers as well as trained and paid parent tutors from within the group."

Staff Analysis

Staff finds that the proposed educational use is reasonable and appropriate, as:

- **CUP Standards.** The educational use would meet all CUP standards. These standards are outlined in this report's "Supporting Information" section.
- **Complimentary Use.** The co-ops' daytime and weekday use of the building would be complementary to the church's more typical evening and weekend use.
- **Parking.** The proposed use would meet the requirements of both the existing and proposed parking ordinance.
- **Complaints.** The co-ops have been occupying space in the building for over two years. The city has received no complaints about the educational use during this time.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for an educational use within an existing religious institution at 4600 Shady Oak Road

Originator: Susan Thomas, AICP, Assistant City Planner

Through: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding Land Uses

North: Excelsior Blvd, single-family homes beyond
South: Single-family homes, zoned R-1
East: Shady Oak Road, commercial properties beyond
West: Single-family homes, zoned R-1

Planning

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

Parking

There are 173 parking stalls on the property. This would far exceed the parking required under both the existing and the draft parking ordinance:

	Required Parking Spaces
Existing Ordinance	50 + 1 per instructor
Proposed Ordinance	49

CUP Standards

The proposed use would meet the general and specific educational institutions and facilities standards, as outlined in City Code §300.16 Subd. 2 and §300.16 Subd. 3(a) respectively.

General Standards

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

Specific Standards

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets; the use is not permitted on property that has access only by way of a private road or driveway that is used by more than one lot;

Finding: Primary access to the site is from Shady Oak Road, which is identified as an arterial road.

2. Buildings set back 50 feet from all property lines and parking setbacks are subject to section 300.28 of this ordinance;

Finding: The existing building has a non-conforming setback of 43 feet from the south property line. The proposed use of the existing building would not change this setback.

3. School bus pick-up and drop-off areas located outside of the public right-of-way and designed to enhance vehicular and pedestrian safety;

Finding: Students are not bussed to the site.

4. Recreational areas designed for group outdoor activities set back 25 feet from residential property, suitable buffering provided to protect neighboring properties from noise and adverse visual impacts, and lighted playing fields permitted only upon demonstration that off-site impacts can be mitigated substantially;

Finding: The property contains large areas of green space that could be used for outdoor activities. Neighboring properties are well-screened by existing vegetation.

5. No more than 60 percent of the site is to be covered with impervious surface, and the remainder is to be suitably landscaped;

Finding: The proposed educational use of the building would not change the site's existing impervious surface or landscaping.

6. The site and building plan subject to review pursuant to section 300.27 of this ordinance, and

Finding: See the SBP section below.

7. Not connected to, or part of, any residential dwelling.

Finding: The educational facility would be located within an existing religious institution.

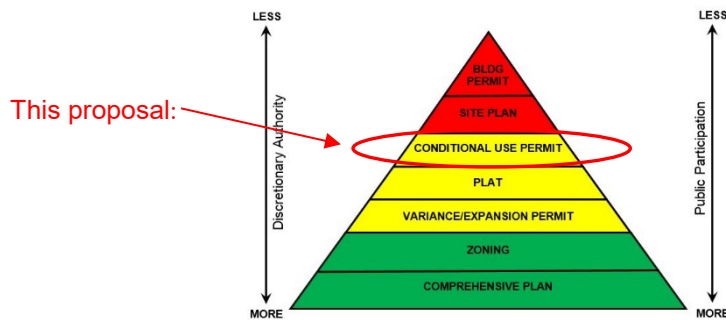
SBP Standards

The proposal is for continued occupancy of an existing building. No changes to the site or building are proposed. As such, it would meet the standards outlined in City Code §300.27 Subd.5:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
2. Consistency with this ordinance;
3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
 - an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors, and the general community;
 - the amount and location of open space and landscaping;
 - materials, textures, colors, and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
 - vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement and amount of parking.
6. Promotion of energy conservation through design, location, orientation, and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and
7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Pyramid of Discretion



Voting Requirement The planning commission will make a recommendation to the city council. The commission's recommendation and council decision require the affirmative vote of a simple majority.

Motion Options The planning commission has three options:

1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the request.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to why denial is recommended
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

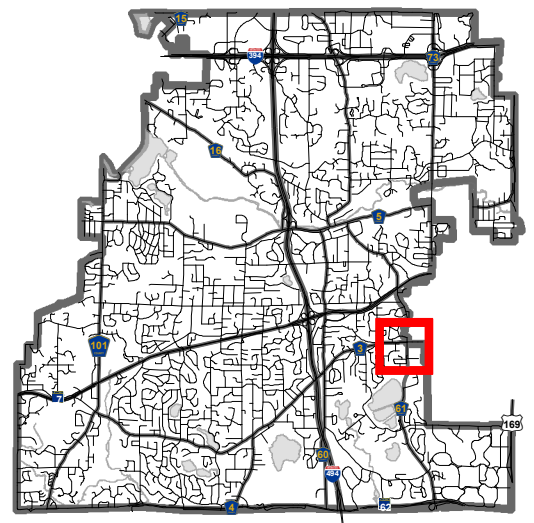
Neighborhood Comments The city sent notices to 40 area property owners and received one response in support of the proposal. Note that the comment was received on 10/31, indicating the property owner had not received notice of the proposal. Notices were sent, as per the typical mailing schedule, on 11/03.

Deadline for Decision Feb. 2, 2023



Location Map

Project: Cross of Glory Baptist Church
Address: 4600 Shady Oak Rd



Cross of Glory Baptist Church
4600 Shady Oak Rd
Hopkins, MN 55343
952-935-3696
office@crossofglory.church

Addendum

We have three different homeschool co-ops meeting in our facility for 30 weeks during the year. The Monday and Tuesday groups are attended by students and parents together. Most families attending have 3-5 people in their group.

The Wednesday/Thursday group is run on an elective schedule where students are dropped off for all or only portions of the day; few parents remain in the building.*

Hopkins Classical Conversations (Monday)

Eden Prairie Classical Conversations (Tuesday)

CHAT (Christian Homeschool Academy of Tutoring (Wednesday & Thursday)

Approximate Number of Additional People in the Facility:

Monday: 75

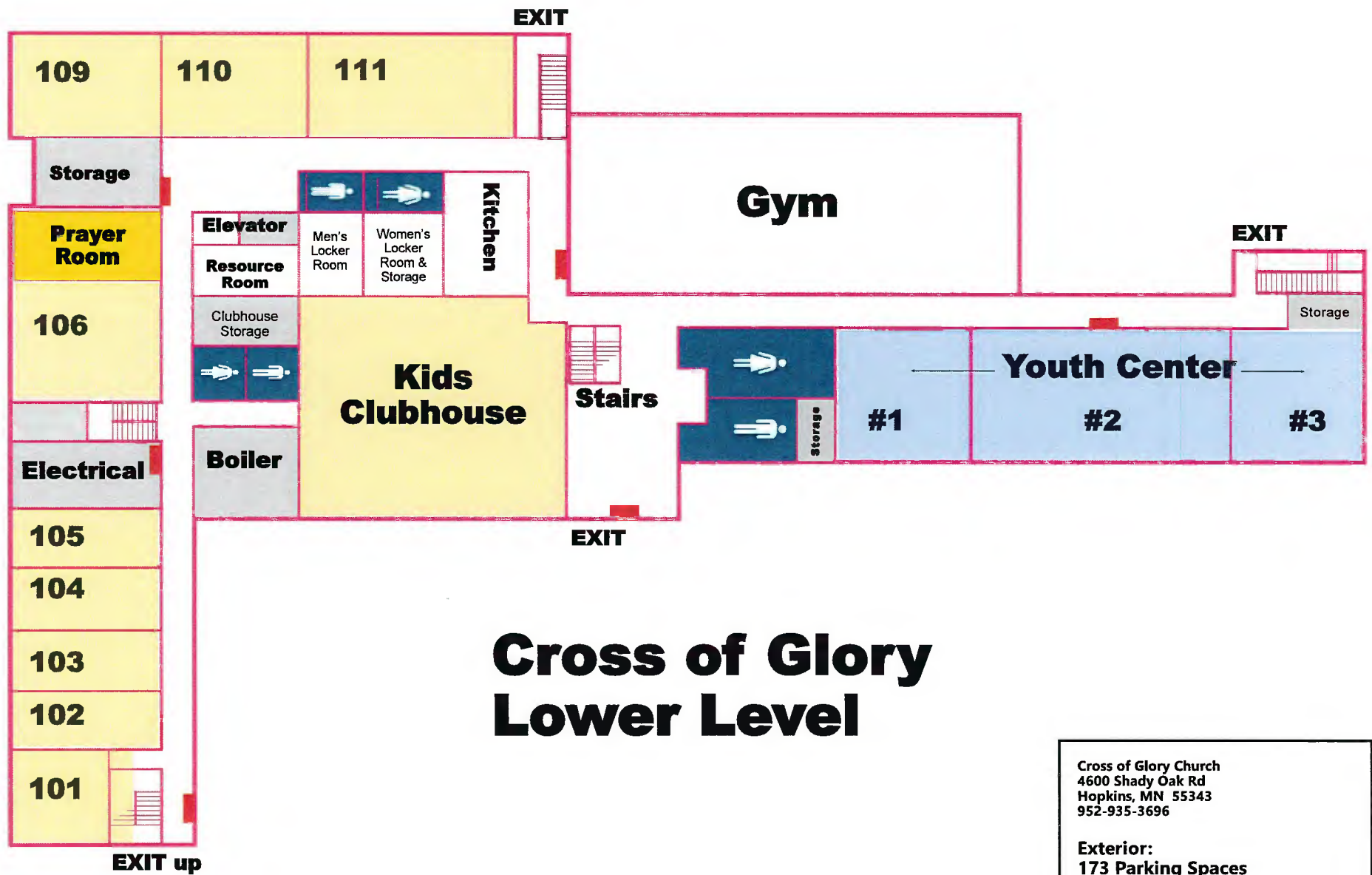
Tuesday: 116

Wednesday: 80 (avg. per hour)*

Thursday: 150 (avg. per hour)*

Parking: We have 173 parking spaces on our property.

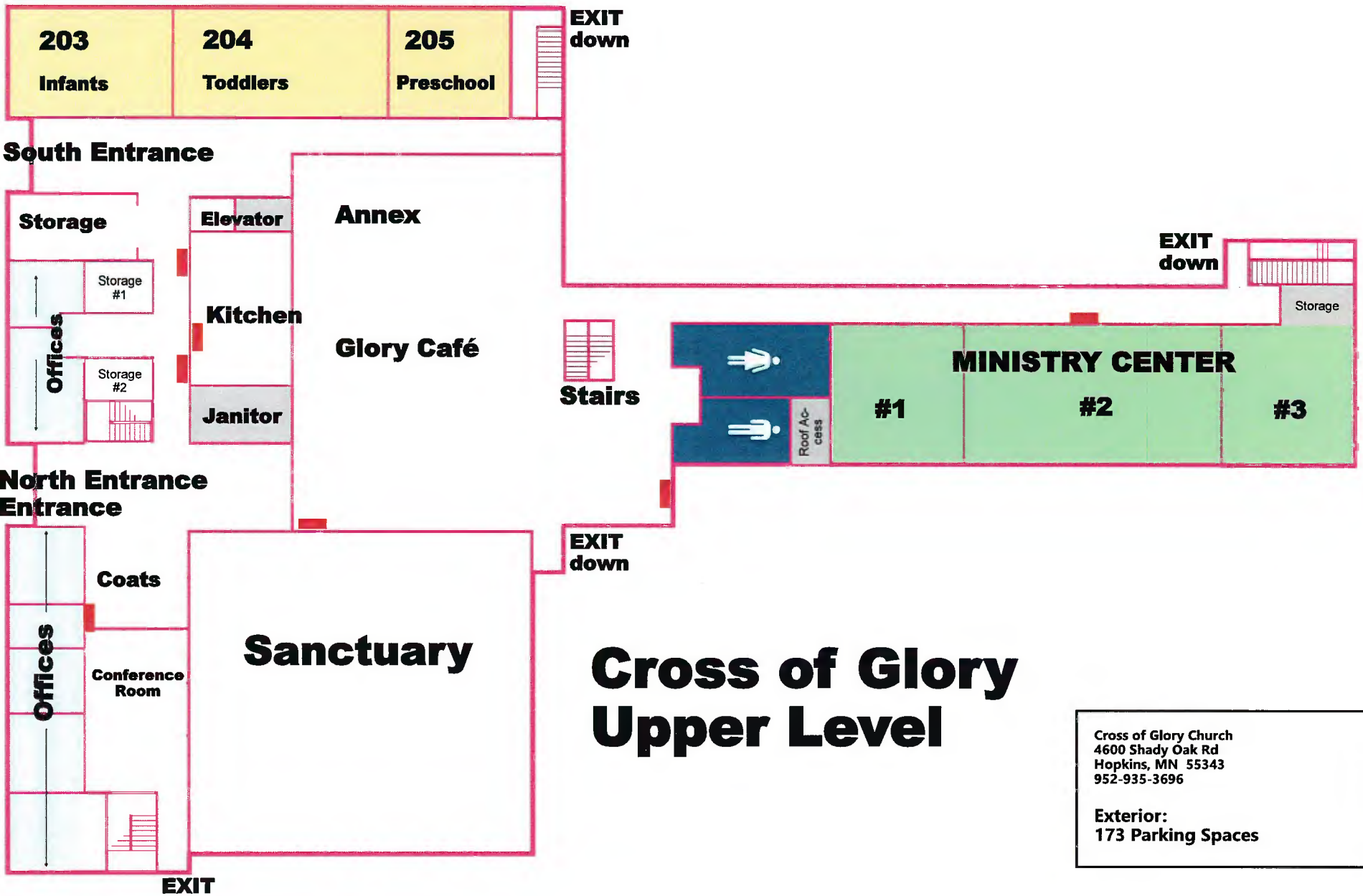
The homeschool co-ops are small groups of parents and students, pre-K through 12th grade, that gather weekly to support one another in education with a Biblical-worldview using classical and contemporary methods. These groups involve volunteers as well as trained and paid parent tutors from within the group. The co-ops use classrooms, gym and cafeteria, as well as the sanctuary and cafe for special events.



Cross of Glory Lower Level

Cross of Glory Church
4600 Shady Oak Rd
Hopkins, MN 55343
952-935-3696

Exterior:
173 Parking Spaces



Cross of Glory Upper Level

Cross of Glory Church
 4600 Shady Oak Rd
 Hopkins, MN 55343
 952-935-3696

Exterior:
 173 Parking Spaces

From:
To: [Susan Thomas](#)
Cc:
Subject: Cross of Glory conditional use permit
Date: Monday, October 31, 2022 10:35:46 AM

Susan,

I am a neighbor adjoining Cross of Glory Church, but not a church member, who found out about the necessity of Cross of Glory church needing a conditional use permit to have the home school groups meet at the church through the Minnetonka "Current Projects" webpage. I whole-heartedly support Cross of Glory church and the homeschool groups. They are excellent neighbors, where the church has taken care of their property, and I share my garden produce with the church and homeschool groups. It was wonderful to hear the children playing outside after the pandemic, and I still enjoy the sound of kids playing outdoors.

We are neighbors.

I am disappointed that the City of Minnetonka requires a conditional use permit (which could be denied) to have the homeschool, and that as a neighbor, I was not contacted.

Dewey Hassig
4624 Church Ln. 55343

Chair Sewall appreciated everyone who worked on the election. He has always had a positive experience when voting in Minnetonka.

7. Public Hearings: Consent Agenda

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

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

- A. Conditional use permit for an educational use within an existing religious institution at 4600 Shady Oak Road.**

Recommend that the city council adopt the resolution approving a conditional use permit for an educational use within an existing religious institution at 4600 Shady Oak Road.

Powers, Waterman, Henry and Sewall voted yes. Banks, Hanson and Maxwell were absent. Motion carried and the item on the consent agenda was approved as submitted.

8. Public Hearings

- A. Amendment to the sign plan for West Ridge Market.**

Powers moved, second by Waterman, to postpone review of the item until the planning commission meeting scheduled to be held Dec. 1, 2022.

Powers, Waterman, Henry and Sewall voted yes. Banks, Hanson and Maxwell were absent. Motion carried.

9. Other Business

- A. Concept plan review for Walser Kia at 15700 Wayzata Blvd.**

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

Thomas reported. She recommended commissioners provide feedback on key topics identified in the staff report and any other land-use-related items that commissioners deem appropriate. This discussion is intended to assist the applicant in the preparation of more detailed development plans.

David Phillips, architect representing the Walser Automotive Group, applicant, stated that:

Resolution No. 2022-

Resolution approving a conditional use permit for an educational use within an existing religious institution at 4600 Shady Oak Road

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

Section 1. Background.

- 1.01 Cross of Glory has requested a conditional use permit for an educational use to occupy the existing church building Mon. thru Thurs., generally from 8 a.m. to 3:30 p.m.
- 1.02 The property is located at 4600 Shady Oak Road. It is legally described in Exhibit A of this resolution.
- 1.03 On Nov. 17, 2022, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

- 2.01 City Code §300.16 Subd. 2 outlines the following general standards that must be met for granting a conditional use permit.
- 2.02 City Code §300.16 Subd. 3(a) outlines the following specific standards that must be met for granting a conditional use permit for educational facilities:
1. Direct access is limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets; the use is not permitted on property that has access only by way of a private road or driveway that is used by more than one lot;
 2. Buildings set back 50 feet from all property lines and parking setbacks are subject to section 300.28 of this ordinance;

3. School bus pick-up and drop-off areas located outside of the public right-of-way and designed to enhance vehicular and pedestrian safety;
4. Recreational areas designed for group outdoor activities set back 25 feet from residential property, suitable buffering provided to protect neighboring properties from noise and adverse visual impacts, and lighted playing fields permitted only upon demonstration that off-site impacts can be mitigated substantially;
5. No more than 60 percent of the site is to be covered with impervious surface, and the remainder is to be suitably landscaped;
6. The site and building plan are subject to review pursuant to section 300.27 of this ordinance, and
7. Not connected to, or part of, any residential dwelling.

Section 3. Findings.

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

3.02 The proposal meets the specific conditional use permit standards outlined in City Code 300.16 Subd.3(a).

1. Primary access to the site is from Shady Oak Road, which is identified as an arterial road.
2. The existing building has a non-conforming setback of 43 feet from the south property line. The proposed use of the existing building would not change this setback.
3. Students are not bussed to the site.
4. The property contains large areas of green space that could be used for outdoor activities. Neighboring properties are well-screened by existing vegetation.
5. The proposed educational use of the building would not change the site's existing impervious surface or landscaping.
6. The proposal is for continued occupancy of an existing building. No changes to the site or building are proposed. As such, it would meet the standards outlined in City Code §300.27 Subd.5.
7. The educational facility would be located within an existing religious institution.

Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.
2. The city council may reasonably add or revise conditions to address any future unforeseen problems.
3. Any change to the approved use that results in a significant increase in a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Nov. 28, 2022.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Nov. 28, 2022.

Becky Koosman, City Clerk

EXHIBIT A

That part of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 26, Township 117, Range 22, described as follows: Beginning at a point on the southerly right of way line of the County Road (formerly the Southerly line of St. Paul, Minneapolis and Manitoba Railway) sixty-five (65) feet South and three hundred thirty (330) feet West of the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 26, Township 117, Range 22; thence South and parallel to the last line of said Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 26, a distance of Two Hundred Sixty-four (264) feet; thence Westerly Two Hundred (200) feet; thence North and parallel to the East line of said Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) a distance of two hundred sixty-four (264) feet to the South line of said County Road or the former Railroad right of way; thence East two hundred (200) feet to point of beginning.



**City Council Agenda Item 12A
Meeting of Nov. 28, 2022**

Title: Housekeeping ordinance amending various sections of Chapter 3, Zoning Regulations, of the Minnetonka City Code

Report From: Susan Thomas, AICP, Assistant City Planner

Submitted through: Mike Funk, City Manager
Julie Wischnack, AICP, Community Development Director

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

City staff has identified a variety of zoning ordinance provisions in need of “housekeeping” updates. These are provisions that include outdated language, that need clarification, or that should cross-reference other areas of the ordinance.

The proposed ordinance does not include any substantive changes to zoning regulations.

Recommended Action

Introduce the ordinance and refer it to the planning commission.

Strategic Profile Relatability

- | | |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input type="checkbox"/> Sustainability & Natural Resources | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness |
| <input type="checkbox"/> N/A | |

Financial Consideration

Is there a financial consideration? No Yes
Financing sources: Budgeted Budget Modification New Revenue Source
 Use of Reserves Other

Background Information

The housekeeping ordinance contains four types of amendments:

- **Deletions.** There are several provisions of the zoning code that are no longer valid or that will no longer be valid upon the adoption of a new parking ordinance. The housekeeping ordinance deletes these. Examples include:
 - ✓ Existing sections of the code require an applicant to provide a “list of the names and addresses of the owners of all properties situated wholly or partially within 400 feet of the property as such appear on the certified records of the Hennepin county auditor.” As the city compiles these lists and has done so for many years, these sections are deleted.
 - ✓ Definitions that are no longer necessary are deleted. For instance, the existing code includes four different definitions for shopping centers; these were necessary given the varying parking requirements in the existing parking ordinance. Under the proposed parking ordinance, this distinction would no longer be needed.
 - ✓ Non-neutral language is deleted and replaced: (1) the terms single-family and multi-family are deleted and replaced by single-household and multi-household; and (2) height exemptions for church spires, church belfries and church domes are replaced by exemptions for architectural components generally associated with educational or religious facilities.
 - ✓ The existing ordinance includes parking requirements outside the actual parking ordinance chapter. These are deleted.
- **Additions.** The ordinance adds:
 - ✓ Differentiation for daycares located in religious facilities. Those occupying up to 20% of the floor area of the facility would be considered accessory use, while larger daycares would require conditional use permits.
 - ✓ Dimensional requirements for wall signs inadvertently deleted from the most recently adopted sign ordinance are added back into the ordinance.
- **Clarifications.** Several provisions of the zoning code that are clarified:
 - ✓ Expansion permits and sign plan review/approval are specifically called out under planning commission power and duties.
 - ✓ Certain architectural features are exempted from property line setback requirements under the existing ordinance. The proposed ordinance amendment clarifies that these items are not exempted from natural resources protection regulations.
 - ✓ The amendment adds a provision specifically noting that conditionally-permitted drive-up facilities must be associated with a principal use of the property. In other

words, drive-up ATMs or similar equipment must be associated with a building tenant. They cannot represent a completely stand-alone use.

- **Cross-references.** To ensure ordinance readers are aware of natural resource protection standards, the housekeeping ordinance includes cross-references to these standards in all zoning districts.

As some of the proposed amendments reference the new parking ordinance, the final action of the housekeeping ordinance would only be scheduled once the parking ordinance has been reviewed and approved in some form.

Ordinance No. 2022-

**An ordinance amending various sections of Chapter 3, Zoning Regulations,
of the Minnetonka City Code**

The City Of Minnetonka Ordains:

Section 1. Section 300.06, Subd. 2, of the Minnetonka City Code of the Minnetonka City Code, regarding conditional use permits applications, is amended by deleting the following and renumbering subsequent paragraphs accordingly:

- b) ~~a list of the names and addresses of the owners of all properties situated wholly or partially within 400 feet of the property as such appear on the certified records of the Hennepin county auditor;~~

Section 2. Section 300.07 Subd.2, regarding variance applications, is amended by deleting the following and renumbering subsequent paragraphs accordingly:

- b) ~~a list of the names and addresses of the owners of all properties situated wholly or partially within 400 feet of the property as such appear on the certified records of the Hennepin county auditor;~~

Section 3. Section 300.09 Subd.4, regarding zoning map amendment applications, is amended by deleting the following and renumbering subsequent paragraphs accordingly:

- b) ~~a list of the names and addresses of the owners of all properties situated wholly or partially within 400 feet of the property as such appear on the certified records of the Hennepin county auditor;~~

Section 4. Section 300.27 Subd.4 regarding site and building plan applications, is amended by deleting the following and renumbering subsequent paragraphs accordingly:

- b) ~~a list of the names and addresses of the owners of all properties situated wholly or partially within 400 feet of the property as such appear on the certified records of the Hennepin county auditor;~~

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

Section 5. Section 300.04, Subd. 2, under regarding planning commission powers and duties, is amended as follows:

- b) to hear requests for variances, expansion permits, and sign plan requests ~~from the literal provisions of this ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration,~~ and to grant such variances requests only when it is demonstrated that such actions will be in keeping with the spirit and intent of this ordinance.

Section 6. Section 300.02, regarding definitions, is amended as follows, alphabetizing and renumbering subsequent paragraphs accordingly:

30. "Density" - the number of dwelling units per acre of land, excluding existing or or proposed rights-of-way intended to be used for location of streets and areas zoned as wetland, floodplain, or below the ordinary high water level of a public water, as regulated by the comprehensive plan.
34. ~~"Dwelling, attached" - a dwelling attached to one or more dwellings by common walls or floors.~~
35. ~~"Dwelling, detached" - a dwelling that is not attached to any other dwelling.~~
36. ~~"Dwelling, single-family" - a building designed or intended for occupancy by one family.~~
37. ~~"Dwelling, two-family" - a building designed with two separate dwelling units intended for occupancy by two families. A principal dwelling unit that contains an accessory apartment is not considered a two-family dwelling.~~
38. ~~"Dwelling, multiple family" - a building designed with three or more dwelling units intended for occupancy by three or more families.~~
39. ~~"Dwelling unit" - one or more rooms with facilities for sleeping, cooking, and sanitation designed or intended for residential occupancy.~~
43. ~~"Family" - any number of individuals living together on the premises as a single housekeeping unit as distinguished from a group occupying a boarding or lodging house, licensed residential care facility, licensed day care facility or community based residential facility.~~
116. "Right-of-way" - a strip of land intended to be used for streets, highways, crosswalks, sidewalks, trails, railroads or utility purposes. An area of land dedicated on a plat or by legal document or by operation of law that is intended to be used for location of streets, pedestrian ways, railroads, or utility purposes.

122. ~~“Shopping center, community” – a general merchandise and convenience-oriented shopping center, generally including a large tenant such as a discount store or supermarket, providing goods and services to residents of the larger community. Examples of community shopping centers in the city include Ridgehaven Mall and the Seven-Hi commercial area.~~

123. ~~“Shopping center, neighborhood” – a convenience-oriented shopping center primarily providing goods and services to residents of the adjacent area. Generally, the smallest type of shopping center. Examples of neighborhood shopping centers in the city include retail buildings in the Glen Lake and Cedar Lake Road areas.~~

124. ~~“Shopping center, regional” – a shopping center providing a wide range of goods and services to residents of the metropolitan region. Ridgedale Mall is the only regional shopping center in the city.~~

“Dwelling, multi-household” – a building designed with three or more dwellings intended for occupancy by three or more households. Examples include apartments, condominium buildings, cooperatives, and townhomes.

“Dwelling, single-household attached” – a building designed or intended for occupancy by one household, which is attached by a common wall to another building designed or intended for occupancy by one household. Examples include duplexes and twinhomes.

“Dwelling, single-household detached” – a building designed or intended for occupancy by one household, which is physically unconnected from any other dwelling.

Section 7. Section 300.10 Subd.6 regarding R-1 parking requirements is amended as follows:

- d) ~~Off-street parking shall be provided for at least two vehicles for all single family dwellings. A suitable location for a garage measuring at least 20 feet by 24 feet which does not require a variance shall be provided and indicated as such on a survey or site plan to be submitted when applying for a building permit to construct a new dwelling or alter an existing garage. must be provided as outlined in City Code 315.14.~~

Section 8. Section 300.11 Subd.5 regarding R-2 parking requirements is amended as follows:

- f) ~~For each unit in a two family dwelling, suitable off-street parking must be provided for at least two vehicles. No two family dwelling may be constructed nor may any existing required garage be converted unless there is shown and designated on a survey or site plan submitted with the application for a building permit a location on the lot suitable for construction of a single car garage without requiring a variance. Off street parking must be provided as outlined in City Code 315.14.~~

Section 9. Section 300.15 Subd.7 regarding residential parking, is amended as follows:

- a) ~~Off street parking shall be provided for at least two vehicles for all single family dwellings. A suitable location for a garage measuring at least 20 feet by 24 feet which does not require a variance shall be provided and indicated as such on a survey or site plan to be submitted when applying for a building permit to construct a new dwelling or alter an existing garage.~~
- b) ~~Off street parking shall be provided for at least two vehicles for each unit in two family dwellings. At least one space per unit shall be enclosed. A suitable location for a single car garage which does not require a variance shall be provided and indicated as such on a survey or site plan to be submitted when applying for a building permit to alter an existing garage.~~
- c) ~~Off street parking shall be provided for all attached and multiple family dwelling units. At least one space per unit shall be enclosed.~~
- a) Off street parking must be provided as outlined in City Code 315.14.

Section 10. Section 300.10, Subd. 5, regarding R-1 district standards is amended, is amended as follows:

- i) All structures and site work, including any grading and landscaping activities, must be in compliance with city code sections 300.23, wetland protection; 300.24 floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 11. Section 300.11, Subd. 5, regarding R-2 district standards, is amended as follows:

- i) All structures and site work, including any grading and landscaping activities, must be in compliance with city code sections 300.23, wetland protection; 300.24 floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 12. Section 300.12, Subd. 5, regarding R-3 district standards, is amended as follows:

- h) All structures and site work, including any grading and landscaping activities, must be in compliance with city code sections 300.23, wetland protection; 300.24 floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 13. Section 300.13, Subd. 5, regarding R-4 district standards, is amended as follows:

- i) All structures and site work, including any grading and landscaping activities, must be in compliance with city code sections 300.23, wetland protection; 300.24

floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 14. Section 300.14, Subd.5, regarding R-5 district standards, is amended as follows:

- i) All structures and site work, including any grading and landscaping activities, must be in compliance with city code sections 300.23, wetland protection; 300.24 floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 15. Section 300.15 Subd.9 regarding residential yard and setback regulations is amended as follows:

- g) The provisions of this section do not exempt any structure, structural feature, or appurtenance from the provisions of city code sections 300.23, wetland protection; 300.24 floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 16. Section 300.17 Subd.6, regarding B-1 district standards, is amended as follows:

- b) ~~All developments shall comply with the wetlands, floodplain and shoreland regulations contained in sections 300.23, 300.24 or 300.25 of this ordinance.~~ must be in compliance with city code sections 300.23, wetland protection; 300.24 floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 17. Section 300.18, Subd. 6, regarding B-2 district standards, is amended as follows:

- b) ~~All developments shall comply with the wetlands, floodplain and shoreland regulations contained in sections 300.23, 300.24 or 300.25 of this ordinance.~~ must be in compliance with city code sections 300.23, wetland protection; 300.24 floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 18. Section 300.19, Subd. 6, regarding B-3 district standards is amended as follows:

- b) ~~All developments shall comply with the wetlands, floodplain and shoreland regulations contained in sections 300.23, 300.24 or 300.25 of this ordinance.~~ must be in compliance with city code sections 300.23, wetland protection; 300.24 floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 19. Section 300.20, Subd. 6, regarding I-1 district standards, is amended as follows:

- b) All developments ~~shall comply with the wetlands, floodplain and shoreland regulations contained in sections 300.23, 300.24 or 300.25 of this ordinance.~~ must be in compliance with city code sections 300.23, wetland protection; 300.24 floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 20. Section 300.37, Subd. 6, regarding R-1A district standards, is amended as follows:

- i) All structures must comply with the tree protection, wetlands, floodplain and shoreland regulations contained in sections 300.14, 300.23, 300.24 and 300.25 of this ordinance.

Section 21. Section 325.05, regarding sign location requirements, is amended as follows:

- i. Signs must be in compliance with city code sections 300.23, wetland protection; 300.24 floodplain protection; 300.25 shoreland district; 300.28 Subd.20 performance standards regulating steep slopes; and 314.01 tree protection.

Section 22. Section 300.23 Subd.5, regarding wetland buffer areas, is amended as follows:

- d) Except as otherwise provided in 5)d)1 and 2 below, buffer area widths will be based on the wetland classification in the city's water resources management plan, ~~or on~~ the most recent city-approved Minnesota Routine Assessment Method (MNRAM), or similar classification system approved by city staff. The following are the required buffer area widths:

Wetland Classification	Width of Buffer Area
------------------------	----------------------

From the Wetland Boundary

Manage 2	16.5 feet
Manage 1	25 feet
Preserve	50 feet

- 1) Wetland basins may have more than one management classification based on components of a MNRAM such as vegetation, habitat structure, amphibian habitat, aesthetic/cultural resource, etc. The required buffer for a specific site will be based on the management classification of the wetland adjacent to the subject property.
- 2) Any development or redevelopment project within the Bassett Creek Watershed must comply with the rules of the Bassett Creek Watershed Management Commission as outlined in the Bassett Creek Watershed Management Commission Requirements for Improvements and

Development Proposals document (May 18, 2017), as amended.~~Organization.~~

Section 23. Section 300.21, Subd. 3, regarding B-1 conditional use permit standards, is amended as follows:

- i) Financial institutions, with or without drive-up facilities: drive-through facilities and stacking areas ~~shall be~~ are subject to the following requirements:
- 1) ~~shall~~ must not be located adjacent to any residential lot lines;
 - 2) ~~shall~~ must be provided with a suitable visual screen from adjacent properties;
 - 3) stacking for a minimum of six cars per aisle ~~shall~~ must be provided within applicable parking lot setbacks; ~~and~~
 - 4) ~~shall~~ will only be permitted when it can be demonstrated that operation will not significantly lower the existing level of service as defined by the institute of traffic engineers on streets and intersections; ~~and~~ and
 - 5) must be subordinate to and associated with a permitted use located within a building on the site.

Section 24. Section 300.21, Subd. 4, regarding B-2 conditional use permit standards, is amended as follows:

- d) ~~Uses having a d~~ Drive-up window or similar facility:
- 1) drive-up windows and stacking areas ~~shall~~ must not be located adjacent to any residential parcel;
 - 2) stacking areas ~~shall~~ must provide for a minimum of six cars per aisle; and
 - 3) ~~public address system shall~~ must not be audible from any residential parcel; ~~and~~ and
 - 3)4) must be subordinate to and associated with a permitted use located within a building on the site.

Section 25. Section 300.21, Subd. 5, regarding B-3 conditional use permit standards, is amended as follows:

- d) ~~Uses having a d~~ Drive-up window or similar facility: the same standards as specified in subdivision 4(d)(1) through (3) ~~4~~, inclusive, of this section ~~shall~~ apply.

Section 26. Section 300.31, Subd. 4, regarding PID conditional use permit standards, is amended as follows:

- k. Uses having a drive-up window or similar facility on property designated for office, service commercial or retail use:
 - 1. ~~shall~~must not have drive-up windows and stacking areas located adjacent to any residential parcel;
 - 2. ~~shall~~must be provided with a suitable visual screen from adjacent properties;
 - 3. ~~shall~~must provide stacking areas with a minimum of six cars per aisle on the property in areas not within applicable setback requirements; and
 - 4. ~~shall~~must not have public address system audible from any residential parcel; and
 - 4.5. the drive-up window or similar facility must be subordinate to and associated with a permitted or conditionally- permitted use located within a building on the site.

Section 27. Section 300.10, Subd. 4, regarding R-1 conditional uses, is amended as follows:

- r) daycare facilities within a religious institution occupying more than 20 percent of the total floor area of the building.
- r-s) other uses similar to those permitted by this section, as determined by the city

Section 28. Section 300.10, Subd. 3, regarding R-1 accessory uses, is amended as follows:

- m) daycare facilities within a religious institution occupying no more than 20 percent of the total floor area of the building.
- m-n) other uses that are not regulated by this code and that are customarily associated with but subordinate to a permitted use, as reasonably determined by the city.

Section 29. Section 300.15, Subd. 8, regarding residential height regulations, is amended as follows:

Height limitations within the residential districts ~~shall do not~~ apply to water towers, chimneys, flag poles, ~~church spires, church belfries or church domes not containing habitable space.~~ or architectural components generally associated with educational or religious facilities.

Section 30. Section 310.03 Subd.4(a)(1), regarding permitted small cell wireless facilities, is amended as follows:

- 1) New Support Structures. ~~In office, commercial, industrial, and high-density residential zoning districts, s~~Small cell wireless facilities located on new support structures are permitted uses, within public rights-of-way if adjacent to properties zoned for office, commercial, industrial, or high-density residential, subject to the standards outlined in City Code §1120.

Section 31. Section 325.06, Subd. 3(a)(2), regarding commercial business and industrial wall, is amended as follows:

- (1) Signs may be located no closer than 2 feet from any lease line.
- (2) Signs must be comprised of individually dimensioned letters, unless all wall signs are incorporated into the architecture of structure and of similar design.
- ~~(2)~~(3) Signs may be internally illuminated or backlit, except internal illumination is not allowed when a sign faces low-density residential properties.

Section 32. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 33. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on _____.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this ordinance:

Date of introduction: Nov. 28, 2022

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 true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on _____.

Becky Koosman, City Clerk



**City Council Agenda Item 14A
Meeting of Nov. 28, 2022**

Title: Concept plan for Walser Kia at 15700 Wayzata Blvd
Report From: Loren Gordon, AICP, City Planner
Submitted through: Mike Funk, City Manager
Julie Wischnack, AICP, Community Development Director

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Proposal

Walser Automotive Group has submitted a concept plan for the redevelopment of the property at 15700 Wayzata Blvd. The property is just over 11 acres; roughly one-third of the site is encumbered by wetland and floodplain areas. The submitted plan contemplates the removal of the existing strip mall and the construction of a two-story dealership sales and service building. The site plan proposes floodplain fill and compensation in order to provide a buildable area around the sales and service building, driveway and parking areas. Stormwater management would be required, but details are not yet available at this stage of the development review.

Recommended Action

Provide feedback intended to assist the applicant in preparing more detailed development plans. No formal action is required.

Strategic Profile Relatability

- | | |
|--|--|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input type="checkbox"/> Sustainability & Natural Resources | <input checked="" type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness |
| <input type="checkbox"/> N/A | |

Statement: N/A

Financial Consideration

- Is there a financial consideration? No Yes [Enter estimated or exact dollar amount]
Financing sources: Budgeted Budget Modification New Revenue Source
 Use of Reserves Other [Enter]

Concept Plan Review Process

The staff has outlined the following Concept Plan Review process for the proposal. At this time, a formal application has not been submitted.

- **Neighborhood Meeting.** A virtual neighborhood meeting was held on Oct. 25, 2022. The meeting was attended by representatives of the applicant group, the property ownership group, and three area property owners (commercial and residential). Area owners commented that the building concept looked nice but raised concerns about appropriate and year-long buffering of the rear parking lot.
- **Planning Commission Concept Plan Review.** The commission reviewed the conceptual plan on Nov. 17, 2022. Commissioners generally concurred with points made at the neighborhood meeting. Emphasis should be given to providing an adequate visual buffer between the inventory parking lot and the residential areas to the north. Lighting from both vehicle headlights and parking lot lights should be considered. No area property owners addressed the commission. The meeting minutes are attached.
- **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. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

Key Topics

Staff requests council provide feedback on the following key topics.

- **Use.** Does the council have comments on the proposed use of the property?
- **Site Plan.** Does the council have comments on the site plan layout for the buildings and site improvements?
- **Building.** Does the council have comments on building size, location, or design considerations?
- **Environmental considerations.** Floodplain and wetland conditions have significant bearing on the development potential of the property. The proposal may involve variances to these standards.
- **Other Considerations.** What other land use-related items would the council like to comment on?

Next Steps

- **Formal Application.** If the developer/applicant chooses to file a formal application, notification of the application would be mailed to area property owners. Area property owners are encouraged to view plans and provide feedback via the city's website.

Through recent website updates: (1) staff can provide owners with ongoing project updates, (2) owners can “follow” projects they are particularly interested in by signing up for automatic notification of project updates; (3) owners may provide project feedback on the project; and (4) and staff can review resident comments.

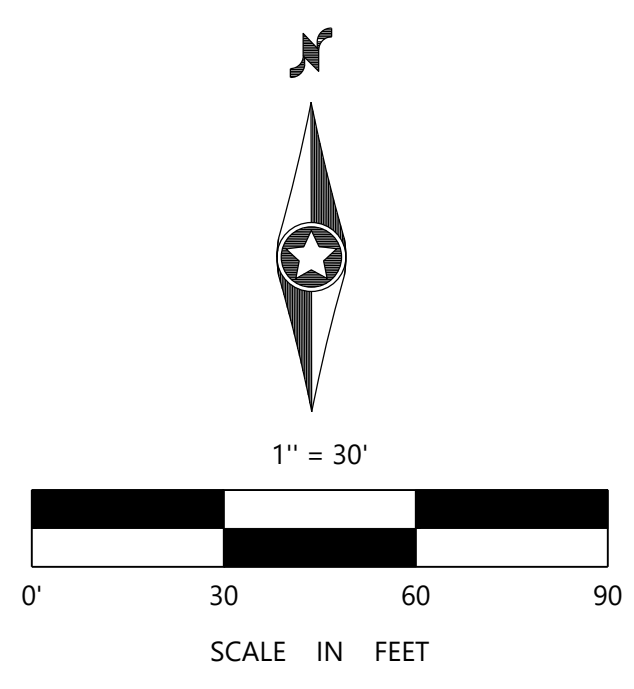
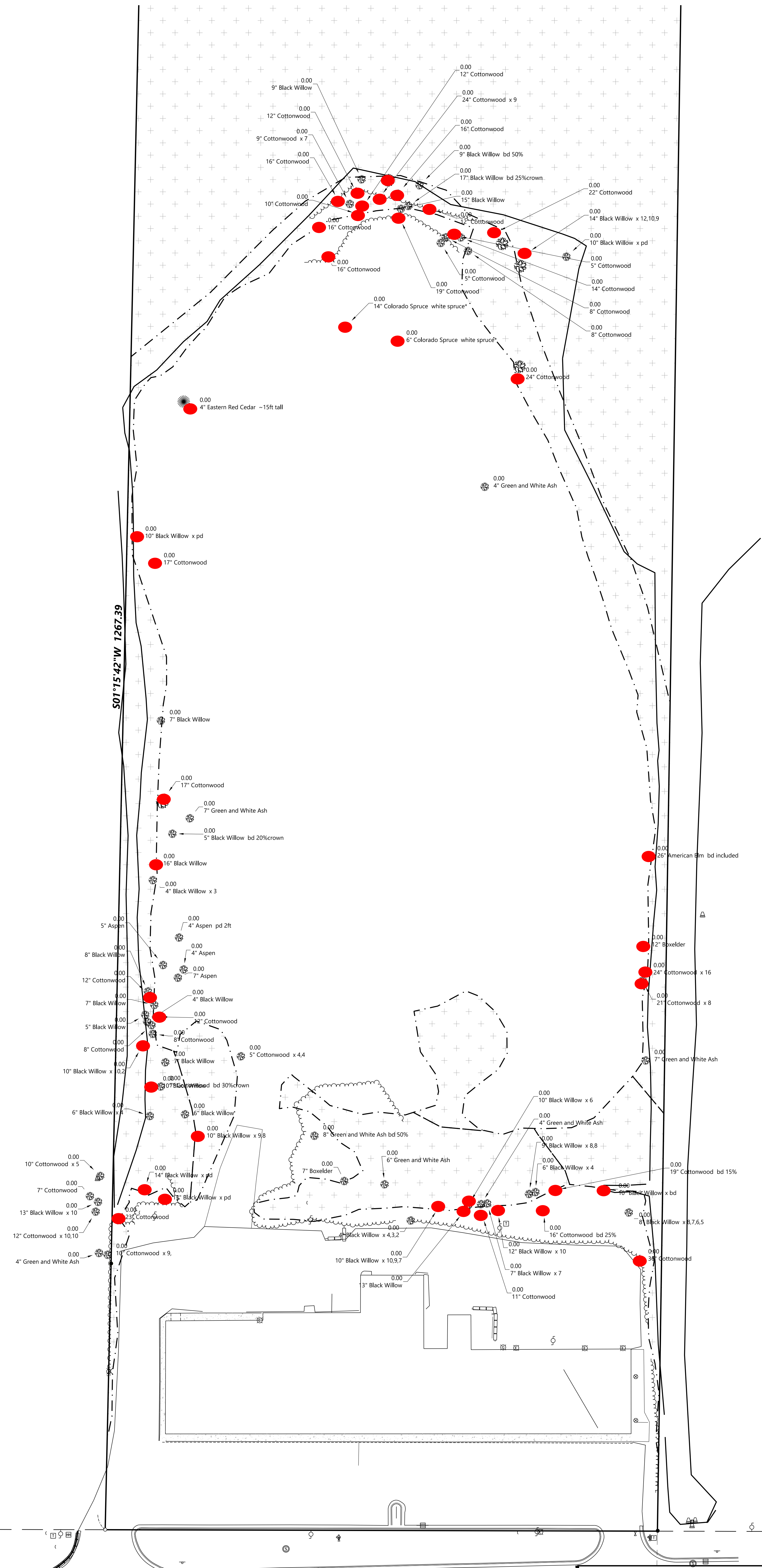
- **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial concept plan review meeting and provide direction about any refinements or additional issues they wish to be researched and for which staff recommendations should be prepared.
- **Planning Commission Review.** The planning commission will review and subsequently make a recommendation to the city council on land use matters.
- **City Council Action.** The city council would take final action based on input from the planning commission, professional staff, and the general public.

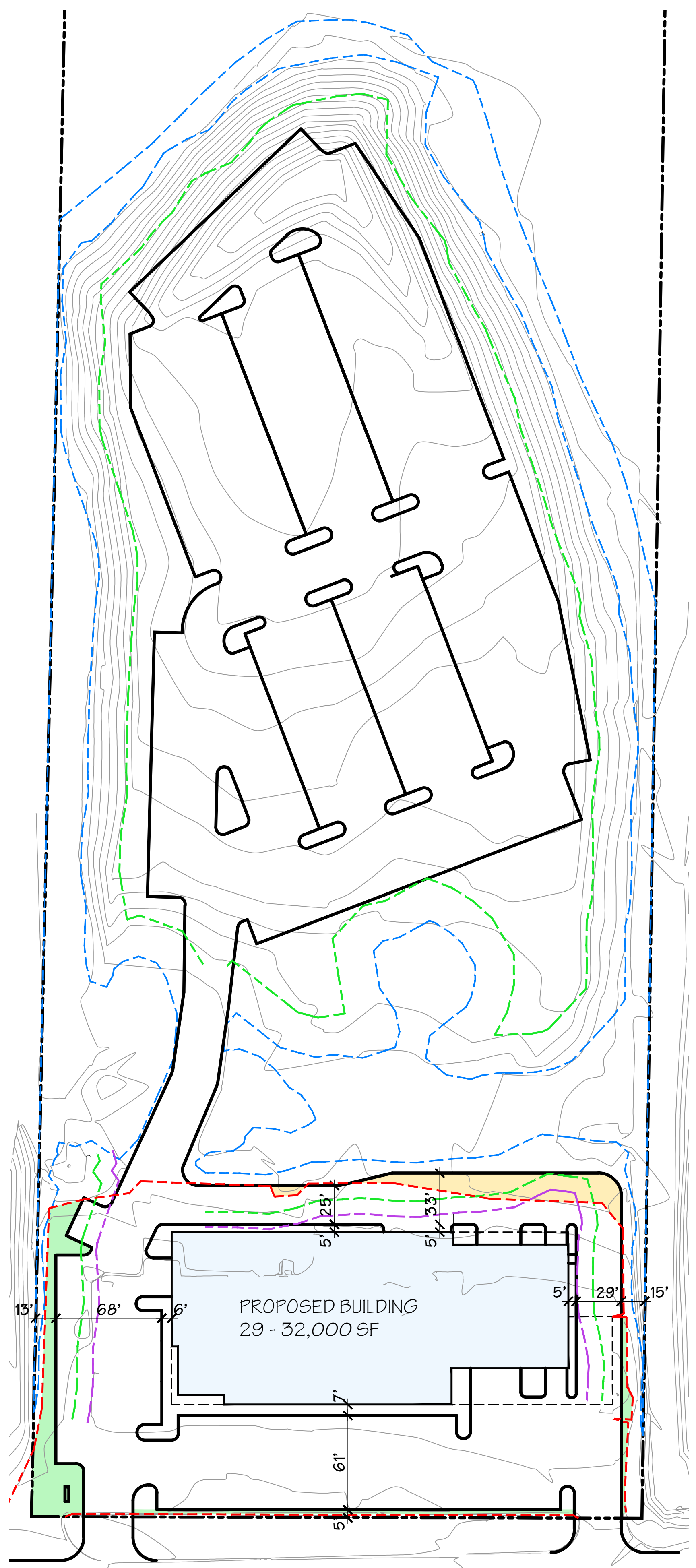
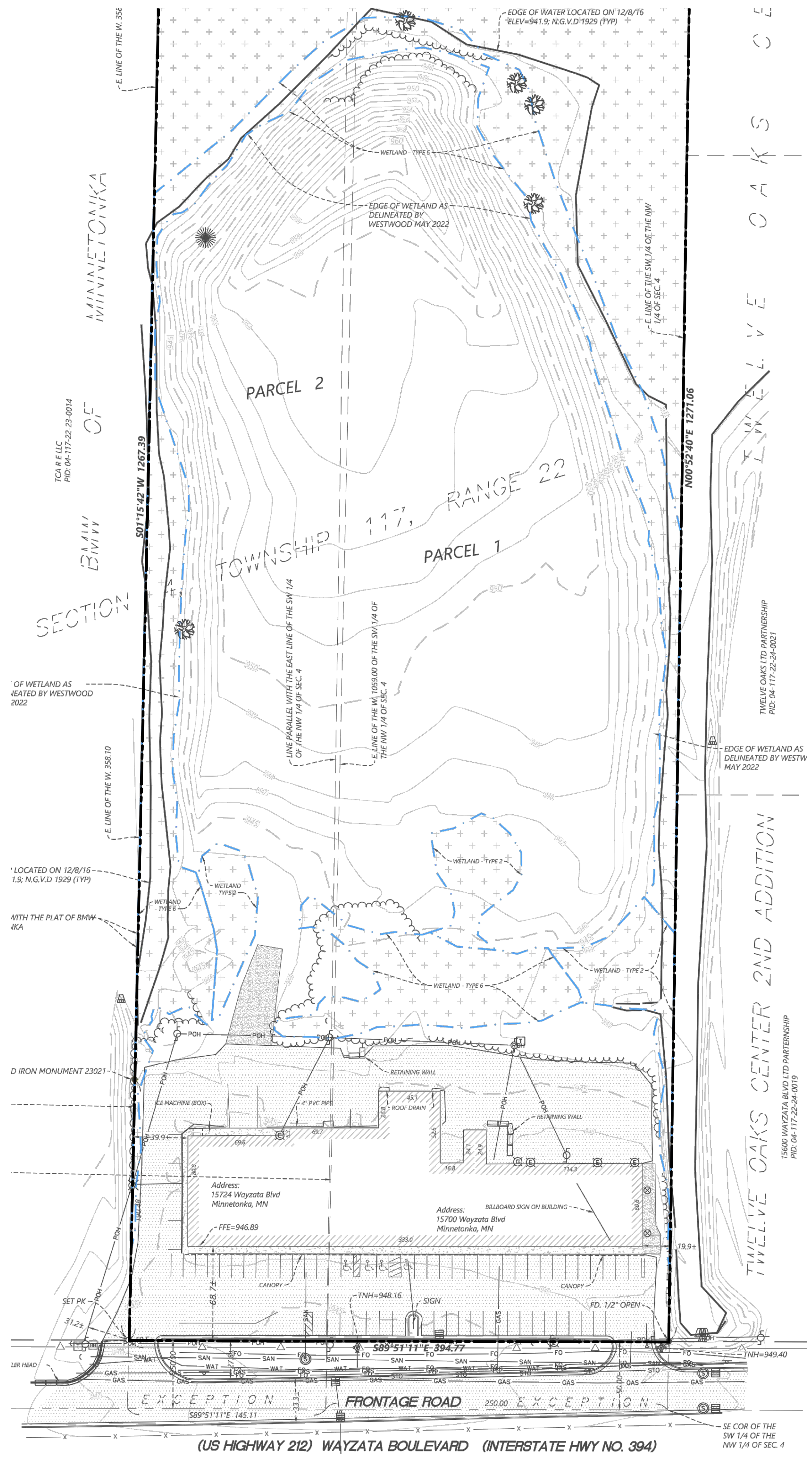


LOCATION MAP

Project: Walser Kia
Location: 15700 Minnetonka Blvd







KEY

- BOUNDARY OF WETLAND
- 25 FOOT PARKING SETBACK FROM WETLAND
- 35 FOOT BUILDING SETBACK FROM WETLAND
- EDGE OF EXISTING PAVEMENT
- NEW PAVEMENT BEYOND EXISTING (2,525 SF)
- EXISTING PAVEMENT REMOVED (4,245 SF)
- NEW DEALERSHIP BUILDING WITH PARTIAL SECOND FLOOR LEVEL

PROPOSED NEW BUILDING FOR:
WALSER KIA
 HIGHWAY 394
 MINNETONKA, MINNESOTA

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 Ph. (612) 868-1261
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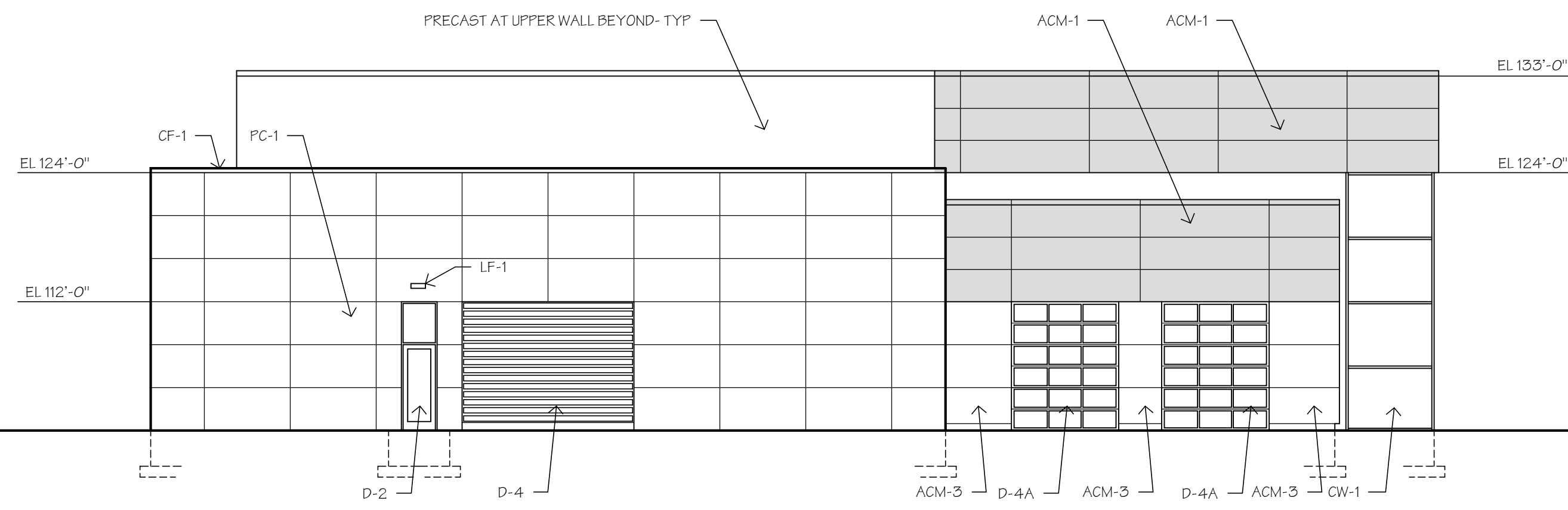
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.
 David A. Phillips

DATE: _____ LICENSE # 17387
 ISSUE/REVISION: 10/5/2022 CITY SUBMITTAL

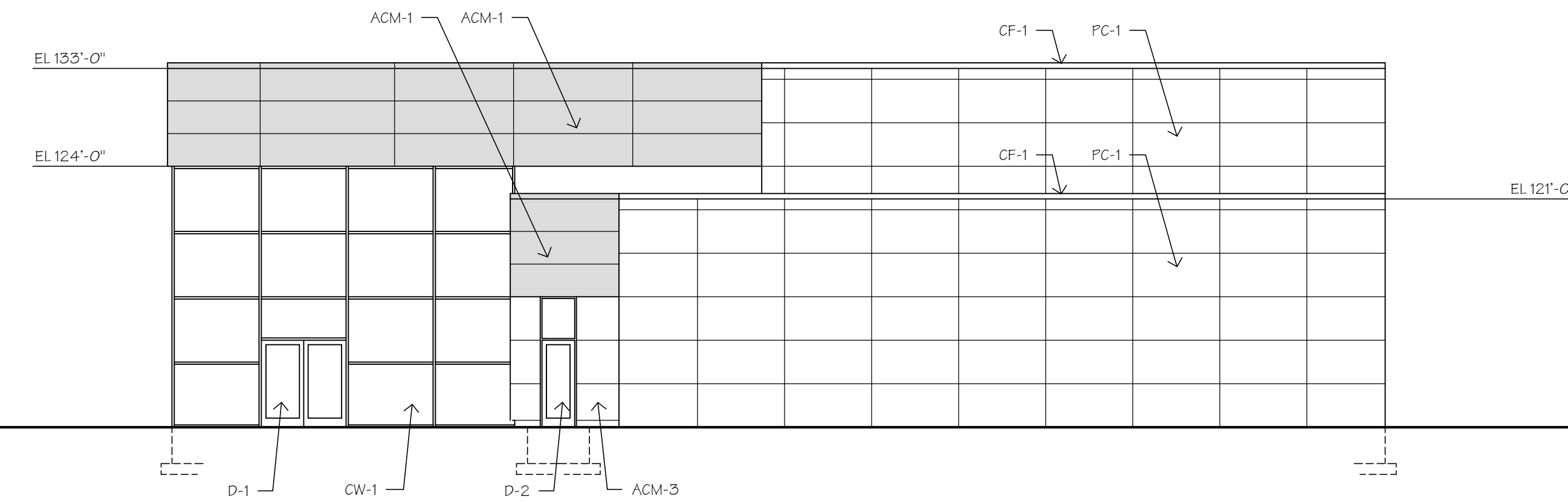
DRAWN BY: _____
 CHECKED BY: DAF
 PROJECT NO.:

PRELIMINARY SITE PLAN

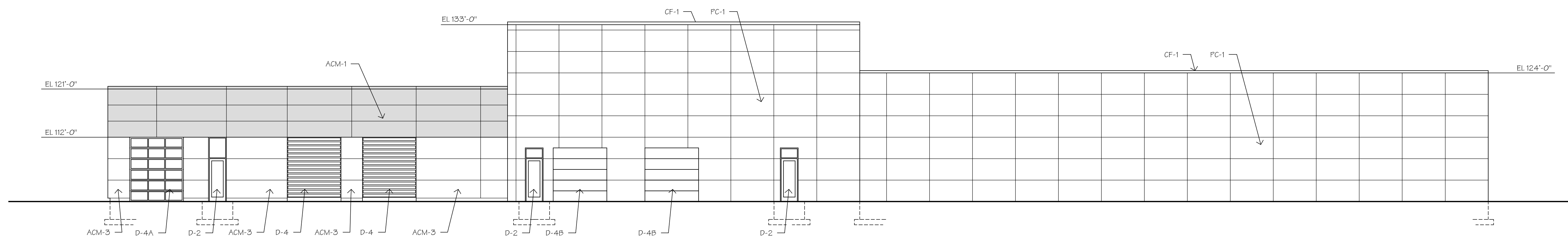
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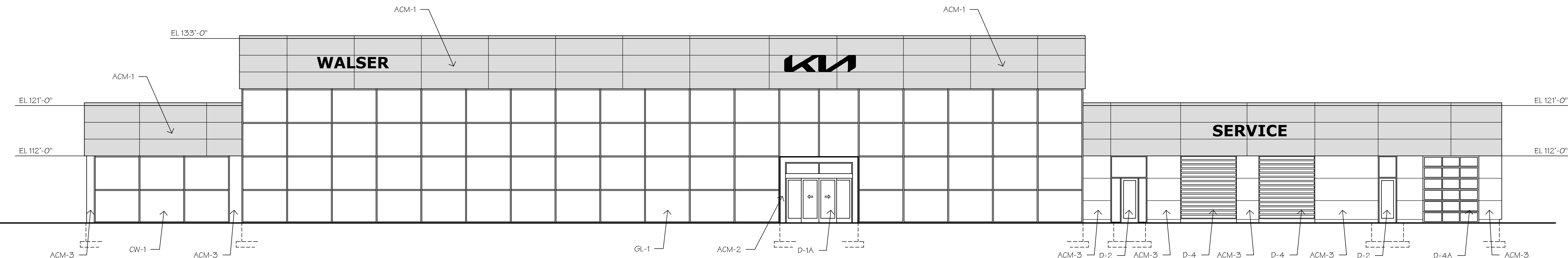
4 WEST ELEVATION
A3.0 3/32"=1'-0"



3 EAST ELEVATION
A3.0 3/32"=1'-0"



2 NORTH ELEVATION
A3.0 3/32"=1'-0"



1 SOUTH ELEVATION
A3.0 3/32"=1'-0"

KEY

- ACM-1 ACM WALL PANEL - PREFINISHED
MANUFACTURED BY - ALPOLIC / FR
DRY JOINT SYSTEM
COLOR: "JOB BLACK"
- ACM-2 ENTRY PORTAL - ACM WALL PANEL
MANUFACTURED BY - ALPOLIC / FR
DRY JOINT SYSTEM
COLOR: "BSX SILVER METALLIC"
- ACM-3 ENTRY PORTAL - ACM WALL PANEL
MANUFACTURED BY - ALPOLIC / FR
DRY JOINT SYSTEM
COLOR: "WHITE"
- CF-1 PREFINISHED METAL CAP FLASHING
COLOR: TO MATCH WALL BELOW
- CW-1 ALUM FRAME CURTAIN WALL SYSTEM -
CLEAR INSULATED GLASS -
"CAPPED" WITH ALUM COVER
COLOR: CLEAR ANODIZED
- SF-1 STOREFRONT ALUMINUM WINDOW SYSTEM WITH
CLEAR INSULATED GLASS
COLOR: CLEAR ANODIZED
- PC-1 DECORATIVE PRECAST CONCRETE WALL PANEL
COLOR: INTEGRAL COLORED CONC -
SMALL AGGREGATE FINISH TEXTURE
- D-1 "EXTERIOR CAR DOOR" -
ENTRY DOOR SYSTEM WITH ALUMINUM FRAME AND CLEAR
INSULATED GLASS
COLOR: CLEAR ANODIZED
- D-1A "AUTOMATIC" ENTRY DOOR SYSTEM WITH ALUMINUM
FRAME AND CLEAR INSULATED GLASS
COLOR: CLEAR ANODIZED
- D-2 "EXTERIOR MAN DOOR" -
ENTRY DOOR SYSTEM WITH ALUMINUM FRAME AND CLEAR
INSULATED GLASS
COLOR: CLEAR ANODIZED
- D-3 NOT USED
- D-4 HIGH-SPEED COILING OH DOOR, ALUMINUM FRAMING
WITH CLEAR POLY CARBONATE WINDOWS- FULL VIEW
COLOR: CLEAR ANODIZED
- D-4A OH DOOR- ALUMINUM FRAMING WITH CLEAR
INSULATED GLASS
COLOR: CLEAR ANODIZED
- D-4B OH DOOR- PREFINISHED METAL WITH SOLID
INSULATED PANELS
COLOR: CLEAR ANODIZED
- LF-1 EXTERIOR LIGHT FIXTURE- WALL MOUNTED
"DOWN LIGHT" DESIGN

PROPOSED NEW BUILDING FOR:

WALSER KIA

HIGHWAY 394
MINNETONKA, MINNESOTA

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PHILLIPS ARCHITECTS & CONTRACTORS, LTD.

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www.phillipsarchitects.com

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David A. Phillips

DATE: _____ LICENSE # 17387

ISSUE/REVISION:
2022 REVIEW

DRAWN BY:
CHECKED BY: DAF
PROJECT NO.:

EXTERIOR ELEVATIONS

A3.0



WALSER KIA WAYZATA
WAYZATA, MN



ChangeUp

937.293.7700 changupinc.com

These drawings convey design intent only to specify size, shape color, feature and proportion, and not to be used as fabrication drawings.

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DATE **JUL '22**

SCALE	PROJECT NO.
N/A	KIA55

DRAWING TITLE
EXTERIOR RENDERING

DWG NO.



WALSER KIA WAYZATA
WAYZATA, MN



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DATE **JUL '22**

SCALE	PROJECT NO.
N/A	KIA55

DRAWING TITLE
INTERIOR RENDERING

DWG NO.



Chair Sewall appreciated everyone who worked on the election. He has always had a positive experience when voting in Minnetonka.

7. Public Hearings: Consent Agenda

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

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

- A. Conditional use permit for an educational use within an existing religious institution at 4600 Shady Oak Road.**

Recommend that the city council adopt the resolution approving a conditional use permit for an educational use within an existing religious institution at 4600 Shady Oak Road.

Powers, Waterman, Henry and Sewall voted yes. Banks, Hanson and Maxwell were absent. Motion carried and the item on the consent agenda was approved as submitted.

8. Public Hearings

- A. Amendment to the sign plan for West Ridge Market.**

Powers moved, second by Waterman, to postpone review of the item until the planning commission meeting scheduled to be held Dec. 1, 2022.

Powers, Waterman, Henry and Sewall voted yes. Banks, Hanson and Maxwell were absent. Motion carried.

9. Other Business

- A. Concept plan review for Walser Kia at 15700 Wayzata Blvd.**

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

Thomas reported. She recommended commissioners provide feedback on key topics identified in the staff report and any other land-use-related items that commissioners deem appropriate. This discussion is intended to assist the applicant in the preparation of more detailed development plans.

David Phillips, architect representing the Walser Automotive Group, applicant, stated that:

- The leases have all been coordinated to expire this December and allow redevelopment of the property.
- He provided a presentation with the current view from I-394. The building is 60 years old and is located on two lots.
- The existing billboard and building would be removed.
- The proposed development would double or triple the current value of the property.
- The new building would have a lot of glass on the south side. There would be a delivery area on the west side, service entrance on the east side and service occurring on the west side.
- The site plan outlined the potential buildable area. The applicant would like to confine the building to the front. Customer parking would be located in front of the building.
- The current building is 28,000 square feet. The proposed building would have a smaller footprint and would not be as large as the area outlined on the proposed site plan. The footprint on the proposal would be pulled back on the east side.
- KIA is an up-and-coming brand. The vehicles are highly desirable. All of the dealerships have a quality standard.
- The proposed building would have a partial second floor to use for storage and possibly a break room.
- The building would be very attractive.
- The elevation of the parking lot would remain lower than the building to keep headlights buffered naturally by the grade.
- The proposal would meet all wetland setbacks, stormwater requirements and floodplain access regulations.
- He spoke with the neighbor who lives north of the property. A buffer would be provided on the north side. The neighbor likes the concept of the driveway having a lower elevation to prevent headlights from leaving the site.
- He was available for questions.

Henry asked if a parking ramp to house the vehicles had been considered. Mr. Phillips answered that there would not be enough room on the site to build a ramp. A higher structure would also have more of an impact on the neighbors who reside on the north side. Henry noted that an enclosed ramp would prevent headlights from leaving the ramp. Mr. Phillips stated that it had been considered. The ramp would need to be three stories tall and have three sides open to meet ventilation requirements.

Powers asked how many vehicles could be located in the back parking lot. Mr. Phillips estimated 340 vehicles. He explained that Walser has a test-drive policy that requires sales people to accompany shoppers during a test drive and would be required to travel on I-394 instead of through a residential neighborhood; no vehicle alarms would be allowed to be utilized on site; there are no speakers on site; and vehicles would be brought to the front by a salesperson for a test drive.

Powers liked the parking lot being at a lower elevation to prevent headlights from leaving the site. Mr. Phillips stated that stormwater treatment requirements would be met.

Waterman asked for the hours of operation. Mr. Phillips answered that dealerships typically close at 9 p.m. Monday through Thursday; 6 p.m. on Friday and Saturday; and are closed on Sundays. Customers usually know what vehicle one is interested in and the salesperson will have brought it inside from the back parking lot to be warm and more inviting. There will be natural screening created by the elevation change and coniferous trees planted on the north side. There are currently not a lot of trees.

Chair Sewall asked if the parking lot needs to be as large as it is proposed. Mr. Phillips answered affirmatively. In order for the business to have the sales volume needed to pay the bills of the new dealership, there needs to be room for 340 vehicles to provide 50 employee parking stalls, 150 new-vehicle stalls and stalls for used vehicles. It is the sufficient size.

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

Waterman stated that:

- He felt that the land use is logical for the area.
- There is a natural bridge around the wetland.
- The site is surrounded by auto dealers. It would not be too close to residential housing.
- The proposal would not intensify the use of the property.
- He would miss a lot of the existing retail. The site is 60 years old and it would be good to redevelop the property.
- He likes the design of the building and the use of glass. He would be comfortable increasing the size of the second floor.
- He is curious to see if all regulations would be met if a formal application is submitted including those regarding impervious surface, tree removal and light shed onto neighboring properties.
- He felt that the proposed use and design make sense.

Henry stated that:

- The location makes sense from a clustering point of view to make it easier for a customer shopping for vehicles.
- He will miss the existing businesses, but he hopes they will relocate nearby.
- He was glad the applicant is addressing the screening concerns of the neighbor on the north side. Planting coniferous trees would be a great step.

- He likes the design of the building. It would look modern and welcoming.
- He did not like the frosted glass on the second floor.
- He suggested a design element be utilized to connect the drive between the front of the dealership and the back if needed to make setback requirements.
- The concept plan is a good start.
- He encouraged the applicant to keep talking with the neighbors.

Powers stated that:

- He likes the proposal's location on I-394.
- He encouraged the neighbors to speak up.
- He supports the elevation on the north being lower to prevent headlights from leaving the site and coniferous trees being planted to provide an additional buffer.
- He looks forward to seeing an application for the concept plan.

Chair Sewall stated that:

- He felt that the concept plan is a good use of the land.
- The design is fine.
- The key to success would be buffering which seems doable.
- He felt a reasonable encroachment to connect the front with the back parking lot would be acceptable while protecting the natural resources as much as possible.
- He supports street lights that focus down instead of past the property.
- The proposal is reasonable.
- The building is fine.

Henry encouraged solar panels be located on the roof.

B. Concept plan review for Greco Minnetonka at 15409 Wayzata Blvd.

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

Thomas reported. She recommended commissioners provide feedback on key topics identified in the staff report and any other land-use-related items that commissioners deem appropriate. This discussion is intended to assist the applicant in the preparation of more detailed development plans.

Josh Branstad, of Greco Development, applicant, stated that:

- He provided a presentation with completed and ongoing projects done by Greco Development.

City Council Agenda Item 14B
Meeting of Nov. 28, 2022

Title: Concept plan for Minnetonka Partners, LLC at 15407 and 15409 Wayzata Blvd

Report From: Loren Gordon, AICP, City Planner

Submitted through: Mike Funk, City Manager
Julie Wischnack, AICP, Community Development Director

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

Minnetonka Partners, LLC has submitted a concept plan for the former Hillcrest nursing home site at 15407 and 15409 Wayzata Blvd. The plan contemplates a two-component project to rehabilitate the former nursing facility for assisted and memory care and construct a new independent living apartment building (on the southeastern side of the site). The assisted living project would contain approximately 70 units of assisted living and 50 units of memory care. The new independent living building would contain 70 – 80 units with under-building and surface parking. The two existing access points on Clare Lane would continue to provide site access.



Concept Master Plan

Recommended Action

Provide feedback intended to assist the applicant in preparing more detailed development plans. No formal action is required.

Strategic Profile Relatability

- Financial Strength & Operational Excellence
- Sustainability & Natural Resources
- Infrastructure & Asset Management
- Safe & Healthy Community
- Livable & Well-Planned Development
- Community Inclusiveness
- N/A

Statement: N/A

Financial Consideration

- Is there a financial consideration? No Yes [Enter estimated or exact dollar amount]
- Financing sources: Budgeted Budget Modification New Revenue Source
- Use of Reserves Other [Enter]

Statement: N/A

Background

The 15407 and 15409 Wayzata Blvd. properties have been home to the “Hillcrest Nursing Home” since the early 1960s. The facility ceased operations in 2019. The 79,800-square-foot building has since remained vacant. The property is 19.25 acres containing large mature deciduous trees, wetlands, and a grass lawn. Access to the property is from Clare Lane.



Hillcrest site. 1964



Hillcrest site, 2021

The surrounding single-family neighborhood on Clarendon Drive also developed in the late 1950s and early 1960s, as did the Holdridge neighborhoods to the south and west.

Concept Plan Review Process

The staff has outlined the following Concept Plan Review process for the proposal. At this time, a formal application has not been submitted.

- **Neighborhood Meetings.** Minnetonka properties have conducted two neighborhood meetings.
 1. The first meeting, held on Sept. 28, was an opportunity for area residents to explore ideas for reusing the property. The meeting was held outside on-site, with approximately 22 neighbors in attendance. The development team presented three site concepts for input: (1) 90-100 rental townhomes; (2) senior independent and assisted living; and (3) reuse of the building for a charter school. The development team provided feedback sheets for each option to gain neighborhood input.

Residents provided feedback on the sheets which were collected. A summary of the meeting is attached.

2. The second meeting was held on Nov. 17, immediately prior to the planning commission's review of the concept plan. At this meeting, Minnetonka Partners outlined what has become their preferred option, senior independent and assisted living. Roughly 12 residents attended the open house-style meeting, expressing concern regarding traffic, density, and impact on neighborhood character.
- **Planning Commission Concept Plan Review.** The commission reviewed the conceptual plan on Nov. 17, 2022. Commissioners generally noted:
 - Redevelopment of the property is challenging given its large size and location on the edge of a single-family neighborhood. Finding the right balance between economies of scale/economic viability and complementing the neighborhood may be difficult.
 - Reuse of the existing building is appreciated. However, without more information on refurbishment and design of the new building, the concept seems pieced together.
 - A three-story building seems too tall, adjacent to a single-family home. Perhaps reorienting the building would provide for less visibility.

Two area property owners provided comments during the meeting. They expressed concern related to the necessary zoning and guide plan change, soil conditions, and traffic and doubted the need for this type of housing in the community.

- **Economic Development Advisory Commission.** The economic development advisory commission (EDAC) will review the affordable housing component of the concept should there be a request for financial assistance.
- **City Council Concept Plan Review.** The city council concept plan review is intended as a follow-up to the planning commission and EDAC meetings and would follow the same format. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

Key Topics

Staff requests council provide feedback on the following key topics.

- **Use.** Does the council have comments on the proposed use of the property?
- **Site Plan.** Does the council have comments on the site plan layout for the buildings and site improvements?
- **Building.** Does the council have comments on building size, location, or design considerations?

- **Other Considerations.** What other land use-related items would the council like to comment on?

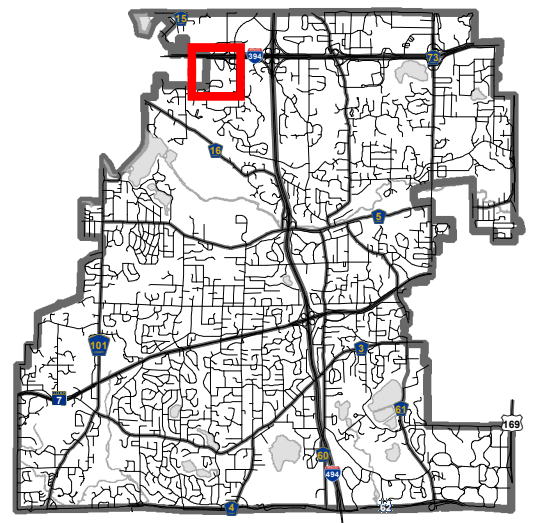
Next Steps

- **Formal Application.** If the developer/applicant chooses to file a formal application, notification of the application would be mailed to area property owners. Area property owners are encouraged to view plans and provide feedback via the city's website. Through recent website updates: (1) staff can provide owners with ongoing project updates, (2) owners can "follow" projects they are particularly interested in by signing up for automatic notification of project updates; (3) owners may provide project feedback on the project; and (4) and staff can review resident comments.
- **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial concept plan review meeting and 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 will review and subsequently make a recommendation to the city council on land use matters.
- **City Council Action.** The city council would take final action based on input from the planning commission, EDAC, professional staff, and the general public.



Location Map

Project: Greco Minnetonka
 Address: 15409 Wayzata Blvd



Concept Plan Project Overview

Minnetonka Partners, LLC is proposing a two-component project located at 15409 Wayzata Boulevard. The Concept Proposal features a rehabilitation of an existing two-story building, a former nursing home facility, proposed for an estimated 70 units of assisted living and 50 units of memory care (Assisted Living Project). Additionally, there would be a newly constructed three-story 55+ market-rate independent living apartment building (Independent Living Project) with approximately 70-80 units, approximately 75 underground garage parking stalls, and approximately 28 surface stalls. Once completed, the two phased project would provide a full continuum of care for residents living at the proposed development. Further conceptual details for each component of the Concept Proposal are explained below:

- *Assisted Living Project*
 - The development team is proposing to re-use the existing two-story structure by performing a substantial rehabilitation and converting the building from its prior use as a nursing home to a full service assisted living facility that will include both assisted living care and memory care options and complimenting services.
 - Post renovation the proposed project would create approximately 70 assisted living apartment homes and approximately 50 memory care homes
 - The Assisted Living Project would offer a full line of services to include medical care, food and meal services, resident events, multiple intergenerational opportunities, and a full offering of interior and exterior amenities spaces.
 - Within the building, finishes would incorporate high quality materials and be commensurate for standards within the Assisted Living sector. Amenities could include crafting rooms, a clubroom, central greenhouse, private dining, library, card rooms, salon, exercise facility, pet friendly options, and full time staff.
 - On the exterior the project site is nestled on a park like setting of over 19 acres. Residents will have access to walking paths, outdoor lawn areas and potentially pickleball, gardening, firepits, and outdoor cooking facilities.
- *Independent Living Project*
 - On the southeast corner of the site, the development team is proposing to remove an existing and failing surface parking lot and replacing it with a 55+ Independent Living apartment building.
 - Units would include one and two bedroom homes outfitted with modern and market leading finishes. Large windows, stainless steel appliances, wood inspired flooring, designer fixtures, balconies, and full-size in-unit laundry are a few of the
 - Interior spaces could include a fitness center, clubroom, rooftop club room and viewing deck, screening room, private dining room, crafting room, and a full-time staff.
 - Exterior amenities could include fire pits, an outdoor kitchen, pool, and yard games areas to name a few.
 - The distinct advantage to the location of the Independent Housing is that very mature trees provide a buffer between the building and the adjacent residential neighbors, shielding the neighborhood from the improvements.
- *Parking*
 - Assisted Living Project
 - Parking for the staff and visitors will be provided entirely by the existing surface parking at the site
 - Independent Living Project

- Parking will be provided by a combination of approximately 75 underground and 28 stalls surface stalls.











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WWW.GRECOLLC.COM

October 10, 2022

To: Hillcrest Neighbors:

On Wednesday, September 28, 2022, Minnetonka Partners, LLC, the owner of the Hillcrest site located at 15407-409 Wayzata Boulevard, and its development partner, Greco, held a neighborhood meeting to discuss possible alternatives for the development of the property.

The meeting was held at the property. Approximately 24 neighbors attended the meeting as the result of an invitation extended to 88 addresses provided by the City of Minnetonka. Also attending were Julie Wischnack, City of Minnetonka Community Development Director and Loren Gordon, City of Minnetonka City Planner.

Concept Plans

At the meeting Greco presented concept plans for three possible uses for the site:

- **Townhomes:** a concept plan for removing the existing building and developing approximately 90-100 townhomes. The townhomes would consist of three stories and have two car garages. The townhomes could be rental (at roughly \$3,500-\$5,000 per month) or for sale (at a sale price of \$550,000 or greater).
- **Assisted and Independent Living:** a concept plan for retaining the existing building and adapting it as an assisted living facility with a small memory care unit. Part of this plan includes constructing a three-story independent living apartment for approximately 75-85 residential units in what is now a portion of the parking lot to the south of the building. Parking for the Independent Living building would be provided within the building in an underground garage.
- **Charter School:** a concept plan for repurposing the building into a charter school facility serving 100-200 students. The building would be configured into approximately 20-25 classrooms for 10 students in each classroom. The driveway and parking areas would be restored and reconfigured as necessary to accommodate student drop-off and pick-up. The facility would be leased to an operator, likely affiliated with a church or a mosque.

Copies of the three concept plans are attached. It is important to note that these are preliminary concept plans and not completed site plans.

Feedback

After the three concept plans were presented, neighbors responded with questions and comments. Many broke into small groups to discuss the concepts.

The neighbors were also presented with feedback cards for each concept. They were asked to comment on each concept separately and then rank the three concepts by preference. Not every attendee completed a feedback card and not every attendee completing a feedback card ranked the concepts.

Generally, the comments of those attending can be summarized as follows:

- Of those attending who ranked the three concepts, 8 ranked the Charter School concept as their first choice; 3 ranked the Assisted and Independent Living concept as their first choice and no attendee ranked the Townhouse concept as their first choice.
- The primary concerns of the neighbors with respect to the Townhome concept were density and traffic.
- With respect to the Assisted and Independent Living concept, a number of people responded that they like the repurposing of the building and that much of the existing green space would be retained. Others expressed concerns that the Independent Living building adds too much density and creates traffic concerns.
- With respect to the Charter School concept, a number of neighbors stated they like this concept because it repurposes the existing building and retains much of the existing greenspace. A number of comments question the amount of traffic and noise that would be generated by this use.
- Any concept that is selected needs to be supported by a traffic study.

For your convenience, we have created an electronic link that contains a tabulation of the comments and the preferences of those attending who responded. The link also contains a copy of every feedback card that was submitted, together with copies of the three concept plans presented at the meeting.

For this information, please follow this link: www.choosegreco.com/hillcrest

Next Steps

This summary is being mailed to the 88 addresses originally provided to us by the City and we welcome comments from any neighbors who were unable to attend the meeting. Additional comments can be sent to 15407wayzatablyd@gmail.com

Minnetonka Partners, LLC and Greco very much appreciate and value the time and interest of the Hillcrest neighbors in the proposed redevelopment of this site and the feedback Hillcrest neighbors have provided. These comments are very helpful, and we will pay attention to them.

Over the next several weeks we will evaluate the concepts in light of the neighborhood responses. Once we decide on a concept plan, we will advise you of our plan and we will continue to ask for your guidance and feedback. Further, any plan that we submit to the City for approval will entail one or more neighborhood and public meetings and we encourage you to please participate in those meetings.

Thank you very much for willingness to participate in this process.

GRECO

By: _____

Josh Brandsted, President

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be 'Josh Brandsted'. The ink is a vibrant blue color.

- He likes the design of the building. It would look modern and welcoming.
- He did not like the frosted glass on the second floor.
- He suggested a design element be utilized to connect the drive between the front of the dealership and the back if needed to make setback requirements.
- The concept plan is a good start.
- He encouraged the applicant to keep talking with the neighbors.

Powers stated that:

- He likes the proposal's location on I-394.
- He encouraged the neighbors to speak up.
- He supports the elevation on the north being lower to prevent headlights from leaving the site and coniferous trees being planted to provide an additional buffer.
- He looks forward to seeing an application for the concept plan.

Chair Sewall stated that:

- He felt that the concept plan is a good use of the land.
- The design is fine.
- The key to success would be buffering which seems doable.
- He felt a reasonable encroachment to connect the front with the back parking lot would be acceptable while protecting the natural resources as much as possible.
- He supports street lights that focus down instead of past the property.
- The proposal is reasonable.
- The building is fine.

Henry encouraged solar panels be located on the roof.

B. Concept plan review for Greco Minnetonka at 15409 Wayzata Blvd.

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

Thomas reported. She recommended commissioners provide feedback on key topics identified in the staff report and any other land-use-related items that commissioners deem appropriate. This discussion is intended to assist the applicant in the preparation of more detailed development plans.

Josh Branstad, of Greco Development, applicant, stated that:

- He provided a presentation with completed and ongoing projects done by Greco Development.

- The proposal would have 120 units of assisted living and 70 to 80 units of independent living. The concept is continuity of care.
- The applicant originally presented three concept plans to the neighbors. The first concept would have rehabilitated the existing building into a religious-based charter school; the second would have redeveloped the site into 70 to 80 units of townhomes; and the third is the current concept plan being reviewed.
- The current concept plan would reutilize the existing building. There would need to be a substantial investment to get the building up to code requirements.
- He provided renderings to show the elements that could be incorporated into the building exteriors and unit interiors. The project would be high quality.
- He was looking forward to capturing feedback from neighbors and commissioners.

Henry asked if the school would still be an option. Mr. Branstad explained that the school would not generate enough revenue for the level of investment needed to bring the building up to code and would not be the highest quality of redevelopment for the site. The townhomes would bring the highest level of quality. The independent and assisted living option would be a close number two.

Henry confirmed with Mr. Branstad that viability, height of the buildings and increased traffic were the chief concerns expressed by neighbors. Mr. Branstad stated that the stories of the independent-living building could be stepped back so there would be two stories visible in the front and three stories visible in the back. The site is surrounded by large trees.

Waterman asked if there would be enough parking. Mr. Branstad explained that there would be one stall per bedroom. There would be approximately 84 stalls underground and an additional 26 stalls on the surface. There would be approximately three staff on site for independent living. The previous facility had 200 rooms.

Chair Sewall asked if an option more dense than the townhomes had been considered. Mr. Branstad answered affirmatively. It would be the easiest approach to remove the existing building. There would need to be 300 to 400 apartment units on the six-acre site to fund the redevelopment.

In response to Chair Sewall's question, Mr. Branstad answered that moving the independent living building so that it would not abut the neighbors could be considered.

The public hearing was opened.

Robert Britain, 1527 Clarendon Drive, stated that:

- The master guide plan and current zoning should not be changed.
- Rezoning the property for a multi-family, high-density use would not be appropriate for the site.
- There are enough assisted living and independent living facilities for seniors.
- The current use of the property should be maintained. It should be an institutional use.
- The property is surrounded by a residential neighborhood.
- The previous skilled nursing facility had little traffic, but the parking area was full.
- He was worried the site would be used for general apartments in the future.

Greg Greffin, 1539 Clare Lane, stated that:

- The current parking lot was previously a wetland and landfill.
- Listening to the pounding of pylons to construct underground parking would be hard to endure.
- Wetland preservation should be a concern for this proposal.
- The site has a limited buildable area.
- He wants to keep the property the way it is.
- Clare Lane is a narrow street and cannot support a lot of traffic.
- He requested that the proposal be denied.

No additional testimony was submitted and the hearing was closed.

Thomas explained that a wetland delineation would be required to be completed and submitted with a formal application.

Waterman stated that:

- The site is beautiful. He had anticipated that it would be redeveloped.
- He likes that the concept plan would reuse the existing building.
- He agrees that Clare Lane is quite narrow and Clarendon Drive already handles a lot of traffic.
- He likes that the applicant would like the building to fit within the fabric of the neighborhood.
- He thought the site may need more parking than provided in the concept plan.
- He likes the idea of possibly reorienting the assisted living building.
- He thought a school would create similar traffic problems to a church. He thought the concept plan would have less traffic than a school, so it may be a smart use of the space.
- He struggled with the height of the independent living building. It was not a breaking point for him, but he understood that is an issue for neighbors.

- He is thrilled that the existing facility may be repurposed.

Powers stated that:

- He likes the idea of following the theme of Hillcrest to assist seniors in need of something.
- He was confused on what to do with the site.
- He understood how expensive it would be to redevelop the property.
- The neighbors must be respected.
- He encouraged the applicant to continue with the proposal by submitting a formal application.

Henry stated that:

- He appreciates the speakers.
- He likes the concept plan's reuse of the existing building. He agreed that it would be a low-profile building.
- The photos of examples used for the assisted living building did it an injustice by showing high, gabled roofs. He would like to see what the applicant created in Champlin with flat roofs and a modern design. That could help ease some of the uncertainty of the neighbors.
- He agreed with changing the layout of the independent living building.
- The concept plan would be an appropriate use of the space and allow a transition for a person to move from a single-family house to independent living and then assisted living. This concept plan tries hard to be holistic in nature.
- He felt a three-story building would be too tall.
- This is the best use of the site in terms of the least amount of traffic it would generate.
- He encouraged the applicant to submit a formal application. The concept plan is on the right track.
- He encouraged the applicant to continue to work with neighbors.

Chair Sewall stated that:

- This is a hard site to develop.
- He would like to see the wing along the single-family homes side moved to where the community garden is located.
- He likes that the existing building would remain.
- Changes need to be made to the design of the independent living building so it would be less impactful on neighbors.
- He encouraged a lot of community engagement.
- The land use is appropriate.

This item is scheduled to be reviewed by the city council at its meeting on Nov. 28, 2022.



**City Council Agenda Item 15A
Meeting of Nov. 28, 2022**

Title: Appointment of young adult to the sustainability commission
Report from: Sarissa Falk, Executive Assistant
Submitted through: Mike Funk, City Manager
Moranda Dammann, Assistant City Manager

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

Mayor Wiersum recommends appointing Molly Birr to serve a one-year term as a young adult on the sustainability commission.

Recommended Action

Approve the following appointment to the sustainability commission:

- Molly Birr, to serve as a young adult for a one-year term, effective Dec. 1, 2022 and expiring on June 30, 2023.

Strategic Profile Relatability

Financial Strength & Operational Excellence Safe & Healthy Community
 Sustainability & Natural Resources Livable & Well-Planned Development
 Infrastructure & Asset Management Community Inclusiveness
 N/A

Financial Consideration

Is there a financial consideration? No Yes [Enter estimated or exact dollar amount]
Financing sources: Budgeted Budget Modification New Revenue Source
 Use of Reserves Other [Enter]

Background

Section 2.02 of the City Charter states members of such bodies [boards and commission] will be appointed by the mayor, subject to approval by the city council. Molly applied during the sustainability commission recruitment period, and was subsequently interviewed at the Nov. 7,

Subject: Appointment of young adult to the sustainability commission

2022 study session. Mayor Wiersum reviewed the city council scoring sheets and recommends appointing Molly Birr to serve a one-year term as a young adult on the sustainability commission to fill the vacancy.