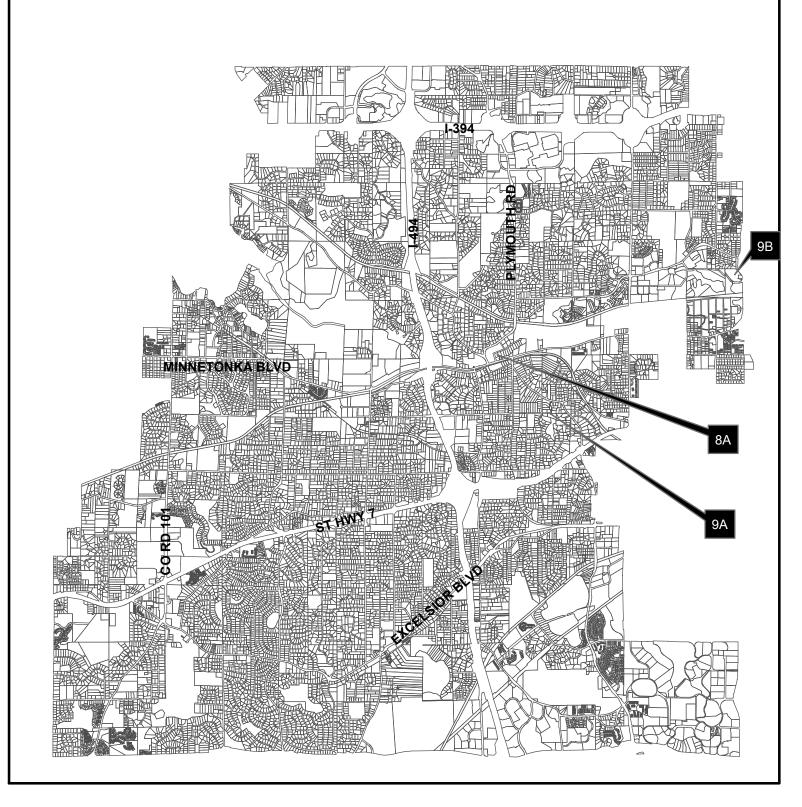


#### CITY OF MINNETONKA PLANNING COMMISSION JULY 7, 2016

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#### **Planning Commission Agenda**

July 7, 2016—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: June 16, 2016
- 5. Report from Staff
- 6. Report from Planning Commission Members
- 7. Public Hearings: Consent Agenda

No Items

- 8. Public Hearings: Non-Consent Agenda Items
  - A. Items concerning Station Pizzeria at 13008 Minnetonka Boulevard

Recommendation: Recommend the city council approving the resolution (4 votes)

- Recommendation to City Council (Tentative Date: July 25, 2016)
- Project Planner: Susan Thomas

#### 9. Other Business

- A. Concept plan review for The Enclave at Regal Oak, 3639 Shady Oak Rd
  - Recommendation: No formal action. Discuss project and provide feedback.
- B. Concept Plan for a 75-unit apartment building at 2828 and 2800 Jordan Avenue.

Recommendation: No formal action. Discuss project and provide feedback.

Planning Commission Agenda July 7, 2016 Page 2

#### 10. Adjournment

#### **Notices**

- 1. Please call the planning division at (952) 939-8274 to confirm meeting dates as they are tentative and subject to change.
- 2. Applications and items scheduled for the July 21, 2016 Planning Commission meeting:

Project Description: The applicant is proposing to redevelop the property at 4301 Highview Place and an adjacent unaddressed parcel. As proposed, the existing home would remain and eight new lots would be created around a newly constructed cul-desac. The proposal requires: (1) rezoning the property from R-1 to R-1A; (2) preliminary plat.

Project No.: 88082.16a Staff: Ashley Cauley

Ward/Council Member: 1—Bob Ellingson Section: 20

Project Description: The applicant, on behalf of the property owner, is proposing to tear down the existing house at 2512 Bantas Point Lane in order to construct a new home. While the proposed home would generally be located within the existing home's footprint, the proposal requires expansion permits, floodplain alteration permit, and a side yard setback variance.

Project No.: 93026.16a Staff: Ashley Cauley

Ward/Council Member: 3—Brad Wiersum Section: 08

Project Description: US Internet Corporation is proposing to locate microwave antennas

at 12475 Marion Lane. The proposal requires a conditional use permit.

Project No.: 16008.16a

Staff: Drew Ingvalson

Ward/Council Member: 3—Brad Wiersum Section: 02

Project Description: The applicant is proposing to construct a carport, with a solar array, onto the south side of the existing garage at 3528 Moorland Road. Additional solar panels are proposed for the roof of the existing garage. The proposed carport requires side and rear yard setback variances.

Project No.: 16013.16a Staff: Ashley Cauley

Ward/Council Member: 3—Brad Wiersum Section: 17

Project Description: The applicant is requesting a side yard setback variance and an aggregate side yard setback variance to construct a mudroom at 3130 Shores Blvd.

Project No.: 16011.16a Staff: Drew Ingvalson

Ward/Council Member: 3—Brad Wiersum Section: 17

Project Description: The applicant is proposing to combine two existing, vacant properties and construct a new home on the combined site at 16965 & 16957 Cottage Grove Ave & unassigned lot. The proposals requires: (1) preliminary plat, with lot area and buildable area variances; (2) variance to declare the combined property buildable; and (3) vacation and relocation of an existing sanitary sewer easement.

Project No.: 16012.16a Staff: Susan Thomas

Ward/Council Member: 3—Brad Wiersum Section: 17

Project Description: Eden Prairie Islamic Community Center (EPIC) is requesting a conditional use permit to operate a community center and place of worship at 5620 Smetana Drive. While no external modifications to the building are proposed at this time, the interior would be remodeled to accommodate the center. The center would include worship space, a convenience store, offices, daycare and classroom facilities, and a future banquet facility. In addition, the applicant has also acquired the property at 5640 Smetana Drive. No changes to this building are proposed at this time.

Project No.: 89041.16a Staff: Ashley Cauley

Ward/Council Member: 1—Bob Ellingson Section: 36

Project Description: The applicant is proposing to install a rotating blade sign on the southeast corner of the 1700 Plymouth Road building. The sign would advertise joint tenants, Caribou Coffee and Einstein Bagels. The proposal requires three variances from the city's sign ordinance: (1) for a vertically-mounted, projecting sign; (2) for a rotating sign; and (3) for a sign located outside of leasable tenant space.

Project No.: 87055.16a Staff: Susan Thomas

Ward/Council Member: 2—Tony Wagner Section: 03

Project Description: The applicant is requesting a side yard setback variance to

construct an attached garage at 3218 Shores Blvd.

Project No.: 16014.16a Staff: Drew Ingvalson

Ward/Council Member: 3—Brad Wiersum Section: 17

#### WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

- 1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.
- 2. Staff presents their report on the item.
- 3. The Commission will then ask City staff questions about the proposal.
- 4. The chairperson will then ask if the applicant wishes to comment.
- 5. The chairperson will open the public hearing to give an opportunity to anyone present to comment on the proposal.
- 6. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium, speak clearly, first giving your name (spelling your last name) and address and then your comments.
- 7. At larger public hearings, the chair will encourage speakers, including the applicant, to limit their time at the podium to about 8 minutes so everyone has time to speak at least once. Neighborhood representatives will be given more time. Once everyone has spoken, the chair may allow speakers to return for additional comments.
- 8. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public hearing portion of the meeting.
- 9. The Commission will then discuss the proposal. No further public comments are allowed.
- 10. The Commission will then make its recommendation or decision.
- 11. Final decisions by the Planning Commission may be appealed to the City Council. Appeals must be written and filed with the Planning Department within 10 days of the Planning Commission meeting.

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

## Unapproved Minnetonka Planning Commission Minutes

June 16, 2016

#### 1. Call to Order

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

#### 2. Roll Call

Commissioners Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk were present.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, Planner Drew Ingvalson, Natural Resource Manager Jo Colleran, and Water Resources Technician Tom Dietrich.

#### 3. Approval of Agenda

Odland moved, second by Knight, to approve the June 16, 2016 agenda as submitted with the changes from the change memo and handouts dated June 16, 2016.

Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.

#### **4. Approval of Minutes**: June 2, 2016

Odland moved, second by Calvert, to approve the June 2, 2016 meeting minutes as submitted.

Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.

#### 5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of June 6, 2016:

- Introduced an ordinance to rezone 4301 Highview Place.
- Adopted a resolution to make changes to the parking lot at the Minnetonka High School.

There will be a meeting to review the housing gaps analysis June 20, 2016 at 6 p.m.

There will be a joint meeting of the Hopkins and Minnetonka Planning Commissions on July 26, 2016 to review zoning for the Shady Oak SWLRT station at Hopkins City Hall.

The next planning commission meeting will be July 7, 2016.

- **6.** Report from Planning Commission Members: None
- 7. Public Hearings: Consent Agenda: None
- 8. Public Hearings
  - A. Parking lot setback variance from 20 feet to 5 feet at 11311 K-Tel Drive.

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

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report. Thomas estimated that there would be 20 feet from the right of way line to the track. Wischnack added that the setback would depend on the location of the stormwater and water lines and berm.

In response to Hanson's question, Wischnack stated that the lite rail plans are 100 percent completed. Things can still be moved around. The variance would not become active until the taking occurs.

In response to O'Connell's question, Wischnack explained that the metropolitan council would be the agency to implement condemnation proceedings. The city would not be involved.

Thomas pointed out the site's parking that includes an additional lot across the street.

Calvert asked if the building would meet parking requirements. Thomas said that the building would meet parking requirements with the inclusion of the parking lot across the street. The variance being requested is for a setback variance, not a variance for the number of parking stalls.

Powers asked if there would be a negative impact to the land. Thomas answered in the negative.

Peter Beck, representing the applicant, stated that the applicant supports staff's recommendation. The property has been vacant for three years. It is unmarketable because of the uncertainty of the SWLRT location. The goal is to be able to show a potential buyer or tenant the parking and location of the SWLRT. The future user would dictate the number of required parking stalls. The more parking spaces would make the property more valuable and easier to lease.

In response to Chair Kirk's question, Wishnack stated that the number of required parking stalls is generally decreased for sites within a half mile of a literail station. Traffic numbers are discounted 10 percent if near or around a literail station.

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

Odland asked if there are safety concerns with the possibility of a train derailing. Wischnack explained that a safety committee reviewed the plans and found that the elevation difference would address that issue.

In response to Chair Kirk's question, Thomas stated that the proposal would not change the width of the right of way. The request is to allow the parking lot to be located closer to the right of way than would have been allowed otherwise.

Powers moved, second by Odland, to adopt the resolution approving a parking lot setback from 20 feet to 5 feet at 11311 K-Tel Drive (see pages A10-A13 of the staff report).

Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.

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

## B. Site plan review for two new parking lots on the Cargill campus at 15407 McGinty Road.

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

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

Chad Lockwood, of SRF Consulting, representing the applicant, stated that he was available for questions.

Chair Kirk asked if a parking structure is planned for the future. Mr. Lockwood has heard of no plans for a parking structure. The current location is at full capacity.

Calvert asked if there had been a discussion to create a parking structure to decrease the impervious surface. Mr. Lockwood had not been involved in any discussion regarding a parking structure.

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

Powers supports the proposal. It is a good idea.

O'Connell asked if a traffic study would be done. Thomas explained that the city's and Cargill's engineers met previously and considered the site at its maximum capacity and determined that McGinty Road has a lot of capacity. The county would determine the need for a semaphore or lengthening of the turn lanes. The intersection has averaged one accident per year over the last five years. That is an acceptable level.

In response to Calvert's question, Colleran and Thomas explained that the applicant must prove that the wetland is incidental as a condition of approval.

Chair Kirk noted that there would be a significant amount of tree loss. Colleran agreed. Mitigation would be required for trees located outside of the basic tree removal area which is 10 feet beyond parking or driveway areas.

Odland moved, second by O'Connell, to adopt the resolution approving final site plans for two new parking lots on the Cargill campus at 15407 McGinty Road West (see pages A20-A24 of the staff report).

Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.

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

### C. Expansion permit for the construction of a new home at 20 Westwood Circle.

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

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

Odland asked what would be an appropriate marker. Colleran answered a small, permanent post with a small sign identifying the wetland.

Calvert visited the site. The ground is squishy. An updated house would benefit the neighborhood.

Greg Mlodozyniec, applicant, stated that the water has gotten within 20 feet of the house. At most, it was 4 inches deep. Colleran provided that the area adjacent to the house is not considered a wetland because it is made of fill instead of wetland soils.

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

Odland moved, second by Knight, to adopt the resolution on pages A12-A15 of the staff report which approves an expansion permit for the construction of a new house at 20 Westwood Circle.

Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.

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

### D. Variances to allow construction of a new home at 3105 Shores Boulevard.

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

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

Chair Kirk confirmed with Cauley that the two structures had shared the same lot. The previous house was located in street right of way.

Heather Terry, 3105 Shores Boulevard, applicant, stated that she was available to answer questions.

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

O'Connell thought the proposal would be a great change to the neighborhood.

O'Connell moved, second by Odland, to adopt the resolution on pages A26-A30 of the staff report which approves front yard setback variances for a new home at 3105 Shores Boulevard.

Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.

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

## E. Preliminary plat of Fretham 18<sup>th</sup> Addition, a three-lot subdivision at 12689 and 12701 Lake Street Extension and an unaddressed parcel.

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

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

Ben Wickstrom, of Lakewest Development, representing the applicant, stated that the existing drainage would be maintained. There would be an opportunity to bury the pipe without additional tree loss. He would like some clarification on that. He was available for questions.

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

In response to a question, Thomas referred to staff's recommendation to leave the pipe and stormwater conveyance at their current locations.

Mr. Wickstrom clarified that he is fine with the location of the pipe that travels under Lake Street Extension and into a ditch. The applicant wants to fill in the ditch and extend the pipe to the pipe that outlets under Highway 7. If that would not be allowed, then the project would still move forward.

Calvert noted that the site is wooded and there would be tree loss.

Chair Kirk stated that the proposal is the best option that he has seen. It would be the least intrusive.

Odland moved, second by Hanson, to recommend that the city council adopt the resolution approving the preliminary plat of Fretham 18<sup>th</sup> Addition at 12689 and 12701 Lake Street Extension and an adjacent, unaddressed parcel (see pages A24-A30 of the staff report).

Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.

## F. Ordinance rezoning a portion of the property at 4301 Highview Place and an adjacent unaddressed parcel from R-1 to R-1A.

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

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

Rob Eldridge, of Ridge Creek Custom Homes, applicant, stated that Cauley did a great job. He was available for questions.

The public hearing was opened.

Martine Ackland stated that she and her husband, John, are under contract to purchase 4301 Highview Place. They are excited about the proposal.

Tony Fernandez, 4232 Highview Place, stated that he supports the proposal.

Susie Swanson, current owner of 4301 Highview Place, stated that the proposal is the one best for the neighborhood. It would be a good compromise.

No additional testimony was submitted and the hearing was closed.

Calvert asked how the R-1A zoning would set a precedent for the surrounding area. Cauley said that the commission has discretion to recommend denial of a site proposed to be rezoned to R-1A.

Calvert asked if the comprehensive guide plan designates the site for higher density. Cauley answered in the negative. All of the reviewed concept plans meet the required density for the site.

Powers saw a similar site in a single-family neighborhood in St. Paul. The proposal makes sense to him.

Chair Kirk still struggled with eight lots. The planning commission would be obligated to recommend approval of a plat conforming to R-1A zoning requirements.

Mr. Eldridge stated that his engineers worked to extend the cul de sac 10 feet to meet all right of way and R-1A requirements.

Chair Kirk supports the R-1A zoning for the site. It is an unusual parcel in the neighborhood. The houses would be quite nice.

Knight noted that the previous R-1A site had access to Excelsior Boulevard and County Road 101. This proposal is adjacent to Highway 7 and Interstate 494. Cauley explained that there is no requirement for an R-1A zoning district to be located near to a busy street. The Saville property does not have direct access to Excelsior Boulevard. It connects to Tracy Lynn Terrace. The previous R-1A site and current proposal are both reached by driving through single-family neighborhoods that connect to a cul-de-sac.

Chair Kirk noted that many drivers in Minnetonka neighborhoods use collector streets to get to arterial streets.

Odland thought there would be too much stuff on the site. It should be reduced to be an appropriate size. Powers did not disagree with Odland, but what is being considered is changing the zoning to R-1A. Odland did not disagree with the zoning being R-1 or R-1A, but she still felt there would be too much on the site.

O'Connell stated that the proposal went from 10 lots to 8 lots and, given the nature of the R-1A zoning requirements, the density would be appropriate. In past meetings, there has been a lot of neighborhood opposition. Aside from one letter requesting the subdivision to be smaller, there has been no other objection to the proposal.

Chair Kirk looked at the neighborhood lots to compare the reasonableness of the proposed lots. A large lot located so close to the highway might be a hard to sell. The parcel's proximity to the highway makes smaller lots with a smaller price point reasonable and is the justification for him to support the proposal. Minnetonka is lacking new-house development.

Calvert agreed with everyone. She was squeamish with the density, but the price point and type of housing stock is unique.

Odland said that page 4 of the staff report listed "9 lots." Gordon explained that the "9 lots" include the existing house with an additional 8 lots. He clarified that the approval to rezone the site does not include dimensional standards of the subdivision, details of grading or location of utilities, or any other details. The approval of the details of the plat would happen later. Shifting the road or lot lines would be looked at a future meeting. Rezoning the site to R-1A sets the density standard for the plat.

Knight favored the lots for the new houses being zoned R-1A because it would allow the city some control to limit the size of the floor area ratio (FAR).

O'Connell asked staff to compare Groveland Pond's density with the proposal. Cauley answered that Groveland Pond's 14 units on a cul de sac is significantly denser than the proposal. Groveland Pond's lots are approximately half the size of the proposal's lots.

Cauley confirmed that R-1A zoning would allow a restriction on the FAR and amount of impervious surface, but the R-1 zoning would not.

Powers moved, second by Knight, recommend that the city council adopt an ordinance rezoning a portion of the property at 4301 Highview Place and an adjacent unaddressed property from R-1 to R-1A (see pages A12-A15 of the staff report).

Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.

The city council is tentatively scheduled to review this item at its meeting on July 11, 2016.

#### 9. Other Business

#### A. Glen Lake Study

Chair Kirk called for the staff report.

Gordon and Wischnack reported. They recommended that commissioners review the study and provide feedback.

O'Connell confirmed with Gordon that the study is an informative tool. Wischnack explained that reviewing the studies is part of preparing for updating the

comprehensive guide plan. O'Connell got the sense that residents thought the study would dictate something to happen now.

Mark Koegler, landscape architect with Hoisington Koegler Group, consultant for the city, gave his staff report. He stated that:

- He does a lot of community planning work, has lived in the area for 30 years, and knows Glen Lake. It is a special place and it has changed a lot.
- The study is not a mandate of what shall happen, but it looks at some "what if" situations.
- He provided the history of the meetings since summer of 2015.
- He heard a lot of observations from the residents.
- A work group looked at options for possible available sites and redevelopment proposed by developers.
- The Williston Woods West project is moving forward.
- The three yellow areas anticipate where change may occur in the future. Nothing has been determined at this time.
- Residents requested increased lighting, additional landscaping, an entrance feature, and improved trail access. Possible uses of the properties were discussed.
- There is an 11-acre site that is being considered for compact, residential lots to provide a buffer between the commercial and residential areas.
- The east site is long and narrow. A low-density townhome development may fit.
- The north site is one acre with a single-family house surrounded by other kinds of uses.
- The south, Hennepin County site, is 146 acres. There has been discussion regarding social programming and services becoming obsolete. It would be wise to be prepared if Hennepin County chooses to sell the property. The area would have the opportunity to create a very livable residential community with trails.
- He wanted to provide a feel of what is there. It is not a prescription for change. Options are there to help inform future discussions and decisions for if and when development would occur on the properties.
- He was available for questions.

Wischnack stated that Hennepin County indicated that the county would sell the Homeschool site if the use would be eliminated. The site would not be donated to the city for park land.

Chair Kirk asked why the surrounding businesses were not included in the yellow areas for the long, narrow site and site on the north. Mr. Koegler explained that the central site's cut off seemed natural. The commercial uses on the north are sound and productive. The neighbors put a lot of value on keeping the existing businesses and growing more businesses. In the case of the east site, there has been significant reinvestment there recently. Old homes became substantial new homes.

Chair Kirk invited those present to provide comments.

Anne Malm Hossfeld, 14616 Glendale Street, stated that:

- She sent in her comments which are included in the June 16, 2016 change memo.
- Her family has lived there for 90 years.
- She was shocked and astounded that the city would publish potential development plans for privately-owned, residential, inhabited properties at a public meeting without the owner being contacted. She received meeting notices for the Glen Lake neighborhood meetings. She was unable to attend. She did not like seeing a designer's overlay that would "wipe out her existence." The city was callous.
- She requested in January that her property be taken out of the report.
- She requests that her property be taken out of this report.
- She understood that there is a new review process.
- She understood that the report discusses "what ifs" and that the city does not want to alter the public record, but the report does not have to be a frozen record of what was said. It is not meant to be unchangeable. The city can have some sensitivity to private property owners.
- She wants her property taken out of the report to protect her privacy.
- Trespassing occurred for someone to take pictures on her property.
- This is not something people have the right to float boxes around and make designs.
- Putting this in the public record serves as a precedent.
- It puts pressure on her and her family to sell. There is no intent to develop the property for a long time.
- She appreciated the plans being changed to keep the farm house, but she does not want development.

- She read from her submitted written comments.
- She does not want the attention.
- She received the meeting notices, but had no indication there would be this level of planning for places of interest.
- The city has responded and provided more opportunities for citizen input.
- This report went too far by creating "concrete design plans."

Jane Christensen, 5709 Glen Avenue, stated that she was representing Grace Sheely who was unable to attend and resides at 14325 Grenier Road. Ms. Christensen read Ms. Sheely's comments:

- Please name the village neighborhood studies consistently. She was not aware that the name changed.
- List the meeting notifications on minnetonkamatters.com.
- Personally invite neighbors living in or adjacent to pending development areas prior to meetings.
- The report is weak in suggestions to improve the trails. Many trails go nowhere. She suggested the pedestrian study be incorporated in the report.
- The report should say how a trail would connect to the trail on the east side of Glen Lake.
- The comment on Page 27 should be deleted since it is not possible and unnecessary with the trail agreement that was agreed upon the Zvago site.
- Page 17 is a development plan for the central site. The opportunity for this is mute. The entire western side of Glen Lake should be reguided as medium density. There is easy access to a major artery, Eden Prairie Road, and could handle high density well.
- She supports excluding Ann Malm Hossfeld's property from the report to protect her privacy and not being included in the next comprehensive guide plan.
- She would like the Hennepin County Homeschool site pulled from the study. A 140-acre site needs its own report and to be reviewed city wide. One meeting and one plan is being presented as if the Glen Lake residents agree to the proposal. Housing might not be the best option. She would have appreciated being informed of the consultant's proposal. She has concerns with the access road, traffic noise, and impact to her property value.
- She thanked staff and commissioners for writing and reviewing the report. She hoped some of her changes could be made.

 She suggested having an additional Glen Lake neighborhood meeting while it is still preliminary.

Melissa Pilney, 5524 Mayview Road, stated that:

- She attended some of the village study meetings.
- It should be addressed as an environmentally sensitive area. Keep that in mind. Limit how much and what would be done. There are mature trees, a lake, and floodplain.
- Any sizable property seems to be placed automatically into highdensity zoning. She would prefer that the neighborhood not be turned into a "cornfield development."

Wischnack pointed out the emails and comments received just prior to the start of the meeting. They will also be given to the city council. The item is tentatively scheduled to be reviewed by the city council June 27, 2016.

O'Connell asked if it would be possible to indicate that the property owner prefers not to be contacted by solicitors. Gordon explained that the tools being utilized are used to plan for the whole community. He respects the property owner wanting to keep the property as it is. The property owner's wishes are invited to be expressed at the meeting. Wischnack noted that developers regularly look for large parcels in Minnetonka. Not including a parcel in a hypothetical plan would not prevent developers from contacting a property owner.

Powers stated that Ms. Malm Hossfeld did her parents proud. He understood her concern that the property being included in the public record would codify something that is not there. The property is valued. That is why it comes under discussion. The process is evolving and improving over time. He applauded property owners for speaking their minds and he understood what they were saying.

O'Connell confirmed with Gordon that all of the properties are privately held. O'Connell said that the process is good for the community, too. If the city stands still, something will happen. For people to have input early on without codifying a plan is beneficial.

Jim Stroebel, 14319 Stewart Lane, questioned how the proposal would improve and increase the vitality of the Glen Lake village area. He was disappointed that the only plans were to increase the density of the available land in the area.

Chair Kirk asked for additional comments from the audience and no one responded.

Calvert noted that the report is a lot to digest. She thought it was hard to do justice to a 56-page report at the end of a long meeting. Issues include walkability, housing density, demographic needs, environmental concerns, and transportation and it is already late.

Chair Kirk appreciated guiding principles being in place to provide direction when reacting to an application submitted by a developer. He applauded staff for taking the time and resources to try to figure out a way to at least discuss future potential redevelopment. Modifying the process, which may include allowing more time for feedback and being more inclusive, is up to the city council to decide. It is a great example of balancing individual rights and community responsibilities. The city should look way down the road. The review of the comprehensive guide plan provides an opportunity for everyone to get involved and comment on the guiding of property in Minnetonka.

Wischnack noted that commissioners could continue review of the proposal to another meeting. There is no deadline to take action on this item. Chair Kirk weighed that against the benefits and his concerns.

Calvert emphasized that no concept is written in stone and there is no one plan for a parcel. It is hard to talk about conceptual ideas. This is about development and community planning which is more than just constructing buildings.

Chair Kirk compared this to creating ideas for the Shady Oak Road project without a developer with a plan already submitted.

Odland is a Glen Lake resident. What is shown on the conceptual plan for Ms. Malm Hossfeld's property would drastically change the character of the neighborhood. The area is gracious and comfortable. She understood the need to plan.

Calvert supports having a variety of housing stock and demographics in every area of the city.

Powers said that a property owner has the right to change his or her mind. He respected removing the west site from the report. Conceptual plans for the Hennepin County site should be reviewed by the entire city. Calvert agreed. Chair Kirk predicted that site would get a lot of attention if anything happened. Wischnack shared that 900 notices and hundreds of emails were sent to notify residents of the sites being reviewed and discussed which resulted in 28 residents being present at the meeting. Wischnack agreed that issues need to be talked about and discussed, but it is difficult to get residents to attend a meeting if

there is no concrete plan of possible consequence being reviewed. There have been four meetings over the last year and each had low attendance.

Odland said that the city did a great job in 2014 of imploring neighbors to attend the meetings. She thought an invitation might have more of a reaction than a postcard.

O'Connell expected a planning commission to do this type of conceptual thinking for a city of this size and amount of buildup. He understood the concerns of the west side property owner. Cities all across the country do similar reviews. Developers look at GoogleMaps to find properties of appropriate size located near wanted amenities and will contact property owners. The city needs to start a discussion somewhere.

Odland thought another meeting would be worth it.

Calvert concurred. There was so much work that went into the report. She was concerned with big developments impacting the lake's water quality. She would love to learn what people said about a college extension.

Knight understood the property owner on the west side being upset. He would like more conceptual plans for the central site. There are a number of "for sale" signs in that area.

Chair Kirk appreciated neighbors providing input.

#### 10. Adjournment

Odland moved, second by Calvert, to adjourn the meeting at 10:12 p.m. Motion carried unanimously.

Ву:		
•	Lois T. Mason	
	Planning Secretary	

## Minnetonka Planning Commission Meeting July 7, 2016

Agenda Item 7

Public Hearing: Consent Agenda
(No Items)

# Minnetonka Planning Commission Meeting July 7, 2016

Agenda Item 8

**Public Hearing: Non-Consent Agenda** 

#### MINNETONKA PLANNING COMMISSION July 7, 2016

#### **Brief Description**

Items concerning Station Pizzeria at 13008 Minnetonka Boulevard:

- 1) Conditional use permit for a restaurant and outdoor eating area, with variances; and
- 2) Site and building plan review, with variances.

#### Recommendation

Recommend the city council adopt the resolutions approving the proposal.

#### Introduction

Shea Design, on behalf of local restaurateur, Ryan Burnet, and local developer, Clark Gassen, is proposing to repurpose the existing Bennis Feed and Fuel building at 13008 Minnetonka Boulevard. As currently proposed, the repurposed building would be occupied by Station Pizzeria, a dine-in/take-out restaurant. The interior and exterior of the existing building would be modified and an outdoor eating area and trash enclosure would be added. The site would also be altered to accommodate parking and vehicle circulation.

#### **Proposal Summary**

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

#### Existing Site Conditions.

The subject property is located in the Minnetonka Mills special purpose village center, north of Minnetonka Boulevard and directly south of Minnehaha Creek. The site is improved with a commercial building – originally constructed in 1934 and added onto in 1996 – and a surrounding parking lot. (See pages A3 –A9.)

#### • Proposed Building and Site.

The interior of the existing building would be completely remodeled to accommodate the proposed restaurant. A 420 square foot addition would be added to the northwest corner of the site, increasing the total building size to 2,840 square feet. The remodeled space would seat roughly 72 customers.

Many of the existing exterior features of the building, including overhead doors, would remain. The primary exterior changes would be to site design. An outdoor

eating space would be created under the existing gas canopy, which would remain, and south of the building. This area would be enclosed by raised planters. A one-way drive aisle would be created directing vehicle traffic to enter the site from Minnetonka Boulevard and exit the site onto Burwell Drive. Demarcation of the outdoor eating area and drive aisle would allow for installation of green space at several areas on and adjacent to the site. (See page A5-A6).

#### Proposed Use.

As currently proposed, Station Pizzeria would be open Monday thru Thursday from 11:00 a.m. to 10:45 p.m. and Friday and Saturday from 11:00 a.m. to 1:00 a.m. The application indicates the outdoor eating area would be closed at 10:30 p.m. each evening. The restaurant would offer a variety of salads, pizza, pasta and a full bar. (See pages A11-A16).

#### **Primary Questions and Analysis**

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

#### Is the proposed restaurant use appropriate?

Yes. The 2030 Comprehensive Guide Plan places special emphasis on a "village center" concept. The purpose of the concept "is to provide development and redevelopment opportunities to encourage vitality, promote identity, and improve livability." To that end, the Guide Plan suggests a policy of "supporting existing commercial areas and encouraging new development techniques that contribute to the vitality and diversity of the area."

The subject property is located within the Minnetonka Mills special purpose village center. The proposed restaurant is consistent with the comprehensive plan's village center concept and would further the plan's policies. Rather than removing an existing, recognizable building from the city's oldest commercial district, the proposal would repurpose the existing commercial site and building for a new commercial use.

#### Are the proposed building and site changes reasonable?

Yes. From staff's perspective, the proposed changes would improve the building and site. The addition at the northwest corner of the building and the proposed outdoor eating area would essentially maintain existing setbacks. The proposed

<sup>&</sup>lt;sup>1</sup> 2030 Comprehensive Guide Plan, III-8

<sup>&</sup>lt;sup>2</sup> Ibid. III-9

Subject: Station Pizzeria, 13008 Minnetonka Boulevard

one-way drive aisle configuration would promote orderly circulation through the site and would result in a slight increase in green space on the property.

#### Can anticipated parking demands be accommodated?

Yes, if off-site parking is provided. There has long been both real and perceived parking issues in the Minnetonka Mills area. Business owners see their parking lots being used/filled not only by their own patrons but by patrons of other business. On-street parking in front of the businesses is frequently occupied. Area residents see Bridge Street and Burwell Drive being used by visitors to St. David's Center, who often park on both sides of the street with disregard to its narrow width. While these parking situations suggest the popularity of the businesses and organizations in the area, which is positive, they also lead to frustration on the part of businesses and homeowners.

As proposed, Station Pizzeria would provide 19 parking stalls on-site and 12 onstreet stalls immediately adjacent to the property. Both city code and a citycommissioned traffic study, suggest that these 31 stalls would not meet parking demand generated by the new restaurant. The property would operate at an 18 space deficit on the weekend (maximum) and 12 space deficit on weekdays. (See pages A17-A29).

While Station Pizzeria would not be obligated to resolve the existing parking issues in the area, ownership should work to not significantly exacerbate the issues. Staff suggests that options exist for off-site – for restaurant staff or valet parking – in larger parking lots in the area, possibilities may include St. David's Center, St. David's Church, the Mills Church or the city parking lot at Shady Oak Road. As a condition of approval, a parking agreement for 18 off-site parking stalls must be submitted prior to approval of a building permit.

Alternatively, approximately 7 parking stalls could be added where the proposed outdoor patio area is located. This would reduce the need for securing other parking options in the area from 18 to 11 spaces. Adding these parking spaces would likely cause a substantial reduction in the size of the outdoor patio.

#### Can future nuisance issues be addressed?

Yes. Staff recognizes that a public gathering space, like a restaurant, could generate noise and garbage of a different sort and level than other commercial uses like retail stores or gas stations. However, the city has mechanisms in place to address issues associated with restaurants and outdoor eating areas:

- 1. The city's noise ordinance essentially establishes community "quiet hours" from 10:00 p.m. to 7:00 a.m.
- 2. The city's waste collection and disposal ordinance regulates the storage and disposal of garbage on both commercial and residential properties.

3. As a condition of any conditional use permit, the city council may reasonably add or revise conditions to address any future unforeseen problems. In other words, if nuisance violations occur with frequency or regularity, the city may bring the conditional use permit back before the city council and additional conditions may be applied or the permit may be revoked.

#### **Summary Comments**

Staff acknowledges that repurposing the existing feed store/gas station as a restaurant with outdoor patio would impact the Minnetonka Mills area. The restaurant would bring more people – both drivers and pedestrians – into the area. These people would likely be more numerous than customers of the feed store/gas station and they would occupy the site at more and different times during the day. Parking demand in the area and noise levels may increase over current levels. However, staff does not believe that any of these impacts would be inherently bad. Rather, staff finds that the applicant's proposal would further the goals of the comprehensive plan. It would contribute to the vitality and diversity of the Minnetonka Mills special use village center and would do so while maintaining one of the community's most widely recognizable buildings. Staff supports the applicant's request, with conditions regarding provision of off-site parking.

#### **Staff Recommendation**

Recommend the city council adopt the following:

- 1. Resolution approving a conditional use permit for a restaurant and outdoor eating area, with variances, at 13008 Minnetonka Boulevard. (See page A35-A40.)
- 2. Resolution approving final site and building plans, with variances, for site and building changes at 13008 Minnetonka Boulevard. (See pages A41-A49.)

Originator: Susan Thomas, AICP, Assistant City Planner

Through: Loren Gordon, AICP, City Planner

Subject: Station Pizzeria, 13008 Minnetonka Boulevard

#### **Supporting Information**

Surrounding Land Uses

Northerly: Minnehaha Creek, single-family homes beyond Easterly: Dairy Queen, other commercial buildings beyond Minnetonka Boulevard, St. David's Church beyond

Westerly: St. David's Center

**Planning** 

Guide Plan designation: Commercial

Existing Zoning: B-2, limited business

**City Actions** 

The Station Pizzeria proposal requires the following applications:

- 1. Conditional Use Permit, with variances. By city code, restaurants and outdoor eating areas are conditionally-permitted uses in the B-2 zoning district. The proposal requires a conditional use permit (CUP) and the following variances:
  - Parking Variance. By CUP standard, restaurants must provide parking in compliance with the requirements of the parking ordinance. The proposal requires a parking variance from 57 spaces to 19 spaces.
  - Setback Variances. By CUP standard, outdoor eating areas are not permitted within 200 feet of any residential parcel and must be separated from residential parcels by the principal structure or other method of screening acceptable to the city. The proposal requires a setback variance from 200 feet to 90 feet. Similarly by standard, the eating area must maintain required building setbacks. The eating area requires a front yard setback variance from 50 feet to 0 feet.
- 2. Site and Building Plan Review. By city code, site and building plan review is required for the alteration of the existing parking lot and building. The proposal requires the following variances for existing and proposed conditions:

#### **Building:**

• Front yard setback variances from 50 feet to 15.5 feet and 1.5 feet.

#### Trash Enclosure:

- Side yard setback from 10 feet to 2 feet.
- Shoreland setback variance from 50 feet to 35 feet.

#### **Parking Lot:**

- Setback variance from 20 feet to 17 feet and 10 feet to 0 feet.
- Shoreland setback from 25 feet to 15 feet

#### **Impervious Surface**

Variance from 30% to 80%

		Required	Existing	Proposed
Building Setbacks	South	50 ft	15.5 ft	15.5 ft*
	East	35 ft	75 ft	75 ft
	West	50 ft	1.9 ft	1.5 ft*
	Shoreland	50 ft	62 ft	62 ft
	Floodplain	20 ft	60 ft	60 ft
Trash Enclosure Setbacks	South	10 ft		2 ft*
	East	10 ft		13 ft
	West	N/A	N/A	N/A
	Shoreland	50 ft		35 ft*
	Floodplain	20 ft		35 ft
Parking Lot Setbacks	South	20 ft	0 ft	20 ft
	East	10 ft	0 ft	O ft*
	West	20 ft	10 ft	17 ft*
	Shoreland	25 ft	15 ft	15 ft*
	Floodplain	10 ft	12 ft	12 ft
Impervious Surface		30%	81%	80%*
Floor Area Ratio		0.8	0.12	0.15

\*variance required

Many of the required variances either maintain or improve upon existing conditions. Though the existing building and site predate the current zoning ordinance, staff has determined that variances rather than expansion permits are required for two reasons: (1) the proposed restaurant would result in an intensification of land use; and (2) approved variances would technically eliminate the existing non-conformities.

#### **Stormwater**

The proposal would slightly reduce impervious surface on the site. As such, stormwater infrastructure regulating runoff rate, volume, and quality would not be required. However, to meet watershed district rules, a stormwater best management practice must be incorporated on the property. This could include: rain barrel, cistern, filtration trench, or shoreland buffer restoration. This has been included as a condition of approval.

#### Traffic and Parking

The city commissioned a traffic study to understand:

- 1. Anticipated vehicle trip generation associated with the proposal;
- 2. Existing and anticipated intersection operations; and
- 3. Parking supply and demand.

In evaluating each of these items, the city's traffic engineering consultants drew on general engineering principles, as well as specific observations of the existing site and area. (See pages A17-A29). The study concluded:

- 1. The proposal would generate more evening peak hour trips and total daily trips than the feed store/gas station.
- 2. Existing area roadways and intersections currently operate at level of service D or below. Some of these operational issues are likely based on on-going road construction projects in and around the community. The proposal would not substantially impact existing levels of service of area roadways and intersections.
- The parking supply on site and immediately adjacent to the site would not meet parking demand. Other/overflow parking options need to be considered.

By code, Station Pizzeria would be required to provide 57 parking stalls. The parking study generally confirms this number, suggesting 58 parking stalls would be required to meet parking demand.

	Number of Stalls Provided
On-Site	19
Street Parking	12
TOTAL	31

To accommodate parking demand, the property owners must seek out parking options for restaurant staff and patrons. This may include parking agreements with other property owners such as St. David's Center, St. David's Church, or the city. Such agreement has been included as a condition of approval.

#### **CUP Standards**

The proposal would meet the general CUP standards as outlined in City Code §330.21 Subd.2:

- 1. The use is consistent with the intent of this ordinance;
- 2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
- The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
- 4. The use is consistent with the city's water resources management plan;
- 5. The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and
- 6. The use does not have an undue adverse impact on the public health, safety or welfare.

The proposed restaurant would meet all but one of the specific conditional use permit standards for restaurants as outlined in City Code §330.21 Subd.4(i):

1. Parking shall be in compliance with the requirements of section 300.28 of this ordinance;

**Finding:** A parking variance is required. See the "Variance Standard" section of this report.

 Shall 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

**Finding:** The traffic study commissioned for the project indicates that the traffic generated by the proposed restaurant would not substantially impact the level of service of surrounding streets and intersections.

- 3. Shall not be located within 100 feet of any low density residential parcel or adjacent to medium or high density residential parcels. The city may reduce separation requirements if the following are provided:
  - a. landscaping and berming to shield the restaurant use;
  - b. parking lots not located in proximity to residential uses;
     and
  - c. lighting plans which are unobtrusive to surrounding uses.

**Finding:** The proposed restaurant would be located 90 feet from the closest residential property. However, the restaurant would be nearly 200 feet from the closest home and buffered from the property by Minnehaha creek and its surrounding vegetation.

The proposed outdoor eating area would meet all but two of the specific conditional use permit standards for outdoor seating areas as outlined in City Code §330.21 Subd.4(p):

1. Shall 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 shall be only through the principal building;

**Finding:** The outdoor eating area would be surrounded by planters and accessed only through the restaurant itself. (See page A7.)

2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;

**Finding:** The outdoor eating area would be located 90 feet from the closest residential parcel. As such, a variance is required. See the "Variance Standard" section of this report.

3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;

**Finding:** The eating area would be surrounded by planters or curbing. It would not interfere with pedestrian or vehicular circulation.

4. Shall not be located to obstruct parking spaces. Parking spaces may be removed for the use only if parking requirements specified in section 300.28 are met;

**Finding:** The eating area would be surrounded by planters or curbing. It would not obstruct parking spaces.

5. Shall be located adjacent to an entrance to the principal use:

**Finding:** The eating area would be located east and south of the existing building. A portion would be located adjacent to the restaurant entrance.

6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up;

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

7. Shall not have speakers or audio equipment which is audible from adjacent parcels; and

**Finding:** The applicant has indicated that speakers would be located in the outdoor eating area. This installation of the speakers is technically allowed. However, they cannot be audible from adjacent parcels, particularly residential parcels. As such, this has been included as a condition of approval.

8. Shall be located in compliance with building setback requirements.

**Finding:** The outdoor eating area would be located around the existing, non-conforming building. As such, it would not meet building setbacks and variances are necessary. See the "Variance Standard" section of this report.

#### **SBP Standards**

But for the requested setback variances, the proposal would comply with all site and building standards as outlined in City Code §300.27 Subd.5

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

**Finding:** The proposal has been reviewed by city planning, engineering, natural resources, public works, fire, and legal staff and found to be generally consistent with the city's development guides.

2. Consistency with this ordinance;

**Finding:** Variances are required for both existing and proposed site features. See the "Variance Standard" section of this report.

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

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

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

**Finding:** The proposal would utilize an existing building and parking lot. Other than a slight increase in green space on the site, the relationship between buildings and open spaces would not change.

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

drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

**Finding:** The proposed site design is intuitive and would establish appropriate circulation patterns for vehicular traffic.

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

**Finding:** The proposal would repurpose an existing building.

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

**Finding:** The repurposing of the existing commercial site, from feed store/gas station to restaurant, would likely alter the general atmosphere of the area. However, through provision of off-site parking and adherence to city nuisance ordinances, neighboring land uses should be adequately protected.

#### **Variance Standard**

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

The requested variances would meet the variance standard:

#### Intent of the Ordinance.

1. The intent of the ordinance as it pertains to parking requirements is to ensure adequate parking is provided to meet anticipated parking demand. With appropriate provision of off-site parking, which is included as condition

of approval, anticipated parking demand can be met. (CUP standard)

- 2. The intent of the ordinance as it pertains to setbacks is to ensure appropriate separation between land uses for both safety and aesthetic reasons.
  - Building and Parking Setbacks. The proposed building and parking lot setbacks would meet this intent. They reflect existing site conditions, which have been in place for decades without either safety or aesthetic complaint. (SBP standard)
  - Trash Enclosure Setbacks. The proposed trash enclosure setbacks would meet this intent. The variances are from property lines adjacent to an existing parking lot, and from Minnehaha Creek, which is significantly screened from the site at this location. The reduced setback would not negatively impact either safety or aesthetic. (SBP standard)
- 3. The intent of the ordinance as it pertains to outdoor eating area setbacks is to ensure appropriate separation between these areas and residential land uses, so as to minimize real and perceived nuisance impacts. The proposed outdoor eating area setbacks would meet this intent. Generally reflecting the setbacks of the existing building, the outdoor eating area would be setback 90 feet from the closest residential lot and nearly 200 feet from the closest home. The area would be separated from homes by Minnehaha Creek and existing vegetation. (CUP standard)
- 4. The intent of the ordinance as it pertains to impervious surface is to reduce the environmental and aesthetic impact of development on water resources. The requested variance would meet this intent. Though significantly higher than the maximum impervious surface allowed by code, the proposal slightly improves upon an existing condition. (SBP standard)

#### **Consistent with Comprehensive Plan.**

The subject property is located in the Minnetonka Mills special purpose village center. One of the overall themes outlined in the comprehensive plan is to "provide development and redevelopment opportunities that encourage vitality, promote

identity, and improve livability" in village centers.<sup>3</sup> The requested variances would result in redevelopment of an existing feed store/gas station into a new and unique gathering space, consistent with the goals of the comprehensive plan.

#### **Practical Difficulties**

- Unique Circumstances and Reasonableness. The subject property is unique in several ways. The 0.5-acre lot is zoned and guided for commercial use, but has just 880 square feet of buildable area due to its location adjacent to two roadways and Minnehaha Creek. (See page A9.) Both the building and the parking lot on the property are non-conforming. The requested variances are based on these unique circumstances and the applicant's reasonable request to repurpose the existing commercial site for a new commercial use
- Character of the Neighborhood. The repurposing of the existing commercial site, from feed store/gas station to restaurant would likely alter the general atmosphere of the area. However, the requested variances themselves would not.

#### Walkability

The 2030 Comprehensive Guide Plan notes that "pedestrian access [within the Minnetonka Mills village center] is excellent, with the city's primary loop trail on the south side of Minnetonka Boulevard and sidewalks and trail connections to Big Willow and other city parks." There are currently over 580 residential properties within ½ mile of the proposed restaurant. (See page A10.)

#### **Liquor License**

As part of the Station Pizzeria proposal, the owner is requesting a full liquor license. The city council has the authority to approve or deny liquor licenses; such licenses are not the purview of the planning commission. The commission must consider the proposal's conformance with the requirements and the intent of conditional use permit and site and building plan standards.

#### **Noise**

The city has reviewed several outdoor eating areas in recent years. During these reviews surrounding property owners have raised concerns regarding possible noise from these patios. As part of review of the Station Pizzeria proposal, police and

<sup>&</sup>lt;sup>3</sup> Ibid. III-8

<sup>&</sup>lt;sup>4</sup> Ibid. IV-21

planning staff have reviewed noise complaints received over the last five years at three "newer" outdoor eating areas and found:

- Scoreboard Bar and Grill, Sanibel Drive: No noise complaints.
- The Big Thrill Factory, County Road 101: No noise complaints.
- BLVD, Wayzata Boulevard: One evening noise complaints, several early morning complaints related to deliveries and garbage collection prior to 7:00 a.m.

#### **Outside Agencies**

The applicant's proposal has been submitted to various outside agencies for review, including Hennepin County and Minnehaha Creek Watershed District.

#### **Motion Options**

The planning commission has three options:

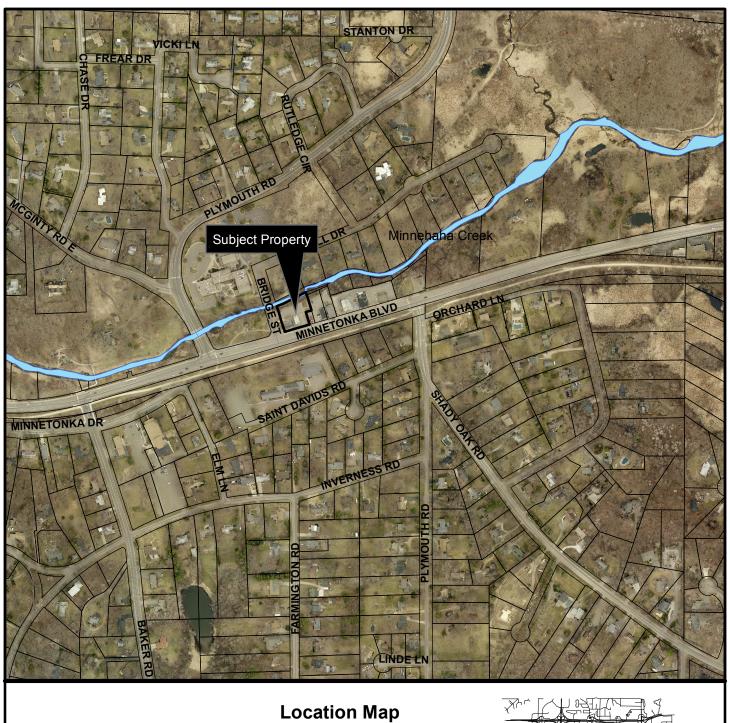
- 1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolutions approving the requests.
- Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the requests. This motion must include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

#### Neighborhood Comments

At the time of publication of this report, the city has received three written comments. (See pages A30-A34).

**Deadline for Action** 

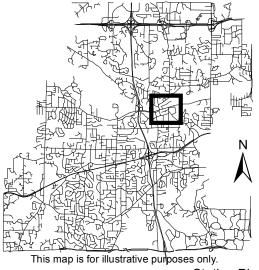
September 21, 2016



Proect: Station Pizza Applicant: Adam Meyerring Address: 13008 Minnetonka Blvd

Project No. 86057.16a







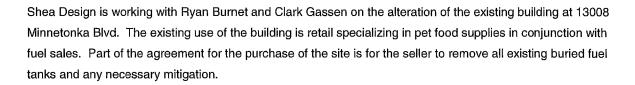
May 31, 2016

City of Minnetonka Planning Divison 14600 Minnetonka Blvd. Minnetonka, MN 55345

CUP/SBP Submittal Written Statement 13008 Minnetonka Blvd.

Shea Project No.: 7479.00

To whom it may concern:



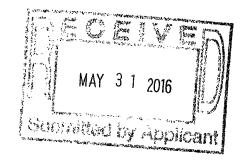
The proposed repurposing of the building and site is for restaurant use with a menu focused on pizza for both dine-in and take-out. In addition to indoor dining there is a large patio component for warm season service. Proposed hours of operation are Sunday thru Thursday 11am-11pm and Friday/Saturday hours of 11am – 1am. Outdoor seating would be limited to 10:30pm. Included with this proposal is a request for a full liquor license for on-site consumption. Ryan Burnet will be the operator of the restaurant adding to his collection of restaurants which include Barrio (multiple locations), Bar La Grassa, Burch Steak and Eastside.

Architecturally the existing building is to remain as-is with minimal exterior modifications for the adapted use. There is need for an exterior cooler box which will be located at the northwest corner of the building. All existing impervious paved areas are to be maintained and will be restriped to maximize parking on-site and there are proposed modifications to the existing curb cuts to add more street parking around the site.

If you have any questions with regards to the proposed building or site modifications our office is available for comment.

Thank you,

Adam Meyerring, AIA

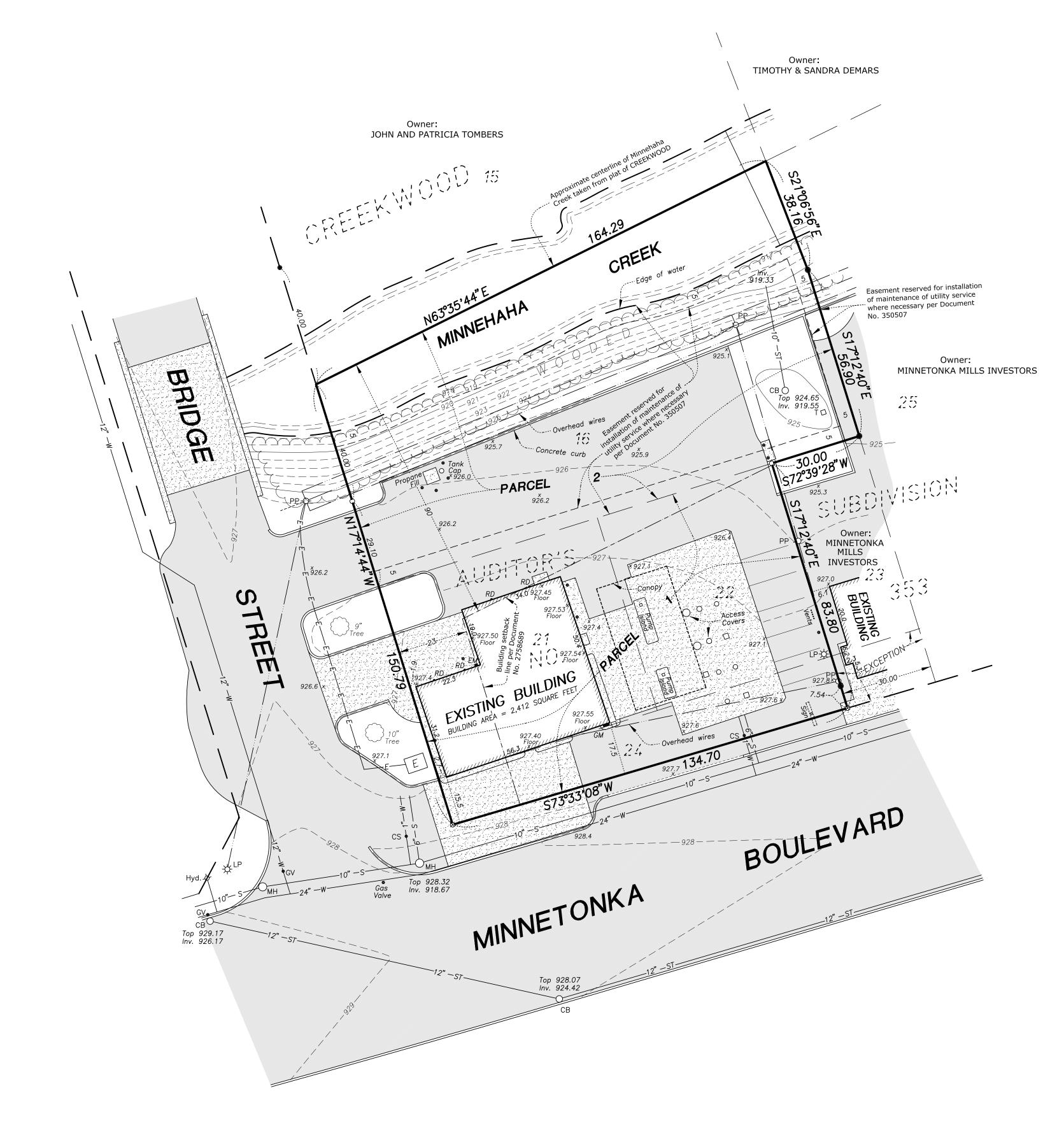


lungs

# ALTA/NSPS Land Title Survey for:

# DMC MANAGEMENT COMPANY

at 13008 Minnetonka Boulevard — Minnetonka, Minnesota



EASEMENT NOTES CORRESPONDING TO SCHEDULE B — SECTION II, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NUMBER MT—89791

Item 9 - Easement over the rear 5 feet of said plot and the side 5 feet of any plot where necessary for installation and maintenance of utility service as contained in Deed Document No. 350507 affects the property and is shown on the survey.

# UTILITY STATEMENT

The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated, although he does certify that they are shown as accurately as possible from information available. The surveyor has not physically located the underground utilities.

Scale in Feet

# NOTES

- \* Bearings shown are based on Hennepin County Coordinates.
- \* Utilities shown are from information furnished by the City of Minnetonka and respective utility companies in response to Gopher State One Call Ticket No. 161133579 and are verified where possible.
- \* Contact Gopher State One Call for utility locations before any construction
- shall begin. Phone 651-454-0002.

  \* Bench Mark: U. S. Geological Survey Bench Mark (Gaging Station) located
- on west side of Plymouth Road Bridge over Minnehaha Creek. Elevation = 933.72 feet (NAVD 88 Datum).
- \* Number of striped parking stalls: 5.
- \* Area = 24,648 square feet (0.57 acre).
- \* Zoning: B-2 Limited Business (per City of Minnetonka Web Site).
- \* This property is located in Flood Zone X (area outside 0.2% annual chance floodplain) per Flood Insurance Rate Map Number 27163C0405E dated
- February 3, 2010.

# LEGEND

- Iron Monument Found
- O Iron Monument Set
- ⊗ PK Nail Set
- ——S Sanitary Sewer
- ——ST—— Storm Sewer —— W —— Watermain
- Hyd.-⇔ **Hydrant**
- GV Gate Valve
- CS Curb Stop
- MH Manhole
- CB O Catch Basin
- Inv. Invert Elevation
- Guard Post
- PP-O Power Pole

  LP-☆ Light Pole
- ⊺□ Telephone Pedestal
- Concrete Surface
- Bituminous Surface GM = Gas Meter
- EM Electric Meter
- RD Roof Drain

# PROPERTY DESCRIPTION CONTAINED IN CERTIFICATE OF TITLE NUMBER 1369578

Par 1: Lots 21, 22, and Lot 24 except the Northeasterly 30 feet thereof, Auditor's Subdivision NO. 353, Hennepin County, Minnesota.

Par 2: Lot 16, Block 1, Creekwood Hennepin County, Minnesota.

# CERTIFICATION

To Clark Gassen and Old Republic National Title Insurance Company as agent for TitleNexus,

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 7(a), 7(b)(1), 8, 11 and 13 of Table A thereof. The fieldwork was completed on May 2016

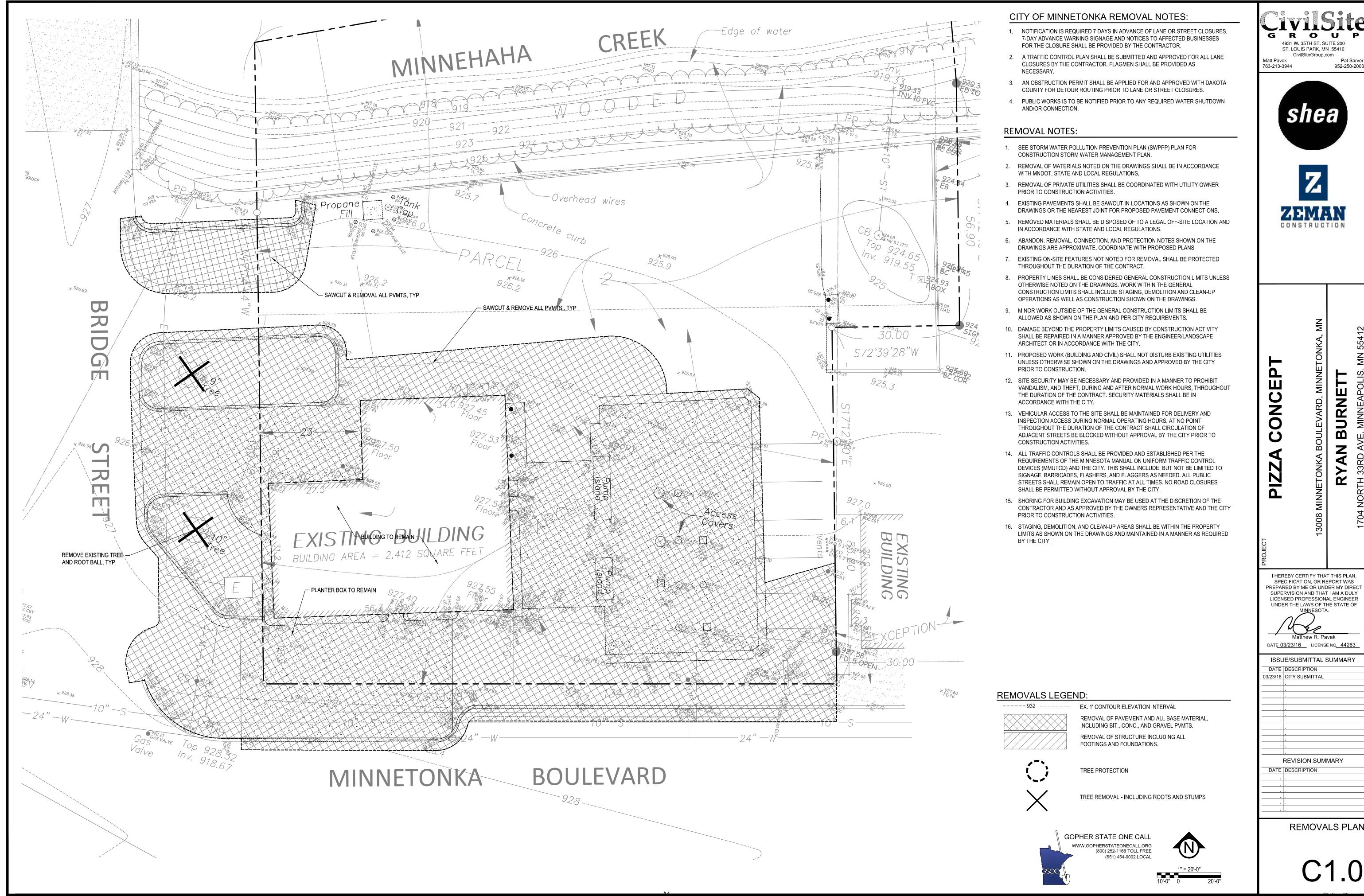
Dated this 6th day of May, 2016

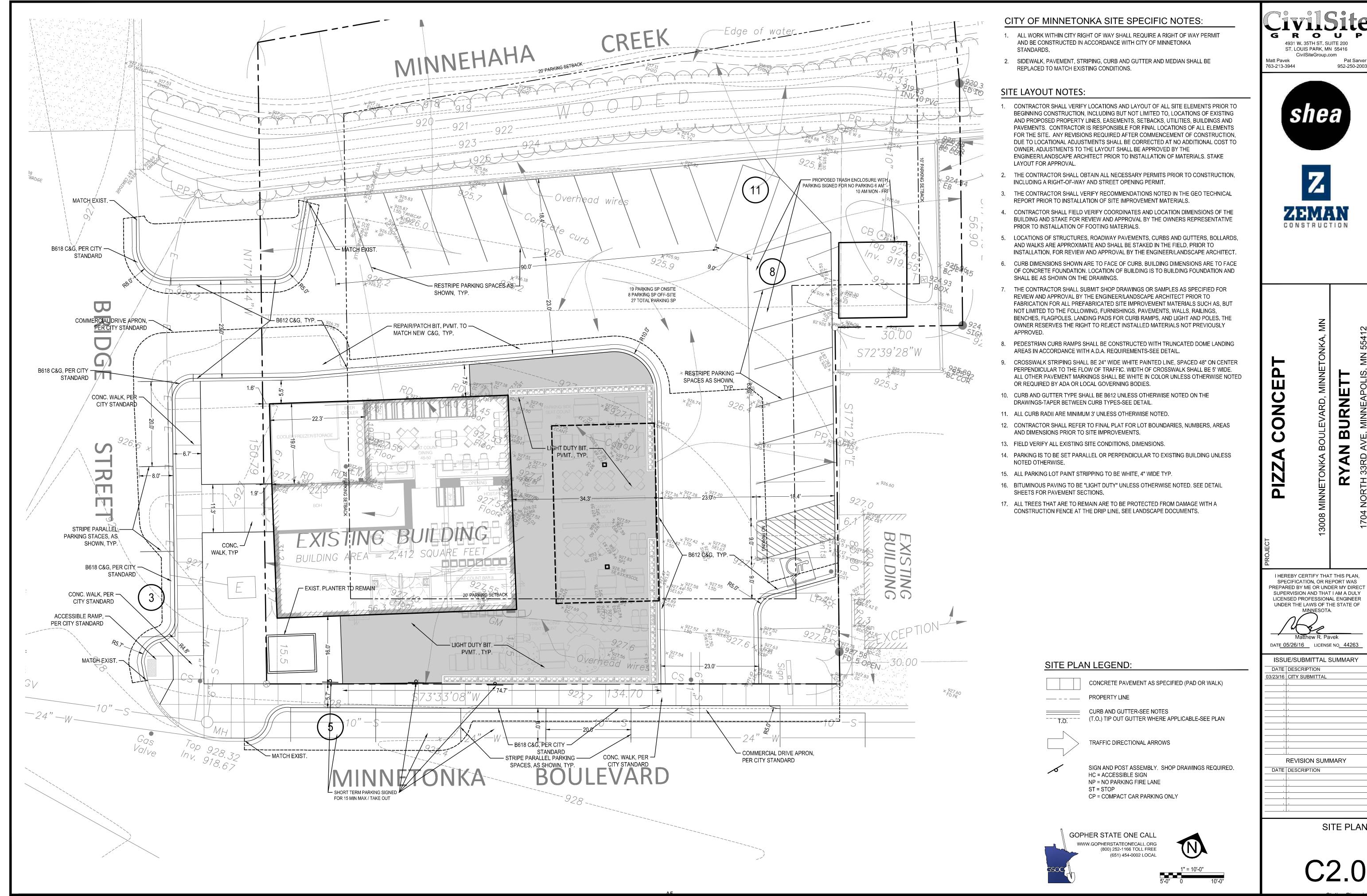
REHDER & ASSOCIATES, INC.

Gary C. Huber, Land Surveyor Minnesota License No. 22036

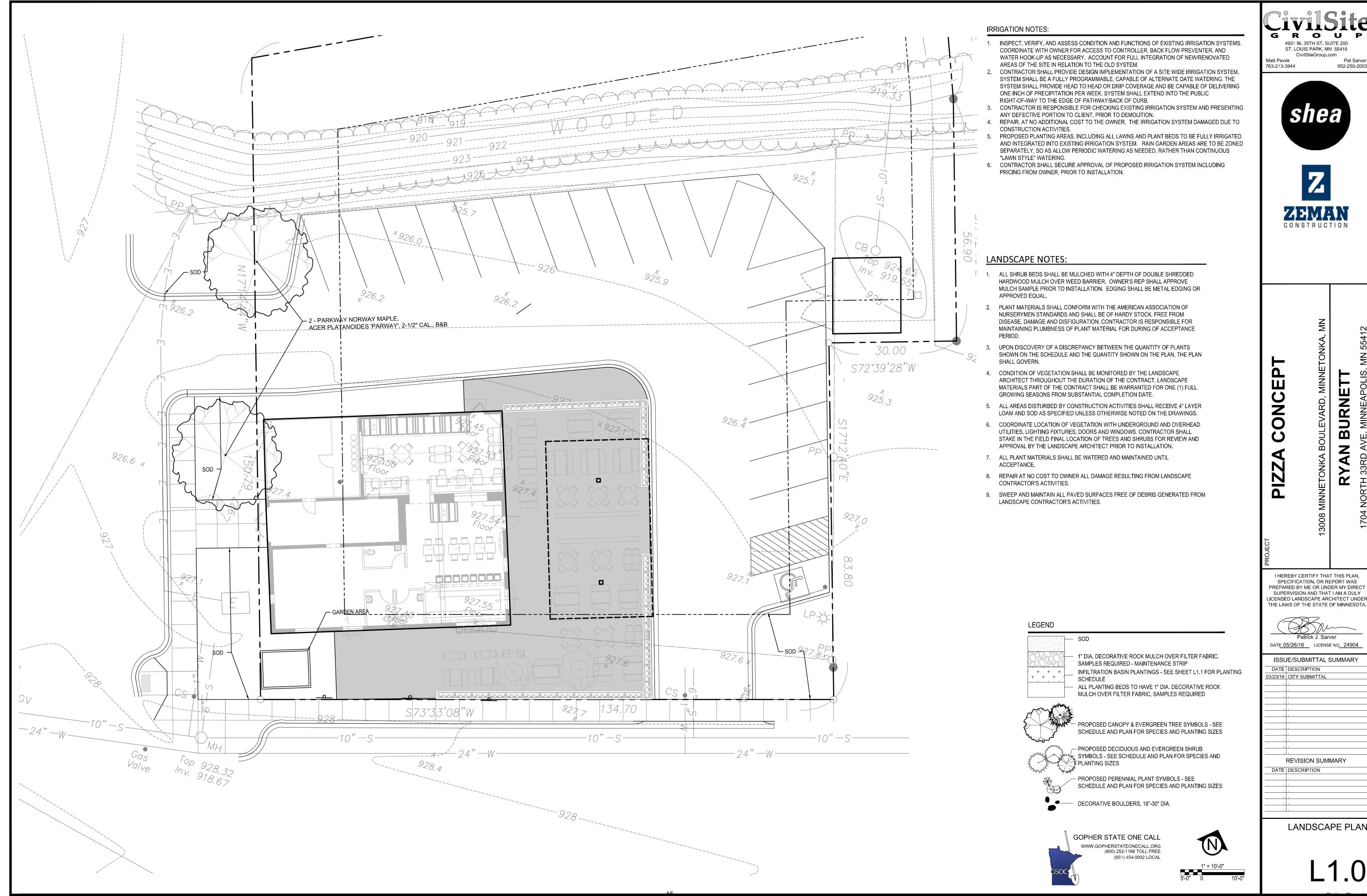
Rehder and Associates, Inc.

CIVIL ENGINEERS AND LAND SURVEYORS



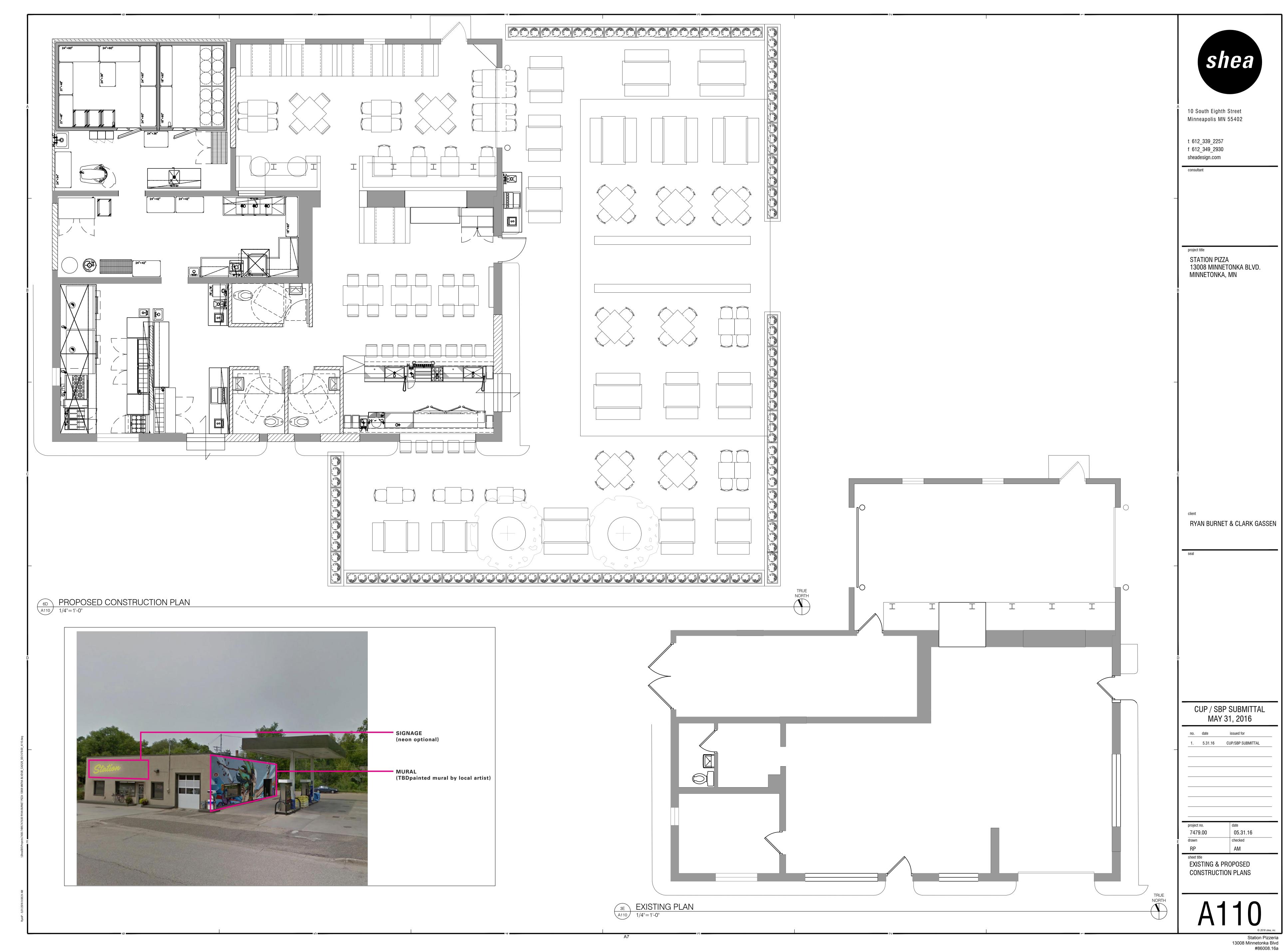


G R O U P

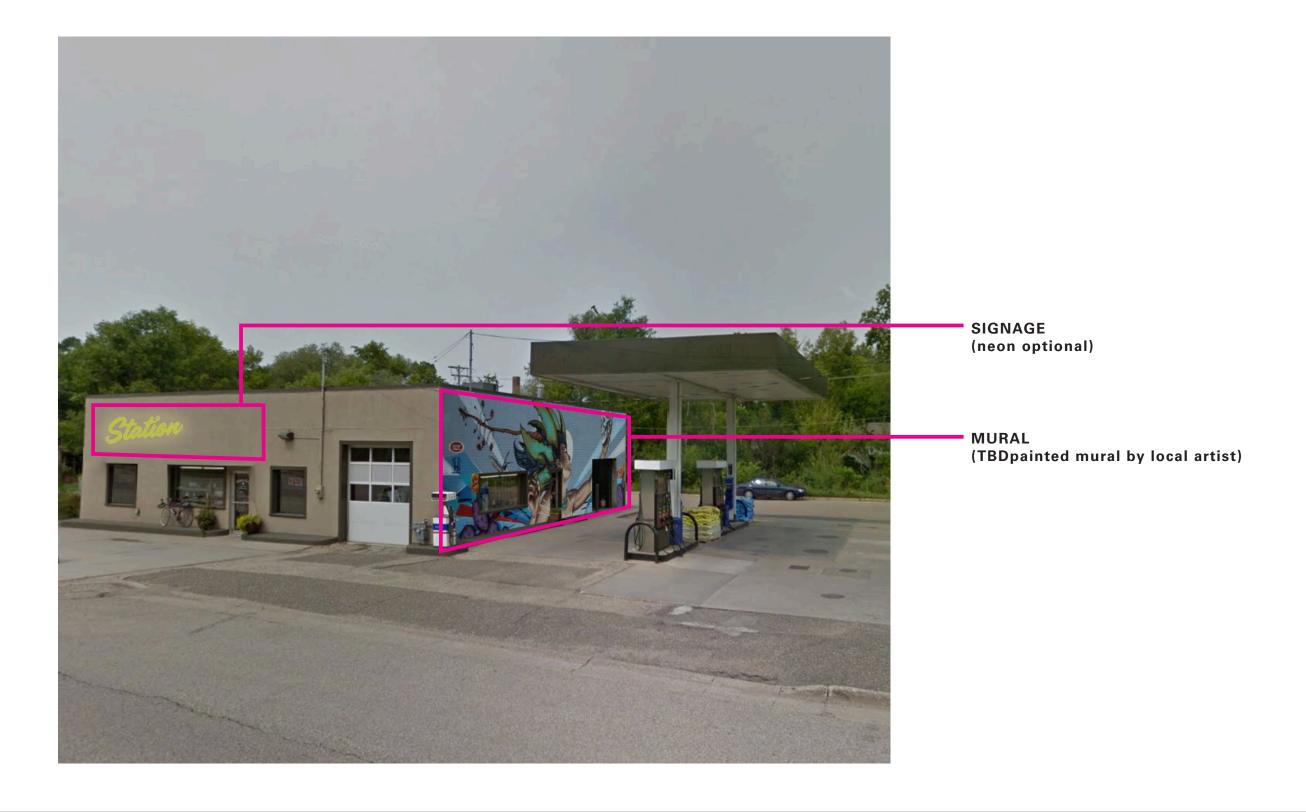


GROUP

DATE	DESCRIPTION
3/23/16	CITY SUBMITTAL
	1



# Exterior





MAY 27 2016

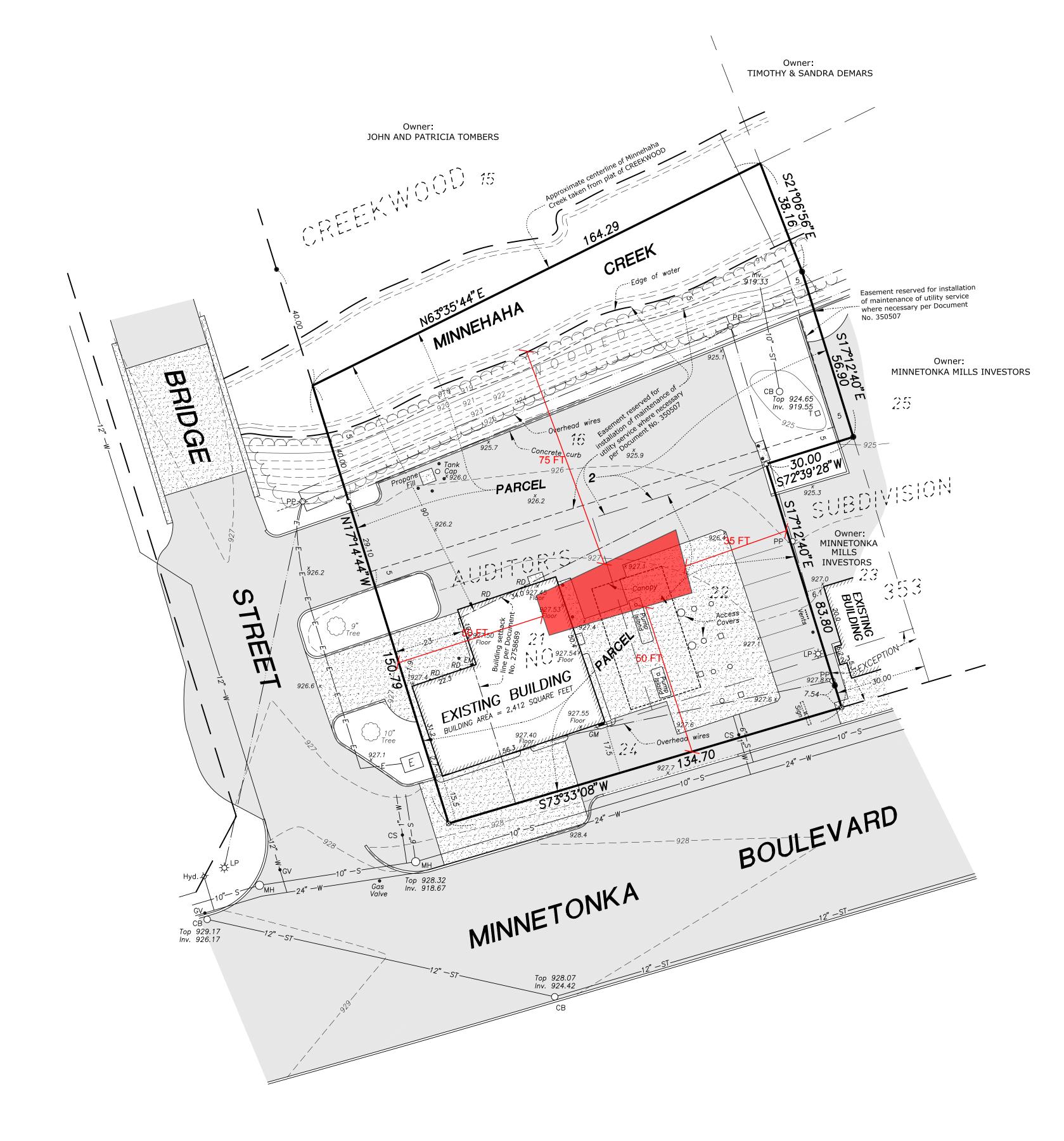
**EXTERIOR** 

# **BUILDABLE AREA**

# ALTA/NSPS Land Title Survey for:

# DMC MANAGEMENT COMPANY

at 13008 Minnetonka Boulevard — Minnetonka, Minnesota



EASEMENT NOTES CORRESPONDING TO SCHEDULE B — SECTION II, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NUMBER MT—89791

Item 9 - Easement over the rear 5 feet of said plot and the side 5 feet of any plot where necessary for installation and maintenance of utility service as contained in Deed Document No. 350507 affects the property and is shown on the survey.

# UTILITY STATEMENT

The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated, although he does certify that they are shown as accurately as possible from information available. The surveyor has not physically located the underground utilities.

Scale in Feet

# NOTES

- \* Bearings shown are based on Hennepin County Coordinates.
- \* Utilities shown are from information furnished by the City of Minnetonka and respective utility companies in response to Gopher State One Call Ticket No. 161133579 and are verified where possible.
- \* Contact Gopher State One Call for utility locations before any construction
- shall begin. Phone 651-454-0002.

  \* Bench Mark: U. S. Geological Survey Bench Mark (Gaging Station) located
- on west side of Plymouth Road Bridge over Minnehaha Creek. Elevation = 933.72 feet (NAVD 88 Datum).
- \* Number of striped parking stalls: 5.
- \* Area = 24,648 square feet (0.57 acre).
- \* Zoning: B-2 Limited Business (per City of Minnetonka Web Site).
- \* This property is located in Flood Zone X (area outside 0.2% annual chance floodplain) per Flood Insurance Rate Map Number 27163C0405E dated
- February 3, 2010.

# LEGEND

- Iron Monument Found
- Iron Monument Set⊗ PK Nail Set
- —— S Sanitary Sewer
- ——ST—— Storm Sewer
- Hyd.- Hydrant
- GV Gate Valve
- CS Curb Stop
- MH Manhole
- CB Catch Basin
  Inv. Invert Elevation
- Guard Post
- PP-O Power Pole

  LP-☆ Light Pole
- T□ Telephone Pedestal
- Concrete Surface

  Bituminous Surface
- GM **■** Gas Meter
- EM Electric Meter
- RD Roof Drain

# PROPERTY DESCRIPTION CONTAINED IN CERTIFICATE OF TITLE NUMBER 1369578

Par 1: Lots 21, 22, and Lot 24 except the Northeasterly 30 feet thereof, Auditor's Subdivision NO. 353, Hennepin County, Minnesota.

Par 2: Lot 16, Block 1, Creekwood Hennepin County, Minnesota.

# CERTIFICATION

To Clark Gassen and Old Republic National Title Insurance Company as agent for TitleNexus,

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 7(a), 7(b)(1), 8, 11 and 13 of Table A thereof. The fieldwork was completed on May 3, 2016.

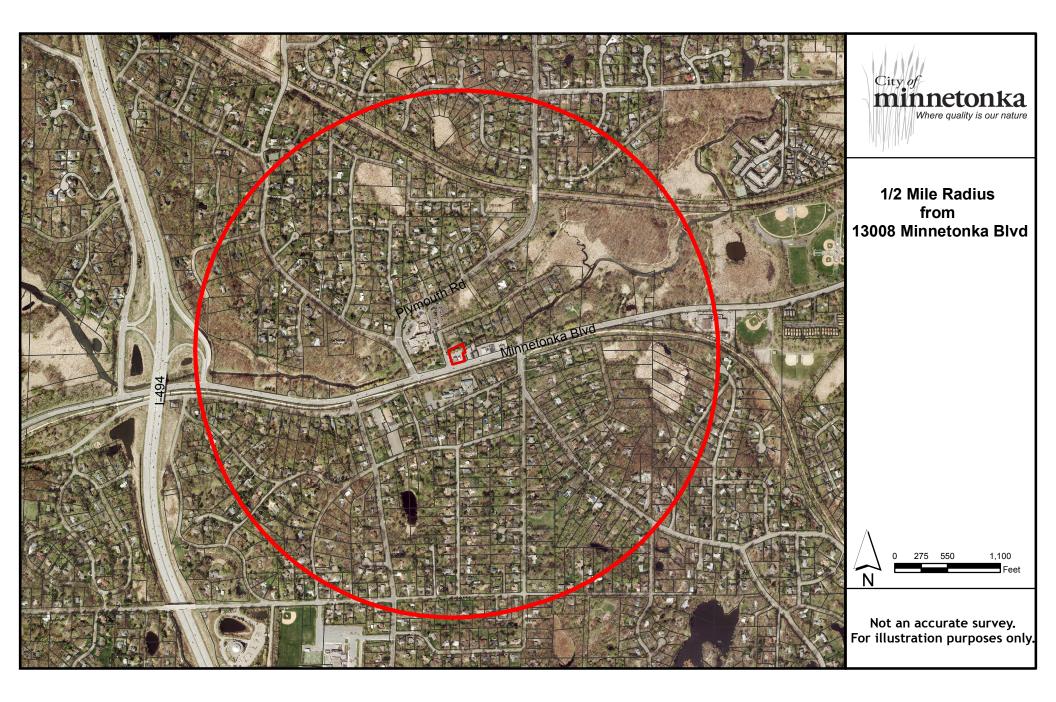
Dated this 6th day of May, 2016

REHDER & ASSOCIATES, INC.

Gary C. Huber, Land Surveyor Minnesota License No. 22036

Rehder and Associates, Inc.

CIVIL ENGINEERS AND LAND SURVEYORS



#### Station Pizzeria Business Plan

- A. Alcohol Server Training Plan
- **B.** Projected Food to Liquor Ratios
- C. Staffing
- D. Police Department Security Plan
- E. Noise Management Plan
- F. Maintaining Orderly Appearance and Operation
- G. Entertainment
- H. Hours of Operation
- I. Food Service and Menu
- J. Charitable Gambling Activities
- K. Applicants Experience and Background with Liquor, Restaurant or Retail Sales
- L. Menu

#### A. Alcohol Server Training Plan

- a. We will provide group training once a year using a training company (Gittleman).
- b. All new hires are trained through Gittleman throughout the year. The employee handbook also contains information on alcohol awareness.
- c. We will card anyone that looks 35 or under.
- d. We will do a self-audit where we will have underage people come into restaurant and try and order a drink.
- e. Reward is dinner for 2 at the restaurant. Discipline would come in form of termination.

#### B. Projected Food to Beverage Ratios

a. 75/25 food to liquor ratio.

#### C. Staffing Levels

- a. The restaurant will have 2-6 hourly kitchen employees and 2-6 front of house employees staffed at all times.
- b. The restaurant will always have a front of house and back of house manager on duty during hours of operation.

#### D. Police Department Security Plan

- a. Security Staff
  - 1. Onsite Manager/Supervisor

#### b. Scheduling

1. Manager/Supervisor will be onsite during all hours of operation. Multiple managers will be onsite during peak business hours.

#### c. Duties

- 1. Manager will provide routine patrols of the interior every 15 minutes.
  - a. This will include outdoor seating area during hours that outdoors seating is open for operation.
- 2. Manager will provide routine patrols of exterior every 60 minutes.
- 3. Manager will be responsible for clearing any loitering patrons from exterior of business 15 minutes after close.

#### d. Admittance List

- 1. Manager will not admit, serve or allow intoxicated persons on the premise.
- 2. Management will keep records of a no admittance list for any persons that have been a nuisance for Station Pizzeria or neighboring businesses.
- e. Excessive Noise or Noise Complaints
  - 1. Will be handled on a case by case basis.

#### f. Exit Strategies

1. All emergency exits are clearly marked

a. Staff will be trained on emergency exit procedures during training.

#### 2. Closing Time

- a. Lights will be turned up 15 minutes prior to closing time and music will be turned off.
- b. Management will direct patrons to main entrance to exit at closing time. Management will check bathrooms and do a walkthrough of restaurant to ensure all patrons have exited the restaurant.

#### g. Police, Fire, Emergency Medical Services

- 1. EMS will be offered to any guest or staff member that is injured and may require medical attention.
- 2. Management will be trained to automatically call EMS when an injury is severe or guest is unable to care for themselves.
- 3. Management will call EMS and Minneapolis Police Department when the injury is due to a criminal act.
- 4. Management will call the Minneapolis Police Department when a crime occurs. Staff will be trained to cooperate with responding officers.

#### h. Reporting Procedures

- 1. Minor and major incidents will be reported in the nightly managers' log which is sent to all management.
- 2. Staff will be informed of incidents during daily pre shift meetings as well as messages, both email and text, sent by scheduling software.

#### E. Noise Management Plan

- a. Speakers are suspended and positioned point down to project sound at a lower height than ceiling height.
- b. We inform customers of last call ½ hour before closing. Management will monitor our customers leaving and remind any loud patrons of the neighboring residents. Generally we will not have a mass exit of patrons due to the style of restaurant and bar we are operating.
- c. All sound will be controlled by a bank of 4 volume controls that only management will be authorized to use. We will be playing music using an iPod as a source where all music has been imported at a continuous volume to eliminate sudden spikes in volume between recordings. Volume controls will be marked with appropriate playing levels for different periods of the day.
- d. Managers will be trained to keep volume of music at appropriate levels for each service period. Bartenders, servers and hosts will be instructed to bring any observances to management on any volume perceived to be louder than necessary.
  Management/Supervisors will be then only employees authorized to adjust volume.
  There will be a Manager/Supervisor on premise for all operational hours.

#### 1. Outdoor Areas

- a. Speakers are minimally placed on patio with a separate zone control for lower volume sound. Speakers do not contain woofers so low frequency beats should be minimized. Outdoor music will be turned down at 9:45 pm and turned off at 10:00.
- Patio will be for seated guests only as tables become available.
   Management will be trained to not allow guests on the patio without a seat.
- c. We inform customers of last call ½ hour before closing the patio at 10:30. Music will be turned off at this time as well. The last seating on the patio will be prior to last call for the closing of the patio. Patrons will be asked to move inside at 10:30 for further service or exit through the inside of the restaurant. Host and management staff will inform guests when taking reservations of parking ramps in the area. Contact numbers for local cab companies will be available at the bar and host desk. Staff will be trained to offer to call guests a cab when appropriate.
- d. Management and staff will be trained to monitor guest noise on the patio. Guests that have noisy will be addressed by management and asked to be mindful of noise. If guest continues to be noisy management will ask the guest to move inside. Unruly customers will immediately have further service refused and be asked if the need help calling a cab. We refuse service to unruly guests.
- e. Management will make rounds every 15 minutes to supervise guests on patio.
- f. Noise complaints will be dealt with on a case by case basis. Any trends will be monitored and addressed by management. An email as well as phone number for our office will be available for residents to express concerns.
- g. Patio speakers will be small background speakers. The music played on them will be at a low volume background level. The patio speakers will have an independent zone control from the rest of the restaurant to adjust overall volume separately. Each speaker also has a volume control that can be set to restrict volume on each speaker. The audio processer in office will be set so that speakers are only allowed to be played at a certain volume as well.

- F. Maintaining Orderly Appearance and Operation
  - a. Litter and Refuse Control
    - The opening manager will conduct a walkthrough of the entire property including exterior and parking lot. The walkthrough will be repeated prior to Dinner service.
    - 2. Staff will have scheduled side work throughout the day which will include sweeping of litter in parking lot as well as in trash and recycling areas.
    - 3. Outdoor seating areas will be maintained throughout hours of operation

#### G. Entertainment

a. There will be no entertainment other than pre-recorded music that is played through the restaurants sound system.

#### H. Hours of Operation

- a. Sunday Thursday 11:00 am -11:00 pm, Friday & Saturday 11:00 am -1 am.
- b. Outside Hours: Monday Sunday 11:00 am 10:30 pm
- c. Amplified music
  - 1. Amplified music will be played indoors from: 11:00 am to 10:45 pm Sunday through Thursday, 11:00 am to 12:45 am Friday and Saturday.
  - 2. Amplified Music will be played outdoors from: 11:00 am to 10:00 pm Monday Sunday.

#### I. Food Service

- a. See attached menus. We will have full food service Monday-Saturday 11 am 11 pm, Sunday 11 am 10 pm. The kitchen will be staffed with 1 to 2 chefs and 2 to 6 hourly cooks for every service.
- J. Charitable Gambling Activities
  - a. There will be no gambling charitable or otherwise
- K. Ryan Burnet is the primary managing partner of Barrio Restaurant Group which includes five Barrio locations in Minneapolis (2008), St. Paul (2009), Edina (2010), MPLS International Airport (2013), Target Field (2015) as well as Eastside Eat & Drink (2015). He is also an investor in Bar La Grassa (2009) and managing partner in Burch Steak and Pizza Bar (2012).
- L. Menu
  - a. Menu attached

1

#### **Station Pizzeria**

Salads

House

Organic mixed greens, house vinaigrette, radish, cucumber & carrot

Chopped

Romaine, salami, purple cabbage, manchego, tomatoes & onion with champagne vinaigrette

Caesar

Romaine, parmesan, garlic croutons & black pepper

Greek

Romaine, feta, tomato, cucumber, pickled red onion & salt cured

moroccan olives

Kale

Roasted seasonal squash, toasted almonds, golden raisins & shaved pecorino

Beet

Marinated beets, frisee, candied walnuts & gorgonzola

Not Pizza

Chicken Wings

Buffalo hot sauce, carrot, celery, ranch or bleu cheese

Meatballs

Pork & beef, parmesan, parsley & oregano

Fried Shells

Fried pasta shells, Meat sauce, parmesan and parsley

Cured Meats & Pickles

La quercia meats...house pickles

Fried garlic knots

Parmesan, parsley, garlic oil

Cauliflower

Seasonal preparation...

Broccolini

Chili flake, garlic oil, parsley & lemon

Basic

Mozzarella, parmesan, red sauce & basil

Standard

Ricotta, parmesan, red sauce & meatball

Foundation

Fontina, mozzarella, red sauce, sausage, mushroom & onion

Fundamental

Mascarpone, manchego, cremini mushrooms, oyster mushrooms , &

Pizza

chanterelle oil

Essential

Mozzarella, red sauce, spicy capocollo, peppers & basil

Baked Pasta

Cannelloni

Ricotta, tomato sauce, spinach, mushroom & kale

Lasagna

Ricotta, mozzarella, parmesan & sunday meat sauce

Toppings

Sausage Onion

Fresh mozzarella

Parmesan Pepperoni

Desserts

Pot de creme

A<sub>16</sub> Gelato

Station Pizzeria 13008 Minnetonka Blvd #86008.16a



### **Draft Memorandum**

SRF No. 0169296

**To:** Susan Thomas, AICP, Principal Planner

City of Minnetonka

From: Matt Pacyna, PE, Senior Associate

Brent Clark, EIT, Engineer

**Date:** June 30, 2016

**Subject:** Station Pizza Traffic and Parking Study

#### Introduction

SRF has completed a traffic study for the proposed Station Pizza development at the former Bennis Feed and Fuel located in the northeast quadrant of the Minnetonka Boulevard/Burwell Drive intersection in Minnetonka, Minnesota (see Figure 1: Project Location). The main objectives of this study are to review existing operations within the study area, evaluate traffic and parking impacts including the proposed access/circulation, and recommend any necessary improvements to accommodate the proposed development. The following information provides the assumptions, analysis, and recommendations offered for consideration.

### **Existing Conditions**

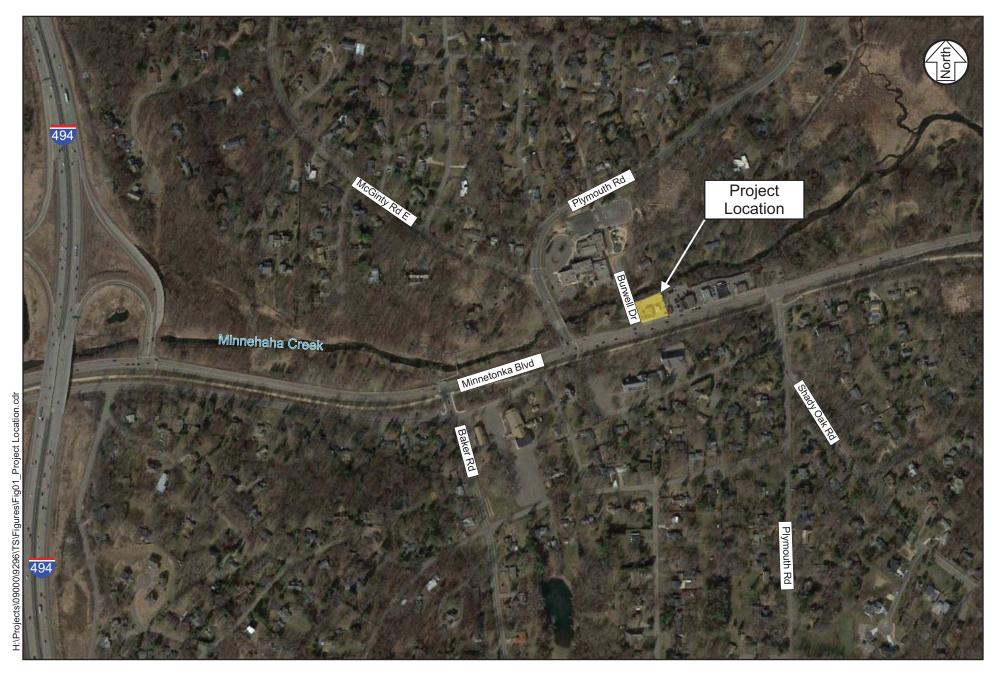
The existing conditions were reviewed to establish a baseline in order to identify any future impacts associated with the proposed development. The evaluation of existing conditions includes intersection turning movement counts, field observations, and an intersection capacity analysis.

#### **Data Collection**

Peak hour turning movement counts were collected at the following intersections on June 2, 2016, in addition to the existing Bennis Feed and Fuel driveways:

- Minnetonka Boulevard and Plymouth Road
- Minnetonka Boulevard and Burwell Drive
- Minnetonka Boulevard and Shady Oak Road

Observations were also completed during this time to identify roadway characteristics and parking supply/demand within the study area (i.e. roadway geometry, posted speed limits, and traffic controls). Average daily traffic volumes were provided by the Minnesota Department of Transportation. It should be noted that traffic volumes within the area are significantly higher than historical trends, primarily due to area construction along I-494. The current volumes are higher than historical year 2012 traffic counts by approximately 40 to 50 percent.





# **Project Location**

Figure 1

Minnetonka Boulevard is primarily a four-lane undivided roadway immediately adjacent to the proposed development, while Plymouth Road, Shady Oak Road, and Burwell Drive are generally two-lane roadways with select turn lanes. The posted speed limit along each study area roadway is 30 miles per hour (mph). Minnetonka Boulevard intersections with Plymouth Road and Shady Oak Road are signalized, while the Minnetonka Boulevard/Burwell Drive intersection is side-street stop controlled. Existing geometrics, traffic controls, and volumes in the study area are shown in Figure 2.

#### **Intersection Capacity Analysis**

An existing intersection capacity analysis was completed for the p.m. peak hour to establish a baseline condition to which future traffic operations can be compared. The study intersections were analyzed using Synchro/SimTraffic (Version 9).

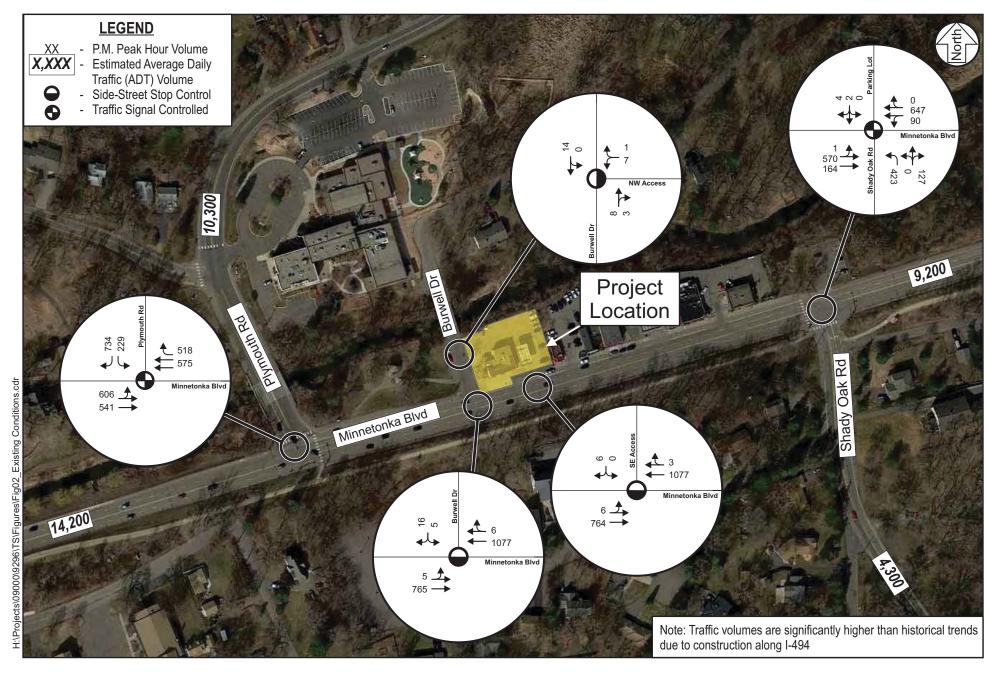
Capacity analysis results identify a Level of Service (LOS), which indicates the quality of traffic flow through an intersection. Intersections are given a ranking from LOS A through LOS F. The LOS results are based on average delay per vehicle, which correspond to the delay threshold values shown in Table 1. LOS A indicates the best traffic operation, with vehicles experiencing minimal delays. LOS F indicates an intersection where demand exceeds capacity, or a breakdown of traffic flow. Overall intersection LOS A through LOS D is generally considered acceptable in the Twin Cities Metro Area.

Table 1 Level of Service Criteria for Signalized and Unsignalized Intersections

LOS Designation	Signalized Intersection Average Delay/Vehicle (seconds)	Unsignalized Intersection Average Delay/Vehicle (seconds)
А	≤ 10	≤ 10
В	> 10 - 20	> 10 - 15
С	> 20 - 35	> 15 - 25
D	> 35 - 55	> 25 - 35
E	> 55 - 80	> 35 - 50
F	> 80	> 50

For side-street stop controlled intersections, special emphasis is given to providing an estimate for the level of service of the side-street approach. Traffic operations at an unsignalized intersection with side-street stop control can be described in two ways. First, consideration is given to the overall intersection level of service. This takes into account the total number of vehicles entering the intersection and the capability of the intersection to support these volumes.

Second, it is important to consider the delay on the minor approach. Since the mainline does not have to stop, the majority of delay is attributed to the side-street approaches. It is typical of intersections with higher mainline traffic volumes to experience high levels of delay (i.e. poor levels of service) on the side-street approaches, but an acceptable overall intersection level of service during peak hour conditions.





## **Existing Conditions**

Figure 2

Results of the existing intersection capacity analysis shown in Table 2 indicate that the study intersections currently operate at an acceptable overall LOS C or better during the p.m. peak hour with the existing geometric layout and traffic control. Eastbound and westbound queues were observed at the Minnetonka Boulevard/Plymouth Road intersection extending approximately 350 to 450 feet during the p.m. peak hour. These queues extended beyond Burwell Drive approximately 15 percent of the p.m. peak hour, which impact motorists along Burwell Drive as they access Minnetonka Boulevard, as well as the Southeast site access. No other significant delay or queuing issues were identified. Note that only the p.m. peak hour was reviewed as the proposed developed is not expected to be open during the a.m. peak hour, as well as the higher than normal traffic volumes due to area construction impacts.

**Table 2 Existing Intersection Capacity Analysis** 

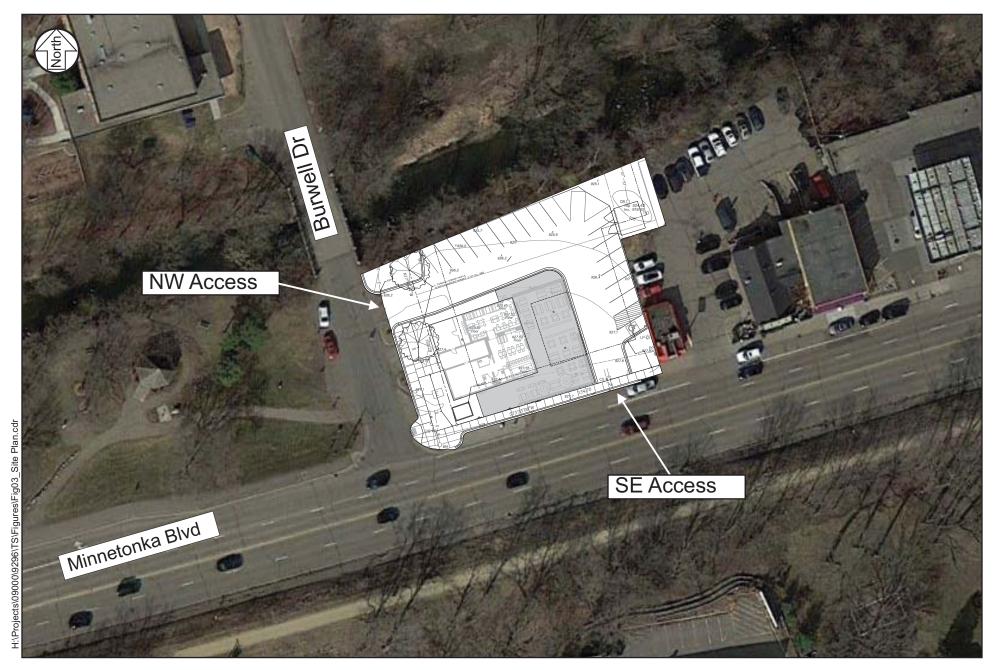
Intersection	P.M. Peak Hour		
med 300 doi:	LOS	Delay	
Minnetonka Boulevard/Plymouth Road	С	21 sec.	
Minnetonka Boulevard/Burwell Drive (1)	A/C	20 sec.	
Minnetonka Boulevard/SE Site Access (1)	A/C	16 sec.	
Minnetonka Boulevard/Shady Oak Road	С	23 sec.	
Burwell Drive/NW Site Access (1)	A/A	3 sec.	

<sup>(1)</sup> Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.

## **Proposed Development**

The proposed development, shown in Figure 3, is located in the northeast quadrant of the Minnetonka Boulevard/Burwell Drive intersection. The proposed development is expected to reconfigure the existing Bennis Feed and Fuel complex into a dine-in/take-out restaurant with a pizza focus. The proposed development will also include a large patio component for warm season service. Hours of operations are expected to be from 11 a.m. to 11 p.m. (Sunday thru Thursday) and 11 a.m. to 1 a.m. (Friday and Saturday). It should be noted that the existing building is approximately 2,400 square feet.

For purposes of this study, the proposed development was assumed to be fully operational by the year 2017. Access to the proposed development is not expected to significantly change, with one access along both Minnetonka Boulevard and Burwell Drive. A total of 27 parking spaces are proposed, which include 19 off-street (i.e. on-site) and eight (8) on-street spaces immediately adjacent to the proposed development. There is additional on-street parking near the proposed development, which will be discussed as part of the parking analysis section of the study.





## Site Plan

Figure 3

#### **Year 2018 Conditions**

To identify potential impacts associated with the proposed development, traffic forecasts for year 2018 conditions were reviewed (i.e. one-year after opening). The year 2018 conditions take into account general area background growth and traffic generated by the proposed development. The following sections provide details on the background traffic forecasts, estimated trip generation, and intersection capacity analysis for year 2018 conditions.

#### **Background Traffic Growth**

To account for general background growth in the area, an annual growth rate of one-half percent was applied to the existing peak hour traffic volumes to develop year 2018 background traffic forecasts. This growth rate is generally consistent with historical trends within the study area. It should be noted that this growth rate was applied to the existing traffic counts (which were higher than normal due to construction impacts) to provide a conservative trip generation estimate and analysis.

#### **Trip Generation**

To account for traffic impacts associated with the proposed development, a trip generation estimate for the a.m. and p.m. peak hours and on a daily basis was developed. This trip generation estimate, shown in Table 3, was developed using existing traffic counts collected and the *ITE Trip Generation Manual, Ninth Edition*. Given that the proposed development is expected to have a large patio (primarily available/used during the summer), trip generation estimates were developed for both the summer and winter months. Results of the trip generation estimate, accounting for the existing Bennis Feed and Fuel trips, indicate the proposed development is expected to generate a similar amount of trips to the existing use during winter p.m. peak hour and daily conditions. During the summer, the proposed development will generate approximately an additional 47 p.m. peak hour and 532 daily trips compared to the existing use. This includes a 10 percent modal reduction for motorists using alternative modes of travel, such as biking, walking, and transit.

**Table 3 Trip Generation Estimate** 

Land Use Type (ITE Code)	Size	A.M. Peak Hour Trips		P.M. Peak Hour Trips		Daily
Land Ose Type (ITE Code)		In	Out	In	Out	Trips
Existing Land Use						
Bennis Feed and Fuel (944)	2 pumps	9	6	12	14	337*
Proposed Land Use						
Restaurant (932) - Winter	75 Seats	1	1	18	13	362
Restaurant (932) - Summer	200 Seats	2	2	47	35	966
10 Percent Modal Reduction (S	_	_	- 5	- 4	- 97	
Total Change in Site Trips (Winter)		(-8)	(-5)	+6	( - 1)	( - 25)
Total Change in Site Trips (Summer)		(-7)	( - 4)	+30	+ 17	+ 532

<sup>(\*)</sup> Estimated based on the ITE Trip Generation Handbook, leveraging the existing peak hour data collected.

Summer trips generated by the proposed development were distributed throughout the study area based on the directional distribution shown in Figure 4, which was developed based on existing travel patterns and engineering judgment. The resultant year 2018 traffic forecasts, which include general background growth and trips generated by the proposed development (during the summer), are shown in Figure 5. It should be noted that since the proposed development is expected to generate less trips during the a.m. peak hour, no further analysis of the a.m. peak hour conditions was conducted.

#### **Year 2018 Intersection Capacity Analysis**

To determine if the existing roadway network can accommodate the year 2018 traffic forecasts, a detailed intersection capacity analysis was completed using Synchro/SimTraffic software. Results of the year 2018 intersection capacity analysis, shown in Table 4, indicate that all of the study intersections and proposed access locations are expected to operate at an acceptable overall LOS C or better during the p.m. peak hour with the existing roadway geometry and traffic controls. No significant delay or queuing issues are expected.

**Table 4 Year 2018 Build Intersection Capacity Analysis** 

Intersection	P.M. Peak Hour		
	LOS	Delay	
Minnetonka Boulevard/Plymouth Road	С	26 sec.	
Minnetonka Boulevard/Burwell Drive (1)	A/D	29 sec.	
Minnetonka Boulevard/SE Site Access (1)	A/C	18 sec.	
Minnetonka Boulevard/Shady Oak Road	С	23 sec.	
Burwell Drive/NW Site Access (1)	A/A	4 sec.	

<sup>(1)</sup> Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.

The eastbound and westbound queues at the Minnetonka Boulevard/Plymouth Road intersection are expected to continue to extend beyond Burwell Drive approximately 15 percent of the p.m. peak hour, which impact motorists along Burwell Drive as they access Minnetonka Boulevard, as well as the Southeast site access. Based on these results, the proposed development is not expected to have a significant operational impact to the study area.



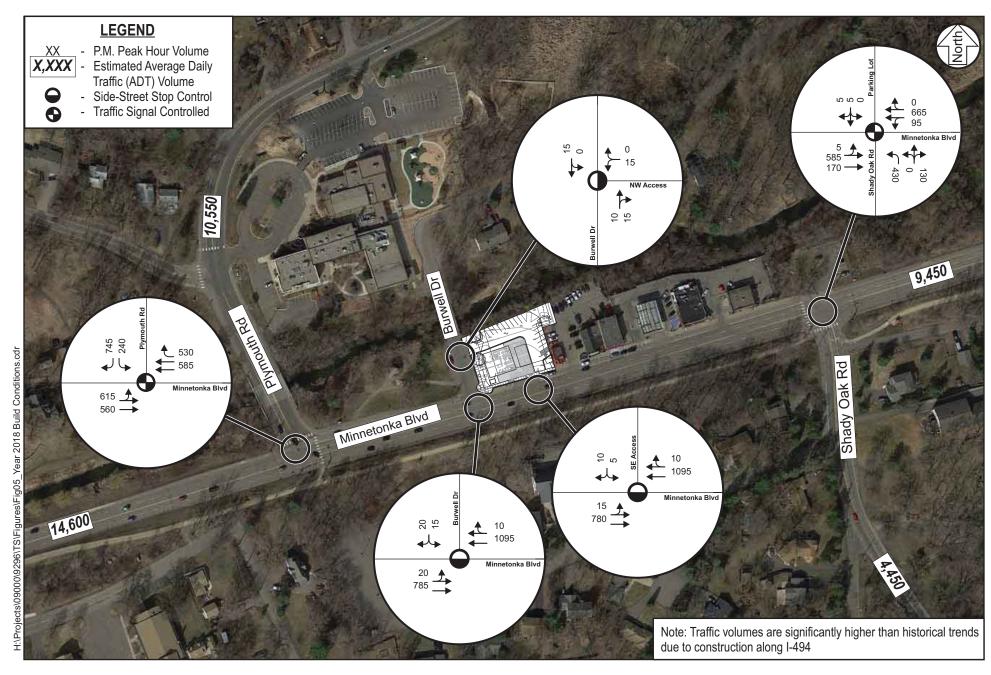


0169296 June 2016

## **Directional Distribution**

Bennis Feed and Fuel Redevelopment Parking and Traffic Study Minnetonka, MN A25

# Figure 4





### **Year 2018 Build Conditions**

Figure 5

#### **Parking Review**

As previously mentioned, the proposed development is planning to provide a total of 27 parking spaces (19 off-street and eight (8) on-street immediately adjacent to the site). To determine if the proposed parking supply will meet the demand for the site, a detailed parking review was completed using both the Minnetonka City Code as well as the *ITE Parking Generation Manual*, 4th Edition. The following information summarizes the parking demand for the proposed development.

- 1) The minimum parking requirement based on Minnetonka City Code (Chapter 3, Section 300.28) states that for a restaurant development, the minimum number of parking spaces required is one (1) space per 50 square feet of gross floor area. Given the proposed development is expected to be approximately 2,450 square feet, a total of 49 spaces are required which results in a 22 space deficit when including the immediately adjacent on-street parking.
- 2) The 85th percentile peak parking demand for the proposed development based on ITE is a total of 50 parking spaces. However accounting for a similar modal reduction of 10 percent that was used for the overall site trip generation, the parking demand is expected to be 45 spaces which results in an 18 space deficit. This accounts for the peak Saturday condition, where as the ITE demand for a typical weekday is a total of 43 spaces (before any reductions).
- 3) It should be noted that the peak parking demand is only expected to occur during the Saturday evening peak hour, as a lesser parking demand is expected during other times of the day. This is illustrated in Table 5, which is based on information from the *ITE Parking Generation Manual*.

Table 5 Parking Demand by Time/Day of Week

Day	Time	Parking Supply	Parking Demand *	Surplus/(Deficit)
Weekday	12 p.m.	27	19	8
Weekday	5 p.m.	27	23	4
Weekday	7 p.m.	27	39	(-12)
Saturday	12:30 p.m.	27	21	6
Saturday	6:30 p.m.	27	45	(-18)

<sup>(\*)</sup> Includes a 10 percent modal reduction.

- 4) Results of the parking demand review by time and day of the week indicates that in addition to the peak Saturday period as noted earlier, the site is also expected to have a deficit in parking during a typical weekday of approximately 12 spaces.
  - a. Note that this does not account for available on-street parking beyond the spaces located immediately adjacent to the proposed development. This excludes parking along the west side of Burwell Drive, parking north of Minnehaha Creek along Burwell Drive, and to the east along Minnetonka Boulevard.

#### **Parking Mitigation Strategies**

Given the proposed development parking demand information identified, the following parking mitigation strategies are offered for consideration to reduce, manage, or provide additional parking:

- 1) Reconfigure the site plan to accommodate additional parking spaces. This could include converting the internal driveway circulation to one-way operations, which would allow for a reduced driveway aisle width. The space from the reduced driveway aisle could be repurposed as parallel parking. However, it is possible that the outdoor seating area may be somewhat impacted by this type of reconfiguration.
- 2) Develop a shared parking agreement with adjacent businesses/property owners to accommodate employee, valet, and/or patron overflow parking.
- 3) Implement an incentive program for patrons and employees to travel to the site using alternative modes of travel (i.e. bike, walk, transit, etc.). An example incentive could include discounts, such as two-for-one drinks or 10 percent off an item.
- 4) Consider allowing angled parking along the segment of Burwell Drive, south of Minnehaha Creek. This could double the on-street parking along this segment of Burwell Drive from 7 to 14 spaces. Coordination/approval from adjacent property owners would need to be conducted.

### **Summary and Conclusions**

The following study conclusions and recommendations are offered for consideration:

- 1) Results of the existing intersection capacity analysis indicate that the study intersections currently operates at an acceptable overall LOS C or better during the p.m. peak hour with the existing geometric layout and traffic control.
  - a. Eastbound and westbound queues were observed at the Minnetonka Boulevard/Plymouth Road intersection extending approximately 350 to 450 feet during the existing p.m. peak hour. These queues extended beyond Burwell Drive approximately 15 percent of the p.m. peak hour, impacting motorists along Burwell Drive and the Southeast site access.
- 2) The proposed development is expected to reconfigure the existing Bennis Feed and Fuel complex into a dine-in/take-out restaurant with a pizza focus, which was assumed to be fully operational by the year 2017.
- 3) The proposed development is expected to generate a similar amount of trips to the existing use during winter p.m. peak hour and daily conditions. During the summer, the proposed development will generate approximately an additional 47 p.m. peak hour and 532 daily trips compared to the existing use due to patio activity.

- 4) Results of the year 2018 intersection capacity analysis indicate that the study intersections and proposed access locations are expected to operate at an acceptable overall LOS C or better during the p.m. peak hour with the existing roadway geometry and traffic controls.
  - a. Eastbound and westbound queues at the Minnetonka Boulevard/Plymouth Road intersection are expected to continue to extend beyond Burwell Drive approximately 15 percent of the p.m. peak hour.
- 5) Based on the intersection capacity analysis, the proposed development is not expected to have a significant operational impact to the study area.
- 6) The Minnetonka City Code requires 49 parking spaces, which results in a 22 space deficit.
- 7) The 85th percentile ITE parking demand for the proposed development is a total of 45 parking spaces, which accounts for a 10 percent modal reduction and results in an 18 space deficit (represents the peak Saturday condition).
- 8) Results of the parking demand review by time and day of the week indicates that in addition to the peak Saturday period as noted earlier, the site is also expected to have a deficit in parking during a typical weekday of approximately 12 spaces.
- 9) The following parking mitigation strategies are offered to reduce, manage, or provide additional parking:
  - a. Reconfigure the site plan to accommodate additional parking spaces. This could include converting the internal driveway circulation to one-way operations, which would allow for a reduced driveway aisle width.
  - b. Develop a shared parking agreement with adjacent businesses/property owners to accommodate employee, valet, or patron overflow parking.
  - c. Implement an incentive program for patrons and employees to travel to the site using alternative modes of travel (i.e. bike, walk, transit, etc.).
  - d. Consider allowing angled parking along the segment of Burwell Drive, south of Minnehaha Creek. This could double the on-street parking along this segment of Burwell Drive from 7 to 14 spaces.

#### **Susan Thomas**

**From:** Your Art's Desire

**Sent:** Thursday, June 30, 2016 9:51 AM

**To:** Tony Wagner; Susan Thomas; Loren Gordon; Patty Acomb; Dick Allendorf; Bob

Ellingson; Tim Bergstedt; Brad Wiersum; Terry Schneider; LorenBworld; Nancy

Murdakes Brown; burnet@; cg@

**Subject:** Proposed Station Pizza

Greetings All: I want to thank everyone involved for the opportunity for discourse about the potential new development at 13008 Minnetonka Blvd. We certainly recognize that this would be a welcomed addition to the block, and particularly understand that some diversity within our humble 5 count business district would be an improvement; and likely one that the neighborhood would support!

I would be less than honest, though, if I didn't acknowledge that we join the many voices that attended the Neighborhood Meeting with concern about the parking needs this proposed restaurant will demand. When People's Organic joined the block, we abided with the notion that the energy of a new restaurant would be "good" for business. We have learned a lot from our experience since then, and will concede more people on the block does mean more visibility for our business. However, as a few of you know, we learned first-hand, that more people on the block did not mean increased revenue for our business. In fact, we sustained a fairly significant impact on our business (revenue dropped over 30%) because the increased traffic meant that people who came with the intention of doing business with us were unable to, because they could not find parking. We are immensely grateful that the city was responsive to our concerns and appreciate that they studied the issue and concluded that placing 20 minute parking signs on Minnetonka Blvd could create a more fluid traffic flow. And we are happy to report that with diligent communication with our clientele, our business has rebounded as we have been able to assist our clients in understanding how to avoid high traffic periods around meal times. And with the generous spirit of our neighbor, Glenn's, we have been able to also advise our clients to use his lot if they are unable to find street or parking lot access.

This time through, we are choosing to engage the conversation in an effort to be proactive rather than reactive. And where a good volume of our business has shifted to occur between the hours of 3pm - 7pm, we are concerned the new restaurant will once again impact accessibility for our clients. While I understand a traffic study is being conducted, I think if you talk with any of the business owners or tenants that reside here, you will learn that their 12+ hours on site fully understand that there are times where the parking situation is absolute chaos, a source of frustration to patrons and missed opportunity for all of the businesses. And certainly, there are admittedly lulls in the traffic patterns that leave both the lot and streets quite open. It goes without saying, the proposed 28 parking stalls that the new owners have cited on location, certainly will fall short of their full capacity occupancy. And if I understand City Code effectively, once again, this restaurant will come in with just half of the needed/projected parking.

We feel compelled to share a bit about our business to help you understand our concerns.

 Currently, the block is populated by businesses, that for the most part, will have clients persist despite mild inconvenience of parking. We all need gas, we all generally eat two to three meals a day, and most of us have a hard time passing up an

- ice cream cone. But only 10% of the buying population will ever cross the threshold of a custom frame shop/art gallery. If you inconvenience that small percentage, the effect can be crippling.
- We are fortunate to have customers who have been challenged by the parking situation, but continue to choose to do business with us. But we are a culture of convenience, if we continue to add challenge, even the most loyal may consider their options. And certainly, there may be people who heard about us, or were curious about our framing services, who may never get through the door if the parking situation is too challenging.
- It is worth noting, someone who is having a business meeting or joining friends for a beer and dinner can and will likely park some distance and walk to their dining experience. Our clients are in a slightly different situation. 80% of our revenue is generated by custom framing. When someone has made the decision to custom frame, they are coming in with a project that is either of great sentimental value, or they have spent a great deal of money to own. As such, most clients do not want to walk half a block or so with the weight of their piece or the care of their artwork at risk.

Aside from business interests, we have, perhaps, a larger social concern. Currently, when the Boulevard is lined up with SUV's, leaving our parking lot is a risk of life or limb; particularly if you are trying to head east. The sight line is almost always obscured and if Station Pizza is proposing to add 8 more parking spots on Minnetonka Blvd by curbing the south side of their property, that is going to obscure the one sight line you currently have. I am fearful that Bridge street is going to become just as compromised in visibility as our parking lot is. And with as many young families and kids on the block, I think this issue needs a very earnest look at its impact on overall public safety.

I think the most important thing we learned through the challenges that arrived with People's Organic is that <u>the new business that is receiving a parking variance bears full responsibility to find parking alternatives and then place very dominate signs that help their customers <u>understand their overflow parking options.</u> If everything is left up to a "survival of the fittest" mentality, human nature is going to favor convenience. And the parking shortage, that is the reality of this site, is going to fall on the shoulder of businesses that are already feeling compromised.</u>

We very much want to warmly welcome our new neighbors and be witness to the excitement that this can bring to our humble little business district. But we are entering this conversation with our eyes open, we ask the City staff and Council members to do the same. Please understand we are reaching out to you as we very much want to be creative, supportive and help brainstorm solutions that will make this feel like a win for the community and businesses alike.

Thank you for your consideration.

Melissa Williamson-Herren and Kenneth Herren Your Art's Desire 12928 Minnetonka Blvd Minnetonka, MN 55305 952-988-9772 www.yourartsdesiremtka.com From: Beverly A. Baker

**Sent:** Thursday, June 30, 2016 2:56 PM

**To:** Susan Thomas <sthomas@eminnetonka.com>

Subject: Station Pizza on Minetonka Blvd

Hi Susan,

My concerns with this project are with parking issues, noise,

and safety.

With the business in the Minnetonka Mills district, parking is already an issue. Now with the proposal of 60 indoor seating and 60 outdoor seating, where will there be enough parking? What is the percentage of parking per seating required by the city?

What are the hours of operation?

I see many cars speeding in that section of Minnetonka Blvd and running the lights at Plymouth Road/ Minnetonka Blvd and Shady Oak Road/ Minnetonka Blvd.

Thanks for your time and response.

Regards, Beverly Baker

Beverly A. Baker 12900 St. Davids Road Minnetonka, MN 55305 From: Susan Thomas

To: "Beverly A. Baker"

Cc: Loren Gordon

Subject: RE: Aditional Comments regarding Pizza Station

**Date:** Thursday, June 30, 2016 5:04:44 PM

#### Beverly,

Thank you for your emails. I will ensure they are forwarded on to the planning commission and city council.

The commission will be considering the land use aspects of the proposal on July 7. The commission's charge is to review the requested conditional use permit (CUP) for a restaurant/outdoor patio and the proposed site and building plan changes; the liquor license is not within the purview of the commission. The commission will make a recommendation to the city council on the CUP. The council will make the final decision on both the CUP and the liquor license.

#### Susan

Susan M. Thomas, AICP | Assistant City Planner | City of Minnetonka 14600 Minnetonka Blvd | Minnetonka, MN 55345 | 952-939-8292

From: Beverly A. Baker

**Sent:** Thursday, June 30, 2016 4:10 PM

**To:** Susan Thomas <sthomas@eminnetonka.com> **Subject:** Aditional Comments regarding Pizza Station

Hi Susan.

I was able to view some of the on-line proposals for Pizza Station.

I see they are applying for a full liquor license and hours of operation are:
Sunday-Thursday 11 am to 11pm

Friday and Saturday 11am to 1pm Outdoor seating until 10:30pm

I disagree with the full liquor license and hours of operation. Peoples' Organic located in the same area has a beer and wine license. Their hours of operation are Monday- Friday 6:30am to 9pm Saturday 7am to 9pm Sunday 7am to 8pm

Both of these restaurants are located in residential neighborhoods. The pizza station should be required to adhere to the same liquor license and closing hours of People's Organic.

Thank you.

Regards, Beverly

Beverly A. Baker 12900 St. Davids Road Minnetonka, MN 55305

# Resolution No. 2016-

# Resolution approving a conditional use permit for a restaurant and outdoor eating area, with variances, at 13008 Minnetonka Boulevard

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

Section 1. Background.

- 1.01 Shea Design, on behalf of Ryan Burnet and Clark Gassen, is requesting a conditional use permit for a restaurant and outdoor eating area. The request includes the following variances:
  - 1. Parking variance from 57 stalls to 19 stalls for the restaurant;
  - 2. Setback variance from residential property from 200 feet to 90 feet for the outdoor eating area; and
  - 3. Front yard setback variance from 50 feet to 0 feet for the outdoor eating area.
- 1.02 The property is located at 13008 Minnetonka Boulevard. It is legally described as follows:

Lots 21, 22, and Lot 24 except the Northeasterly 30 feet thereof, Auditor's Subdivision No. 353, Hennepin County, Minnesota.

And

Lot 16, Block 1, Creekwood, Hennepin County, Minnesota

1.03 On July 7, 2016, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments and the staff

report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the request.

# Section 2. Standards.

- 2.01 City Code § 300.21 Subd.2 lists the following general conditional use permit 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;
  - 4. The use is consistent with the city's water resources management plan;
  - 5. The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and
  - 6. The use does not have an undue adverse impact on the public health, safety or welfare.
- 2.02 City Code §300.21 Subd.4(i) lists the following specific conditional use permit standards for restaurants having on-sale intoxicating liquor or dance hall licenses:
  - 1. Parking shall be in compliance with the requirements of section 300.28 of this ordinance;
  - 2. Shall 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
  - 3. Shall not be located within 100 feet of any low density residential parcel or adjacent to medium or high density residential parcels. The city may reduce separation requirements if the following are provided:
    - a) landscaping and berming to shield the restaurant use;
    - b) parking lots not located in proximity to residential uses; and

- c) lighting plans which are unobtrusive to surrounding uses.
- 2.03 City Code §300.21 Subd.4(p) lists the following specific standards for accessory sidewalk cafes and outdoor eating areas:
  - 1. Shall 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 shall be only through the principal building;
  - 2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;
  - 3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;
  - 4. Shall not be located to obstruct parking spaces. Parking spaces may be removed for the use only if parking requirements specified in section 300.28 are met;
  - 5. Shall be located adjacent to an entrance to the principal use;
  - 6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up;
  - 7. Shall not have speakers or audio equipment which is audible from adjacent parcels; and
  - 8. Shall be located in compliance with building setback requirements.
- By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

### Section 3. FINDINGS.

3.01 The proposed restaurant and outdoor eating area would meet the general conditional use permit standards as outlined in City Code § 300.21 Subd.2 and the staff report associated with the applicant's request.

- 3.02 But for the requested variances, the proposed restaurant and outdoor eating area would meet the specific standards as outlined in City Codes §300.21 Subd.4(i) and §300.21 Subd.4(p) and the staff report associated with the applicant's request.
- The proposal meets would meet the variance standard as outlined in City Code §300.07 Subd. 1:
  - Intent of the Ordinance.
    - a) The intent of the ordinance as it pertains to parking requirements is to ensure adequate parking is provided to meet anticipated parking demand. With appropriate provision of off-site parking, which is included as a condition of this resolution, anticipated parking demand could be met.
    - b) The intent of the ordinance as it pertains to outdoor eating area setbacks is to ensure appropriate separation between these areas and residential land uses, so as to minimize real and perceived nuisance impacts. The proposed outdoor eating area setbacks would meet this intent. Generally reflecting the setbacks of the existing building, the outdoor eating area would be setback 90 feet from the closest residential lot and nearly 200 feet from the closest home. It would be separated from area homes by Minnehaha Creek and existing vegetation.
  - 2. Consistent with Comprehensive Plan. The subject property is located in the Minnetonka Mills special purpose village center. One of overall themes outlined in the comprehensive plan is to provide development and redevelopment opportunities that encourage vitality, promote identity, and improve livability in village centers. The requested variances would result in redevelopment of an existing feed store/gas station into a new and unique gathering space, consistent with the goals of the comprehensive plan.
  - 3. Practical Difficulties. There are practical difficulties in complying with the ordinance:

a) Unique Circumstances and Reasonableness. The subject property is unique in several ways. The 0.5-acre lot is zoned and guided for commercial use, but has just 880 square feet of buildable area due to its location adjacent to two roadways and Minnehaha Creek. Both the building and the parking lot on the property are non-conforming. The requested variances are based on these unique circumstances and the applicant's reasonable request to repurpose the existing commercial site for a new commercial use

b) Character of the Neighborhood. The repurposing of the existing commercial site, from feed store/gas station to restaurant would likely alter the general atmosphere of the area. However, the requested variances themselves would not.

# Section 4. City Council Action.

- 4.01 The above-described conditional use permit and variance are approved, subject to the following conditions:
  - 1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
    - Site plan dated March 23, 2016
    - Floor plan dated May 31, 2016
    - Building rendering dated May 27, 2016
  - 2. The outdoor patio must be controlled and cordoned off with an uninterrupted enclosure, with access only through the principal building.
  - 3. The outdoor patio must be equipped with refuse contains and regularly patrolled for litter pick-up.
  - 4. Any outdoor sound system must not be audible from surrounding properties. The city, at its sole discretion, may require any outdoor sound system to be removed.
  - 5. The outdoor eating area must be closed by 10:30 p.m. daily.
  - 6. The restaurant and outdoor eating area must conform to all aspects

of the City Code Chapter 8, Public Health and Public Nuisance Ordinances.

- 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 July 25, 2016.

Terry Schneider, Mayor
Attest:
David E. Maeda, City Clerk
ACTION ON THIS RESOLUTION:
Motion for adoption: Seconded by: Voted in favor of: Voted against: Abstained: Absent: Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on July 25, 2016.
David E. Maeda, City Clerk

SEAL

# Resolution No. 2016-

# Resolution approving the final site and building plans, with variances, for site and building changes at 13008 Minnetonka Boulevard

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota, as follows:

# Section 1. Background.

1.01 Shea Design, on behalf of Ryan Burnet and Clark Gassen, is requesting approval of final site and building plans for changes to the site and building at 13008 Minnetonka Boulevard. The changes are proposed to accommodate a new restaurant and outdoor eating area. The request includes the following variances:

		Required	Proposed
Building	South	50 ft	15.5 ft
Setbacks	West	50 ft	1.5 ft
Trash	South	10 ft	2 ft
Enclosure Setbacks	Shoreland	50 ft	35 ft
	East	10 ft	0 ft
Parking Lot Setbacks	West	20 ft	17 ft
	Shoreland	25 ft	15 ft
Impervious Surface		30%	81%

1.02 The property is located at 13008 Minnetonka Boulevard. It is legally described as follows:

Lots 21, 22, and Lot 24 except the Northeasterly 30 feet thereof, Auditor's Subdivision No. 353, Hennepin County, Minnesota. And

Lot 16, Block 1, Creekwood, Hennepin County, Minnesota

# Section 2. Standards.

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

- 1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
- 2. Consistency with this ordinance;
- Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
- 4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
- 5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
  - a) An internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
  - b) The amount and location of open space and landscaping;
  - Materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
  - d) Vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

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

# Section 3. Findings.

- 3.01 The city has considered the items outlined in City Code §300.27, Subd.5 and finds the following:
  - 1. The proposal has been reviewed by city planning, engineering, natural resources, public works, fire, and legal staff and found to be generally consistent with the city's development guides.
  - 2. The subject property is a developed site. As such, the proposal would not impact natural topography or native-vegetation.
  - 3. The proposal would utilize an existing building and parking lot. Other than a slight increase in green space on the site, the relationship between buildings and open spaces would not change.
  - 4. The proposed site design is intuitive and would establish appropriate circulation patterns for vehicular traffic.
  - 5. The proposal would repurpose an existing building.
  - 6. The repurposing of the existing commercial site, from feed store/gas station to restaurant, would likely alter the general atmosphere of the

area. However, through provision of off-site parking and adherence to city nuisance ordinances, neighboring land uses should be adequately protected.

- The proposal would meet the variance standard as outlined in City Code §300.07 Subd.1:
  - Intent of the Ordinance.
    - a) The intent of the ordinance as it pertains to setbacks is to ensure appropriate separation between land uses for both safety and aesthetic reasons.
      - Building and Parking Setbacks. The proposed building and parking lot setbacks would meet this intent. They reflect existing site conditions, which have been in place for decades without either safety or aesthetic complaint.
      - 2) Trash Enclosure Setbacks. The proposed trash enclosure setbacks would meet this intent. The variances are from a property line adjacent to an existing parking lot, and from Minnehaha Creek, which is significantly screened from the site at this location. The reduced setbacks would not negatively impact either safety or aesthetic.
    - b) The intent of the ordinance as it pertains to impervious surface is to reduce the environmental and aesthetic impact of development on water resources. The requested variance would meet this intent. Though significantly higher than the maximum impervious surface allowed by code, the proposal slightly improves upon an existing condition.
  - 2. Consistent with Comprehensive Plan. The subject property is located in the Minnetonka Mills special purpose village center. One of overall themes outlined in the comprehensive plan is to provide development and redevelopment opportunities that encourage vitality, promote identity, an improve livability in village centers. The requested variances would result in redevelopment of an existing feed store/gas station into a new and unique gathering space, consistent with the goals of the comprehensive plan.
  - 3. Practical Difficulties. There are practical difficulties in complying with the ordinance:

a) Unique Circumstances and Reasonableness. The subject property is unique in several ways. The 0.5-acre lot is zoned and guided for commercial use, but has just 880 square feet of buildable area due to its location adjacent to two roadways and Minnehaha Creek. Both the building and the parking lot on the property are non-conforming. The requested variances are based on these unique circumstances and the applicant's reasonable request to repurpose the existing commercial site for a new commercial use

b) Character of the Neighborhood. The repurposing of the existing commercial site, from feed store/gas station to restaurant would likely alter the general atmosphere of the area. However, the requested variances themselves would not.

# Section 4. City Council Action.

- 4.01 The above-described site and building plans are hereby approved subject to the following conditions:
  - 1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
    - Site plan dated March 23, 2016
    - Floor plan dated May 31, 2016
    - Building rendering dated May 27, 2016
  - 2. Prior to issuance of a building permit:
    - a) This resolution must be recorded.
    - b) Submit the following:
      - 1) A parking agreement for at least 18 off-site parking spaces.
      - 2) An electronic PDF copy of all required plans and specifications.
      - 3) Three full size sets of construction drawings and project specifications.

4) Final site, landscape, and illumination plan, and stormwater pollution prevention plan (SWPPP) for staff approval.

- a. Final site plan must:
  - 1. Include a bike parking facility.
  - 2. Include one stormwater best management practice.
  - 3. Illustrate a site triangle for Bridge Street to ensure adequate site lines are maintained.
  - 4. Illustrate replacement of curbing at existing on-site pedestrian ramp that is not currently ADA compliant.
  - Show the existing pedestrian ramp on the west side of Bridge Street to ensure the proposed pedestrian ramp on the east side of Bridge Street is in alignment with the existing.
  - Confirm city standard curb B612 on Bridge Street and Hennepin County approved curb on Minnetonka Boulevard
- b. Final landscaping plan must:
  - 1. Meet minimum landscaping requirements as outlined in the ordinance. At its sole discretion, natural resources staff may reduce required landscaping based on site constraints.
  - Minimize use of sod and, rather, use ornamental trees, low growing shrubs, ornamental grasses or perennials. No plant material obtaining a mature height of over three feet may be planted within 25 feet of Bridge Street or Minnetonka Boulevard.

5) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct parking lot improvements and landscaping requirements. One itemized letter of credit is permissible, if approved by staff.

- a. The city will not fully release the letters of credit or cash escrow until:
  - A final as-built survey has been submitted;
  - Vegetated ground cover has been established; and
  - Required landscaping or vegetation has survived one full growing season.
- 6) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
  - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
  - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion or grading problems.
- 7) A construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for noncompliance.
- c) Install a temporary rock driveway, erosion control fencing, and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

3. Right-of-way permits are required from the city and Hennepin County for work within the Bridge Street and Minnetonka Boulevard rights-of-way respectively.

- 4. If water or sewer services are upgraded, fire sprinkler systems must be installed per Minnesota State Building Code Chapter 1306.
- 5. During construction the street must be kept free of debris and sediment.
- 6. The property owner is responsible for replacing any required landscaping that dies.
- 7. The property owner is responsible for snow removal on sidewalks adjacent to the site.

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 25, 2016. Terry Schneider, Mayor ATTEST: David E. Maeda, City Clerk **ACTION ON THIS RESOLUTION:** Motion for adoption: Seconded by: Voted in favor of: Voted against: Abstained: Absent: Resolution adopted. I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on July 25, 2016. David E. Maeda, City Clerk

SEAL

# Minnetonka Planning Commission Meeting July 7, 2016

Agenda Item 9

**Other Business** 

# MINNETONKA PLANNING COMMISSION July 7, 2016

**Brief Description** Concept plan review for The Enclave at Regal Oak, 3639

Shady Oak Rd

**Action Requested** Discuss concept plan with the applicant. No formal action

required.

# Background

Roger Anderson has submitted a concept plan for redevelopment of the existing single-family residential property at 3639 Shady Oak Road. The concept plan contemplates division of the existing property into five, single-family lots ranging in size from 8,600 square feet to 29,000 square feet. (See pages A1–A12.)

### **Review Process**

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

• Neighborhood Meeting. The developer held a neighborhood meeting on June 21, 2016. Approximately 20 people were in attendance. Area residents asked a variety of questions and raised concerns about: (1) proposed density and design relative to the existing neighborhood; (2) construction timelines, construction access, and general impact of construction on the surrounding area; and (3) recent subdivision and change in and around the immediate area.

One neighborhood comment was received following the neighborhood meeting. (See page A13).

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

recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

# **Key Issues**

City staff has identified the following key issues to be evaluated as part of any formal development application:

- **Proposed Lot Size:** The proposed lot sizes would need to be evaluated with reference to existing lots in the area.
- Use of PUD Zoning: The contemplated lot size range would require the use of PUD zoning. By city code, PUD zoning will be considered by the city only when it would result in a public benefit. The applicant has suggested that restricted homes sizes and integration of energy conservation practices would provide a public benefit. This suggestion would need to be evaluated.
- **Site Design:** Other considerations of development include grading, tree preservation, utility connections, and driveway access. Engineering and natural resources analysis of these details would be needed.

# **Staff Recommendation**

Staff recommends the planning commission provide comment and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Originator: Susan Thomas, AICP, Assistant City Planner

Through: Loren Gordon, AICP, City Planner

### ADDITIONAL INFORMATION

# **Next Steps**

- Formal Application. If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city's website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can "follow" projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) and staff can review resident comments.
- Neighborhood Meeting. Prior to the planning commission meeting and official
  public hearing, an additional public meeting would be held with neighbors to
  discuss specific engineering, architectural and other details of the project, and to
  solicit feedback. This extends the timing that has historically been provided in
  advance of the planning commission review to allow more public consideration of
  the project specifics.
- Council Introduction. The proposal would be introduced at a city council meeting.
   At that time, the council would be provided another opportunity to review the issues identified during the initial concept plan review meeting, and to provide direction about any refinements or additional issues they wish to be researched, and for which staff recommendations should be prepared.
- Planning Commission Review. The planning commission would hold an official
  public hearing for the development review and would subsequently recommend
  action to the city council.
- **City Council Action**. Based on input from the planning commission, professional staff and general public, the city council would take final action.

# **Roles and Responsibilities**

- **Applicants.** Applicants are responsible for providing clear, complete and timely information throughout the review process. They are expected to be accessible to both the city and to the public, and to respect the integrity of the public process.
- Public. Neighbors and the general public will be encouraged and enabled to
  participate in the review process to the extent they are interested. However,
  effective public participation involves shared responsibilities. While the city has an
  obligation to provide information and feedback opportunities, interested residents
  are expected to accept the responsibility to educate themselves about the project

and review process, to provide constructive, timely and germane feedback, and to stay informed and involved throughout the entire process.

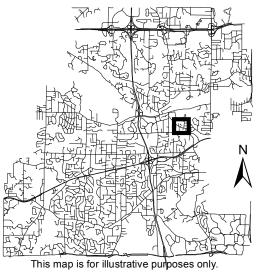
- Planning Commission. The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council's consideration by carefully balancing the interests of applicants, neighbors, and the general public.
- City Council. As the ultimate decision maker, the city council must be in a position
  to equitably and consistently weigh all input from their staff, the general public,
  planning commissioners, applicants and other advisors. Accordingly, council
  members traditionally keep an open mind until all the facts are received. The
  council ensures that residents have an opportunity to effectively participate in the
  process.
- City Staff. City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.



# **Location Map**

Enclave at Regal Oak Concept Plan Address: 3639 Shady Oak Rd Project No. 16007.16a





# PROJECT NARRATIVE FOR "ENCLAVE" AT REGAL OAK

# Minnetonka, MN



# Development Narrative

As the developer and land owner of the proposed "Enclave" at Regal Oak, we offer the following information to assist in your concept plan review. We propose to develop the property into a five-lot single family home development in accordance with the City of Minnetonka's Planned Unit Development (PUD) ordinances. The following information is for the City's consideration:

- I. Five single family homes are proposed on the 2.25 acre parcel. An area of 0.67 acres is proposed to be preserved with a conservation easement so that the existing woodlands may remain intact.
- II. As shown on the attached concept plan, we illustrate a variety of housing designs with varied drive access, front elevations, and building styles. The developer hopes to achieve diversity of curb appeal consistent with the City of Minnetonka's existing varied housing styles rather than a monotone look. This will also allow prospective homeowners a range of options for the exterior design of their home.
- III. As noted with the attached concept building plans, we expect to utilize main floor square footage ranges from 1400-1900 sq. ft. The developer wishes to offer new construction homes that are hard-to-find in this market, which can translate into a more moderate price point.
- IV. In consideration of the concept plan as proposed, the developer will require that at least three of the five homes be designed and built with a main floor master bedroom. As the City is aware, main floor living design for new construction in Minnetonka is in short supply. The preliminary market research indicates a need for homes that will be purchased by "empty nesters" looking to downsize to a home that meets a lifestyle of minimal maintenance, one-story living, room for the relatives on occasion, and the ability to have the home unattended when owner travels. This may include a "snow and mow": type of a homeowner association to provide the most efficient services.

- V. Recognizing that every efficiency is a city priority, and in consideration of the five-lot design, the developer will require that energy conservation items not be limited to code required items, but we will require that three of the five homes be constructed with geothermal heating and cooling systems, networked energy monitoring and control systems, and other energy reducing items.
- VI. The developer offers an innovative approach to the management of stormwater. We are intending to minimize the use of ponding and reduce grading by constructing individual stormwater treatment systems on each lot. These rain gardens and infiltration areas will handle the initial abstraction/infiltration of the initial flash and short duration rainfalls on a home by home basis. This will result in reduced size treatment pond area, which can then be designed to provide needed rate control for large storm flows. This plan will reduce the grading and tree removal required, and minimize the size of the "wet" pond.
- VII. The developer intends to maintain control of the designs, orientation, size and exterior finishes of the homes by limiting the selection of builders. We will control review and approval of all proposed building plans, and insure the construction is maintained to the standards shown in the attached concept house plans.

In conclusion, we request that the City consider the multiple creative benefits proposed by the developer of this project during your discussion and review of the concept plans.



# Preliminary Development Data

**Existing Zoning:** 

Zoning:

R-1

Proposed Design Parameters:

Zoning:

P.U.D.

Setbacks:

Front: 20'

Side:

10'

Rear:

35'

Lot 1:

15,625 Square Feet

0.36 Acres

Lot 2:

10,360 Square Feet

0.24 Acres

Lot 3:

8,615 Square Feet

0.20 Acres

Lot 4:

10,265 Square Feet

0.24 Acres

Lot 5:

23,645 Square Feet

0.54 Acres

Conservation:

29,385 Square Feet

Easement:

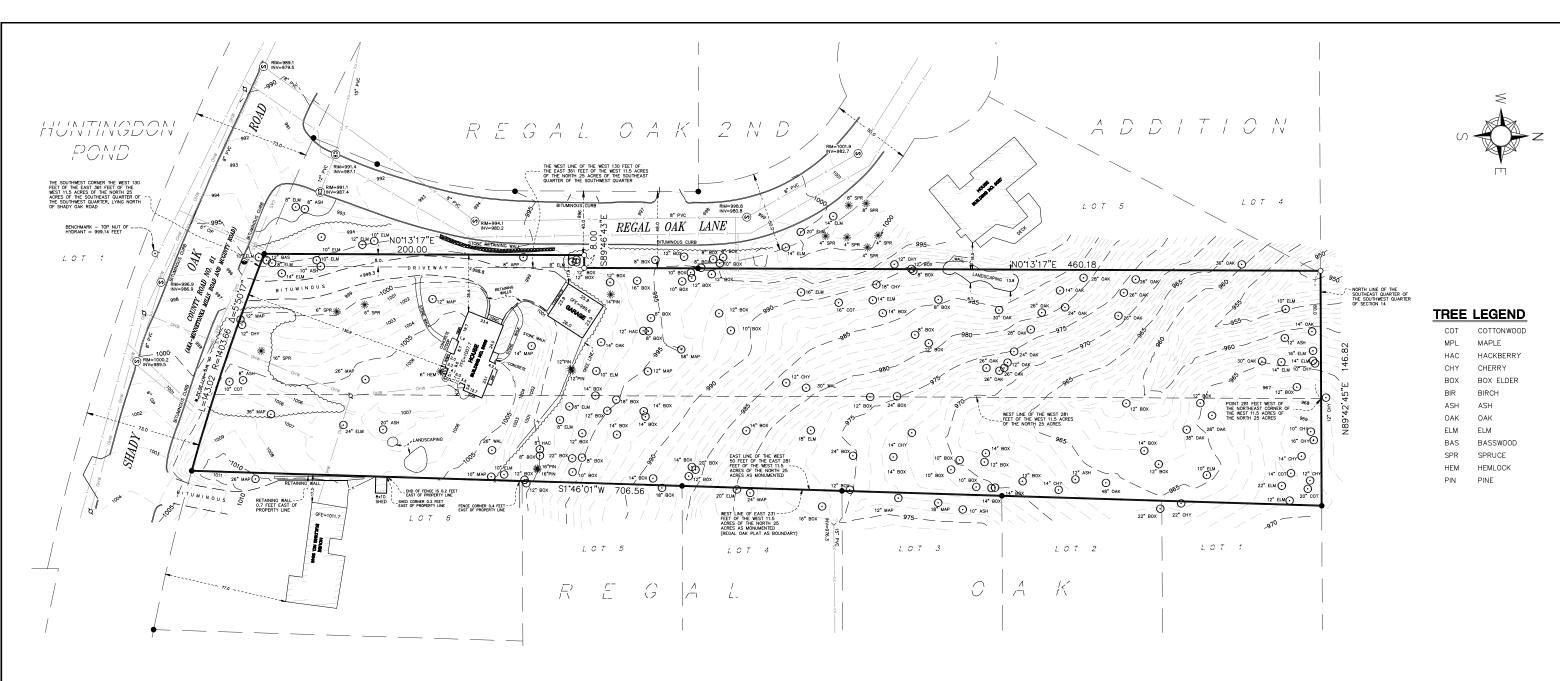
0.67 Acres

Total:

97,895 Square Feet

Lot Size

2.25 Acres



# SURVEY FOR: AIRBORNE CONSTRUCTION ONE. LLC.

PROPERTY ADDRESS: 3639 Shady Oak Road, Minnetonka, Minnesota.

### LEGAL DESCRIPTION:

That part of the West Eleven and one-half (11½) acres of the North Twenty-five (25) acres of the Southeast one—quarter (SE(4) of the Southwest one—quarter (SW4) of Section Fourteen (14), Township One Hundred Seventeen (117), North Range Twenty—two (22), West of the 5th Principal Meridian, bounded by a line beginning at a point in North line of West Eleven and one—half (W 11½) acres of the North Twenty—Five (25) acres of the Southeast one-quarter (SE¼) of the Southwest one-quarter (SW¼) of said Section Two Hundred Eighty-one (281) feet West of the Northeast corner of said West Eleven and one-half (W 11½) acres; thence West Eighty (80) feet; thence South along a line parallel with the East line of said Eleven and one-half (11½) acre tract to the North line of the Minnetonka Mills Road; thence Easterly along the North line of said Road to a point Two Hundred Eighty—one (281) feet West of East line of said Eleven and one—half (11½) acres tract; thence North along a line parallel with the East line of said Eleven and one—half (11½) acre tract to the point of

Also, the West Fifty (50) feet of the East Two Hundred Eighty-one (281) feet of that part of the West Eleven and fifty one hundredths (11.50) acres of the North Twenty-five (25) acres of the Southeast one-quarter (SE¼) of the Southwest one-quarter (SW¼) of Section Fourteen (14), Township One Hundred Seventeen (117), Range Twenty—two (22), lying North of the County Road No. Seventy—one (71) (McGinty Road), according to U.S. Government Survey.

Beginning at the Southwest corner of the West 130 feet of the East 361 feet of that part of the West 11½ acres of the North 25 acres of the Southeast Quarter of the Southwest Quarter of Section 14, Township 117, Range 22, lying North of Shady Oak Road (County Road No. 61); thence Northwesterly along the Northeasterly line of said road to a point distant 8 feet West at right angles of the West line of the said West 130 feet; thence North and parallel with the West line of the said West 130 feet a distance of 200 feet; thence East and parallel to the North line of the Southeast Quarter of the Southwest Quarter of said section a distance of 8 feet; thence South along the West line of the West 130 feet to the point of beginning, according to U.S. Government Survey



### CERTIFICATION:

I hereby certify that this is a true and correct representation of a survey of the boundaries of the land above described and of the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land.

Dated: May 3, 2016

Anderson Engineering of Minnesota, LLC Jack Bolke Minnesota License No. 20281

- 1. The horizontal datum and bearings are based on the Hennepin County Coordinate System
- 2. The vertical datum is NAVD 88. The site benchmark is the top nut of hydrant located 68 feet south of the southwest corner of the subject property on the south side of Shady Oak Road. Elevation = 999.14.
- 3. The grea of the property described hereon is 95.489 square feet or 2.1921 acres.
- 4. The location and extent of underground utilities, if shown, are based upon existing drawings provided by the utility companies, above ground evidence and Gopher State One Call markings per ticket number 161023298. There is no guarantee as to the accuracy or the completeness of this information. The size and location should be considered approximate. Additional underground utilities may be present. Verification of the existence and location of all utilities should be obtained from the utility owners prior to any planning or design. In accordance with Minnesota Statute, the location of utilities shall be confirmed prior to any demolition or construction.
- 5. The tree information shown hereon was collected dering the field survey by non-forestry trained Anderson Engineering of Minnesota survey personnel. Tree sizes are estimates and locations are accurate to plus or minus three feet.

# **LEGEND**

- > CULVERT
- CLEAN OUT ® CATCH BASIN
- O COMMUNICATION JUNCTION BOX
- TR ELECTRIC BOX
- □ ELECTRIC OUTLET POST
- $\square_{\mathsf{EM}}$  ELECTRIC METER © ELECTRIC MANHOLE
- G GAS METER
- HYDRANT
- ☐ HANDHOLE ELECTRIC
- LIGHT POLE
- MANHOLE Ø POWER POLE
- S SANITARY MANHOLE
- D STORM MANHOLE
- ➡ SIGN
- STOP BOX WW WINDOW WELL

- TELEPHONE MANHOLE
- W WATER VALVE
- \* CONIFEROUS TREE
- O DECIDUOUS TREE
- → POWER POLE ANCHOR
- -gas---- GAS MAIN
- OVERHEAD WIRES

— COMMUNICATION

- т TELEPHONE WATER MAIN
  - DENOTES FOUND IRON MONUMENT
  - O DENOTES SET IRON PIPE WITH P.L.S. NO. 20281



Anderson Engineering of Minnesota, LLC 13605 1st Avenue North Suite 100 Plymouth, MN 55441

ENGINEERING • ARCHITECTURE • LAND SURVEYING he 769-412 1900 (c) 363 162 1990 (f) Oak ENVIRONMENTAL SERVICES • LANDSCAPE ARCHITECTURE he www.actin.com 3639 Shady Oak Rd

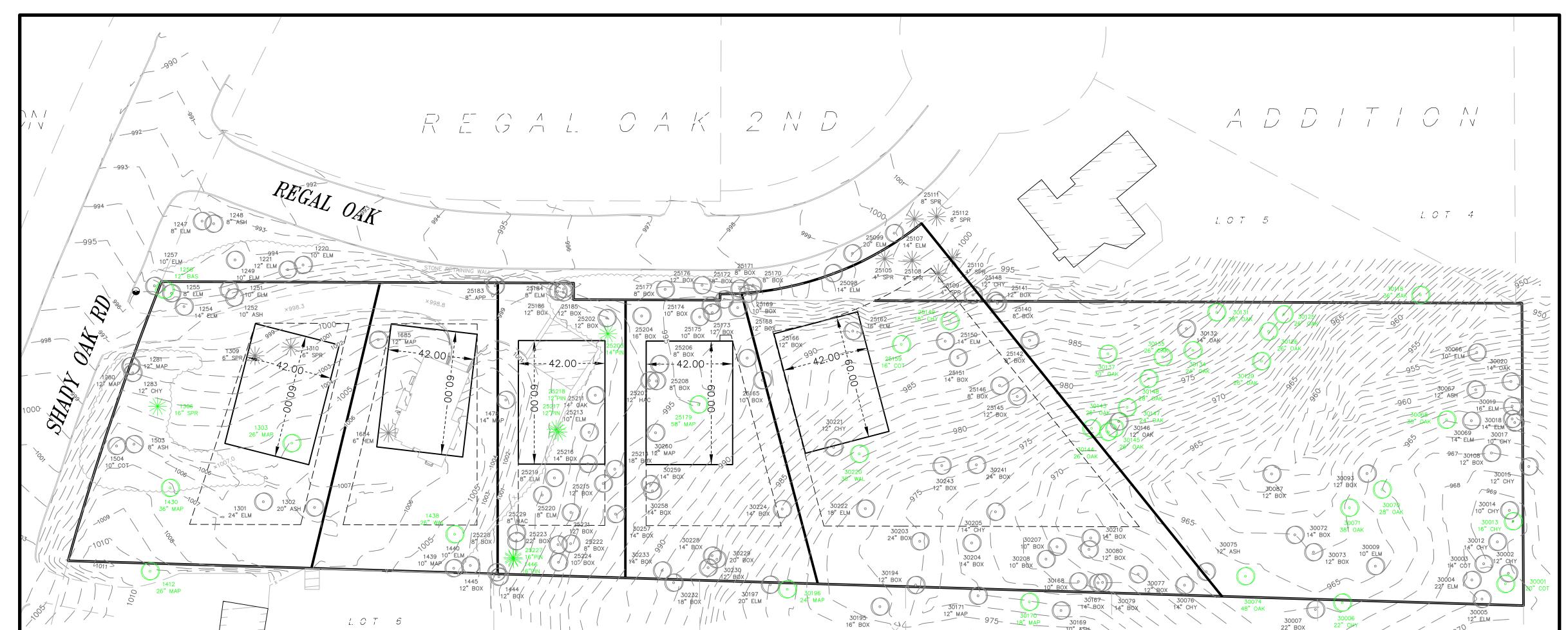
# Enclave At Regal Oak - Concept Plan

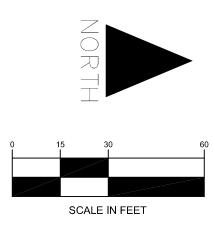


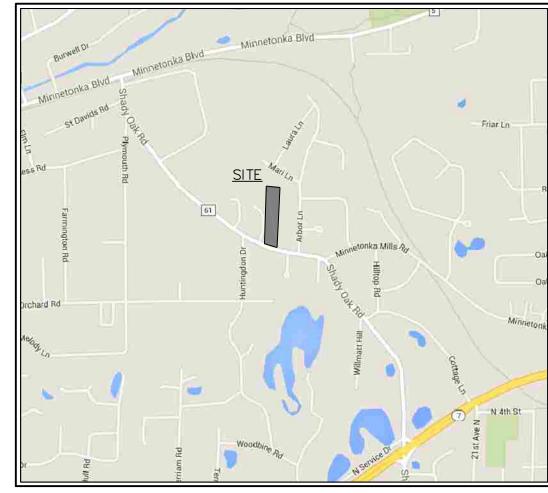


# COTTAGES AT REGAL OAK

L O T 5







LOCATION MAP

# LEGEND

- CONIFEROUS LOW PRIORITY TREE
- DECIDUOUS LOW PRIORITY TREE
- CONIFEROUS HIGH PRIORITY TREE
- DECIDUOUS HIGH PRIORITY TREE

Tree Number	Species	DBH (Inches)	No. in Cluster	High Priority
1220	Elm	10		No
1221	Elm	12		No
1247	Elm	8	3	No
1248	Ash	8		No
1249	Elm	10		No
1251	Elm	10		No
1252	Ash	10		No
1254	Elm	14		No
1255	Elm	8		No
1256	Basswood	12	3	YES
1257	Elm	10		No
1280	Maple	12		No
1281	Maple	12		No
1283	Cherry	12		No
1301	Elm	24		No
1302	Ash	20		No
1303	Maple	26		YES
1306	Spruce	16		YES
1309	Spruce	6		No
1310	Spruce	6		No
1412	Maple	26		YES
1430	Maple	36		YES
1438	Walnut	26		YES
1439	Maple	10		No
1440	Elm	10		No
1444	Boxelder	12		No
1445	Boxelder	12		No
1446	Pine	16		YES
1478	Maple	14		No
1503	Ash	8		No

NO. DATE

Tree Number	Species	DBH (Inches)	No. in Cluster	High Priority
1685	Maple	12		No
25098	Elm	14		No
25099	Elm	20	,	No
25105	Spruce	4	1	No
25107	Elm	14		No
25108	Spruce	4	, <del></del> -	No
25109	Spruce	4		No
25110	Spruce	4		No
25111	Spruce	8		No
25112	Spruce	8	,	No
25140	Boxelder	8	,	No
25141	Boxelder	12	1	No
25142	Boxelder	8	1	No
25145	Boxelder	12		No
25146	Boxelder	8	1	No
25148	Cherry	12		No
25149	Cherry	18		YES
25150	Elm	14		No
25151	Boxelder	14		No
25159	Cottenwood	<b>1</b> 6		YES
25162	Elm	16		No
25165	Boxelder	10		No
25166	Boxelder	12		No
25168	Boxelder	12		No
25169	Boxelder	10		No
25170	Boxelder	8		No
25171	Boxelder	8		No
25172	Boxelder	8		No
25173	Boxelder	12		No
25174	Boxelder	10		No
25175	Boxelder	10		No

Species	1/00 DEC 1107 DEC 11		こうしはい ひりへいかく
D 1	DBH (Inches)		
Boxelder	8		No
			YES
			No
			No
	12		No
Boxelder	12		No
Boxelder	12		No
Pine	14		YES
Boxelder	<b>16</b>		No
Boxelder	8		No
Hackberry	12		No
Boxelder	8	===	No
Oak	14		No
Elm	10		No
Boxelder	18		No
Boxelder	12		No
Boxelder	14		No
Pine	12		YES
Pine	12		YES
Elm	8		No
Elm	8		No
Boxelder	12	***	No
Boxelder	8		No
Boxelder	22		No
Boxelder	10		No
Pine	16		YES
Boxelder	8	###	No
Hackberry	8		No
Cottenwood	20		YES
	12		No
Cottenwood	14		No
Elm	22		No
	Maple Apple Elm Boxelder Boxelder Boxelder Boxelder Boxelder Boxelder Hackberry Boxelder Oak Elm Boxelder Boxelder Boxelder Boxelder Boxelder Boxelder Pine Elm Elm Boxelder Boxelder Boxelder Pine Elm Cottenwood Cherry Cottenwood	Maple         58           Apple         8           Elm         8           Boxelder         12           Boxelder         12           Pine         14           Boxelder         16           Boxelder         8           Hackberry         12           Boxelder         8           Oak         14           Elm         10           Boxelder         12           Boxelder         12           Pine         12           Elm         8           Boxelder         12           Boxelder         12           Boxelder         12           Boxelder         12           Boxelder         8           Boxelder         10           Pine         16           Boxelder         8           Hackberry         8           Cottenwood         20           Cottenwood         14	Maple       58          Apple       8          Elm       8          Boxelder       12          Boxelder       12          Pine       14          Boxelder       16          Boxelder       8          Hackberry       12          Boxelder       8          Oak       14          Elm       10          Boxelder       12          Boxelder       12          Pine       12          Elm       8          Boxelder       12          Boxelder       12          Boxelder       12          Boxelder       10          Boxelder       10          Boxelder       8          Boxelder       8          Boxelder       8          Boxelder       8          Boxelder       8

Tree Number	Species	DBH (Inches)	No. In Cluster	High Priority
30005	Elm	12		No
30006	Cherry	22		YES
30007	Boxelder	22		No
30009	Elm	10		No
30012	Cherry	14		No
30013	Cherry	16		YES
30014	Cherry	10		No
30015	Cherry	12		No
30017	Cherry	10		No
30018	Elm	14		No
30019	Elm	16		No
30020	Oak	14		No
30066	Elm	10		No
30067	Ash	12		No
30068	Oak	30		YES
30069	Elm	14		No
30070	Oak	28		YES
30071	Oak	38		YES
30072	Boxelder	14		No
30073	Boxelder	12		No
30074	Oak	48		YES
30075	Ash	12		No
30076	Cherry	14		No
30077	Boxelder	12		No
30079	Boxelder	14		No
30080	Boxelder	12		No
30087	Boxelder	12		No
30093	Boxelder	12		No
30108	Boxelder	12		No
30118	Oak	36		YES
30125	Oak	26		YES
30126	Oak	26		YES

L O T 2

L O T 3

Tree Number	Species	DBH (Inches)	No. in Cluster	High Priority	Tree Number	Species	DBH (Inches)	No. in Cluster	High Priority
30005	Elm	12		No	30129	Oak	26		YES
30006	Cherry	22		YES	30131	Oak	28		YES
30007	Boxelder	22		No	30132	Oak	14		No
30009	Elm	10		No	30134	Oak	24	2	YES
30012	Cherry	14		No	30135	Oak	26		YES
30013	Cherry	<b>1</b> 6		YES	30137	Oak	30	2	YES
30014	Cherry	10		No	30143	Oak	26		YES
30015	Cherry	12		No	30144	Oak	26		YES
30017	Cherry	10		No	30145	Oak	26		YES
30018	Elm	<u>1</u> 4		No	30146	Oak	12		No
30019	Elm	16		No	30147	Oak	24		YES
30020	Oak	14		No	30148	Oak	28		YES
30066	Elm	10		No	30167	Boxelder	14		No
30067	Ash	12		No	30168	Boxelder	10		No
30068	Oak	30		YES	30169	Ash	10		No
30069	Elm	14		No	30170	Maple	18		YES
30070	Oak	28		YES	30171	Maple	12		No
30071	Oak	38		YES	30194	Boxelder	12		No
30072	Boxelder	14		No	30195	Boxelder	16		No
30073	Boxelder	12		No	30196	Maple	24		YES
30074	Oak	48		YES	30197	Elm	20		No
30075	Ash	12		No	30203	Boxelder	24		No
30076	Cherry	14		No	30204	Boxelder	14		No
30077	Boxelder	12		No	30205	Cherry	14		No
30079	Boxelder	14		No	30207	Boxelder	10		No
30080	Boxelder	12		No	30208	Boxelder	<u>1</u> 0		No
30087	Boxelder	12		No	30210	Boxelder	14		No
30093	Boxelder	12		No	30220	Walnut	30		YES
30108	Boxelder	12		No	30221	Cherry	12		No
30118	Oak	36		YES	30222	Elm	18		No
30125	Oak	26		YES	30224	Boxelder	14		No
30126	Oak	26		YES	30228	Boxelder	14		No

L. O T 1

L	Tree Number	Species	DBH (Inches)   No. in Cluster   I		High Priority
	30229	Boxelder	20	20	
	30230	Boxelder	12		No
	30232	Boxelder	18		No
	30233	Boxelder	14		No
	30241	Boxelder	24		No
	30243	Boxelder	12		No
	30257	Boxelder	14		No
	30258	Boxelder	<u>1</u> 4		No
	30259	Boxelder	14		No
	30260	Maple	12		No

ANDERSON Anderson Engineering of Minnesota, LLC 13605 1st Avenue North engineering • Architecture • Land Surveying | 763-412-4000 (o) 763-412-4090 (f) ENVIRONMENTAL SERVICES • LANDSCAPE ARCHITECTURE | www.ae-mn.com

COTTAGES AT REGAL OAK MINNETONKA, MINNESOTA

TREE INVENTORY

April 26, 2016 14300 4/28/16 DRAWING NO.

1 OF 1

DESIGNED:

25176 Boxelder



# "ENCLAVE" At Regal Oak in Minnetonka, MN

The variety of elevations for the new, five (5) homes is important to the developer. The five (5) plans shown below will be priced and offered to Buyers for their consideration.

All plans include these characteristics:

Main floor, master suite; main floor 2<sup>nd</sup> bedroom and bath; main floor laundry, etc. All homes include unfinished basements. Buyers will be offered custom design and build, if they prefer.

One level, new construction living is a high demand housing option which is not readily available in Minnetonka, particularly at any moderate price level.



This high pitch (10/12) gable roof home with "side loading" garage will be finalized with 1650 sq. ft. on the main floor. For a client who requires a triple garage, this particular design offers this option.



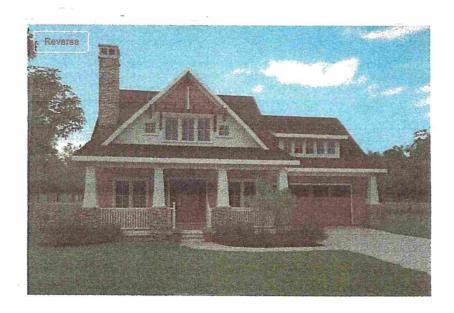
This 1420 sq. ft. main floor home offers a "big feel" with clerestory windows above Great Room in the popular "Craftsman" design style. The open, front porch is a nice ambience on Regal Oak.



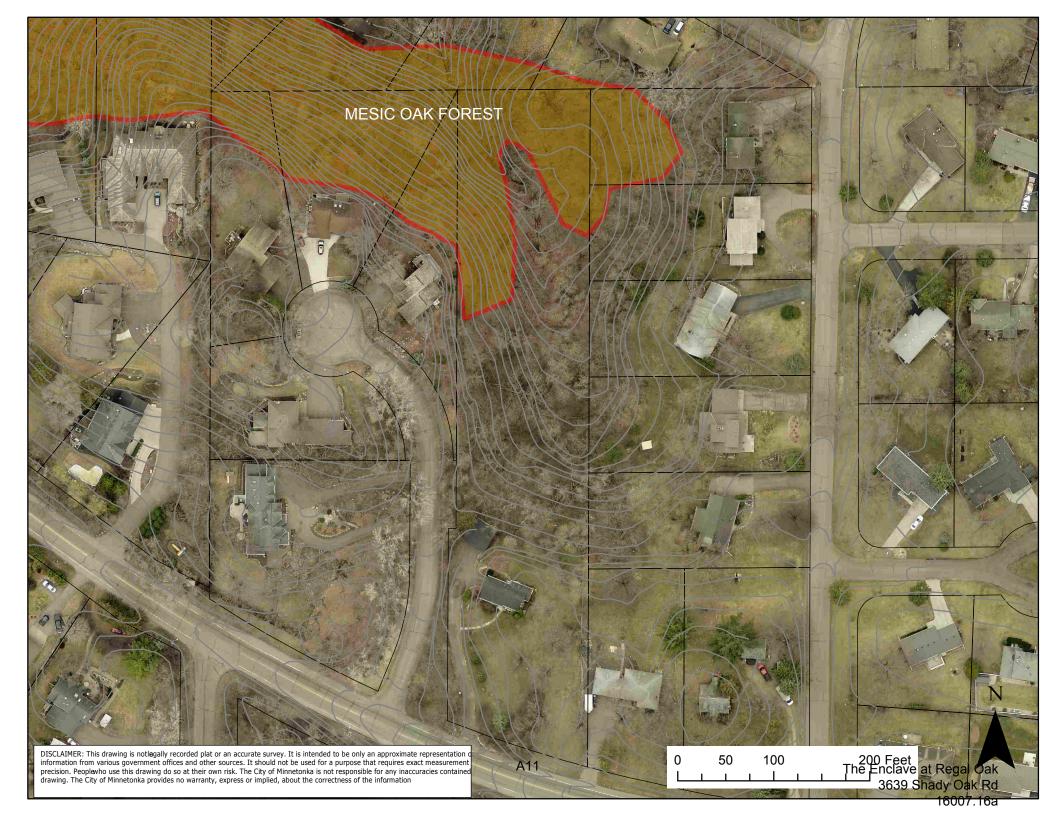
Classic, "Country French" with a main floor of 1675 sq. ft. Note: 100% stone front will be "optional" with about 40% stone considered "standard."

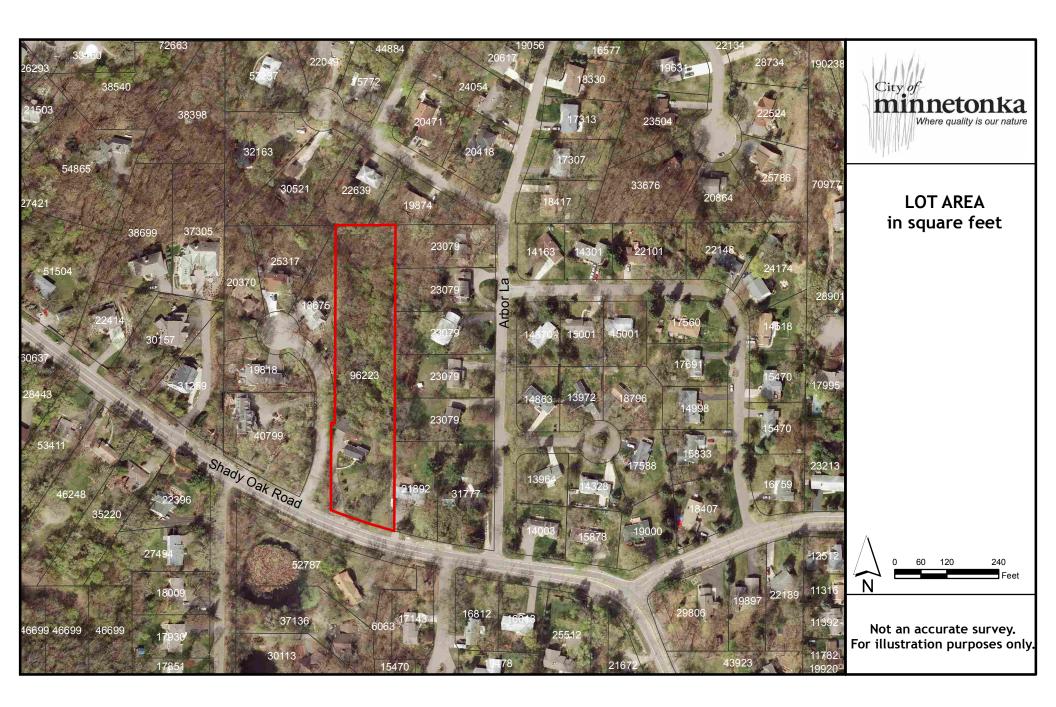


Dramatic contemporary, offers 2<sup>nd</sup> floor, ample, "guest suite" ideal for adult children and grandchildren visiting from out of town. Unique offering in Minnetonka! Total of 1900 sq. ft. on main and 2<sup>nd</sup> floors.



"Craftsman" styled with expansive, front porch and 2<sup>nd</sup> floor loft, which overlooks Great Room and Front Entry. Unfinished, attic storage above garage. Total of 1700 finished sq. ft.





From: Cheryl Smith [

**Sent:** Thursday, June 30, 2016 4:07 PM

**To:** Susan Thomas < <a href="mailto:sthomas@eminnetonka.com">sthomas@eminnetonka.com</a>>

**Subject:** Enclave at Regal Oak

Hi Susan, I met you at the recent meeting about the development project. I live south of the proposed lots 4 and 5. I am having some landscaping work done and my Minnetonka resident landscaper said he thought the development rule in Minnetonka was 1/2 acre lots. He also mentioned inch for inch replacement of trees cut down should be the responsibility of the developer. I wanted to ask if this is accurate. We enjoy the wildlife in those woods and will miss it greatly. The fireflies are out this week and they live in those woods too. I plan to attend the meeting on July 7 but am not sure if we are invited to comment. Thanks for your time and response.

Cheryl Smith 3624 Arbor Lane

# MINNETONKA PLANNING COMMISSION July 7, 2016

Brief Description Concept Plan for a 75-unit apartment building at 2828 and

2800 Jordan Avenue.

**Action Requested** Discuss concept plan with the applicant. No formal action

required.

# Background

Cumulatively, the Minnetonka Hills Apartment complex encompasses several properties, is just over 13 acres in size, and was approved in 1986. The complex is comprised of three, 4-story, existing apartment buildings with underground parking and two surface parking lots. The complex properties surround a half-acre residential property improved with vacant single family home. This property has been held in common ownership with the apartment complex for almost 10 years.

The entire complex, including the properties at 2828 and 2800 Jordan Avenue, is zoned PUD, planned unit development, and is guided for high density residential by the 2030 Comprehensive Guide Plan.

# Proposal

John Ferrier, on behalf of CSM Corporation, has submitted a concept plan contemplating the removal of the single family home in order to accommodate a new apartment building east of the north apartment building. Conceptually, the 75-unit apartment building would be 5-stories in height with underground and surface parking. (See page A1-A7.)

# **Key Issues**

City staff has identified the following considerations for further development of the property:

- Access and traffic: The concept plan indicates that the apartment would share
  access with the northern apartment building onto Jordan Avenue. Jordan Avenue
  turns into Cove Drive, a private street, to provide access to several townhomes
  west of the apartment complex. If the applicant decides to move forward with a
  formal application, a traffic study would be required to understand an anticipated
  increase in traffic.
- Site Design: Utility access, tree preservation, grading and drainage must be
  evaluated. The proposed location is heavily wooded and has significant changes
  in topography. Staff anticipates that at least a portion of the site would be regulated
  by the city's steep slope ordinance. However, more information and analysis is
  needed for a formal development application regarding the engineering and natural
  resources details.

### **Review Process**

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

- Neighborhood Meeting. The developer will hold a neighborhood meeting on July 7, 2016, immediately prior to the planning commission meeting. Staff will provide a summary of neighborhood comments at the meeting.
- Planning Commission Concept Plan Review. The planning commission Concept Plan Review is intended as a follow-up to the neighborhood meeting. The objective of this meeting is to identify major issues and challenges in order to inform the subsequent review and discussion. The meeting will include a presentation by the developer of conceptual sketches and ideas, but not detailed engineering or architectural drawings. No staff recommendations are provided, the public is invited to offer comments, and planning commissioners are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.
- City Council Concept Plan Review. The city council Concept Plan Review is intended as a follow-up to the planning commission meeting and would follow the same format as the planning commission Concept Plan Review. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

# **Staff Recommendation**

Staff recommends the planning commission provide comment and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

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

### ADDITIONAL INFORMATION

# **Next Steps**

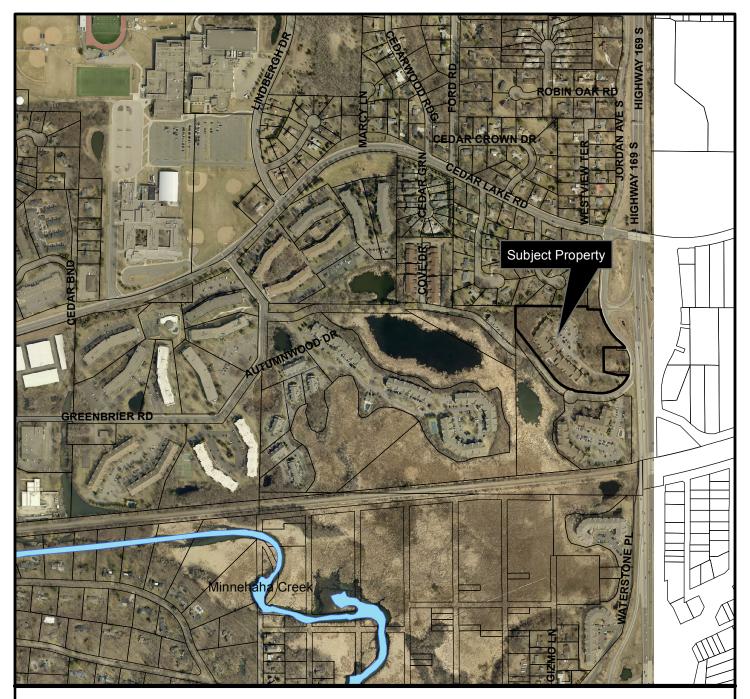
- Formal Application. If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city's website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can "follow" projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) and staff can review resident comments.
- Council Introduction. The proposal would be introduced at a city council meeting.
   At that time, the council would be provided another opportunity to review the issues identified during the initial Concept Plan Review meeting, and to provide direction about any refinements or additional issues they wish to be researched, and for which staff recommendations should be prepared.
- Planning Commission Review. The planning commission would hold an official
  public hearing for the development review and would subsequently recommend
  action to the city council.
- **City Council Action**. Based on input from the planning commission, professional staff and general public, the city council would take final action.

# **Roles and Responsibilities**

- **Applicants.** Applicants are responsible for providing clear, complete and timely information throughout the review process. They are expected to be accessible to both the city and to the public, and to respect the integrity of the public process.
- Public. Neighbors and the general public will be encouraged and enabled to participate in the review process to the extent they are interested. However, effective public participation involves shared responsibilities. While the city has an obligation to provide information and feedback opportunities, interested residents are expected to accept the responsibility to educate themselves about the project and review process, to provide constructive, timely and germane feedback, and to stay informed and involved throughout the entire process.
- Planning Commission. The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council.
   To serve in that role, the commission identifies and attempts to resolve

development issues and concerns prior to the council's consideration by carefully balancing the interests of applicants, neighbors, and the general public.

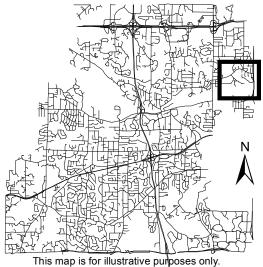
- City Council. As the ultimate decision maker, the city council must be in a position
  to equitably and consistently weigh all input from their staff, the general public,
  planning commissioners, applicants and other advisors. Accordingly, council
  members traditionally keep an open mind until all the facts are received. The
  council ensures that residents have an opportunity to effectively participate in the
  process.
- City Staff. City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.



# **Location Map**

Applicant: CSM Corp Address: 2828 Jordan Ave Project No. 86157.16a





May 23, 2016

Susan M. Thomas, AICP City of Minnetonka 14600 Minnetonka Blvd. Minnetonka, MN 55345

Re: Minnetonka Hills Expansion

# Dear Ms. Thomas:

The purpose of this letter is to request concept review for the potential expansion of CSM's Minnetonka Hills Apartment Development located at 2828 Jordan Ave. in Minnetonka. The proposed expansion would utilize open space at the center of the development to build a 5-story, 75 unit apartment building. An existing, vacant, single family home would be removed to make way for the new building. The new building will contain a mixture of one-bedroom, two-bedroom and studio units.

The concept has been developed to utilize the existing topography of the site. The building is designed into the slope by utilizing a "split level" concept. The southern part of the site has the entry to the underground parking garage. The slope climbs up on the west side of the building and the grade meets first floor on this side. 71 surface parking stalls are shown to the west. On the east side, grade meets the level of underground parking, one story lower than grade on the west side. A preliminary, conceptual elevation has been provided to illustrate the massing of the building as well as materials. The concept shows a mixture of brick, stone, metal panel and fiber cement siding. The building blends the brick look of the existing buildings with more modern materials and forms to create a more contemporary design.

The proposed location of the new building contains numerous overgrown or dead trees and "scrub" ground cover. The new development will save as many significant trees as possible while making way for new, quality trees and landscaping.

Please consider this request to further develop this conceptual idea to move toward a formal site plan submittal. This development has been an extremely successful asset over the years and CSM looks forward to improving the asset by providing additional options to renters.

Feel free to contact me with any questions or if further information is required to consider this concept.

Thank you,

JOHN FERRIER, AIA, NCARB, LEED AP, CID

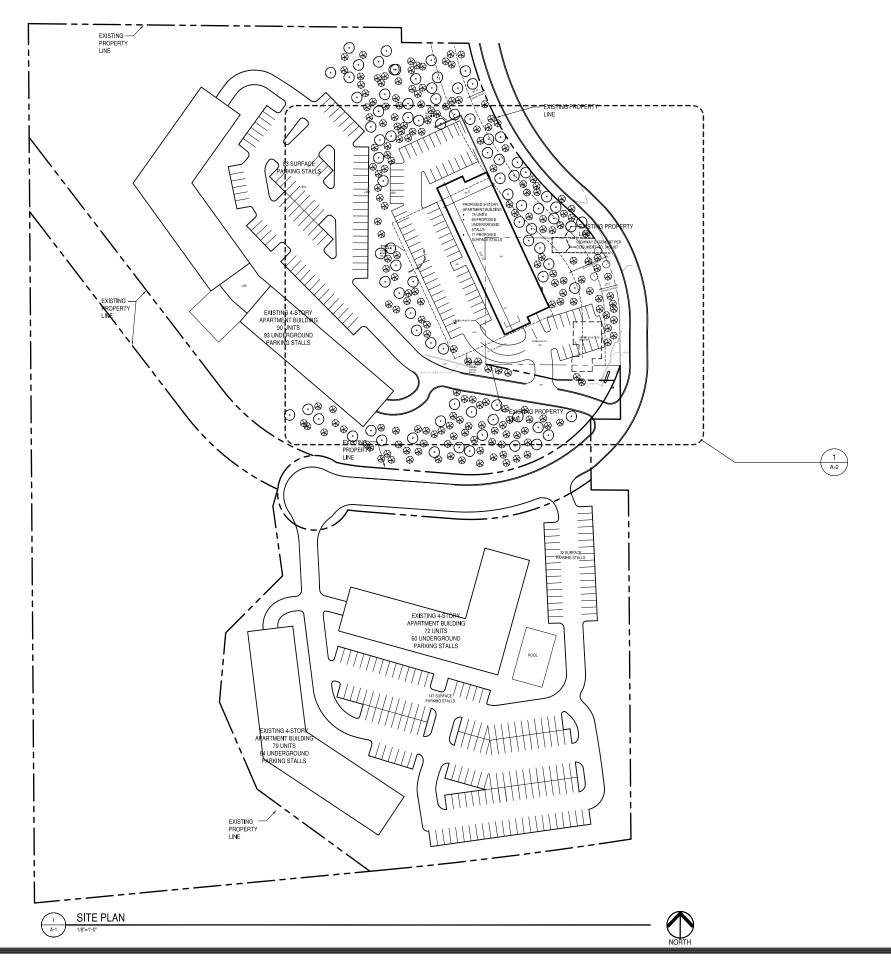
Vice President - Architecture

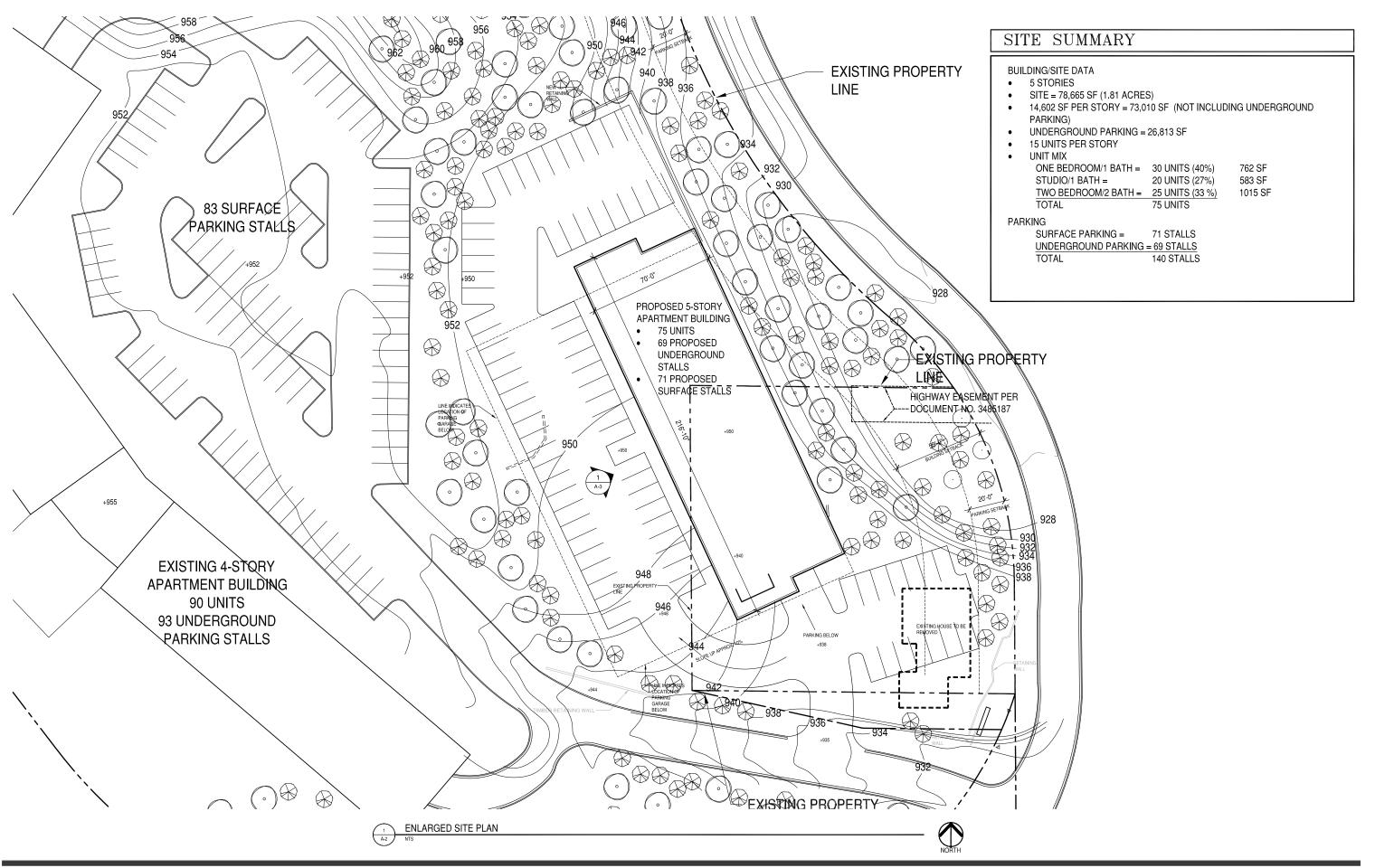
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Email: <a href="mailto:iferrier@csmcorp.net">iferrier@csmcorp.net</a> | <a href="https://www.csmcorp.net">www.csmcorp.net</a>

Attachments: Master Development Plan, Conceptual Site Plan, Conceptual Elevation







MAY 18, 2016

JOHN FERRIER



**CONCEPTUAL ELEVATION**