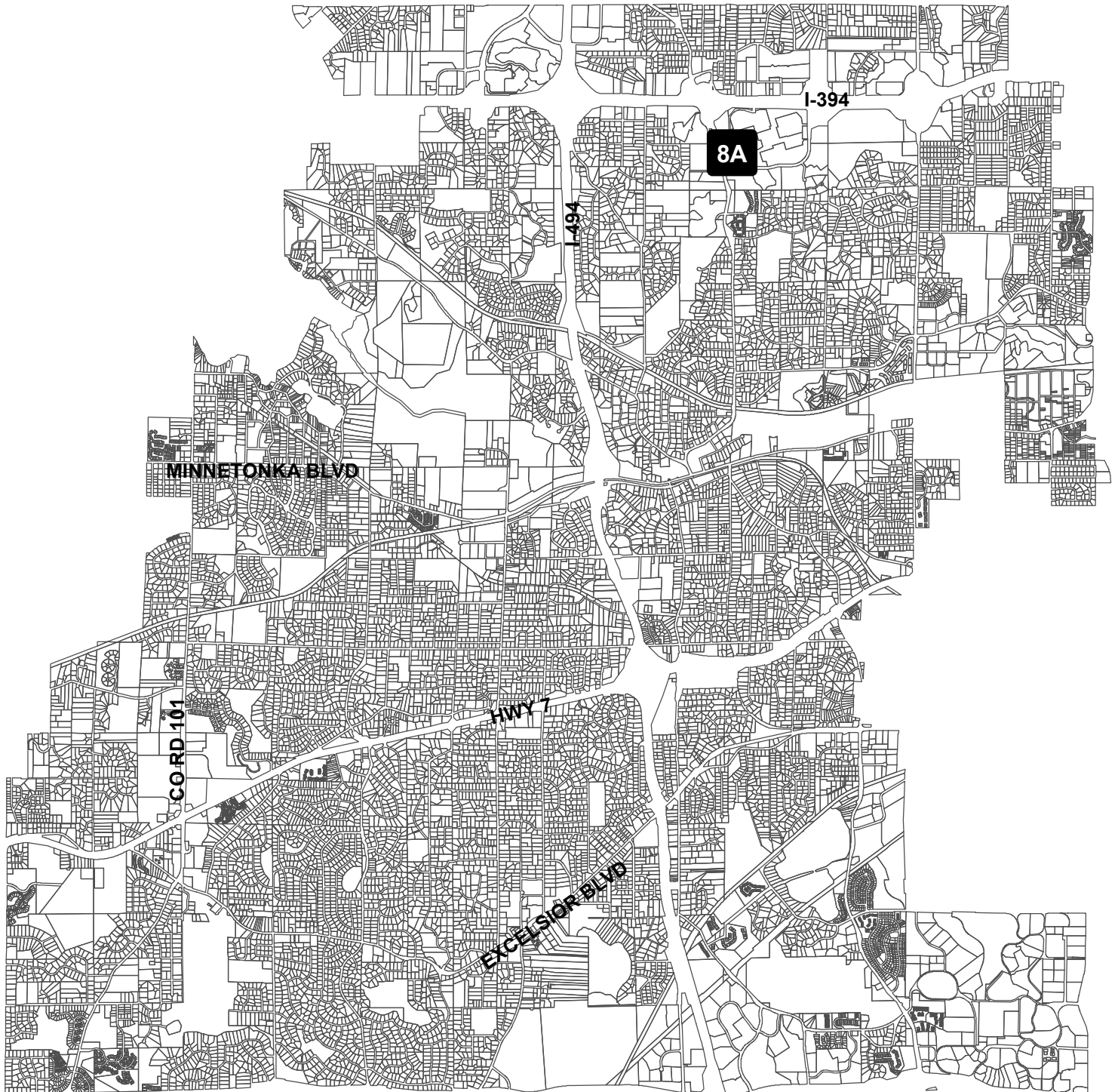




CITY OF
MINNETONKA

MINNETONKA PLANNING COMMISSION MARCH 16, 2023

14600 Minnetonka Blvd. • Minnetonka, MN 55345
(952) 939-8200 • Fax (952) 939-8244
minnetonkamn.gov





CITY OF
MINNETONKA

Planning Commission Agenda
March 16, 2023
6:30 p.m.

City Council Chambers – Minnetonka Community Center

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Approval of Minutes:** March 2, 2023
- 5. Report from Staff**
- 6. Report from Planning Commission Members**
- 7. Public Hearings:** None
- 8. Public Hearings: Non-Consent Agenda Items**
 - A. Conditional use permit for a restaurant with outdoor seating area at 1805 Plymouth Road.

Recommendation: Recommend the city council adopt the resolution approving the permit (4 Votes).
 - To City Council (April 17, 2023)
 - Project Planner: Susan Thomas
- 9. Adjournment**

Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
2. There following applications are tentatively schedule for the March 30, 2023 agenda.

Project Description	Mega Pickle and Pong, CUP
Project Location	17585 Hwy 7
Assigned Staff	Ashley Cauley
Ward Councilmember	Kissy Coakley, Ward 4

Project Description	Besonen Residence, VAR
Project Location	14920 Belvoir Drive
Assigned Staff	Bria Raines
Ward Councilmember	Bradley Schaeppi, Ward 3

Project Description	JCJ Investments, LLC, EXP
Project Location	14755 Wychewood Road
Assigned Staff	Bria Raines
Ward Councilmember	Kissy Coakley, Ward 4

Project Description	Ovation Ortho, CUP
Project Location	10999 Red Circle Drive
Assigned Staff	Ashley Cauley
Ward Councilmember	Brian Kirk, Ward 1

Project Description	Hoover Periodontics, CUP
Project Location	10000 Minnetonka Blvd
Assigned Staff	Susan Thomas
Ward Councilmember	Bradley Schaeppi, Ward 3

Project Description	Whitewater Reserve Building, SIGN
Project Location	12501 & 12701 Whitewater Drive
Assigned Staff	Susan Thomas
Ward Councilmember	Brian Kirk, Ward 1

Project Description	Greystar Development
Project Location	10701 Bren Road E
Assigned Staff	Ashley Cauley
Ward Councilmember	Brian Kirk, Ward 1

**Unapproved
Minnetonka Planning Commission
Minutes**

March 2, 2023

1. Call to Order

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

2. Roll Call

Commissioners Powers, Waterman, Banks, Henry, and Sewall were present. Hanson and Maxwell were absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, and Assistant City Planner Susan Thomas.

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

4. Approval of Minutes: Feb. 2, 2023

Powers moved, second by Henry, to approve the Feb. 2, 2023 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting on Feb. 27, 2023:

- Adopted a housekeeping ordinance amending various sections of Chapter 3 of the Minnetonka City Code, zoning regulations.
- Adopted a resolution approving a conditional use permit for a 2,100-square-foot-accessory structure at 14730 Stone Road.

There will be two upcoming planning commission meetings in March scheduled to be held on March 16, 2023 and March 30, 2023.

The State of the City address will be held on March 10, 2023 at noon in the community center. All are welcome to attend in person or watch online.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

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

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

- A. Conditional use permit for a medical use of the existing building at 17809 Hutchins Drive.**

Recommend that the city council adopt the resolution approving a conditional use permit for Anchored Orthodontics at 17809 Hutchins Drive.

Powers, Waterman, Banks, Henry, and Sewall were present. Hanson and Maxwell were absent. The motion was carried and the item on the consent agenda was approved as submitted.

- 8. Public Hearings:** None

- 9. Other Business**

- A. Concept plan review for the Dudycha Properties at 2611 and 2615 Plymouth Road.**

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

Thomas reported. Staff recommends planning commissioners provide feedback on the key topics identified by staff 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.

Hanson joined the meeting.

Kelsey Thompson, development assistant for Lakewest Development, applicant, provided a presentation. She stated that:

- The applicant's goal was to create a welcoming neighborhood. She presented three different concept plans.
- The first concept plan has 12 lots and would utilize the existing access on the south end of the property.
- The road with two accesses would provide better traffic flow and easier access for school buses, plows, and emergency vehicles.
- There is a woodland preservation area in the center of the property. There would be woodchip walking trails and a bench in the center of the wooded area.
- A tree removal variance would be needed for the first concept plan with 12 lots.
- The second concept plan would have ten lots.
- Hennepin County staff said that the property could be developed as two parcels but would prefer a single access on the north. The 10-lot concept

plan removes the south access, would only have access to Plymouth Road on the north side of the property, and extends the cul-de-sac 1,000 feet which would require a variance.

- The 10-lot concept plan would meet tree preservation ordinance requirements.
- The applicant prefers the 12-lot concept plan.
- The third-concept-plan option would develop the north and south halves of the property separately in two phases, with each half consisting of a cul-de-sac with six lots.
- The third-concept-plan option would remove the highest number of trees.
- She appreciates the commissioners' providing feedback.

In response to Waterman's question, Thomas explained that the required variance for the 10-lot concept plan was due to the frontage of Lot 10 not being located on a public street.

In response to Banks' question, Thomas explained that the standard right-of-way width for a public street is 50 feet. The concept plans have a street right-of-way width of 40 feet. The concept plans are consistent with the standard width of the paved portion of a street within the street right-of-way.

Chair Sewall would like to see a plan that would meet tree protection ordinance requirements and another that would show how much of a tree ordinance variance would be needed for a plan that did not meet its requirements.

Banks noted that the disturbance area would exceed 25 percent. Ms. Thompson stated that 26.5 percent of the site would be disturbed.

In response to Waterman's question, Ms. Thompson stated that the proposed houses would be approximately 6,000 square feet in size and priced at around \$2 million.

Chair Sewall thought it was odd that Lots Seven and Nine did not have their driveways access the bulb of the cul-de-sac instead of the street in the second concept plan that has ten lots.

Chair Sewall invited input from the public.

Brad Kaplan, 12900 Woodbridge Trail, stated that:

- He is not against development.
- Drivers speed on Plymouth Road and usually travel at 50 mph.
- He has had drivers use the oncoming-traffic lane to pass his vehicle when he is turning.
- The two proposed access points and another one on Woodhaven would create a hazard. He was concerned with adding the two access points.

No additional input was submitted.

Waterman stated that:

- He appreciated seeing R-1 subdivision options.
- He would prefer the property be developed as one phase.
- Two access points gave him pause. He would like to see the results of a traffic study.
- Overall, an R-1 development would work in the area with the lot sizes, density, and layout. He likes the concept.
- He looks forward to learning more details and how a proposal would meet ordinance requirements.
- He likes how the road would weave through the trees and the large lots.
- There may be room for certain variances for the plan with the cul-de-sac to preserve the woodland area.
- He wrestled with the width of the streets and the length of the cul-de-sac.
- It is hard to comment on the impact on natural resources since the details are not known at this time.
- He would be open to adjustments around the margins but would not support a proposal if it created an environmental issue for neighbors, such as an increase in stormwater runoff or ignoring the tree protection ordinance.
- Overall, it would be a good use of the land and fit a fair amount of development on a complicated site.
- He would like natural buffering provided to the adjacent neighbors.

Henry stated that:

- He wants to maintain the woodland preservation area.
- He favors the one-entrance concept plan with ten lots since it would have the least amount of impact.
- He did not agree with the two phases.
- Residents enjoy living on a cul-de-sac.
- The land use would be appropriate. It would fit in with the neighborhood.
- He looks forward to learning more details.
- He suggested that the applicant communicates with neighbors.

Banks stated that:

- He would prefer two street accesses to provide better traffic flow. A traffic study of a two-access plan would be beneficial.
- He suggested removing Lot 10 to save more trees.
- He prefers the R-1 options to the previously reviewed concept plan.
- He looks forward to seeing a detailed plan.

Powers stated that:

- He prefers the first concept plan, which would have 12 lots.
- He is fine with the variances as long as they are trimmed back as much as possible.
- Two street accesses create a neighborhood and make much more sense than just having one access.
- He opposed doing two phases.

Chair Sewall stated:

- The neighbors are more comfortable with the current R-1 zoned concept plans than the previously submitted concept plan.
- He looks forward to reviewing plans with more details and learning the staff's recommendations.
- The more reasonable and minimized the variances, the better.
- The land use would be appropriate.
- He agrees that drivers speed on Plymouth Road, but that is a law enforcement issue.
- One street access would double the volume of traffic for that one access rather than sharing it with a second access. That would not be a better solution.
- He suggested that the applicant work with staff to work through details.

This item will be reviewed by the city council at its meeting on April 17, 2023. The concept plans are available for review on minnetonkamn.gov.

10. Elections

A. Election of Planning Commission Chair

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

Gordon reported. He recommended commissioners elect a commissioner to serve as the chair of the planning commission for the 2023 term.

Hanson moved, second by Henry, to elect Sewall to serve as the chair of the planning commission for the remainder of the 2023 term.

Powers, Waterman, Banks, Hanson, Henry, and Sewall were present. Maxwell was absent. Motion carried.

B. Election of Planning Commission Vice Chair

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

Gordon reported. He recommended commissioners elect a commissioner to serve as the vice chair of the planning commission for the 2023 term.

Powers moved, second by Waterman, to elect Hanson to serve as the vice chair of the planning commission for the remainder of the 2023 term.

Powers, Waterman, Banks, Hanson, Henry, and Sewall were present. Maxwell was absent. Motion carried.

C. Nomination of Sustainability Commission Liaison

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

Gordon reported. He recommended commissioners nominate a commissioner to serve as the sustainability commission liaison for the 2023 term.

Sewall moved, second by Powers, to elect Henry to serve as the planning commission liaison to the sustainability commission for the remainder of the 2023 term.

Powers, Waterman, Banks, Hanson, Henry, and Sewall were present. Maxwell was absent. Motion carried.

11. Review of Planning Commission Bylaws and Policies

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

Gordon reported. He recommended commissioners readopt the planning commission bylaws and policies for 2023.

Banks moved, second by Powers, to readopt the planning commission bylaws and policies for 2023.

Powers, Waterman, Banks, Hanson, Henry, and Sewall were present. Maxwell was absent. Motion carried.

12. Adjournment

Hanson moved, second by Banks, to adjourn the meeting at 7:37 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
March 16, 2023

Brief Description	Conditional use permit for a restaurant with an outdoor seating area at 1805 Plymouth Road.
Recommendation	Recommend the city council adopt the resolution approving the request.

Background

In 2017, the city approved a conditional use permit for Starbucks to operate a coffee shop within the easternmost tenant space of the 1805 Plymouth Road retail building. The coffee shop included both indoor and outdoor seating but no drive-thru. The Starbucks location closed in July 2021.

Proposal

MN Chicken, LLC. is proposing to operate a Dave's Hot Chicken restaurant within the former Starbucks space. As with the previous use, the restaurant would include both indoor and outdoor seating but no drive-thru. No building façade or site changes are proposed to accommodate Dave's. However, because there has been no restaurant use of the space in over twelve months, a new conditional use permit is required.



Photo Credit: loopnet.com

Dave's Hot Chicken is a fast casual-type restaurant serving chicken tenders, chicken sliders, and a variety of sides. Though there are many locations throughout the United States, the Ridgedale location would be the first of several new locations in Minnesota. For more information, visit daveshotchicken.com.

Staff Analysis

Staff supports the conditional use permit request as:

- The restaurant and outdoor seating area would meet all conditional use permit standards. These standards are outlined in the "Supporting Information" section of this report.
- Parking would meet the new parking ordinance standards. For more parking discussion, see the "Supporting Information" section of this report.

Staff Recommendation

Recommend the city council adopt the resolution approving a conditional use permit for a restaurant with an outdoor seating area at 1805 Plymouth Road.

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

Supporting Information

- Surrounding Uses** The subject property is surrounded by commercial and service commercial uses.
- Planning** Guide Plan designation: mixed-use
Existing Zoning: PID, planned I-394 development
- Parking** The 53 existing parking stalls on the site would meet the new parking ordinance.

	Floor Area	Rate per 1,000	Required Stalls
Retail	5,976 sq. ft	4	23.90
Office (Bank)	2,200 sq. ft.	2.75	6.05
Restaurant w/o table service	2,024 sq. ft	10	20.24
TOTAL	10,200 sq. ft.	-	50.19 = 51

Even though the proposal would meet the ordinance, based on the anecdotal evidence of visitors to Dave's Hot Chicken locations in other states, staff had some questions about the restaurant's popularity and resulting traffic/parking implications.

Staff contacted city planners at eight communities in Illinois, Massachusetts, Ohio, and Wisconsin, asking about any traffic and parking concerns with their Dave's Hot Chicken locations.

Minnnetonka was pleased to receive responses from five of the communities. The communities indicated that increased traffic and parking demand were noticeable during the weeks/months following the grand opening. However, both traffic and parking demand went down as the restaurant became less "new." Minnetonka has had this same experience with several restaurants in the city. As a condition of approval, a temporary traffic control and signage plan must be submitted to address potential circulation issues associated with the opening of the restaurant.

CUP Standards City Code §300.31 Subd. 4(b)2(o) lists the following specific standards that must be met for granting a conditional use permit for restaurants located on property designated for retail use. The proposal would meet these standards.

1. Must be in retail multiple tenant centers only and conform to the architecture of a specific center;

Finding: The proposed restaurant would be located within an existing retail center. The façade of the entire building has been attractively designed; no changes are proposed to the façade.

2. Will not be permitted when traffic studies indicate significant impacts on the levels of service as defined by the Institute of Traffic Engineers on the roadway system;

Finding: As has been the experience of other communities, and as has occurred with other Minnetonka restaurants, traffic may increase during the initial opening phase of the restaurant. However, given its location within a regional shopping area, surrounding roadways and intersections are anticipated to continue functioning at acceptable levels of service.

3. Outdoor seating areas will be approved only subject to the following:
 - a) Must be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required, and the enclosure shall not be interrupted; access must be only through the principal building;

Finding: Decorative fencing and a raised elevation would provide for a controlled area.

- b) Must be set back at least 200 feet and screened from any adjacent property designated in the comprehensive plan for residential use;

Finding: The proposed restaurant would be located roughly 300 feet from the closest residential property, the Avidor multi-household building, to the southeast.

- c) Must be located and designed so as not to interfere with pedestrian and vehicular circulation;

Finding: The outdoor seating area would not impact on-site circulation.

- d) Must be located next to an entrance to the main use;

Finding: This condition is met.

- e) Must be equipped with refuse containers and periodically patrolled for litter pick-up;

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

- f) Must not have speakers or audio equipment that is audible from adjacent residential parcels; and

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

g) Must meet building setback requirements.

Finding: The outdoor area would exceed all minimum building setback requirements.

4. Drive-up windows and related stacking spaces will be approved only subject to the following:

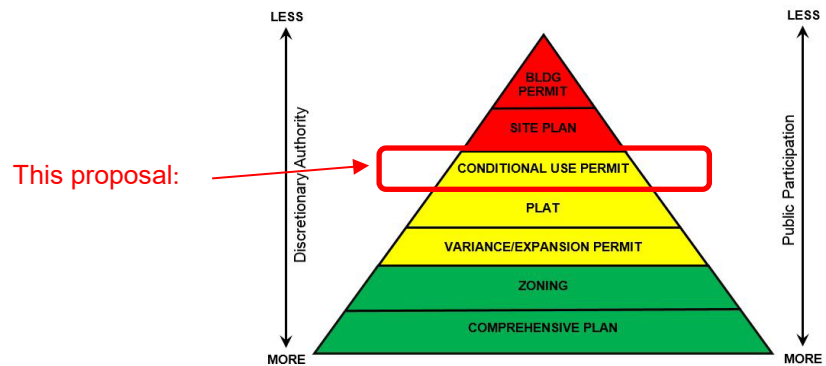
- a) public address systems must not be audible from any residential parcel; and
- b) stacking for a minimum of six cars per aisle must be provided, subject to applicable parking lot setbacks.
- c) must be set back at least 100 feet and screened from any adjacent property designated in the comprehensive plan for residential use.

Finding: No drive-up window is proposed.

5. Restaurants or fast-food restaurants with less than 1,200 square feet gross floor area, designed seating capacity not exceeding 25, having no drive-up window, and located in retail multiple tenant centers are exempt from the requirements of this section and are considered to be a standard retail use. For tenants with accessory fast-food restaurants, the 1,200-square-foot calculation will include the total gross area of all restaurants and fast-food restaurants within the tenant space.

Finding: This is not applicable.

Pyramid of Discretion



Voting Requirement

The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council's final approval also requires an affirmative vote of a simple majority. 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 conditional use permit.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion should include reasons for the denial recommendation.
3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

**Neighborhood
Comment**

The city sent notices to 148 area property owners. No written comments have been received to date.

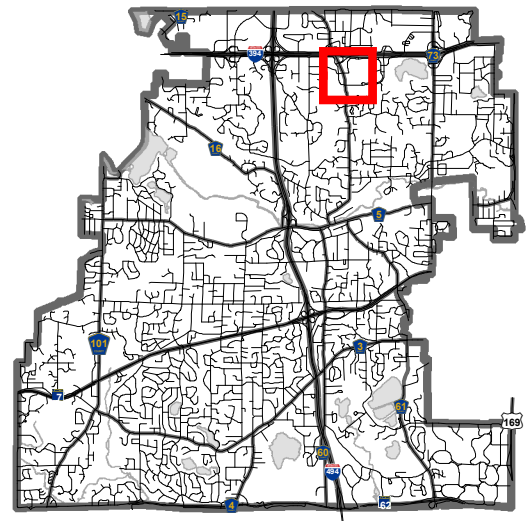
Deadline for Action

June 5, 2023



Location Map

Project: Dave's Hot Chicken
Address: 1805 Plymouth Road Ste 104



320 251 5933
320 428 6586
ekoenig@strackco.com



February 22, 2023

The City of Minnetonka Planning Department
14600 Minnetonka Blvd.
Minnetonka, MN 55345

RE: Dave's Hot Chicken – Conditional Use Permit Written Statement
PID 03-117-22-44-0040
Minnetonka, MN

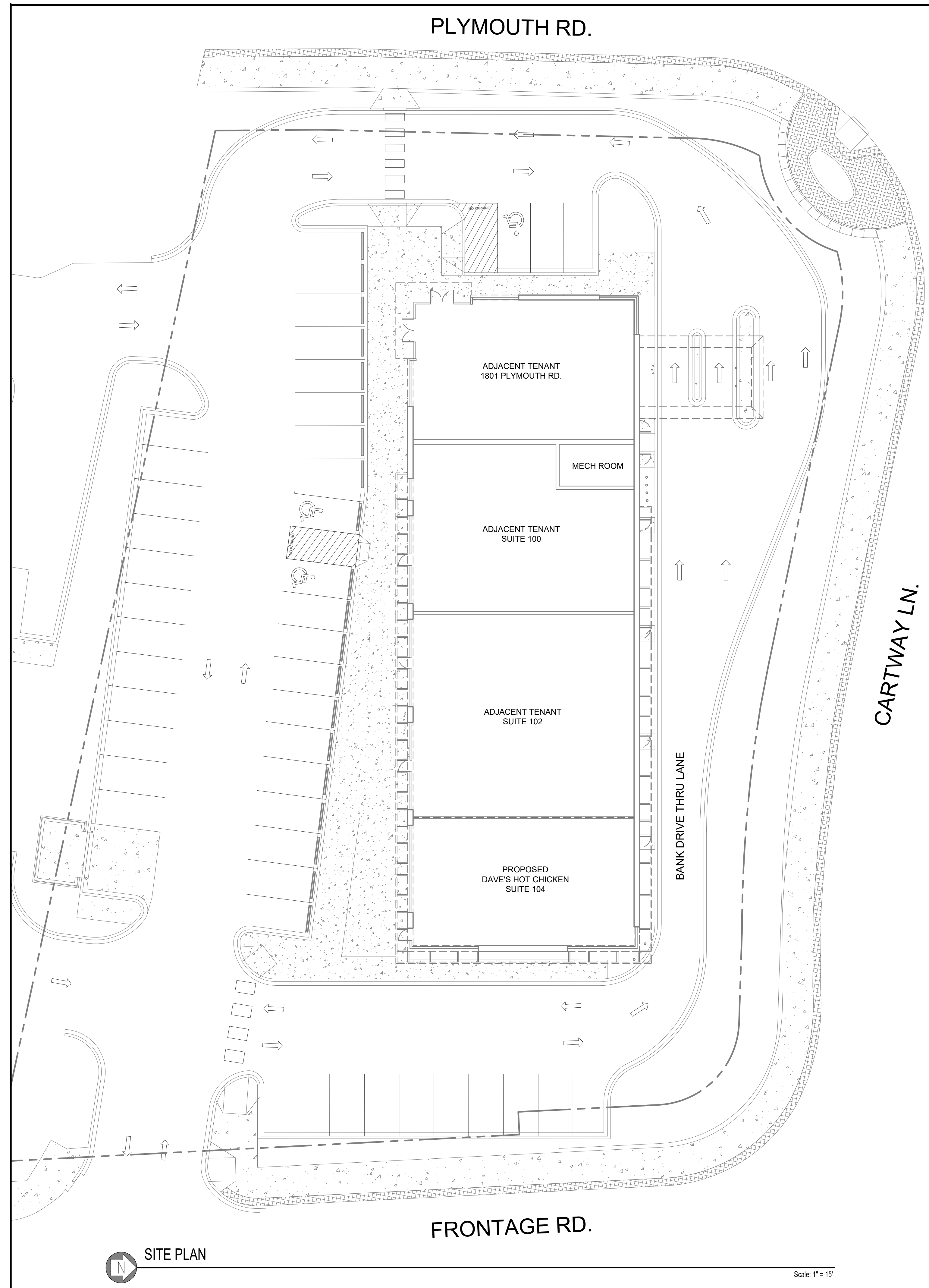
To Whom It May Concern,

MN Chicken, LLC is proposing to operate a Dave's Hot Chicken restaurant within Suite #104 in the easternmost tenant space of the Ridgedale Shoppes building located at 1805 Plymouth Road. This space was previously occupied by Starbuck's who vacated the space in July of 2021 and ended their lease in June of 2022. The Dave's Hot Chicken operation would include both indoor and outdoor seating, but no drive-thru. This operation will not be serving alcohol. By city code, this fast-food restaurant is a conditionally permitted use. There will be no changes to the site, landscaping, or building façade as a result of this project. Branded signage permits and required building permits have been applied for. A demolition permit (#M1269565) has been applied and paid for to date.

Thank you for the opportunity to provide this information to your team. Please let me know if you have any questions or concerns.

Sincerely,

Erik Koenig, Sr Project Manager



VICINITY MAP



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PROJECT #:
22-768
 DRAWN BY: MW CHECKED BY: MP/KD

REVISIONS

NO.	DATE	DESCRIPTION
1	12/15/22	- METCOUNCIL APP PLANS
△		
△		
△		
△		
△		

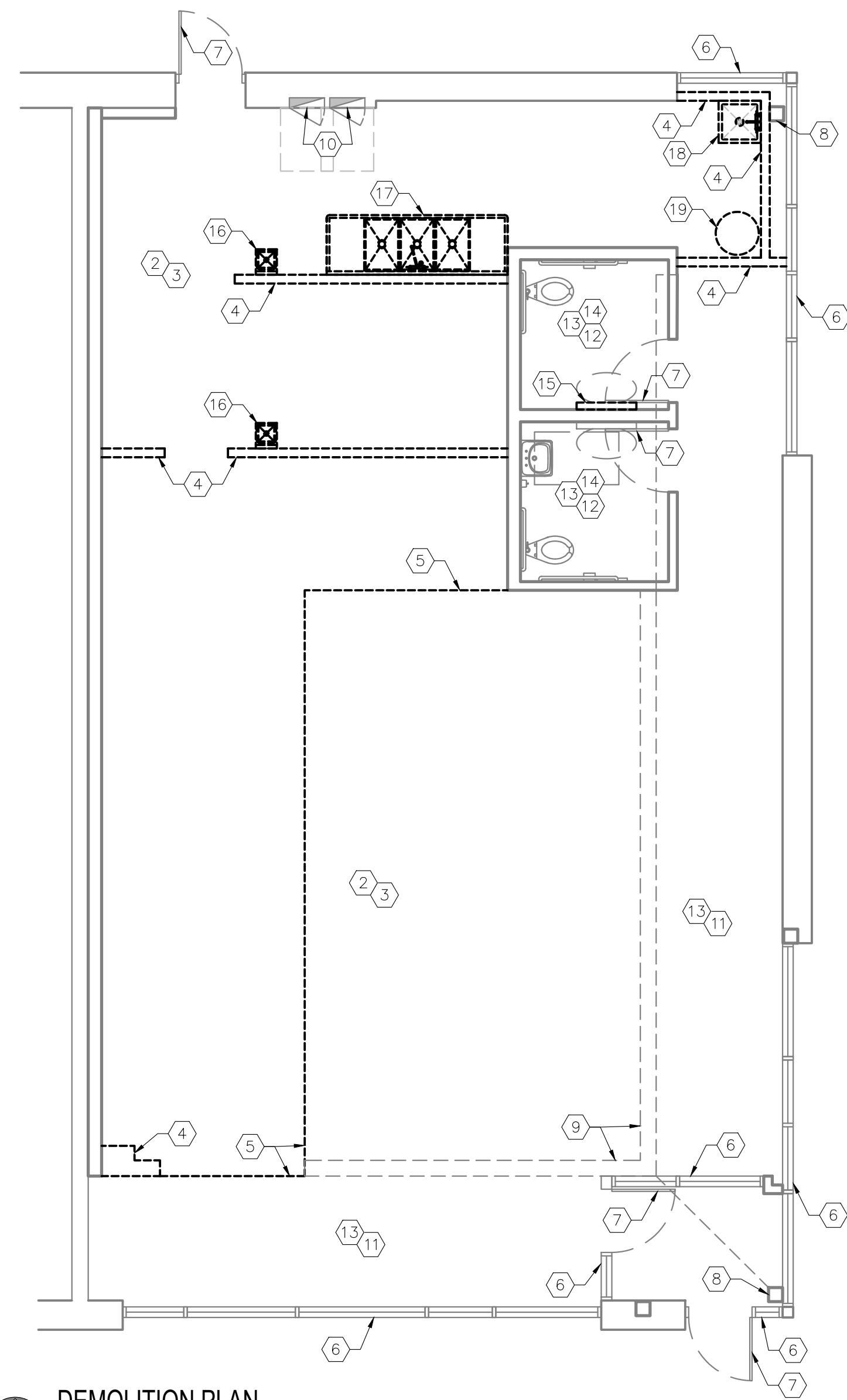


DAVE'S HOT CHICKEN

STORE#
 ADDRESS
 1805 PLYMOUTH ROAD,
 SUITE 104,
 MINNETONKA, MN
 55305

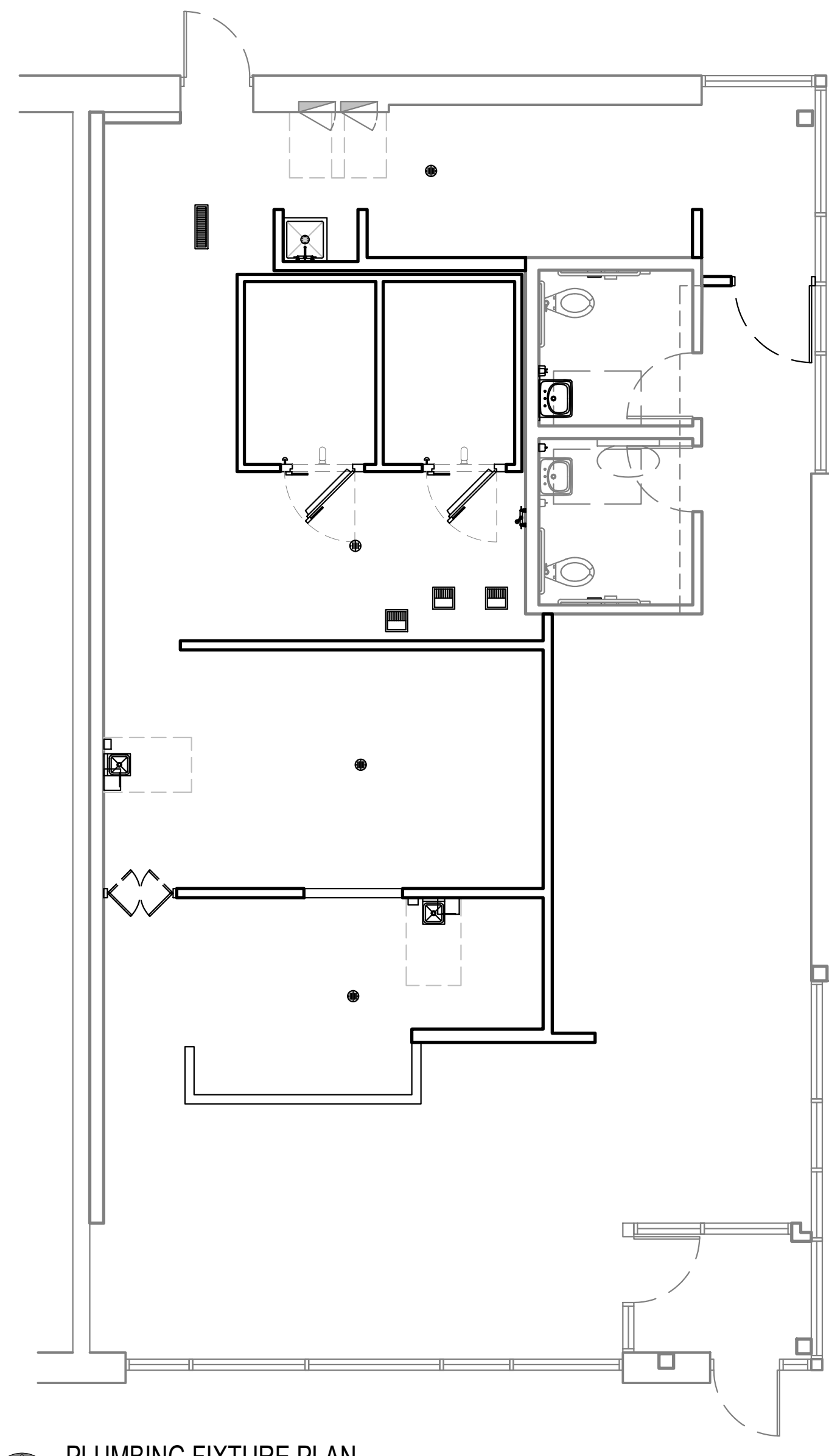
SHEET TITLE
 SITE PLAN

SHEET NUMBER:
A-1



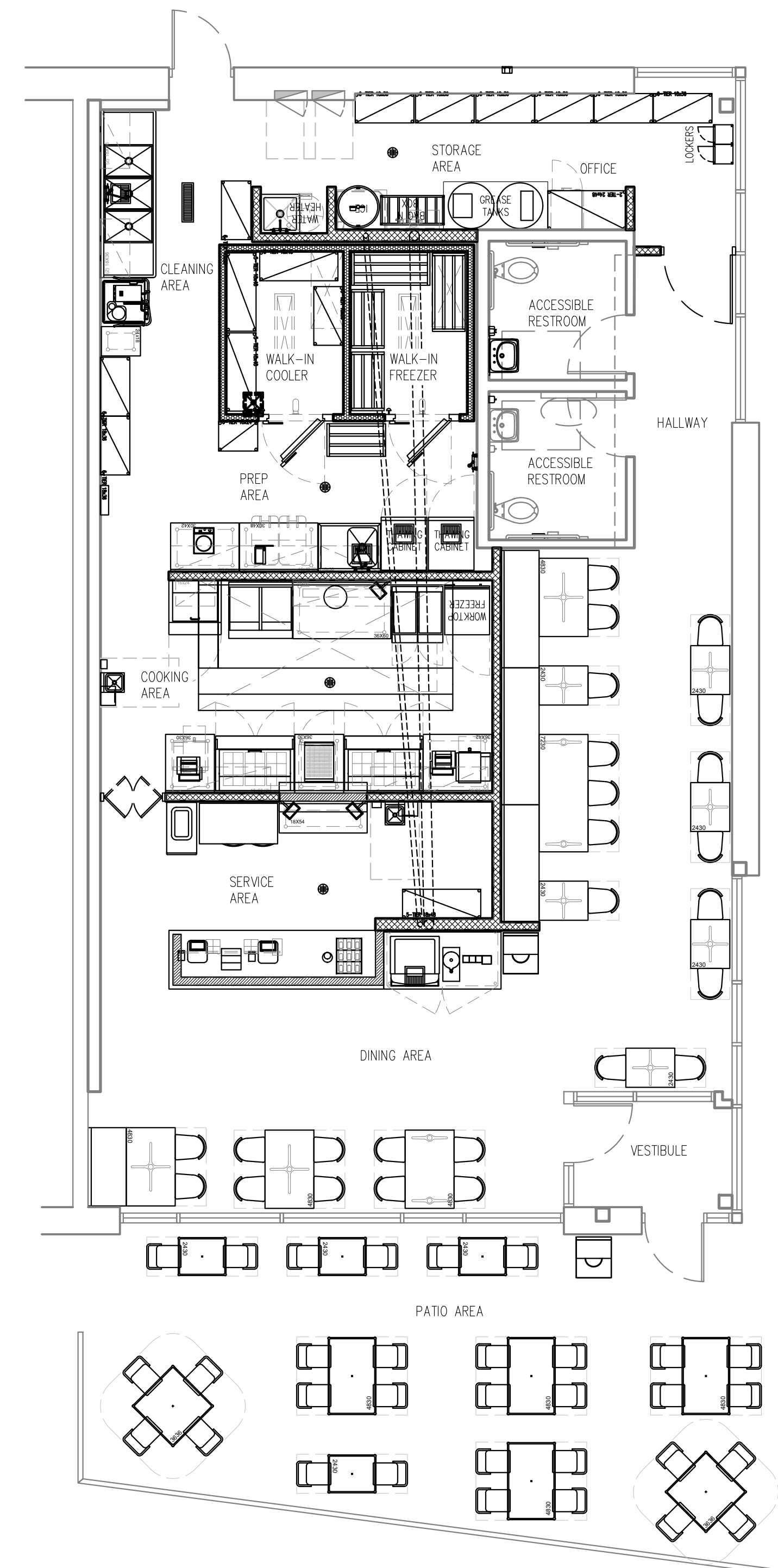
DEMOLITION PLAN

Scale: 3/16" = 1'-0"



PLUMBING FIXTURE PLAN

Scale: 3/16" = 1'-0"



FLOOR PLAN

Scale: 3/16" = 1'-0"

WALL LEGEND:

	INDICATES EXISTING WALL, COLUMN, OR CONSTRUCTION TO REMAIN, U.N.O. PATCH + PAINT AS NEEDED
	INDICATES DEMO WALL
	EXISTING STOREFRONT W/ FIXED GLAZING.

- CODED NOTES**
- 1 SURFACES TO BE PREPPED TO RECEIVE NEW FINISH PER PLAN
 - 2 EXISTING LIGHTING TO BE REMOVED
 - 3 EXISTING SLAB TO BE REMOVED AS NECESSARY FOR SUBTERRANEAN WORK, REFER TO MEP DRAWINGS - SURFACE TO BE PREPPED TO RECEIVE NEW FINISH PER PLAN
 - 4 EXISTING WALL TO BE REMOVED
 - 5 EXISTING SOFFIT TO BE REMOVED
 - 6 EXISTING STOREFRONT TO REMAIN
 - 7 EXISTING DOOR TO REMAIN
 - 8 EXISTING COLUMN TO REMAIN
 - 9 EXISTING BULKHEAD TO REMAIN
 - 10 EXISTING ELECTRICAL PANEL TO REMAIN - GC TO VERIFY LOCATION AGAINST PROPOSED LAYOUT
 - 11 EXISTING TRACK LIGHTING TO REMAIN
 - 12 EXISTING LIGHTING TO REMAIN
 - 13 EXISTING CEILING TO REMAIN
 - 14 EXISTING PLUMBING FIXTURE TO REMAIN
 - 15 CHANGING TABLE TO BE REMOVED
 - 16 EXISTING HAND SINK TO BE REMOVED
 - 17 EXISTING 3-COMP SINK TO BE REMOVED
 - 18 EXISTING MOP SINK TO BE REMOVED
 - 19 EXISTING WATER HEATER TO BE REMOVED

BACK OF HOUSE: +/-987 SF (INCLUDES SERVICE LINE)
 FRONT OF HOUSE: +/-652 SF
 RESTROOMS: +/-182 SF
 TOTAL SQUARE FOOTAGE: 1,821 SF (NET)
 TOTAL SQUARE FOOTAGE: 2,024 SF (GROSS)

SEATING:
 34 INTERIOR
 32 PATIO
 TOTAL SEATING: 64



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PROJECT #:
22-768
 DRAWN BY: MW CHECKED BY: MP/KD

REVISIONS

12/15/22 - METCOUNCIL APP PLANS

△	
△	
△	
△	
△	
△	



DAVE'S HOT CHICKEN

STORE#
 ADDRESS
 1805 PLYMOUTH ROAD,
 SUITE 104,
 MINNETONKA, MN
 55305

SHEET TITLE
 SITE PLAN

SHEET NUMBER:
 A-2

Resolution No. 2023-

Resolution approving a conditional use permit for a restaurant with an outdoor seating area at 1805 Plymouth Road

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

Section 1. Background.

1.01 The subject property is located at 1805 Plymouth Road. It is legally described as Lots 2, Block 1, Ridgedale Center Ninth Addition.

Torrens Certificate No. 1494505

1.02 MN Chicken, LLC. is proposing to operate a Dave's Hot Chicken restaurant within the easternmost tenant space of the building on the property. The restaurant would include both indoor and outdoor seating but no drive-thru. Though a conditionally-permitted coffee shop previously occupied the space, there has been no restaurant use of the tenant space in over twelve months. As such, a new conditional use permit is required.

1.03 On March 16, 2023 the planning commission held a public hearing on the proposed restaurant. 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 conditional use permit.

Section 2. Standards.

2.01 City Code §300.31 Subd. 4(b)(2) notes that, within the PID district, a conditional use permit will only be issued if:

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

2.02 City Code §300.31 Subd. 4(b)(2)(o) lists the following specific standards that must be met for granting a conditional use permit for restaurants located on property

designated for retail use:

1. Must be in retail multiple tenant centers only and conform to the architecture of a specific center;
2. Will not be permitted when traffic studies indicate significant impacts on the levels of service as defined by the Institute of Traffic Engineers on the roadway system;
3. Outdoor seating areas will be approved only subject to the following:
 - a) must be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required, and the enclosure shall not be interrupted; access must be only through the principal building;
 - b) must be set back at least 200 feet and screened from any adjacent property designated in the comprehensive plan for residential use;
 - c) must be located and designed so as not to interfere with pedestrian and vehicular circulation;
 - d) must be located next to an entrance to the main use;
 - e) must be equipped with refuse containers and periodically patrolled for litter pick-up;
 - f) must not have speakers or audio equipment that is audible from adjacent residential parcels; and
 - g) must meet building setback requirements.
4. Drive-up windows and related stacking spaces will be approved only subject to the following:
 - a) public address systems must not be audible from any residential parcel; and
 - b) stacking for a minimum of six cars per aisle must be provided, subject to applicable parking lot setbacks.
 - c) must be set back at least 100 feet and screened from any adjacent property designated in the comprehensive plan for residential use.
5. Restaurants or fast-food restaurants with less than 1,200 square feet gross floor area, designed seating capacity not exceeding 25, having no drive-up window, and located in retail multiple tenant centers are exempt

from the requirements of this section and are considered to be a standard retail use. For tenants with accessory fast-food restaurants, the 1,200-square-foot calculation will include the total gross area of all restaurants and fast-food restaurants within the tenant space.

Section 3. Findings.

3.01 The proposed restaurant would meet the general conditional use permit standards as outlined in City Code §300.31 Subd. 4(b)(2).

3.02 The proposed restaurant would meet the specific conditional use permit standards as outlined in City Code §300.31 Subd. 4(b)(2)(o).

1. The proposed restaurant would be located within an existing retail center. The façade of the entire building has been attractively designed; no changes are proposed to the façade.
2. As has been the experience of other communities, and as has occurred with other Minnetonka restaurants, traffic may increase during the initial opening phase of the restaurant. However, given the location within a regional shopping area, surrounding roadways and intersections are anticipated to continue functioning at acceptable levels of service.
3. Outdoor seating area:
 - a) Decorative fencing and a raised elevation would provide for a controlled area.
 - b) The proposed restaurant would be located roughly 300 feet from the closest residential property, the Avidor multi-household building, to the southeast.
 - c) The outdoor seating area would not impact on-site circulation.
 - d) The area would be located next to an entrance to the main use.
 - e) As a condition of this resolution, the area must be equipped with refuse containers and periodically patrolled for litter pick-up;
 - f) As a condition of this resolution, the area may not have speakers or audio equipment that is audible from adjacent residential parcels; and
 - g) The outdoor area would exceed all minimum building setback requirements.
4. No drive-up window is proposed.

Section 4. Council Action.

- 4.01 The above-described conditional use permit and final site and building plans are approved, subject to the following conditions:
1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the plans included in the staff report associated with the conditional use permit request, including:
 - Proposed Floor Plan, dated Dec. 15, 2022
 2. Prior to the issuance of the building permit for tenant finish, this resolution must be recorded with Hennepin County.
 3. Prior to the final building inspection, a temporary traffic control and signage plan will need to be submitted to city staff for review and approval. This plan should address potential increased traffic/parking issues that may arise during the opening (first few weeks/months) of the restaurant.
 4. The outdoor seating area must be equipped with refuse containers and periodically patrolled for litter pick-up.
 5. Speakers or audio equipment that is audible from adjacent residential parcels are not allowed.
 6. In the event that the city observes recurrent parking demand exceeding the on-site parking supply, an off-site parking agreement must be obtained, and a copy of the agreement must be provided to the city within a reasonable and mutually agreeable timeframe.
 7. The city council may reasonably add or revise conditions to address any future unforeseen problems.
 8. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 17, 2023.

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 April 17, 2023.

Becky Koosman, City Clerk