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## **Planning Commission Agenda**

**August 18, 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: August 4, 2016**
- 5. Report from Staff**
- 6. Report from Planning Commission Members**
- 7. Public Hearings: Consent Agenda**
  - A. Conditional use permit and site and building plan review for a cold storage building for the Hopkins Middle School West at 3830 Baker Road.  
  
Recommendation: Adopt the resolution approving the conditional use permit and building plan review (4 votes)
    - Recommendation to City Council (Tentative Date: September 12, 2016)
    - Project Planner: Drew Ingvalson
  - B. Expansion permit to increase the height of the existing building at 5605 Green Circle Drive.  
  
Recommendation: Adopt the resolution approving the request (5 votes)
    - Final Decision Subject to Appeal
    - Project Planner: Ashley Cauley
- 8. Public Hearings: Non-Consent Agenda Items**
  - A. Items concerning a townhome development at 11901 Minnetonka Boulevard.

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

- Recommendation to City Council (Tentative Date: September 12, 2016)
- Project Planner: Ashley Cauley

## **9. 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 September 8, 2016 Planning Commission meeting:

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: TCF National Bank and Solomon Real Estate Group are proposing to redevelop the existing property at 1801 Plymouth Road. The existing, two-story bank building would be removed and a new, 1-story, 10,200 square foot building would be constructed. TCF would own and occupy the westerly portion of the building and various retailers would occupy the easterly portion. The proposal requires approval of: (1) site and building plans, with variances; (2) a conditional use permit for the bank drive-thru; and (3) preliminary and final plats.

Project No.: 16020.16a

Staff: Susan Thomas

Ward/Council Member: 2—Tony Wagner

Section: 3

## **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**

**August 4, 2016**

**1. Call to Order**

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

**2. Roll Call**

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

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

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

**4. Approval of Minutes:** July 21, 2016

***Hanson moved, second by Calvert, to approve the July 21, 2016 meeting minutes as submitted with the changes from the change memo dated August 4, 2016.***

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

**5. Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of July 25, 2016:

- Adopted a resolution approving a revision to a conditional use permit to turn a garage into living space on Spring Lake Road.
- Introduced an ordinance opting out of the Temporary Family Healthcare Dwelling statute.
- Reviewed the concept plan for Enclave at Regal Oak.
- Reviewed the concept plan for an apartment building on Jordan Avenue for Minnetonka Hills.

A joint meeting was held last week with Minnetonka and Hopkins planning commissions to discuss the zoning district for the Shady Oak Station area.

Gordon congratulated Tom Dietrich for completing his Master's Degree in water resources and Julie Wischnack who will be receiving the Planner of the Year Award from the Minnesota Chapter of the American Planning Association at the Minnesota conference in September.

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

**7. Public Hearings: Consent Agenda**

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

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

- A. Variance to allow construction of a covered porch and an expansion permit to reconstruct and increase the pitch of the roof at 12926 Rutledge Circle.**

Adopt the resolution on pages A11-A15 of the staff report. This resolution approves a front yard setback variance for a covered porch and an expansion permit to reconstruct and increase the pitch of the roof at 12926 Rutledge Circle.

***Powers, Calvert, Hanson, Knight, O'Connell, and Odland voted yes. Kirk was absent. Motion carried and the item on the consent agenda was approved as submitted.***

**8. Public Hearings**

- A. Setback variances to allow the installation of a solar array at 3528 Moorland Road.**

Acting Chair Odland 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.

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

Calvert felt that the applicant did what the commission had requested. She supports the solar array for environmental benefits and to encourage green technology.

Powers agreed.

Knight asked if the 38-foot, 11-inch measurement is accurate. Tim Parnell, electrical engineer for the applicant, stated that he forgot to adjust that length. Two panels were removed. Knight said that if the applicant is comfortable with the proposal, then he is also.

***Hanson moved, second by Powers, to adopt the resolution on pages A7-A10 which approves side and rear variances for a solar array at 3528 Moorland Road.***

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

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

**B. Items concerning a licensed daycare facility at 6030 Clearwater Drive.**

Acting Chair Odland 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.

Acting Chair Odland asked if the example in Virginia is the same size as the proposed project. Cauley directed the question to the applicant.

Jay Joiner, with the Gardner School, applicant, stated that the school in Virginia has a larger footprint, but is similar in square footage to the proposal. The play area would be similar to the one at the Virginia site.

Knight asked if he had another facility with two stories. Mr. Joiner answered that there is one in Chicago that has 18,000 square feet. It would have the same capacity. That site utilizes a park across the street.

O'Connell asked when staff reviews the materials and colors. Cauley answered during the building permit process.



Knight asked if the state would license a daycare that would have two stories. Cauley responded that the facility would be required to meet all state licensing requirements. Wischnack noted that there is a daycare on Highway 7 and County Road 101 that has two stories. The building code addresses safety requirements.

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

***O'Connell moved, second by Hanson, to recommend that the city council adopt the resolution on pages A38-A45 of the staff report. This resolution approves a conditional use permit with building plans for a licensed day care facility at 6030 Clearwater Drive.***

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

**C. Items concerning Station Pizzeria at 13008 Minnetonka Boulevard.**

Acting Chair Odland 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 pointed out the late comment and additional condition provided in the change memo dated August 4, 2016.

Hanson asked when the parking phases would be implemented. Thomas said that Phase 1 could likely be constructed as early as this year. The area is flat and construction would be easy. Phase 2 would be constructed only after consultation with area residents. The city engineer felt these would be viable options.

In response to Powers' question, Thomas explained that Phase 1 had been considered before. The parking spaces would be public and available for any motorist.

In response to Acting Chair Odland's question, Wischnack explained a variety of options to create more parking stalls.

Ryan Burnet, applicant, stated that he listened to the feedback from staff and residents and addressed the nuisance issues and parking. There is a parking agreement with St. David's. He feels like the project is ready to go.

Calvert asked how patrons of the restaurant would get there from the St. David's parking lot. Mr. Burnet thought a patron would walk on the sidewalk around St. David's.

The public hearing was opened.

Dee Kennedy was representing Carrie Bret Martinson, owner of the Dairy Queen, who was unable to attend. She asked if there would be alcohol served, for the number of indoor and outdoor seats, the hours, and if the St. David's 25 parking stalls would be a required condition of approval. The two stalls with 20-minute limits are abused by motorists who leave vehicles there for 2 hours. One person told her that she could not park there to go to the Dairy Queen and that the stalls were only for People's Organic patrons. She was concerned with the snow removal and salting because that is a problem now. She asked if all of the parking spaces would be public.

Dorothy Janssen, 12709 Burwell Drive, stated that:

- There would be a parking problem. There are temporary "no parking" signs on Burwell Drive and a vehicle parked there right now.
- Vehicles were parked on both sides of the bridge during construction. She supports prohibiting parking on the bridge and north of the bridge.
- The street is narrow.

Melissa Williamson Heron, 12928 Minnetonka Boulevard, owner of Your Art's Desire, stated that:

- She appreciated commissioners and staff listening to the concerns.
- She is grateful that more parking solutions have been identified.
- She has great reservations that St. David's is a viable solution. Patrons would not be aware of the available parking. If it would not be signed, then it would not be found.
- She is a voice of deep concern, not resistance.
- People's Organic was given a parking variance which caused a shift in parking patterns. Her patrons complained that they could not find a parking space and she saw a significant decrease in her businesses revenue.
- Accessibility issues have a crippling impact on her business.
- She asked what recourse she could take if the proposal causes hardships for her business.

- She has donated time and energy to the city.
- She requested that a sign be outside of the building directing traffic to the parking spaces at St. David's.
- She asked for the duration of the contract with St. David's for parking.
- She asked if there would be valet parking.
- She asked if the parking stalls would be signed only for Station Pizzeria.

Claudia Gundlach, 12901 Burwell Drive, stated that:

- She was concerned with heavy traffic decreasing her property value.
- Increasing traffic between Plymouth Road and Shady Oak Road would increase the high-accident areas.
- She asked if the parking agreement would be honored if Station Pizzeria became a different restaurant.
- She asked if the proposal meets the parking requirement.
- She asked who enforces a noise ordinance.
- She asked if there is a smell ordinance.
- She asked if there is a light and sign plan.
- One of SRF's parking plans looked o.k. She likes the turnaround at the end of Bridge Street.
- Parking on both sides of the street makes it look like a parking lot.
- She is concerned with the health of the creek. She favored making the paved area pervious.
- She suggested adding bicycle and canoe parking.

Tom Aasen, 12915 Burwell Drive, stated that:

- He was concerned with having enough parking. He did not like phase two of the parking because it would make the corner difficult to navigate.
- Turning from Bridge Street to Minnetonka Boulevard is really hard. It would be more difficult with vehicles backing out of phase one.
- He asked if the Minnehaha Creek Watershed District would have to issue a permit for the proposal.

Tim Demars, 12925 Burwell Drive, stated that:

- There should not be 90-degree parking on Bridge Street. Parallel parking would be the only option.

- Accidents happen very often. It is very difficult to take a left on Minnetonka Boulevard. The volume of traffic has increased.
- Parking at St. David's school is ridiculous. In the winter, it would be difficult to navigate the walk.
- The patio is too big for the area and it would create too much noise. He was surprised the size was not reduced.
- The neighbors have to live with it every day.
- He did not want to see this happening.
- The applicant addressed some of the noise issues.
- He questioned where patrons would be allowed to smoke.
- He questioned if service would end at 10:30 p.m. or if patrons would move inside at 10:30 p.m. He prefers patrons move inside at 10:30 p.m.
- His major issue is noise.
- He asked if more bar stools could be added.

Diane Alexander, owner of People's Organic at 12934 Minnetonka Boulevard, stated that:

- She was hoping a restaurant would go there, but she has huge concerns about the parking. Hikers and bikers park in her lot and are gone for a couple hours. Adequate parking needs to happen.
- She questioned where other parking areas are located.

Peter Hill, 13212 McGinty Road, stated that:

- The proposal would probably never significantly impact him.
- He was disappointed in the quality of the application. The business plan refers to a location in Minneapolis.
- The largest issue is the parking. Two thirds of the parking listed in the report is located on Glenn's property and Minnetonka Boulevard.

Dee Kennedy stated that one pint of oil makes a slick the size of a football field on a lake or water.

Tom Aasen clarified which streets were Bridge Street and Burwell Drive.

No additional testimony was submitted and the hearing was closed.

Calvert asked for the shoreland setback. Thomas answered that would remain the same. Thomas pointed out the paved surface that would not be removed in an effort to maintain as much existing surface as possible.

In response to the questions, Thomas explained that:

- An off-site parking agreement, such as the one with St. David's, is required for this proposal. There is a condition in the resolution requiring a signed agreement before the building permit would be issued. It would be good to tie the parking agreement requirement to any restaurant use on the site.
- On-site directional signage to off-site parking areas is required as a condition of approval.
- A violation of the noise ordinance may be reported to the planning division during office hours and the police department after office hours.
- There is an odor ordinance based on the standards of the Minnesota Pollution Control Agency.
- A lighting plan would be submitted with the building permit application. There is a standard that must be followed.
- The hours of operation would be Sunday through Thursday from 11 a.m. to 10:45 p.m. and Friday and Saturday from 11 a.m. to 10:30 p.m. The outdoor area would be closed at 10:30 p.m. Some restaurants with patios have had police respond to enforce the patio time restriction when they were first opened.

Gordon provided that:

- Smoking is not allowed in city parks in areas of activity.
- The parking areas would be public and not signed for a specific business.

Thomas clarified that the second parking study's intent was to identify areas lacking parking and the peak times of parking shortages in the Minnetonka Mills area.

Wischnack explained that the city council is the decision maker when it comes to liquor license regulations and businesses. That is not in the commission's purview.

Thomas stated that:

- A condition of approval requires the installation of a bike rack.
- There is a canoe landing at the Burwell House.

Wischnack stated that staff will be meeting with the Minnetonka Mills business owners to review cooperative parking options and ways to identify amenities including bike racks and trails to patrons.

Gordon stated that Minnetonka does not generally see a reduction in property values when a commercial use is replaced by another commercial use.

Thomas stated that the parking options and comments from residents will be passed on to the city council. Traffic engineers created the options.

Dietrich explained that the proposal would not change the site's amount of impervious surface, so there would be no storm water required, but the applicant would have to install one best management practice. The applicant would be responsible for cleaning up oil from the site. Gordon noted that fuel tanks have been removed from the site. A gas station has a much greater potential for environmental impact than a restaurant.

Thomas reiterated that residents should call the police if noise is occurring in violation of the noise ordinance.

Wischnack explained that changing the type of seating would not trigger a review of the conditional use permit or liquor license, but an expansion would.

Thomas and Gordon clarified that the variance would be to allow the site to have 19 parking stalls.

Mr. Burnet stated that:

- There will be free valet parking Fridays and Saturdays.
- Patrons would move inside when the patio would close.
- The outdoor seating is the size the applicant wants.
- Curbing would be added in front of the restaurant and there would be eight more parking spots.
- There will be outdoor signs on site designating off-site parking areas. Those areas will be listed on the website and provided when patrons phone the restaurant.
- The turnover rate is approximately 45 minutes to an hour and a half.
- There would be a sign for valet parking.

- He hoped for a decent lunch business, but expected the most patrons for dinner.

Hanson noted that the restaurant operator wants things to run smoothly to have a successful business. Some issues would take care of themselves. There is a decent plan in place.

Calvert was concerned with the lack of parking stalls on and off site. The restaurant concept is very exciting. Something like this would bring vitality to the Minnetonka Mills area. That neighborhood has problems with access to Bridge Street.

Powers stated that the neighborhood meanders. Kids ride bikes to the area. The plan is different than the character of the area. It would change the overall feeling. Vitality is a healthy thing, but he is concerned with the proposal.

Calvert thought the outdoor area was too large, but she understood that a profit needs to be made. There is a lot of pedestrian and bicycle traffic in the area. She had safety concerns.

O'Connell supports the proposal. The applicant made changes in response to the requests of the planning commission. He was prepared to take action and encouraged commissioners who do not support the proposal to provide clear reasons.

Calvert thought that the parking situation still has to be resolved before approval is given. She agreed that the applicant came back with solutions.

Hanson said that he hopes that staff will be able to add more parking spaces. The increase in parking spaces may help the current parking shortage in the neighborhood. Residents may petition to prohibit parking on their street. If parking violations are occurring, residents should phone the police. Habits will change after enforcement of the parking laws.

Powers had a negative experience with permit parking in St. Paul. Wischnack noted that the city has not indicated that it would do permit parking and all residents of a street must petition the city to make it a "no parking" street.

***Hanson moved, second by Knight, to recommend that the city council adopt the following resolution approving a conditional use permit with the addition of a condition to require a parking agreement for off-site parking for any restaurant use; a condition to require off-site snow removal; and the changes made in the change memo dated August 4, 2016 for a***

***restaurant and outdoor eating area with variances at 13008 Minnetonka Boulevard (see pages A35-A40 of the staff report) and a resolution approving final site and building plans with variances for site and building changes at 13008 Minnetonka Boulevard (see pages A41-A49 of the staff report).***

***Hanson, Knight, and O'Connell voted yes. Powers, Calvert, and Odland voted no. Kirk was absent. Motion failed.***

The item is tentatively scheduled to be reviewed by the city council August 22, 2016.

**D. Items concerning construction of that portion of the SWLRT line located in the city of Minnetonka.**

Acting Chair Odland 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.

Calvert asked if mitigation could be done. Colleran responded in the negative. There is nowhere in Minnetonka to recreate 2.99 acres of wetland, so wetland banking credits would be purchased. Unlike wetland rules, there is no state tree removal law. There would be no room to replant the trees that would be lost. Colleran explained the difference between permanent and temporary fill.

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

***Powers moved, second by Calvert, to recommend that the city council adopt the following for construction of that part of the SWLRT project located within the city of Minnetonka:***

1. *An ordinance removing area from the wetland overlay zoning district (see pages A97–A101 of the staff report).*
2. *A resolution approving a wetland and floodplain alteration permit (see pages A102–A117 of the staff report).*
3. *A resolution approving wetland, wetland buffer, and floodplain variances (see pages A118–A121.)*



4. *A resolution approving a conditional use permit for impervious trails within wetland buffers (see pages A122–A124 of the staff report).*
5. *A resolution approving construction on a steep slope development and tree removal (see pages A125–A127 of the staff report).*

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

**E. Ordinance regarding Temporary Family Health Care Dwellings.**

Acting Chair Odland 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.

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

***Hanson moved, second by Powers, to recommend that the city council adopt the ordinance opting out of the requirements of Minnesota Statutes, Section 462.3593 (see pages A1-A2).***

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

**9. Other Business**

**A. Concept plan for Crest Ridge Senior Living at 10955 Wayzata Boulevard.**

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

Matt Rauenhorst, representing Opus at 10350 Bren Road West, applicant, stated that:

- A market study indicated a demand for this type of senior housing.
- Ebenezer, Inc. helped develop the product.
- There was a neighborhood meeting held on Tuesday.
- He looked forward to hearing the feedback.

Eric Reiners, applicant's architect, stated that:

- Many neighbors warmed up to the idea of the use by the end of the neighborhood meeting.
- The structure would be four stories. There would be independent senior living to secure memory care.
- The building design and site was carefully planned with a wide range of amenities for the residents. There would be shared areas, coffee shops, a theater, and a library. The site would be connected to the surrounding neighborhood. Patios and gardens would be available for residents.
- There is a berm on the east property line. There would be good screening of the building with new plantings.
- The building would extend 45 feet above grade. The top of the Syngenta building would be 5 feet higher than the proposed building.
- The goal is to preserve all of the trees and vegetation.

Susan Farr, vice president of business development at Ebenezer, working with the applicant, stated that:

- Ebenezer is the largest third-party operator of senior housing. Ebenezer has been named a Top Work Place by the *Star and Tribune* for 6 years in a row.
- Ebenezer is all about incorporating the community.
- There is an emphasis on life-long learning.

Acting Chair Odland invited those present to provide comments.

Hope Mooney, 10925 Wayzata Boulevard, stated that:

- She was unable to attend the neighborhood meeting.
- She was concerned with traffic because there is a lane designated for Syngenta. It is very congested and confusing.
- She questioned what time construction would be allowed.
- She was concerned with tree loss.

Bergit Carlson, 1412 Archwood Road, stated that:

- This is the best proposal she has seen by far.
- It looks big, but the HCMC proposal would have had a huge parking ramp. Removal of the parking ramp is a big difference.

- There would be an underground garage, plan for garbage pick-up, and fewer vehicles on the service road. Seniors would not drive as much as office-building users.
- The site would be improved.
- The building looks nice.
- The berm would somewhat protect her view. She would like as much screening as possible.
- Spruce trees should be added behind the building to improve the look of the area.

Barb DeMeuse, 1509 Archwood Road, stated that:

- She agrees with Ms. Carlson. The neighbors are very pleased with this plan.
- She requested spruce trees be added between the back of the houses and the new development.

O'Connell confirmed with Thomas that the site is currently guided for an office building.

Knight noted that a commercial building would have three additional feet per floor than the proposed building.

Hanson thought that the proposal looks really good. He likes the roof line matching pitched and flat roofs together. He suggested a bus stop be located in front of the building. He liked natural-looking colors rather than white. He requested a few affordable units if that could be worked into the proposal.

Powers liked the overall concept. The setbacks look good. He liked the feel of it. He agreed with Hanson.

Calvert concurred with Hanson. Natural colors and materials would be preferred for the area. She liked the concept. Meeting setback requirements and keeping the berm would be important. Rich landscaping, many programs, and adding a bus line would add to the quality of life for the residents. She supports affordable units.

Knight concurred. He liked the outdoor walking path. This would be really nice. He asked if the roof would really be flat. Mr. Reiners stated that seniors like the building to look residential, so just part of the building's roof would be flat. Balconies would be provided, but accessing and maintaining public spaces on

the roof area would be too difficult for seniors. Memory care would be on the main level. There would be a dedicated outdoor area.

Powers and Calvert encouraged incorporating trees.

**10. Adjournment**

***Calvert moved, second by Powers, to adjourn the meeting at 10:21 p.m.  
Motion carried unanimously.***

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary

# **Minnetonka Planning Commission Meeting**

**August 18, 2016**

**Agenda Item 7**

**Public Hearing: Consent Agenda**

**MINNETONKA PLANNING COMMISSION**  
**August 18, 2016**

<b>Brief Description</b>	Conditional use permit and site and building plan review for a cold storage building for the Hopkins Middle School West at 3830 Baker Road
<b>Recommendation</b>	Adopt the resolution approving the conditional use permit and building plan review

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<b>Project No.</b>	95012.16a
<b>Property</b>	3830 Baker Road
<b>Applicant</b>	Patrick Poquette, on behalf of the Hopkins School District

**Proposal**

Patrick Poquette, on behalf of the Hopkins School District, is proposing to construct a storage building as part of the Hopkins Middle School West campus. The proposed building would be located north of the existing tennis courts. The storage building would be 24 feet by 83 feet – or approximately 2,000 square feet in area – and 13 feet in height. Constructed on a new concrete slab, the building would be neutral stone color with slate blue accents. (See plans on pages A1–A8).

**Staff 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 applicant's request and staff findings:

1. Is the request reasonable?

Yes. Construction of a storage building on school property is reasonable. The proposed building would:

- Meet the required standards and ordinances for the conditional use permit and site and building plan review.
- Would comply with all required setbacks.

- Would not result in an increase in impervious surface on the site, as the proposed building would be constructed on an existing asphalt area. (See page A2).

2. Would the proposal negatively impact surrounding land uses?

No. The proposal would not negatively impact surrounding land uses, as:

- The proposal will be appropriately buffered from surrounding residential properties.
- The nearest residential property is over 240 feet from the proposed building.

**Staff Recommendation**

Recommend approval of the resolution on pages A9–A15, which approves a conditional use permit and final site and building plans for a storage building for Hopkins School Middle School West at 3830 Baker Road.

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

### Supporting Information

**Surrounding Land Uses**            Northerly: single family homes, zoned R-1  
   Easterly: Hopkins Middle School West campus and single family homes, zoned R-1  
   Southerly: Hopkins Middle School West campus  
   Westerly: Hopkins Middle School West campus

**Planning**                    Guide Plan designation: Institutional  
   Zoning: R-1, Low density residential

**Building Architecture**            The storage building would be just under 2,000 square feet in size and would be comprised of both sandstone colored siding, a brick base, and slate blue metal roof materials. (See page A7–A8.)

**Required Setbacks**            The following chart describes the required setbacks. These setbacks are measured to the exterior property lines:

	<b>Required by ordinance</b>	<b>Proposed</b>
<i>Northerly</i>	50 ft.	± 250 ft.
<i>Easterly</i>	50 ft.	± 450 ft.
<i>Southerly</i>	50 ft.	± 800 ft.
<i>Westerly</i>	50 ft.	± 400 ft.

**Screening**                    The proposed building would be located adjacent to the existing tennis court on the site and the parking lot. It would be located approximately 240 feet (across the Middle School parking lot) from the nearest residential property. Currently, there is vegetation on the residential lots and Hopkins School District property that screen the subject homes from the proposed cold storage building.

**Parking**                    Based on the information provided by the applicant, it appears that the proposed cold storage building will cover two existing parking spaces. (See page A2.) However, removal of these two stalls would not significantly impact parking availability on the site.

**SBP Standards**            The proposed building would comply with site and building standards as outlined in city code.

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



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

2. Consistency with the ordinance;

**Finding:** The proposal would meet all minimum ordinance standards.

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

**Finding:** The proposed building would not increase the amount of impervious surface on the site. The building would be constructed on an existing asphalt surface north of the existing tennis court.

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

**Finding:** The proposed building would maintain a consistent relationship with the other storage buildings and elements of the property.

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;

**Finding:** The proposed storage building would be located in a desirable location. It would be located adjacent to the existing tennis court and near an existing storage building.

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

**Finding:** The proposed building would be on an existing asphalt surface and would not reduce the amount of existing landscaping on the site.

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

**Finding:** Materials would be complementary to the adjacent structures, including the existing storage building to the west.

- 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:** No vehicular or pedestrian circulation changes are proposed at this time.

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

**Finding:** The shed is proposed for an area that would not reduce the amount of landscaping on site and would preserve existing site features.

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

**Finding:** Adequate screening is provided through existing vegetation and parking lot.

**CUP General Standards**

The proposed building would comply with the 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; and
4. The use does not have an undue adverse impact on the public health, safety or welfare.

**CUP Specific Standards**

The proposed building would comply with the specific conditional use permit standards as outlined in city code.

1. Site and building plans subject to review pursuant to section 300.27 of this ordinance.

**Finding:** This standard has been addressed within the SBP Standards section of this report.

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

**Finding:** The subject property has access to Baker Road, an arterial roadway.

3. Buildings setback 50 feet from all property lines;

**Finding:** The proposed building would have setbacks to the exterior property lines of the Hopkins Middle School West Campus that are greater than 50 feet.

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

**Finding:** The subject property would still meet parking requirements with the addition of the proposed building.

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

**Finding:** The proposed building would be located on an existing asphalt surface and would not increase hardcover on the property.

6. Stand-alone utility buildings, such as lift stations, are only subject to site and building plan review.

**Finding:** The proposal is for a cold storage building and is subject to the conditional use permit.

**Natural Resources** Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval the applicant must submit a construction management plan detailing these management practices.

**Motion Options** The planning commission has three options:

- (1) Concur with staff's recommendation. In this case a motion should be made to recommend approval of the proposal based on the findings outlined in the staff-drafted resolution.
- (2) Disagree with staff's recommendation. In this case a motion should be made recommending denial of the proposal. The motion should include findings for denial.
- (3) Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant or both.

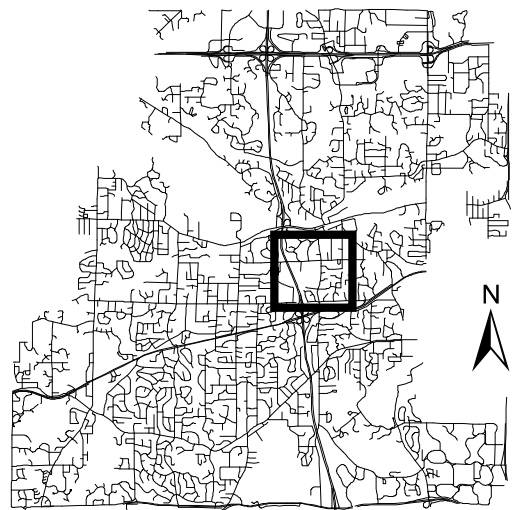
**Neighborhood Comments** The city sent notices to 58 area property owners and received no comments.

**Deadline for Decision** November 14, 2016



**Location Map**

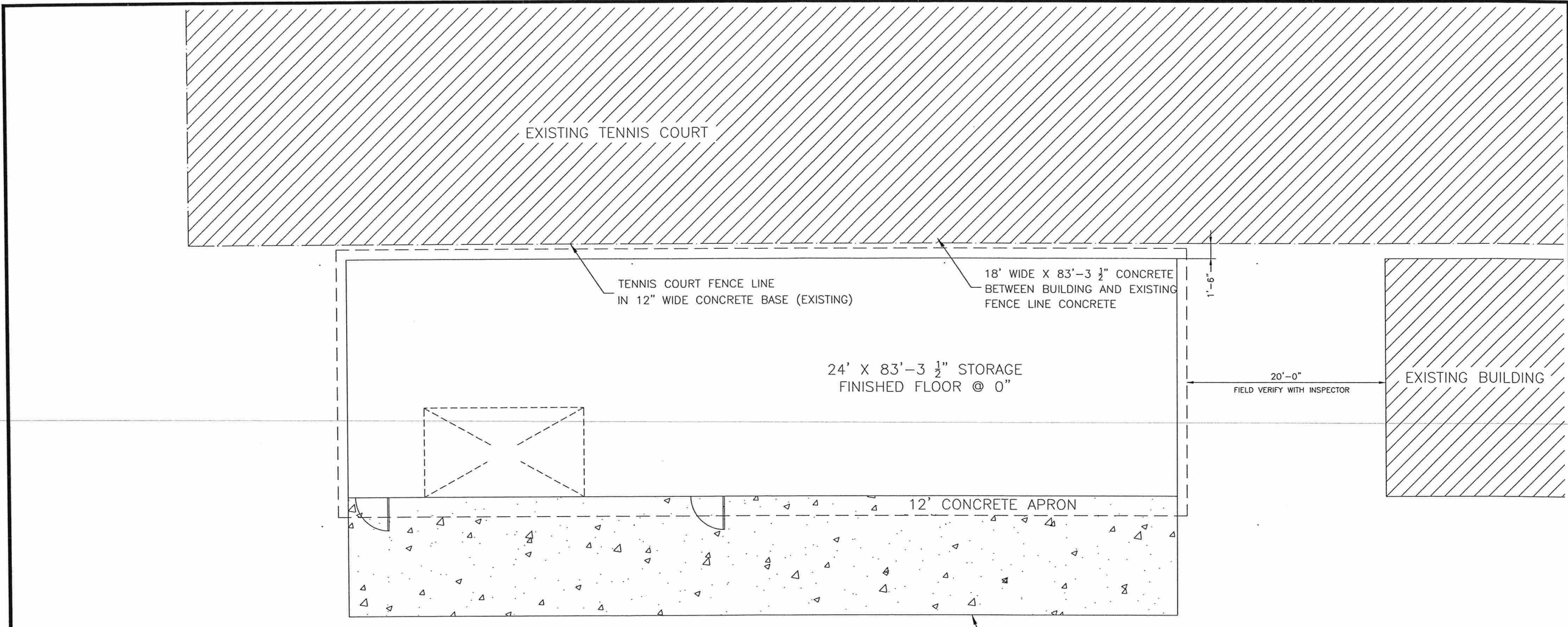
Project: Hopkins West Junior High  
 Address: 3830 Baker Rd  
 Project No. 95012.16a



This map is for illustrative purposes only.







(A2) Site Benchmarks

3/32" = 1'-0"

12'x83'-3 1/2" CONCRETE APRON FROM BUILDING TO EXISTING BITUMINOUS ASPHALT



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

JOHN DIERAUER  
*John Dierauer*  
 DATE 07/08/2016 LICENSE #14426

DATE: 7/7/2016	SHEET 02 OF 15
JOB-NUMBER 514188	
DRWN BY: London Ragon	
CHKD BY: .	
REV NO: 1	
JOB DESCRIPTION	24 x 83'-3 1/2. x 10.5 Uni-1 storage facility
CUSTOMER:	Hopkins Public Schools 3830 Baker Road, Minnetonka, MN 55345
DEALER:	Ron Foust PO Box 417 Lester Prairie, MN 55354
LESTER BUILDING SYSTEMS, LLC.	LESTER PRAIRIE, MN 800-826-4439...Ext.5000+ CHARLESTON, IL 800-826-4439...Ext.3100+ CLEARBROOK, VA 800-826-4439...Ext.6000+

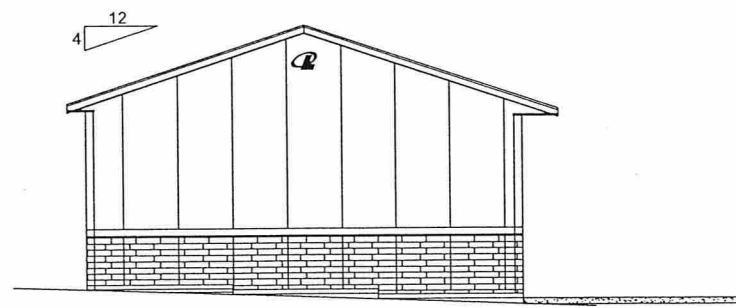
AD514188 TITLE1 TITLE2 3 PRE

A4

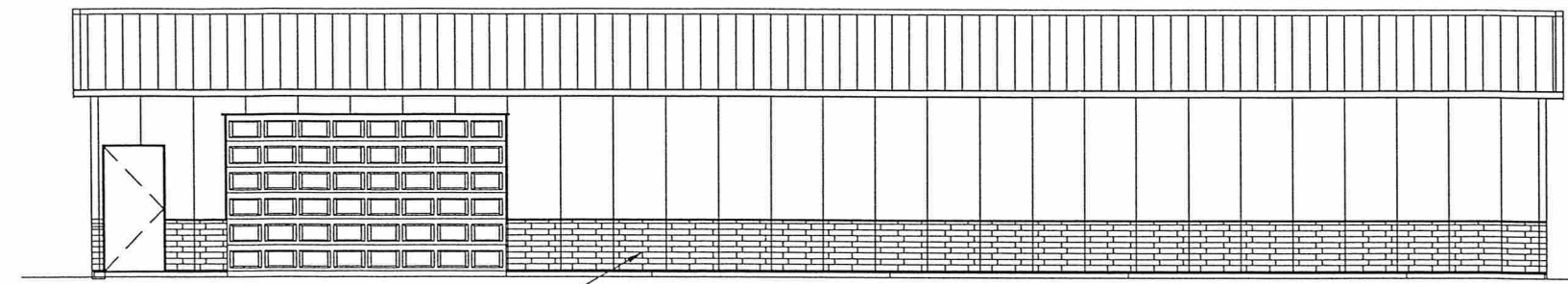
DA006 JOHN DIERAUER MINNESOTA ENGINEER STAMP BOX Patrick Poquette, ISD #270

3830 Baker Road Project #95012.16a



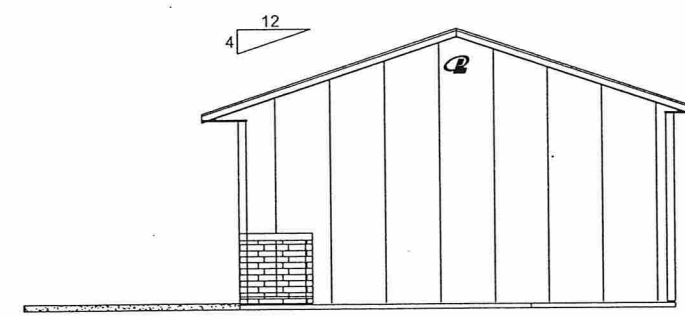


**A2** ENDWALL 1 ELEVATION  
3/32" = 1'-0"

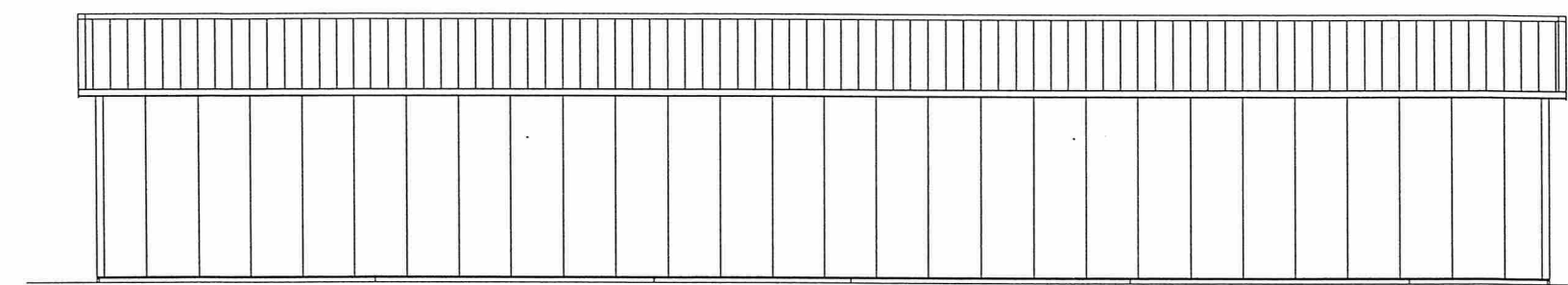


**B2** SIDEWALL 1 ELEVATION  
3/32" = 1'-0"

36" MODERRA



**C2** ENDWALL 2 ELEVATION  
3/32" = 1'-0"



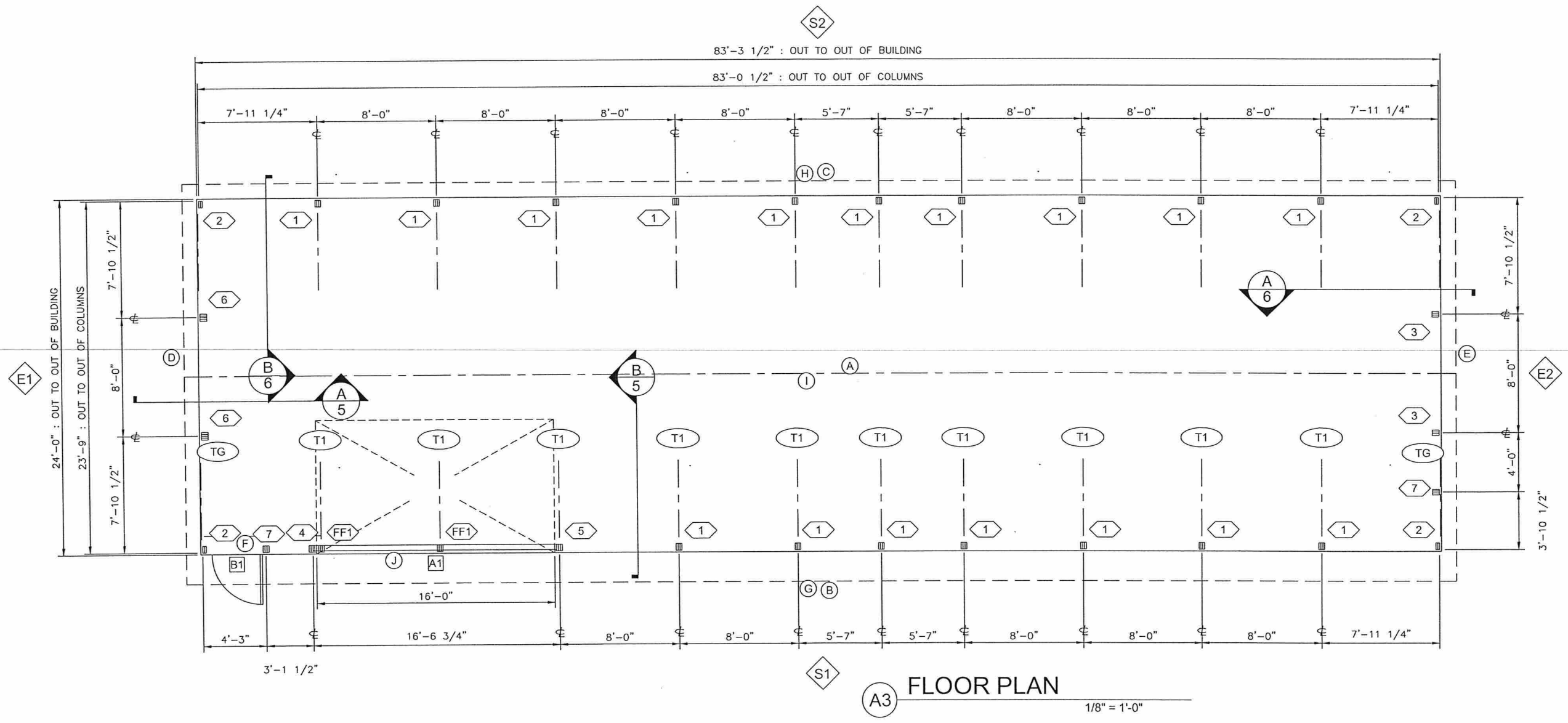
**D2** SIDEWALL 2 ELEVATION  
3/32" = 1'-0"

BUILDING COLORS			
ROOF METAL	SLATE BLUE	SLDG DR. PANEL	--
SIDEWALL	SANDSTONE	SLDG DR. VERT.	--
ENDWALL	SANDSTONE	SL. DR JAMB TR	--
GABLES	--	SLD. DR TRACK	--
BASE	SANDSTONE	OVHD DR TRIM	SLATE BLUE
CORNER	VARIES	OVHD DOOR	CLOPAY DESERT TAN
EAVE/FASCIA	SLATE BLUE	WALK DOOR	SANDSTONE
GABLE/RAKE	SLATE BLUE	WALK DOOR TRIM	SLATE BLUE
SOFFIT	SLATE BLUE	WINDOW	--
WAINSCOT	SANDSTONE	WINDOW TRIM	--
ACCENT PANEL	--	SHUTTERS	--
GABLE LOUVER	--	SIG DR FIELD	--
INS-WL BATTN	--	SIG DR TRIM	--
RIDGE CAP	SLATE BLUE	SIG DR JAMB TR	--
RIDGE VENT	--	SIG DR WINDOW	--
CUPOLA ROOF	--	SIG DR TRACK	--
CUPOLA BODY	--	LARGE DOOR	--
CUPOLA BASE	--	LARGE DOOR TRIM	--
GUTTER	--	DUTCH DR.FRAME	--
DOWNSPOUT	--	DUTCH DR.INSERT	--
PORCH ROOF	--	SHINGLES	--
PORCH COL CVR	--	MANSARD RF	--
PORCH CRWN/VBLK	--	MANSARD EAVE	--
PORCH SOFT/CLG	--	MANSARD SOFFIT	--
CLEAR OPNG TRIM	--	MODERRA	--
CURTAIN OPNG TRIM	--	BOX STALL GR	A5

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

JOHN DIERAUER  
  
 DATE 07/08/2016 LICENSE #14426

DATE: 7/7/2016 SHEET 03 OF 15  
 JDB-NUMBER 514188  
 DRWN BY: London Ragon  
 CHKD BY:  
 REV NO: 1  
 JDB DESCRIPTION: 24 x 83'-3 1/2' x 10.5 Uni-1 storage facility  
 CUSTOMER: Hopkins Public Schools, 3630 Baker Road, Minnetonka, MN 55345  
 DEALER: Ron Foust, PO Box 417, Lester Prairie, MN 55354  
 LESTER BUILDING SYSTEMS, LLC.  
 LESTER PRAIRIE, MN 800-826-4439...EX.5000+  
 CHARLESTON, IL 800-826-4439...EX.3100+  
 CLEARBROOK, VA 800-826-4439...EX.6000+



COLUMN SCHEDULE

COLUMN		FOOTING				ANCHOR					
ID	PART	SHAPE	LENGTH	BASE	SIZE	TYPE	YDS/BGS	DET	TYPE	BRS/BLTS	DET
1	691168	FS666	18'-0"	-64	8 x 24	POURED	0.0776	EF203	BLOCK	0	EF211
2	692158	FE66	18'-0"	-64	8 x 18	POURED	0.0436	EF203	BLOCK	0	EF211
3	692220	FE666	20'-0"	-64	8 x 18	POURED	0.0436	EF203	BLOCK	0	EF211
4	C003	FS66J66	18'-0"	-64	8 x 30	POURED	0.1212	EF203	BLOCK	0	EF211
5	C004	J6FS666	18'-0"	-64	8 x 30	POURED	0.1212	EF203	BLOCK	0	EF211
6	C250	FE6666	20'-0"	-52	8 x 18	POURED	0.0436	EF203	BLOCK	0	EF211
7	C251	FS666	6'-0"	-58	8 x 18	POURED	0.0436	EF203	BLOCK	0	EF211
FF1	FLDFAB	FS666	1-03-07	120.75		HEADER					

OPENING SCHEDULE

ID	MODEL	COLOR	NOMINAL	ROUGH	FRAME	FINISH
A1	9200 PREMIUM SHORT INSULATED	t Tan	192x108	192x108	FO344	LK207,MM172
B1	EXPI-DOOR PLAIN SOLID	Sndst	36x84	40.5x86.25	KC432,KC430	MM163

FLOOR PLAN SCHEDULE

ID	DESCRIPTION	DETAIL
	86'-8 3/16" DIAGONAL OUT-TO-OUT OF FRAMING	
A	#152 RIDGECAP	OA050
B	24" SIDEWALL 1 OVERHANG	IF222
C	12" SIDEWALL 2 OVERHANG	IF222
D	12" ENDWALL 1 OVERHANG	IG235
E	12" ENDWALL 2 OVERHANG	IG235
F	2 x 8 SW WIND HEADER	HD660
G	EAVE DIAPHRAGM HARDWARE	IF202
H	EAVE DIAPHRAGM HARDWARE	IF202
I	RIDGE DIAPHRAGM HARDWARE	GA442
J	3-PLY 2X12 DFL/SYP M-23/2400 MSR 196-3/8"	FO372
TG	1-PLY 24'-0" TRUSS 2x8 TC/2x6 BC	FF300
T1	1-PLY 24'-0" TRUSS 2x8 TC/2x6 BC	HD631

NOTES

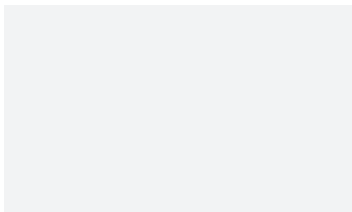
1. ALL WALL STEEL AT SLOPING WALLS WILL BE FIELD CUT TO FIT ON BOTTOM CLOSURE.

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

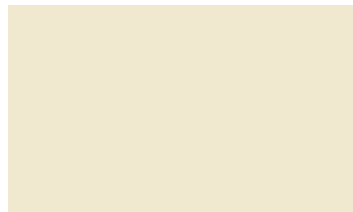
JOHN DIERAUER  
*John Dierauer*  
 DATE: 07/08/2016 LICENSE #14426

# Steel Colors for Lester Buildings

These swatches are representative only and are limited by printing and viewing conditions.  
For a better representation, look at actual painted metal color samples, available from your local dealer or rep.



**Snow White \***



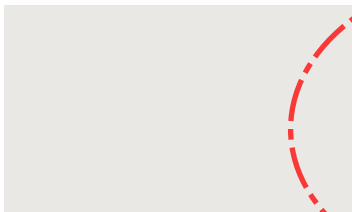
**White Sand \***



**Rawhide \***



**Regal Red \***  
*available on 26 gauge steel only*



**Bone White \***



**Sandstone \***



**Earth Brown \***



**Barn Red \***



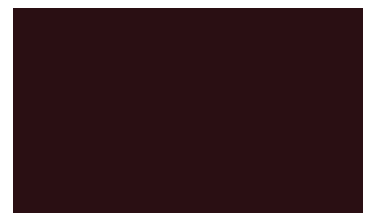
**Pewter Gray \***



**Clay \***



**Antique Brown**



**Burgundy**



**Quaker Gray**



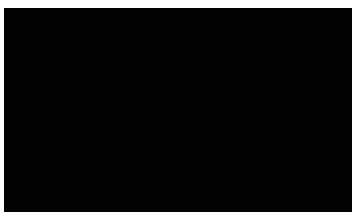
**Slate Blue \***



**Colony Green \***



**Metallic Copper \***  
*available on 26 gauge steel only*



**Black**



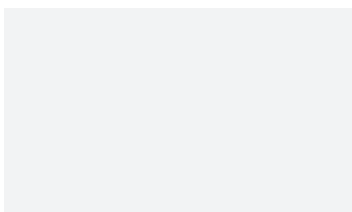
**Dark Blue**



**Evergreen \***



**Metallic Champagne \***  
*available on 26 gauge steel only*



**Liner White \***



**Unpainted Galvanized**



\* Meets Energy Star reflectivity standards.

Colors and components featuring colors are subject to change without notice. Custom steel panel colors available upon request. Must meet minimum square feet requirement. Rev. 6-2014

**LESTER**  
BUILDINGS  
*Let's plan for excellence.*

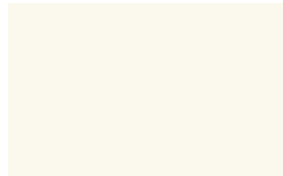
Patrick Poquette, ISD #270  
3830 Baker Road  
Project #95012.16a

# Window & Door Colors

These swatches are representative only and are limited by printing and viewing conditions.  
For a better representation, look at actual painted metal color samples, available from your local dealer or rep.

For complete color coordination, all Lester Buildings colors and custom colors are available on doors and windows (surcharge may apply).  
Colors shown below are manufacturer colors (comes standard, with no additional surcharge). See Lester dealer/rep for model availability and lead times.

## Vinyl Windows



Hayfield White

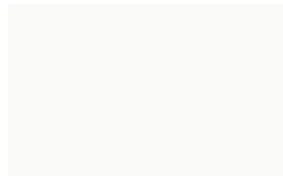


Hayfield Beige



Hayfield Clay

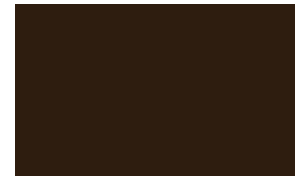
## Entry Doors



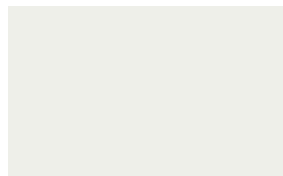
AJ White



AJ Clay



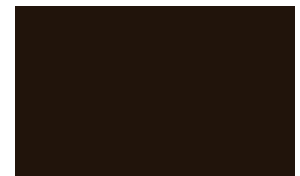
AJ Brown



Expi-Door White

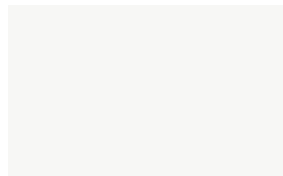


Expi-Door Bronze

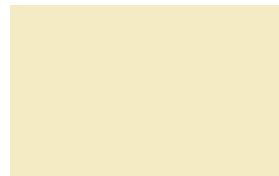


AJ Bronze

## Overhead Doors



Clopay Snow Mist/White



Clopay Almond



Clopay Sandtone



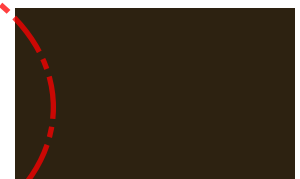
Clopay Hunter Green



Clopay Gray



Clopay Desert Tan



Clopay Chocolate/  
Commercial Brown



## **Resolution No. 2016-**

### **Resolution approving a conditional use permit and final site and building plans for a cold storage building at 3830 Baker Road**

---

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

Section 1. Background.

1.01 Patrick Poquette has requested approval of a conditional use permit and final site and building plan for a cold storage building. (Project #95012.16a).

1.02 The property is located at 3830 Baker Road. The affected properties are located within an area described as unplatted 22 117 22, addition #79122 described as:

That part of the East 99 feet of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter lying South of the North 240 feet thereof; also that part of the West 336.78 feet of the East Half of the Northwest Quarter of the Northeast Quarter lying South of the North 240 feet thereof; also that part of the South 303 feet of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter lying East of the West 336.87 feet thereof and lying West of County Road No. 60 and lying Northerly of a line drawn from a point on the West line of said County Road distant 223 feet North of the South line thereof to a point on the East line of said West 336.87 feet thereof distant 203 feet North of South line thereof.

1.03 On August 18, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution.

Section 2. General Standards.

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

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

in structures and the use of landscape materials and site grading;  
and

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

2.02 City Code §300.16, Subd. 2, states no conditional use permit shall be granted unless the city council determines that all of the following standards will be met:

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

2.03 City Code §300.16, Subd. 3, states that in addition to the general standards, no conditional use permit shall be granted unless the city council determines that all of the specific standards for a specific use will be met. For public buildings or facilities, except for recreational buildings that contain less than 1,000 square feet, and utility cabinets larger than 150 cubic feet:

1. Site and building plans subject to review pursuant to section 300.27 of the ordinance.
2. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
3. Buildings set back 50 feet from all property lines;
4. Parking spaces and parking setbacks subject to section 300.28 of this ordinance; and

5. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and
6. Stand-alone utility buildings, such as lift stations, are only subject to site and building plan review.

Section 3. Findings.

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

1. The proposal has been reviewed by planning, engineering, building, natural resources, fire and public works and found to be generally consistent with the city's development standards.
2. The proposal would meet all minimum ordinance standards.
3. The proposed building would not increase the amount of impervious surface on the site. The building would be constructed on an existing asphalt surface north of an existing tennis court.
4. The proposed building would maintain a consistent relationship with the other storage buildings and elements of the property.
5. The proposed storage building would have minimal impact on the existing site. The proposed building would be located adjacent to the existing tennis court and parking lot, positioned on an existing asphalt surface, materials would be complimentary to the adjacent structures, and vehicular and pedestrian traffic would not be altered.
6. The shed is proposed for an area that would not reduce the amount of landscaping on site and would preserve existing site features.
7. Adequate screening would be provided through existing vegetation, parking lot, and distance.

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

1. The use of a cold storage building is consistent with the intent of this ordinance.



2. The use of a cold storage building is consistent with the goals, policies and objectives of the comprehensive plan.
3. The proposed cold storage building would not have an adverse impact on governmental facilities, utilities, services or existing or proposed improvements.
4. The proposed cold storage building will not have an undue adverse impact on the public health, safety or welfare.

3.03 The proposal would meet the general conditional use permit standards outlined in City Code §300.16, Subd. 3(I).

1. The proposed cold storage building would meet the site and building plan requirements, as outlined in section 3.02 of this resolution.
2. The subject property has access to Baker Road, an arterial roadway.
3. The proposed building would have setbacks to the exterior property lines of the Hopkins Middle School West Campus that are greater than 50 feet.
4. The proposed building would not significantly impact parking on the site.
5. The proposed building would be located on an existing asphalt surface and would not increase hardcover on the property.

Section 4. City Council Action.

4.01 The above-described conditional use permit and final site and building plan are hereby approved. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
  - Site plan date stamped July 18, 2016
  - Building elevations dated July 18, 2016
  - Floor plans July 18, 2016

2. Prior to issuance of a building permit:
  - a) Submit the following items for staff review and approval:
    - 1) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
      - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
      - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
3. Construction must begin by December 31, 2017, unless the planning commission grants a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 12, 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 meeting held on September 12, 2015.

---

David E. Maeda, City Clerk

**MINNETONKA PLANNING COMMISSION**  
**August 18, 2016**

<b>Brief Description</b>	Expansion permit to increase the height of the existing building at 5605 Green Circle Drive
<b>Recommendation</b>	Adopt the resolution approving the expansion permit

---

**Background**

The existing building on the subject property received site and building plan approval in 1980. At that time, the ordinance required a 15-foot side yard setback for properties zoned B-3, general business district. The approved site and building plan indicated an 18-foot side yard setback.

The zoning ordinance was amended in 1986. This amendment established the following formula to determine side and rear yard setbacks within the B-3 district: *required setback = 1.5 times the building height – 10 feet, to a maximum of 100 feet but in no case less than 20 feet from commercial, office, industrial, institutional and public parks.* The existing building's side yard setback became non-conforming.

In October 2015, the city approved a conditional use permit for an educational institution at 5605 Green Circle Drive. At that time, the proposal included a significant amount of interior remodeling but did not include any exterior modifications to the building.

**Proposal**

The applicant has discovered that the existing height of the building would not sufficiently accommodate a gymnasium. As such, the applicant is proposing to increase the height of a portion of the building, within the existing footprint, from 11 feet to 27 feet. The proposed addition would not encroach further into the existing 18-foot non-conforming setback. (See pages A1-A14.)

**Staff Analysis**

Staff finds that the proposed expansion meets the expansion permit provisions of the non-conforming use ordinance.

REASONABLENESS: The proposed vertical expansion is reasonable as:

- The existing building was constructed in the early 1980s. At that time, the building complied with all required property line setbacks. The setbacks became non-conforming when the zoning ordinance was amended in 1986.

- A majority of the vertical expansion complies with current city ordinance. Only an area of less than 300 square feet requires an expansion permit.
- The vertical expansion would allow for appropriate ceiling height for the gymnasium shown on the original floor plan reviewed by the city in 2015.
- The vertical expansion would not encroach further into the non-conforming setback.

**NEIGHBORHOOD CHARACTER:** The intent of property line setbacks is to ensure appropriate separation between adjacent properties and structures. The area which requires the expansion permit is over 280 feet away from the nearest adjacent structure to the east. Further, existing vegetation and parking lots would buffer the addition from adjacent buildings.

**CIRCUMSTANCE UNIQUE TO THE PROPERTY:** When the property was developed in the 1980s, the building met all required setbacks from property lines. The existing building's setbacks became non-conforming when the ordinance was amended in 1986. The unique lot configuration and the building's established setbacks are circumstances unique to the property.

### **Staff Recommendation**

Adopt the resolution on pages A15–A18, which approves an expansion permit to increase the height of the existing building for a gymnasium at 5605 Green Circle Drive.

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

### Supporting Information

<b>Property</b>	5605 Green Circle Drive
<b>Applicant</b>	Winther Johnson Robinson, Inc.
<b>Project No.</b>	5605 Green Circle Drive
<b>Surrounding Land Uses</b>	Northerly: Condos, zoned R-4, guided for mixed use Easterly: office and warehouse, zoned I and B-2, and guided for mixed use Southerly: hotel and office, zoned PUD, guided for mixed use Westerly: wetlands and office beyond, zoned PUD, guided for mixed use
<b>Planning</b>	Guide Plan designation: Mixed use Zoning: B-3
<b>Expansion Permit</b>	By City Code §300.29 Subd. 3(g) an expansion permit is required for <i>any</i> proposed expansion of a non-conforming structure when that expansion would <i>not</i> intrude into required setback areas beyond that of the existing non-conforming structure.
<b>Burden of Proof</b>	By city code, an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that: <ol style="list-style-type: none"><li>1. The proposed expansion is reasonable use of the property, considering such things as:<ul style="list-style-type: none"><li>• Functional and aesthetic justifications for the expansions;</li><li>• Adequacy of off-street parking for the expansion;</li><li>• Absence of adverse off-site impacts from such things as traffic, noise, dust odors, and parking;</li><li>• Improvement to the appearance and stability of the property and neighborhood.</li></ul></li><li>2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and</li><li>3. The expansion would not adversely affect or alter the essential character of the neighborhood.</li></ol>

**Approving Body** The planning commission has final authority to approve or deny the request. (City Code §300.29 Subd.7(c)(2))

**Motion Options** The planning commission has three options:

1. Concur with staff's recommendation. In this case a motion should be made approving the expansion permit based on the findings outlined in the staff-drafted resolution.
2. Disagree with staff's recommendation. In this case a motion should be made denying the expansion permit. The motion must include findings for denial.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant or both.

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

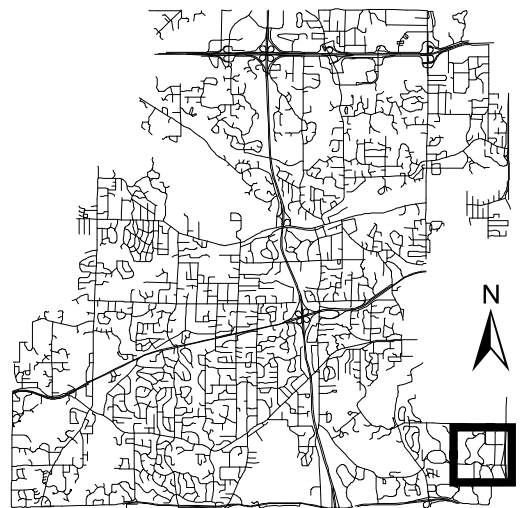
**Neighborhood Comments** The city sent notices to 565 area property owners and received no comments to date.

**Deadline for Decision** November 29, 2016



### Location Map

Project: Lionsgate Academy  
 Address: 5605 Green Circle Dr  
 (89011.16a)



This map is for illustrative purposes only.

Lionsgate Academy  
 5605 Green Circle Drive  
 89011.16a






# EXPANSION PERMIT

PROPERTY INFORMATION	
Property Address	5605 Green Circle Drive, Minnetonka, MN 55343
Parcel ID Number	3611722130005
OWNER INFORMATION	
Owner Name	Green Circle LLC
Owner Address	1625 Energy Park Drive, Suite 100, St. Paul, MN 55108
Owner Phone	651-292-9844
Owner Email	swellington@wellingtonmgt.com
APPLICANT INFORMATION	
Applicant Name	Winther Johnson Robinson, Inc.
Applicant Address	8175 Lewis Road, Suite B, Golden Valley, MN 55427
Applicant Phone	763-398-0453
Applicant Email	rrobinson@wjrinc.com

DESCRIPTION OF EXPANSION REQUEST
Request to increase building height within existing footprint for new gymnasium.

### OWNER'S STATEMENT

I am the owner of the above described property and I agree to this application. By signing this application, I certify that all fees, charges, utility bills, taxes, special assessments and other debts or obligations due to the city by me or for this property have been paid. I further certify that I am in compliance with all ordinance requirements and conditions regarding other city approvals that have been granted to me for any matter. (If the owner is a corporation or partnership, a resolution authorizing this action on behalf of the board or partnership must be attached.)



David Wellington  
Deputy manager of Wellington Properties
07-29-16

---

Signature Date

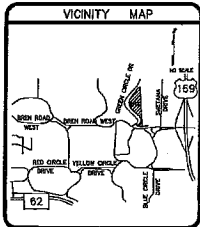
### APPLICANT'S STATEMENT

This application should be processed in my name, and I am the party whom the city should contact about this application. I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct.


07-29-16

---

Signature Date



$\Delta = 51^{\circ}07'45''$   
 $L = 113.67$   
 $R = 127.38$   
 $C.B.R.G. = N60^{\circ}33'27''E$

**DESCRIPTION OF PROPERTY SURVEYED**

(Per Stewart Title Guaranty Company Commitment for Title Insurance File No. 530145, effective date October 23, 2015, issued by Land Title, Inc.)

Lot 1, Block 5, Opus 2 Fourth Addition, Hennepin County, Minnesota.

Torrens Property  
 Certificate of Title No(s): 1346467

**PLAT RECORDING INFORMATION**

The plot of OPUS 2 FOURTH ADDITION was filed of record on October 17, 1977, as R. T. Document No. 1241782 and C. R. Document No. 4325216.

**TITLE COMMITMENT**

Stewart Title Guaranty Company Commitment for Title Insurance File No. 530145, effective date October 23, 2015, issued by Land Title, Inc, was relied upon as to matters of record.

**Schedule B Exceptions:**

- ① Exceptions are indicated on a survey with circled numbers where applicable.
- 12) Drainage and utility easements over the subject property as shown on the recorded plat [shown on survey]
- 13) Subject to an easement for concrete edging purposes contained in Warranty Deed dated December 2, 1980, filed December 17, 1980 as Document Number 1407838. [shown on survey]
- 14) Easement for utility, drainage and trail easement dated January 26, 2011, filed May 15, 2011 as Document Number T4835008. [Description contained within Exhibit B does not match sketch in Exhibit C. Easement is shown hereon per the description.]
- 15) Terms and conditions of Resolution No. 2013-16 by the City of Minnetonka, filed August 27, 2013 as Document No. T5110886, approving a variance to allow a commercial flag. [not survey related]
- 16) Terms and conditions of Resolution No. 2015-104 by the City of Minnetonka, filed October 29, 2015 as Document Number T5302490, approving a conditional use permit. [not survey related]

**GENERAL NOTES**

- 1.) Adjoining ownership information shown hereon was obtained from the Hennepin County Property Tax Information web site. Ownership information is subject to revision upon receipt of a title search by a title insurance company.
- 2.) Survey coordinate basis: Assumed  
 Survey bearing basis: The plot of OPUS 2 FOURTH ADDITION
- 3.) There was no observed evidence of current earth moving work, building construction or building additions.
- 4.) There was no observed evidence of recent street or sidewalk construction or repairs. Per the City of Minnetonka Engineering Department, there are no proposed changes in street right of way lines.
- 5.) There was no observed evidence of site use as a solid waste dump, sump or sanitary landfill.

**UTILITY NOTES**

- 1.) Utility information from plans and markings was combined with observed evidence of utilities to develop a view of the underground utilities shown hereon. However, locating excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, excavation may be necessary.
- 2.) Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or design.
- 3.) Some underground utility locations are shown as marked onsite by those utility companies whose locators responded to our Gopher State One Call, ticket number 15261243.
- 4.) Contact GOPHER STATE ONE CALL at 651-454-0002 (800-255-1166) for precise onsite location of utilities prior to any excavation.

**FLOOD ZONE NOTE**

- 1.) The subject property appears to lie within Zone X (Areas determined to be outside the 0.2% annual chance floodplain) per the National Flood Insurance Program, Flood Insurance Rate Map Community Panel No. 27017034343C, dated September 2, 2004. This information was obtained from the FEMA Map Service Center web site.

**ZONING NOTES**

- 1.) Zoning shown hereon is per Land Use and Zoning Confirmation letter prepared by the City of Minnetonka dated October 5, 2015, as supplied to us.

Area requiring expansion permit

- No building or land in the B-3 district shall be used except in conformance with the following:
- a) building height: building height to be regulated by setbacks and floor area ratio requirements;
  - b) front yard setback: minimum of 50 feet;
  - c) side and rear yard setbacks: side and rear yard setbacks shall comply with the following formula: setback = (1.5 times building height) - 10 feet up to a maximum of 100 feet but in no case shall the setbacks be less than the following when measured from land designated accordingly in the comprehensive plan:
    - 1) 50 feet from low density residential;
    - 2) 40 feet from medium and high density residential; and
    - 3) 20 feet from commercial, office, industrial, institutional and public park.
  - d) floor area ratio: maximum of 1.5;
  - e) lot coverage: maximum lot coverage shall be 85 percent and shall be calculated to include building footprints; parking areas; driveway; loading, storage and trash areas and other areas covered by any impervious surface;
- 3.) Restrictions (i.e., building setbacks, height and bulk restrictions, etc.) shown hereon are based on information provided and are subject to interpretation. We cannot certify to a restriction on the basis of an interpretation or the opinion of another party as stated in rule under "Table A" of "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys"
- 4.) Parking: 188 Regular Spaces  
 4 Handicap Spaces  
 192 Total Spaces

**AREA**

Grass = 282,699 square feet or 6.490 acres

**SURVEYOR'S CERTIFICATION**

To Green Circle LLC, a Minnesota limited liability company, Wallington Management, Inc.; Western Bank, a Division of American National Bank, its successors and/or assigns, Land Title, Inc. and Stewart Title Guaranty Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11(b), 13, 16, 17 and 18 of Table A thereof.

The field work was completed on September 23, 2015.  
 Dated this 18th day of November, 2015

SUNDE LAND SURVEYING, LLC.  
 By: *David F. Carlson*  
 Leonard F. Carlson, P.L.S., Minn. Lic. No. 44890



Per additional comments	LFC	12/1/2015
Per comments, title commitment	SMT	11/18/2015
Update and recertify	SMT	10/07/2015
Revised certification	BMS	08/06/2003
Update and recertify	BMS	07/22/2003
Recertify	TLS	08/27/2002
Per Title Commitment	By: <i>Eric</i>	03/21/2002
Drawings covered by drawing dated February 25, 2007	LFC	02/25/07

Drawing Title:  
**ALTA/ACSM LAND TITLE SURVEY FOR:  
 GREEN CIRCLE LLC**  
 5605 Green Circle Drive  
 Minnetonka, MN 55343

**SUNDE LAND SURVEYING**  
 900 East Hennepin Parkway - Suite 100  
 Minneapolis, Minnesota 55426-1300  
 Tel: 763-531-1300  
 Fax: 763-531-1302  
 www.sunde.com

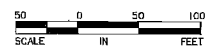
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 Township: 117 Range: 22 Section: 5  
 File: 2002017AD01R2.dwg

Scale: 1" = 40' (1" = 20')

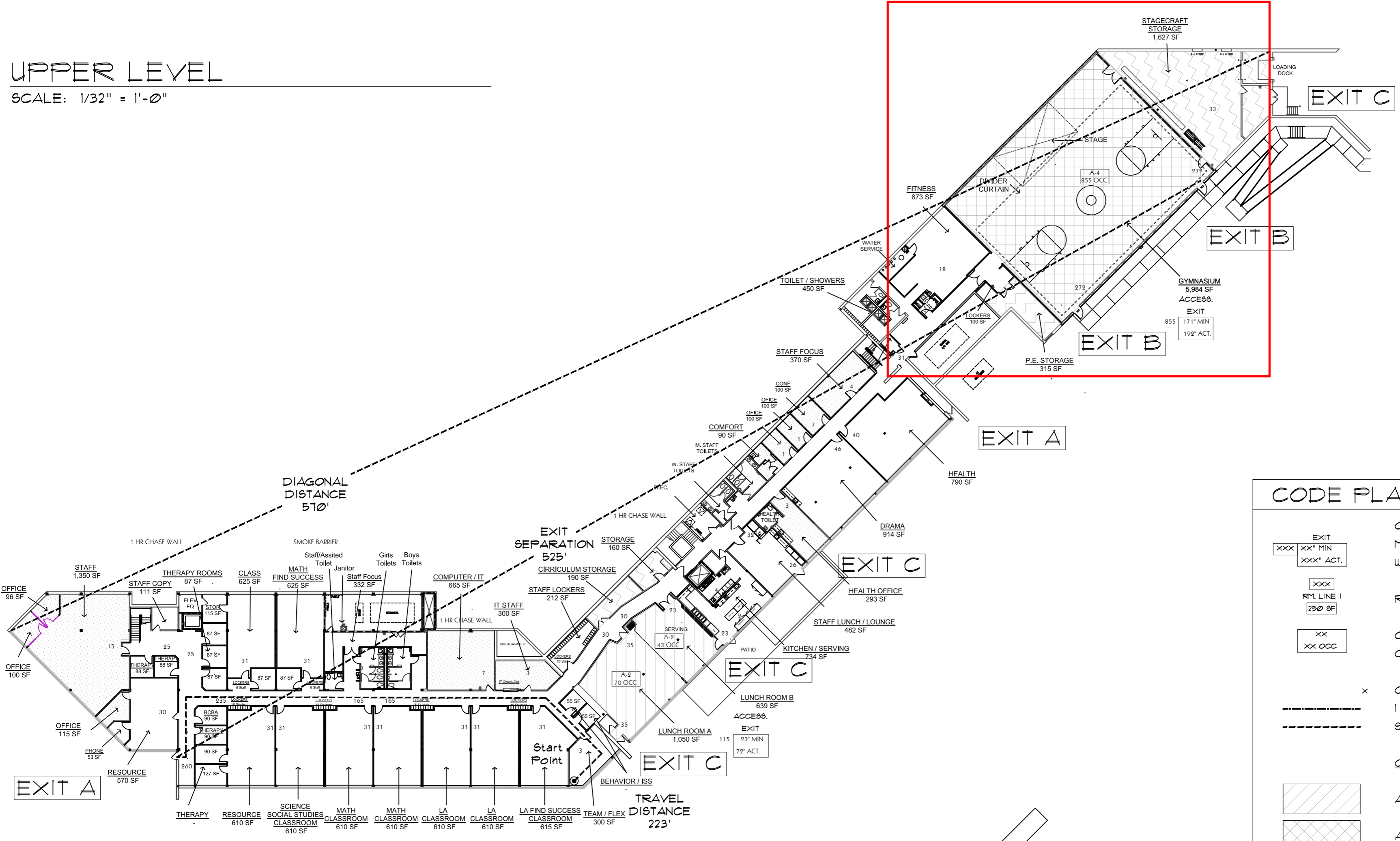
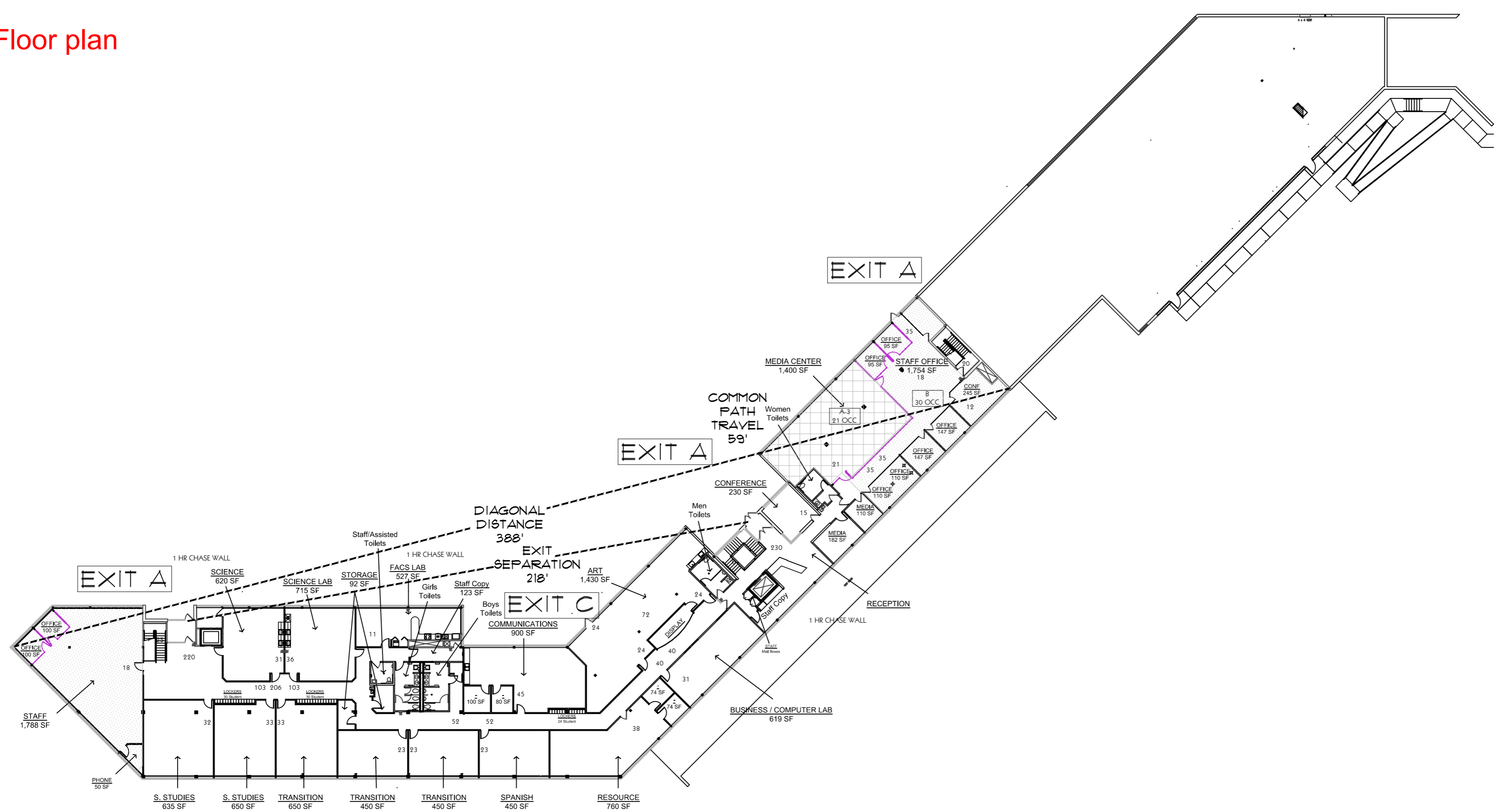
**EXISTING Hgt**  
 11'-2" FROM A RADE

**PROPOSED Hgt**  
 26'-9" FROM A RADE

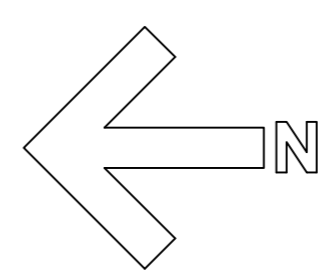
- LEGEND**
- AC Denotes air conditioner
  - BH Denotes beehive catch basin
  - BTL Denotes beaver tail curb
  - CB Denotes catch basin
  - COL Denotes building column
  - CST Denotes concrete step
  - DC Denotes ductile iron pipe
  - DIP Denotes electric box
  - EB Denotes fire hookup
  - FH Denotes fiber optic hand hole
  - FM Denotes fire meter
  - GM Denotes guard post
  - HCR Denotes handicap ramp
  - HCS Denotes hand hole
  - HYD Denotes fire hydrant
  - LP Denotes light pole
  - PV Denotes post indicator valve
  - PKS Denotes parking sign
  - PVC Denotes plastic pipe
  - RC Denotes reinforced concrete pipe
  - RCP Denotes ribbon curb
  - RD Denotes roof drain
  - SAN Denotes sanitary manhole
  - SAN S Denotes sanitary sewer
  - SMH Denotes storm manhole
  - ST S Denotes storm sewer
  - TE Denotes telephone box
  - TCS Denotes traffic control sign
  - TRANS Denotes electric transformer
  - UGE Denotes underground electric line
  - UGT Denotes underground telephone line
  - W Denotes water line
  - WV Denotes water valve
  - BLCH Denotes Black Cherry tree
  - CRAB Denotes Crabapple tree
  - LOC Denotes Locust tree
  - NPL Denotes Norway Spruce tree
  - RO Denotes Russian Olive tree
  - SFCB Denotes Colorado Blue Spruce tree



# Floor plan



CODE PLAN KEY	
EXIT XXXX XX" MIN XXXX" ACT.	OCCUPANT LOAD PER DOOR /STAIR MIN. WIDTH REQUIRED PER DOOR/STAIR WIDTH PER DOOR/STAIR
XXXX RM. LINE 1 250 SF	ROOM SQUARE FOOTAGE
XX XX OCC	OCCUPANCY TYPE OCCUPANT LOAD
x	OCCUPANT AND EXIT PATH
---	1 HR SEPARATION
---	SMOKE BARRIER
OCCUPANCY CATEGORY	
[Pattern]	A-2 OCCUPANCY
[Pattern]	A-3 OCCUPANCY
[Pattern]	B OCCUPANCY
[Pattern]	S-1 OCCUPANCY





Winther-Johnson-Robinson  
Architects-Designers

8175-B Lewis Road  
Golden Valley, Minnesota 55427  
Phone: 763-398-0452  
Fax: 763-398-0455

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered architect under the Laws of the State of Minnesota.

Date: 01-18-16 Reg. No.: 19466



WELLINGTON  
MANAGEMENT

Commercial Real Estate

Lionsgate Academy  
5605 Green Circle Drive  
Minnetonka, MN 55343

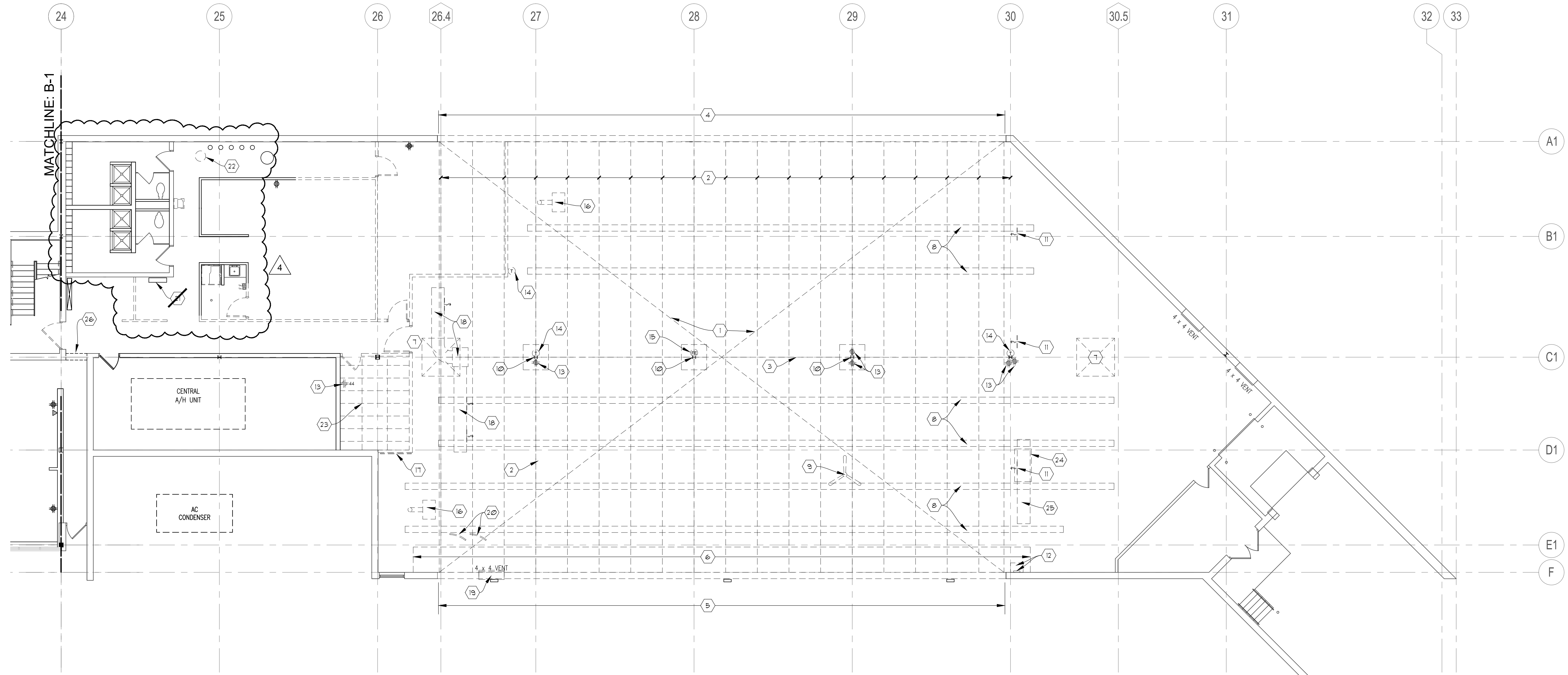
Revisions Issues & Revisions: 4 03-17-16  
Origination Date: 01-18-16

Sheet Title:  
DEMOLITION PLAN  
LOWER LEVEL  
SECTION C

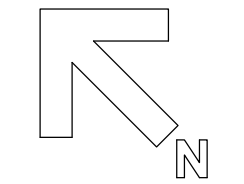
Location:  
5605 Green Circle Drive  
Minnetonka, MN 55343

Project No.: 15-475.01B  
Scale: As Noted  
Drawn By: RWS / JSW  
Approval: RWS

101C  
OF 53  
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1 LOWER LEVEL - DEMOLITION PLAN - SECTION C  
SCALE: 1/8" = 1'-0"

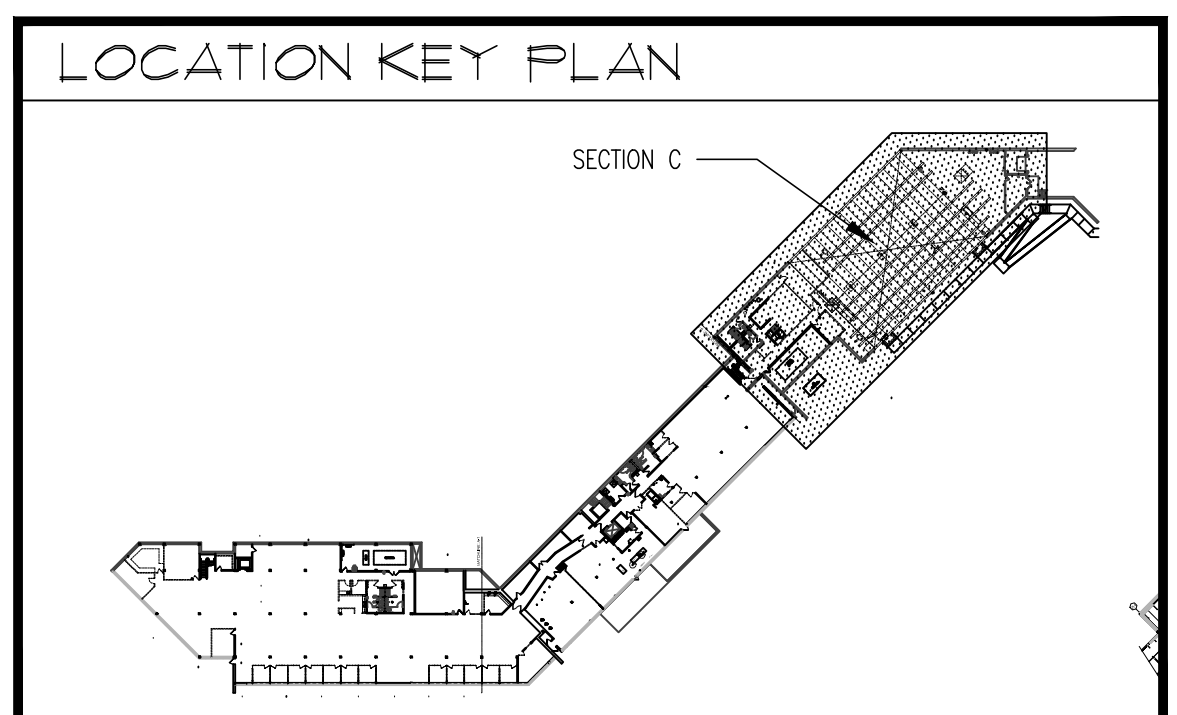
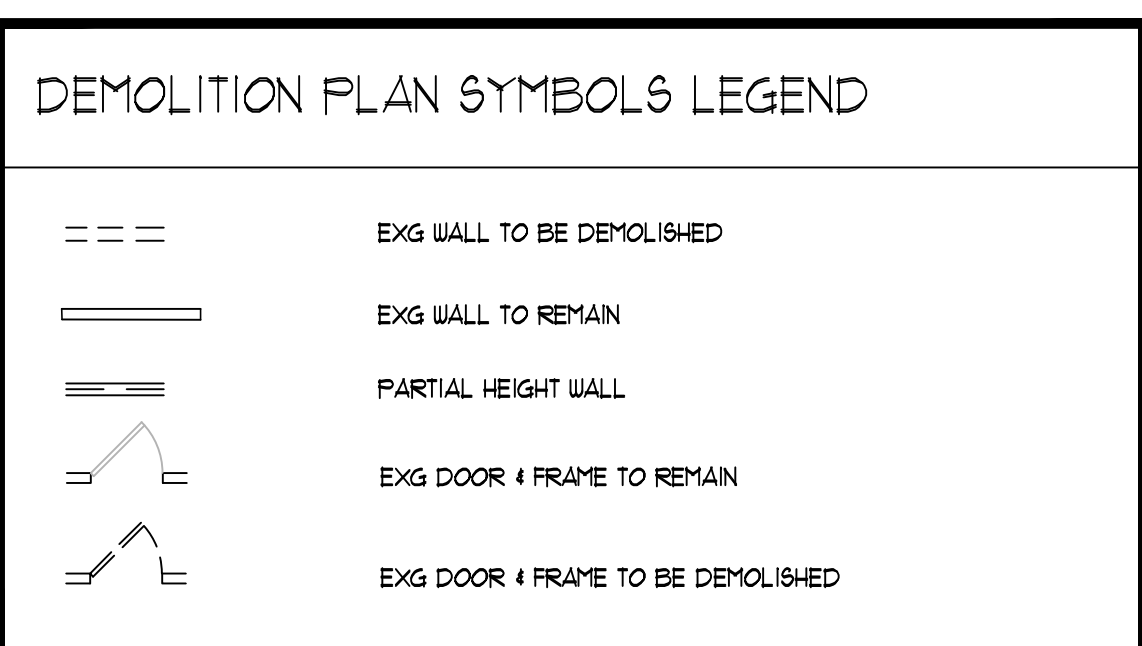


DEMOLITION PLAN KEY NOTES

1. REMOVE BALLAST, ROOFING, ROOF INSULATION AND ROOF DECK WITHIN AREA DEFINED BY RAISED ROOF.
2. REMOVE ALL ROOF JOISTS, BRACING AND RELATED STRUCTURAL MEMBERS WITHIN AREA DEFINED BY RAISED ROOF.
3. REMOVE STRUCTURAL BEAM AND RELATED PLATES WITHIN AREA DEFINED BY RAISED ROOF. CUT BEAM AT EDGE OF RAISED AREA.
4. REMOVE EXTERIOR BRICK/BLOCK WALL ABOVE CONCRETE FOUNDATION WALL. LEAVE TOP OF CONCRETE WALL CLEAR OF ALL MATERIAL SUCH AS REINFORCING BARS, ETC.
5. REMOVE EXTERIOR BRICK/BLOCK WALL TO STRIP FOOTING. LEAVE TOP OF CONCRETE FOOTING CLEAR OF ALL MATERIAL SUCH AS REINFORCING BARS, ETC.
6. REMOVE CONCRETE SLAB AND DIRT DOWN TO EXISTING FOOTING FOR NEW WALL INSTALLATION.
7. REMOVE CONCRETE SLAB AND DIRT FOR NEW COLUMN FOOTING.
8. REMOVE LIGHT FIXTURES AND RELATED WIRING AND CONDUIT BACK TO PANEL.
9. REMOVE FAN AND RELATED ELECTRICAL TO PANEL.
10. REMOVE COLUMN AT TOP OF FOOTING. REMOVE CONCRETE AS NECESSARY TO GET TO TOP OF FOOTING.
11. REMOVE SUPPLY ROOF OPENING IN DUCT WORK AND RE-ORIENT AS NEEDED ALONG DUCT. CLOSE OPENING IN DUCT WHERE SUPPLY GRILLE WAS REMOVED.
12. IF REQUIRED, RELOCATE OR REMOVE TRANSFORMER AND RELATED PANEL BELOW.

DEMOLITION PLAN KEY NOTES (CONT)

13. REMOVE ELECTRICAL DEVICES AND RELATED CONDUIT FROM COLUMNS/WALL. TERMINATE ELECTRICAL AT PANEL.
14. RELOCATE THERMOSTAT AS NECESSARY.
15. REMOVE FIRE EXTINGUISHER AND SALVAGE FOR RE-USE THIS PROJECT.
16. REMOVE UNIT HEATER AND RELATED ELECTRICAL WORK. IF HEATER IS OUTSIDE OF NEW RAISED ROOF CAP AT ROOF PENETRATION.
17. REMOVE TV AND EQUIPMENT D-MARC. RELOCATE AS NECESSARY.
18. REMOVE DUCT WORK, ROOF TOP UNIT, ROOF CURB AND RELATED ELECTRICAL THIS UNIT.
19. REMOVE VENT.
20. REMOVE SATELLITE DISH AND RELATED STRUCTURE. IF DISH IS OUTSIDE AREA OF RAISED ROOF, REPAIR ROOF AND MAKE WEATHER TIGHT.
21. REMOVE FIRE CONTROL AND RELOCATE - SEE ELECTRICAL PLANS
22. RELOCATE WATER TREATMENT EQUIPMENT VERIFY WITH MECHANICAL
23. REMOVE CEILING
24. REMOVE ROOF DECK FOR NEW ROOF HATCH
25. REMOVE DUCT AS NECESSARY TO CLEAR NEW SHIPS LADDER.
26. REMOVE SECTION OF BLOCK WALL FOR INSTALLATION OF METAL FRAME. COORDINATE WITH STRUCTURAL.





Winther-Johnson-Robinson  
Architects-Designers

8175-B Lewis Road  
Golden Valley, Minnesota 55427  
Phone: 763-398-0452  
Fax: 763-398-0455

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Date: 01-18-16 Reg. No.: 19466



WELLINGTON  
MANAGEMENT

Commercial Real Estate

Lionsgate Academy  
5605 Green Circle Drive  
Minnetonka, MN 55343

Issues & Revisions:  
Origination Date: 01-18-16

Sheet Title:  
DEMOLITION PLAN  
UPPER LEVEL - ROOF  
SECTION C

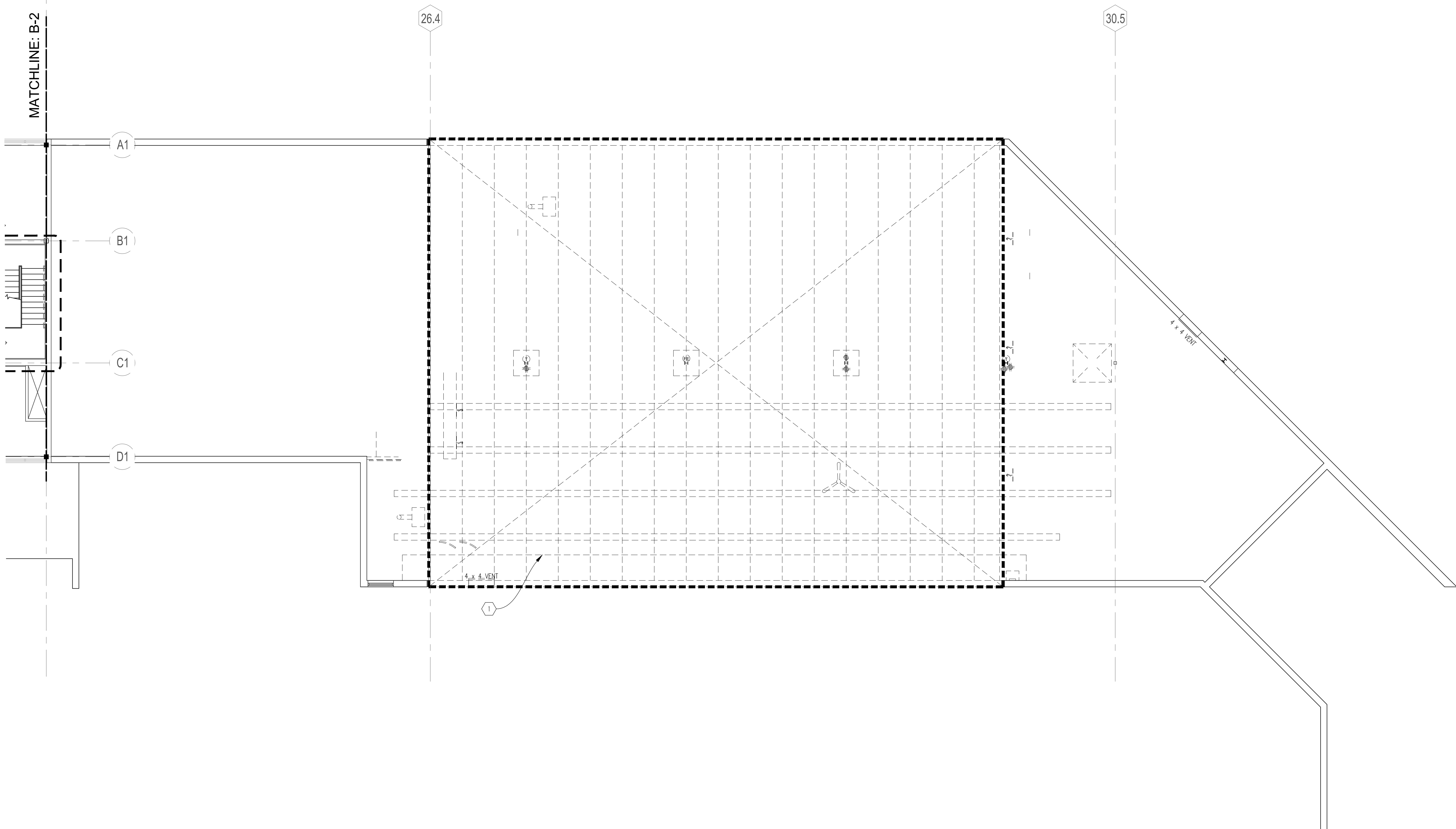
Location:  
5605 Green Circle Drive  
Minnetonka, MN 55343

Project No.: 15-475.01B  
Scale: As Noted  
Drawn By: RWS / JSW  
Approval: RWS

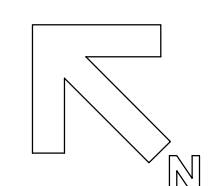
102C  
OF 53

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Lionsgate Academy  
5605 Green Circle Drive  
89011.16a



1 102C UPPER LEVEL (ROOF) - DEMOLITION PLAN - SECTION C  
SCALE: 1/8" = 1'-0"

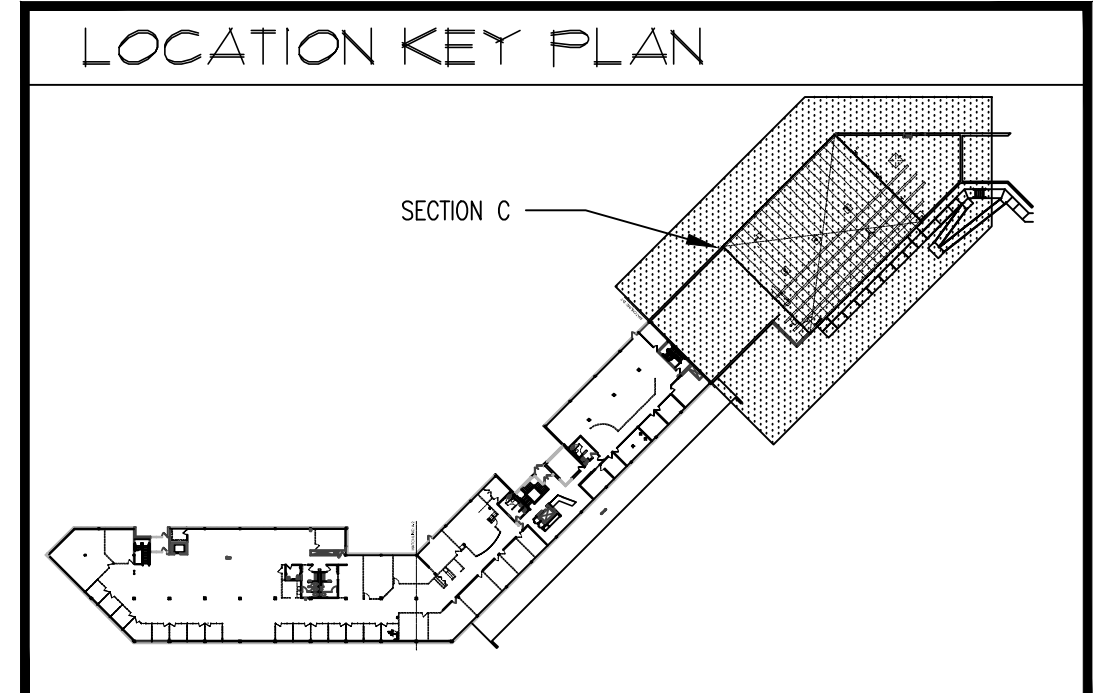


DEMOLITION PLAN KEY NOTES- 102C

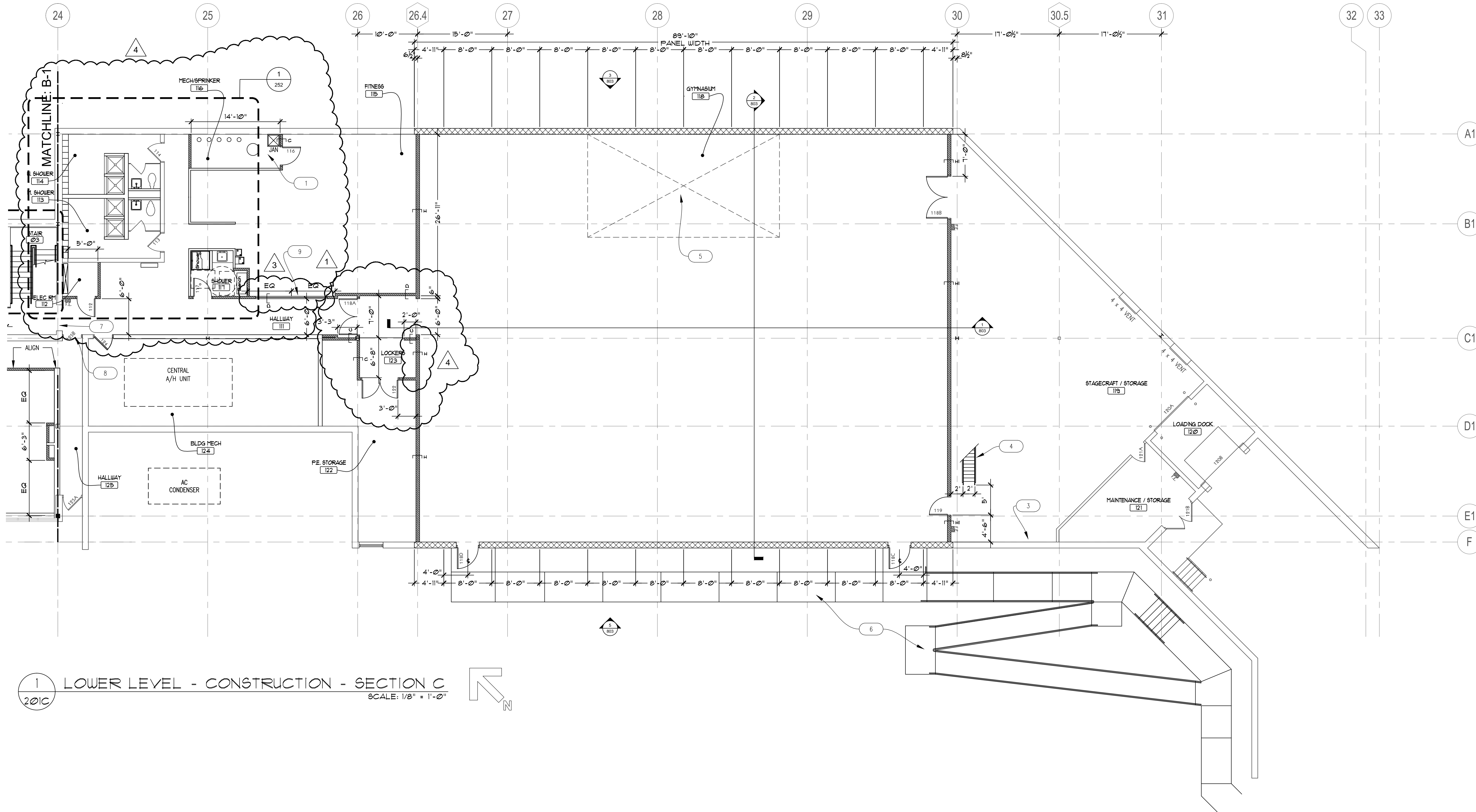
- 1. REMOVAL OF ROOF AND STRUCTURE - COORDINATE WITH STRUCTURAL DOCUMENTS AND STRUCTURAL ENGINEER.

DEMOLITION PLAN SYMBOLS LEGEND

---	EXG WALL TO BE DEMOLISHED
—	EXG WALL TO REMAIN
≡	PARTIAL HEIGHT WALL
—	EXG DOOR & FRAME TO REMAIN
—	EXG DOOR & FRAME TO BE DEMOLISHED



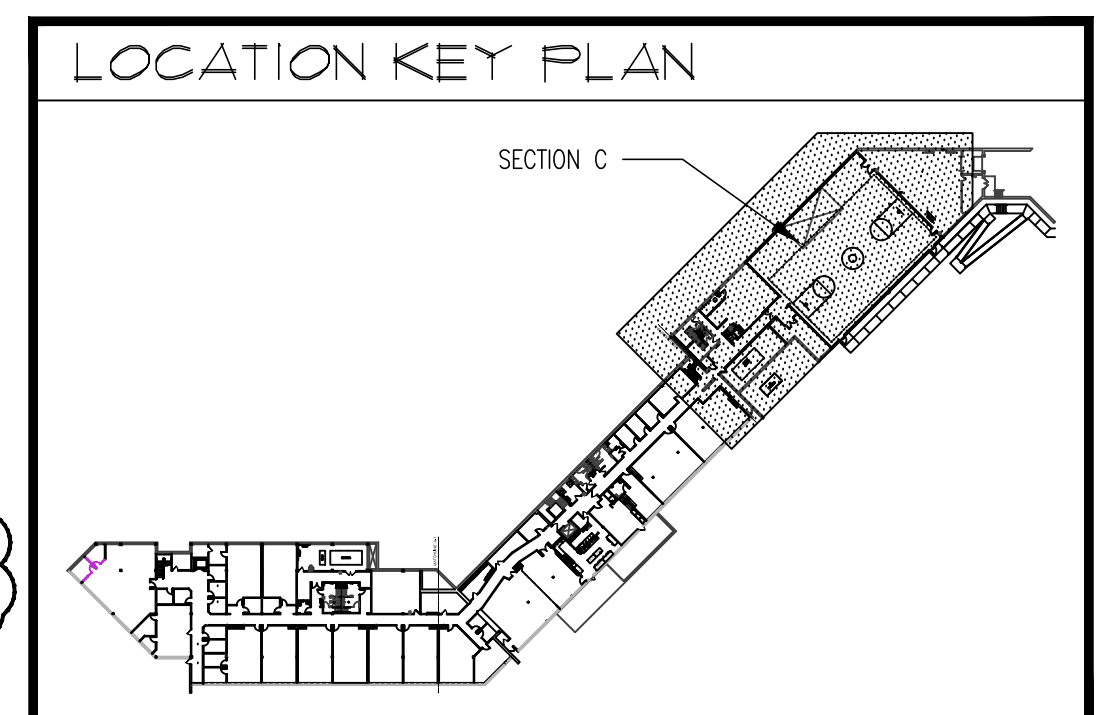
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1 LOWER LEVEL - CONSTRUCTION - SECTION C  
 201C SCALE: 1/8" = 1'-0"

CONSTRUCTION PLAN KEY NOTES - 201C

1. FIRE CONTROL PANEL - RELOCATED FROM DEMOLITION.
2. METAL LOCKERS - PROVIDED BY TENANT - INSTALLED BY G.G. - VERIFY LOCKER TYPE/MFG.
3. KILN LOCATION - PROVIDE VENT THROUGH WALL. - COORDINATE WITH MECHANICAL
4. SHIPS LADDER / ROOF HATCH
5. FOLDING STAGE - SICO - T.B.D.
6. NEW WALKS / RAMPS - SEE SITE PLAN (SHEET 901).
7. DOOR AND FRAME REMOVED - WRAP OPENING WITH GYPSUM BOARD MAINTAINING MAXIMUM CLEAR OPENING.
8. NEW METAL FRAMED OPENING IN CONCRETE BLOCK WALL. - LINTEL TO CONSIST OF W8X18 WITH BOTTOM PLATE 1/2" X 11". PROVIDE BEARING PLATE 1/2" X 8" X 8" WITH (2) 1/2" DIAMETER STUDS EACH END. GROUT (2) CORES SOLID TO FOOTING EACH END WITH (1) #4 EACH CORE - VERIFY STRUCTURAL REQUIREMENTS.
9. RELOCATE 2 SECTIONS OF GLASS (6' X 3'-6") FROM DEMOLITION. INSTALL GILL AT 4'-6" AFF. INSTALL WITH STYLMARK FRAMELESS GLASS RECEIVERS.



REVISION	4	03-17-16
REVISION	3	02-17-16
REVISION	1	02-08-16
Issues & Revisions:		
Origination Date:		01-18-16

Sheet Title:  
 CONSTRUCTION PLAN  
 LOWER LEVEL  
 SECTION C

Location:  
 5605 Green Circle Drive  
 Minnetonka, MN 55343

Project No.: 15-475.01B  
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 Drawn By: RWS / JSW  
 Approval: RWS



Winther-Johnson-Robinson  
Architects-Designers

8175-B Lewis Road  
Golden Valley, Minnesota 55427  
Phone: 763-398-0452  
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I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered architect under the Laws of the State of Minnesota.

*[Signature]*

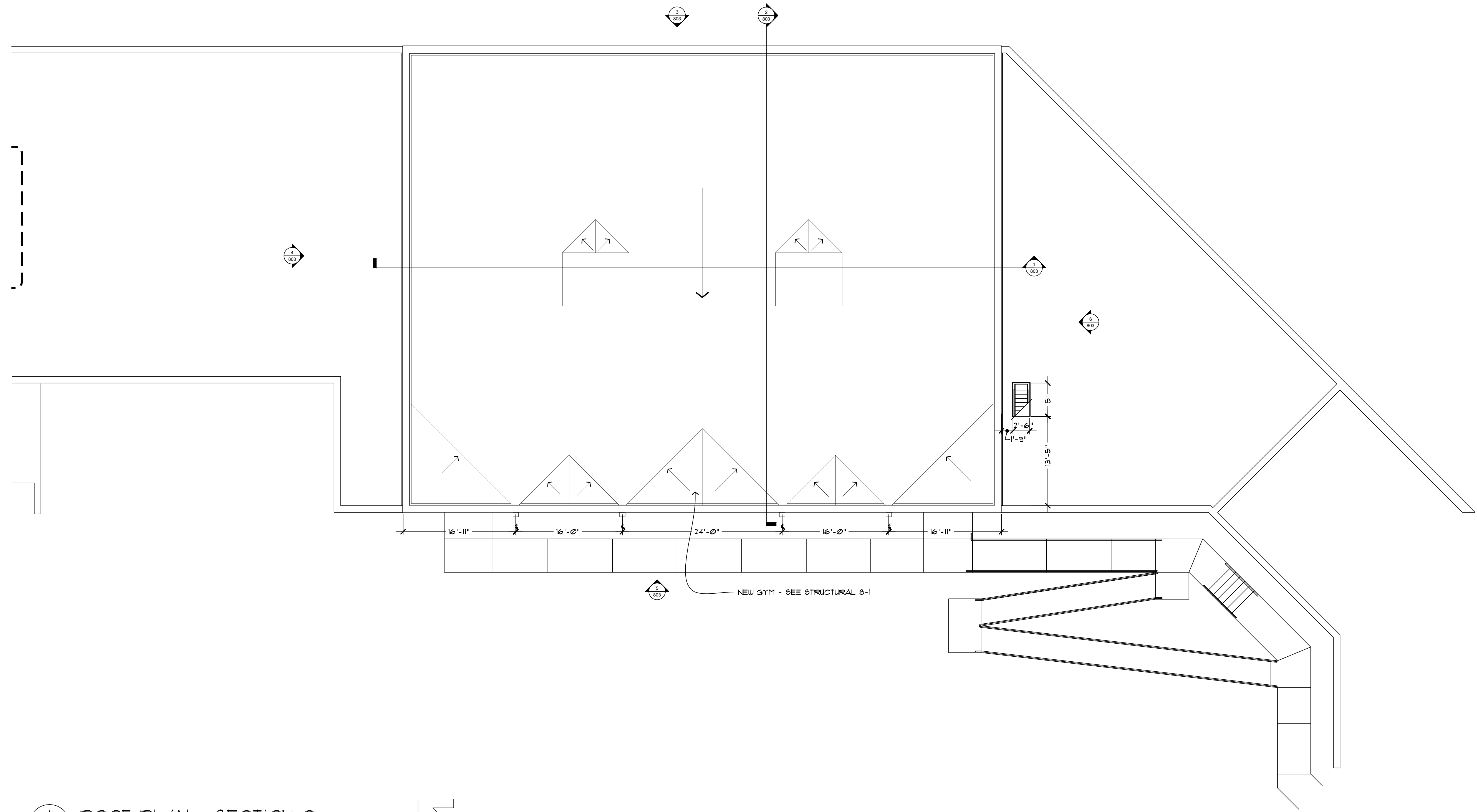
Date: 01-18-16 Reg. No.: 19466



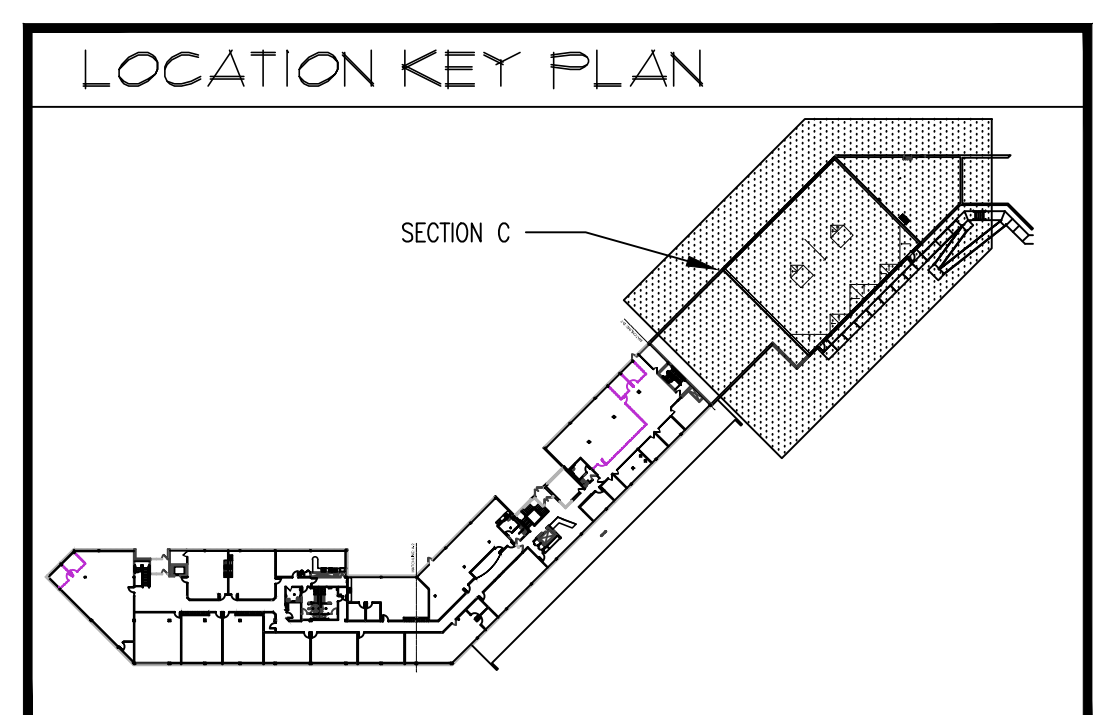
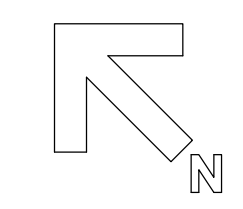
WELLINGTON  
MANAGEMENT

Commercial Real Estate

Lionsgate Academy  
5605 Green Circle Drive  
Minnetonka, MN 55343



1 ROOF PLAN - SECTION C  
202C SCALE: 1/8" = 1'-0"



Issues & Revisions:  
Origination Date: 01-18-16

Sheet Title:  
ROOF PLAN  
SECTION C

Location:  
5605 Green Circle Drive  
Minnetonka, MN 55343

Project No.: 15-475.01B  
Scale: As Noted  
Drawn By: RWS / JSW  
Approval: RWS

202C

OF 53

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Lionsgate Academy  
5605 Green Circle Drive  
89011.16a



Winther-Johnson-Robinson  
Architects-Designers

8175-B Lewis Road  
Golden Valley, Minnesota 55427  
Phone: 763-398-0452  
Fax: 763-398-0455

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Date: 01-18-16 Reg. No.: 19466



WELLINGTON  
MANAGEMENT

Commercial Real Estate

Lionsgate Academy  
5605 Green Circle Drive  
Minnetonka, MN 55343

REVISION	4	03-17-16
REVISION	3	02-17-16
REVISION	1	02-08-16

Issues & Revisions:  
Origination Date: 01-18-16

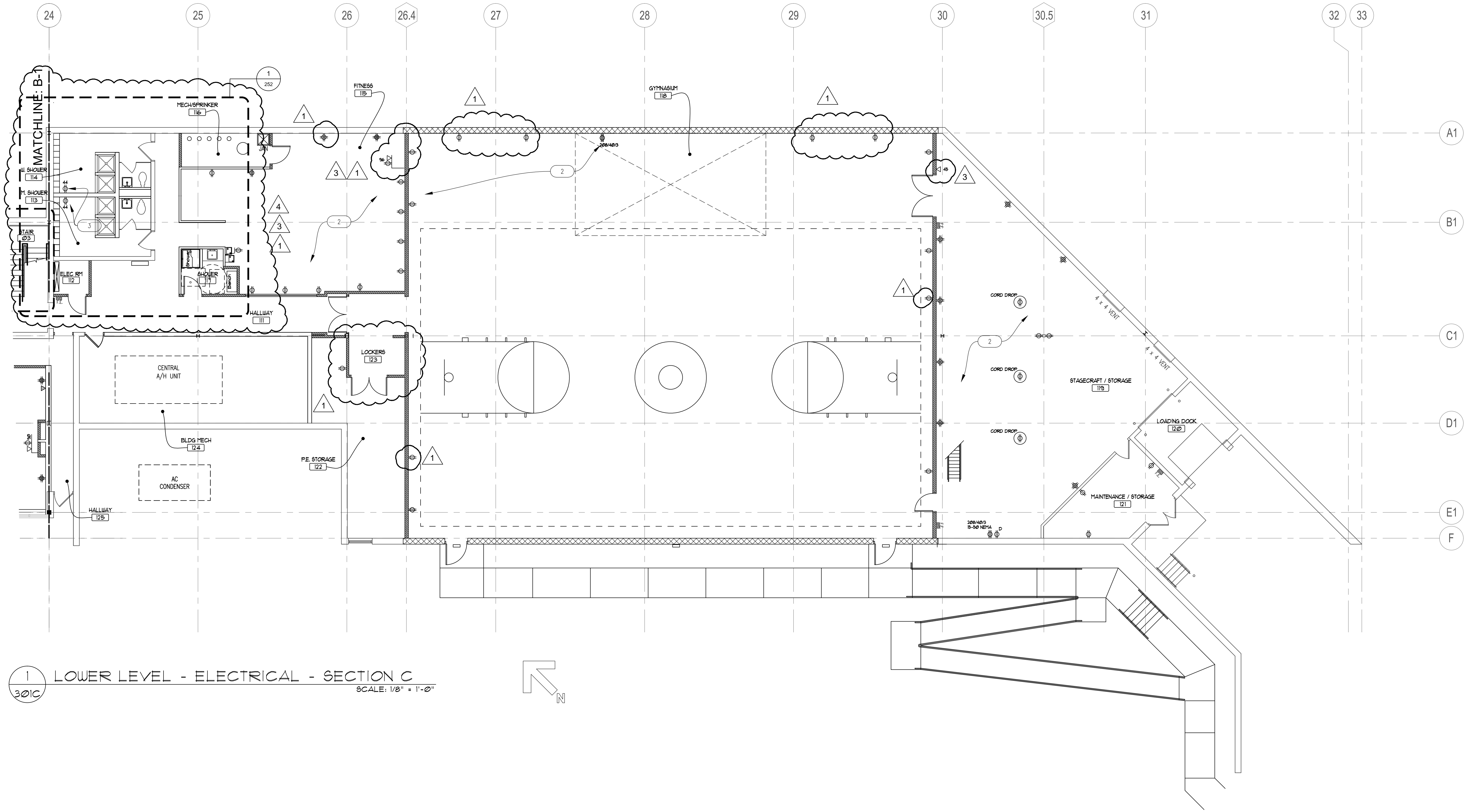
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ELECTRICAL PLAN  
LOWER LEVEL  
SECTION C

Location:  
5605 Green Circle Drive  
Minnetonka, MN 55343

Project No.: 15-475.01B  
Scale: As Noted  
Drawn By: RWS / JSW  
Approval: RWS

301C  
OF 53

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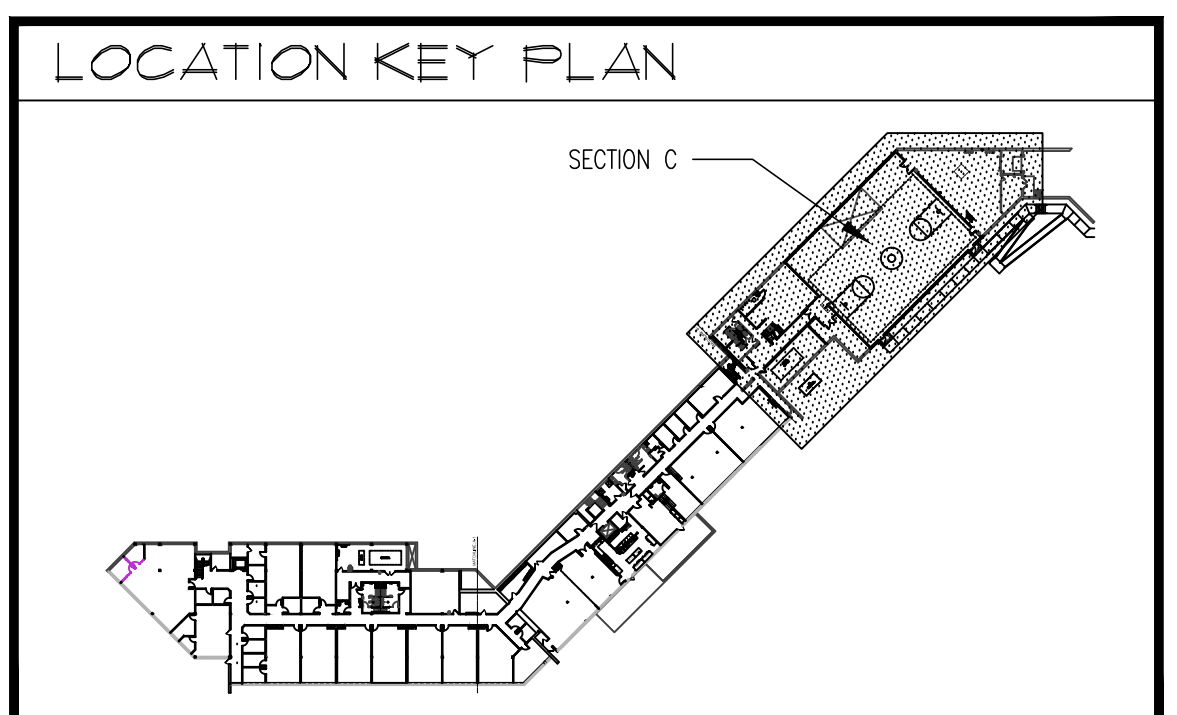
1 LOWER LEVEL - ELECTRICAL - SECTION C  
SCALE: 1/8" = 1'-0"

ELECTRICAL PLAN KEY NOTES

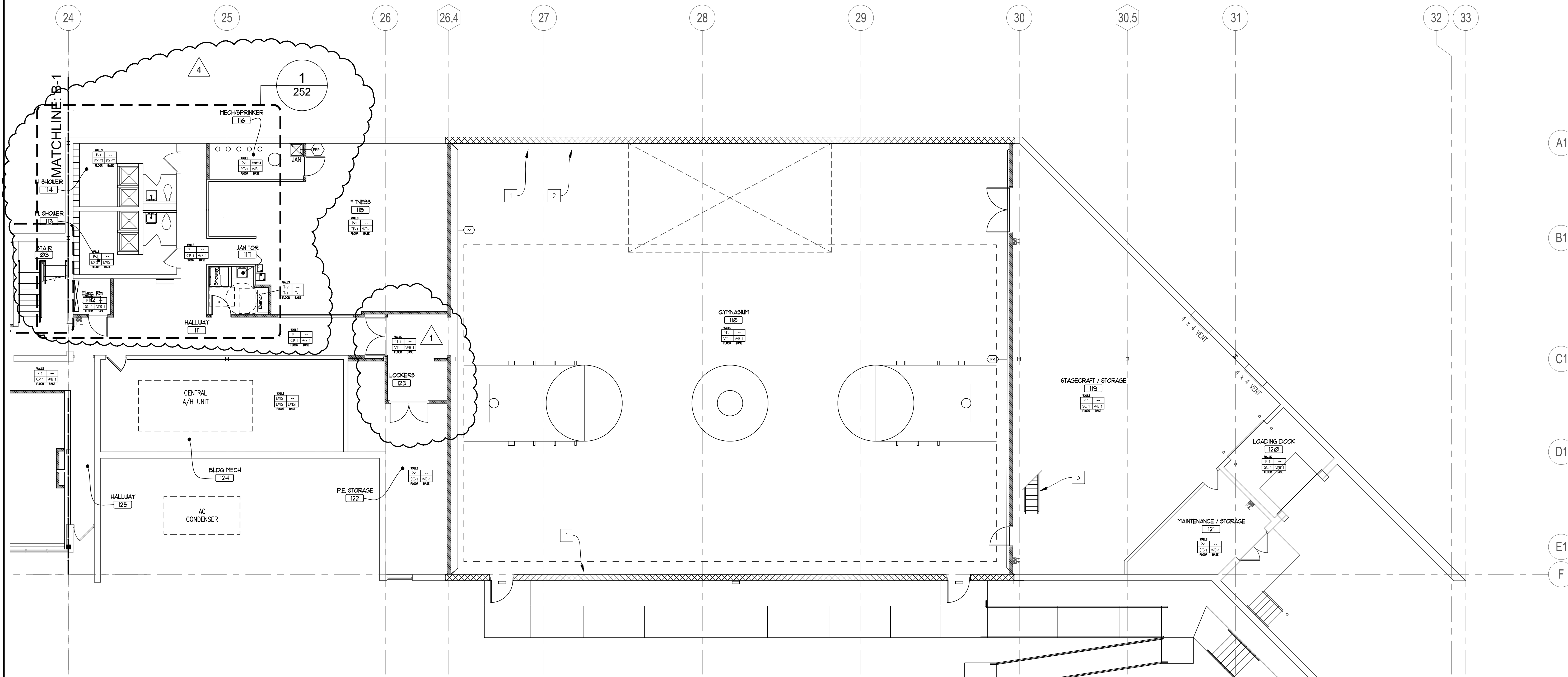
- EXTERIOR LIGHT FIXTURE - SEE ELEVATION 5/803.
- VERIFY LOCATIONS OF ALL DEVICES AND COORDINATE WITH TENANTS EQUIPMENT.
- ADD OUTLET - SEE ENLARGED PLANS

FLOOR PLAN SYMBOLS LEGEND

	DUPLEX RECEPTACLE-WALL-4 PER CIRC		DEDICATED CIRCUIT - 1 DEVICE PER 20A CIRCUIT
	EXISTING - DUPLEX RECEPTACLE-WALL		GROUND FAULT INTERRUPTER
	4 PLEX RECEPTACLE-WALL-2 PER CIRC		HEIGHT INDICATION
	EXISTING - 4 PLEX RECEPTACLE-WALL		EXISTING DEVICE TO REMAIN
	SPECIAL OUTLET		DISHWASHER
	30 AMP		FLAT PANEL WALL BOX FSR, PUB-100 (VERIFY HEIGHT) PROVIDE SOLID BLOCKING FOR MONITOR
	4-PLEX RECEPTACLE - FLOOR (REACH-IN)		VOICE/DATA OUTLET
	HARDWIRE WHIP - WALL - (2) 20A CIRC		COAX
	HARDWIRE WHIP - FLOOR - (2) 20A CIRC		EXISTING DEVICE
	ELEC / DATA POLE - (2) 20A CIRC		CARD READER (PROVIDE BOX 4 WIRE)
	METALLIC ELEC/DATA RACEWAY		DOOR RELEASE
	DUPLEX OUTLETS EVERY 4'-0"		



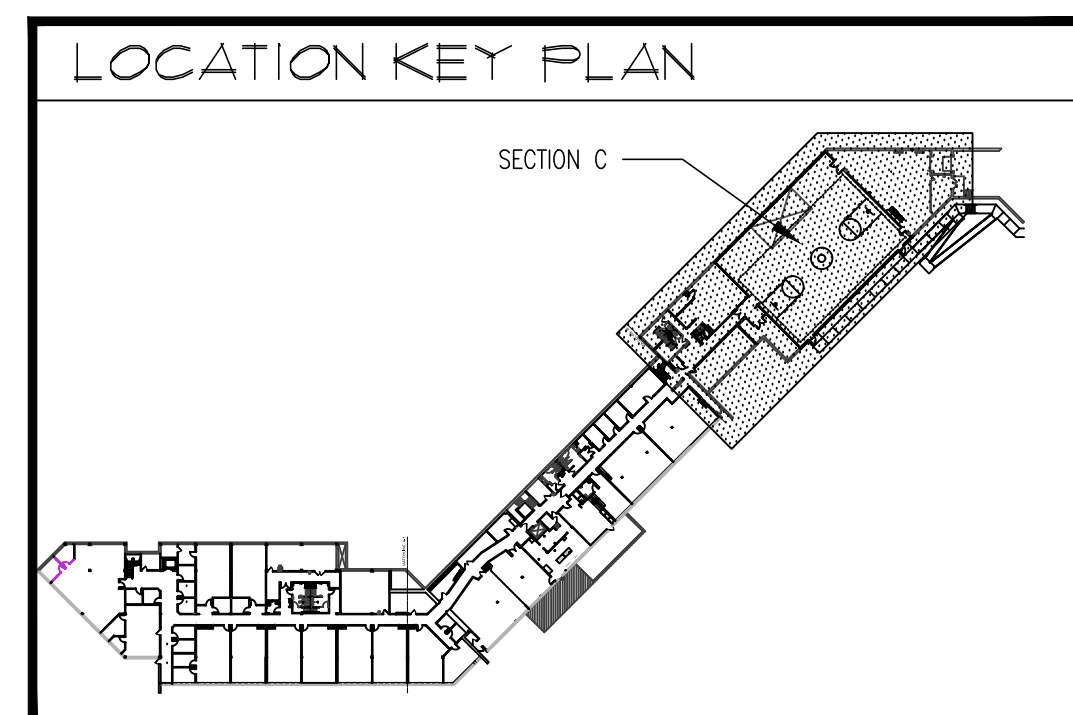
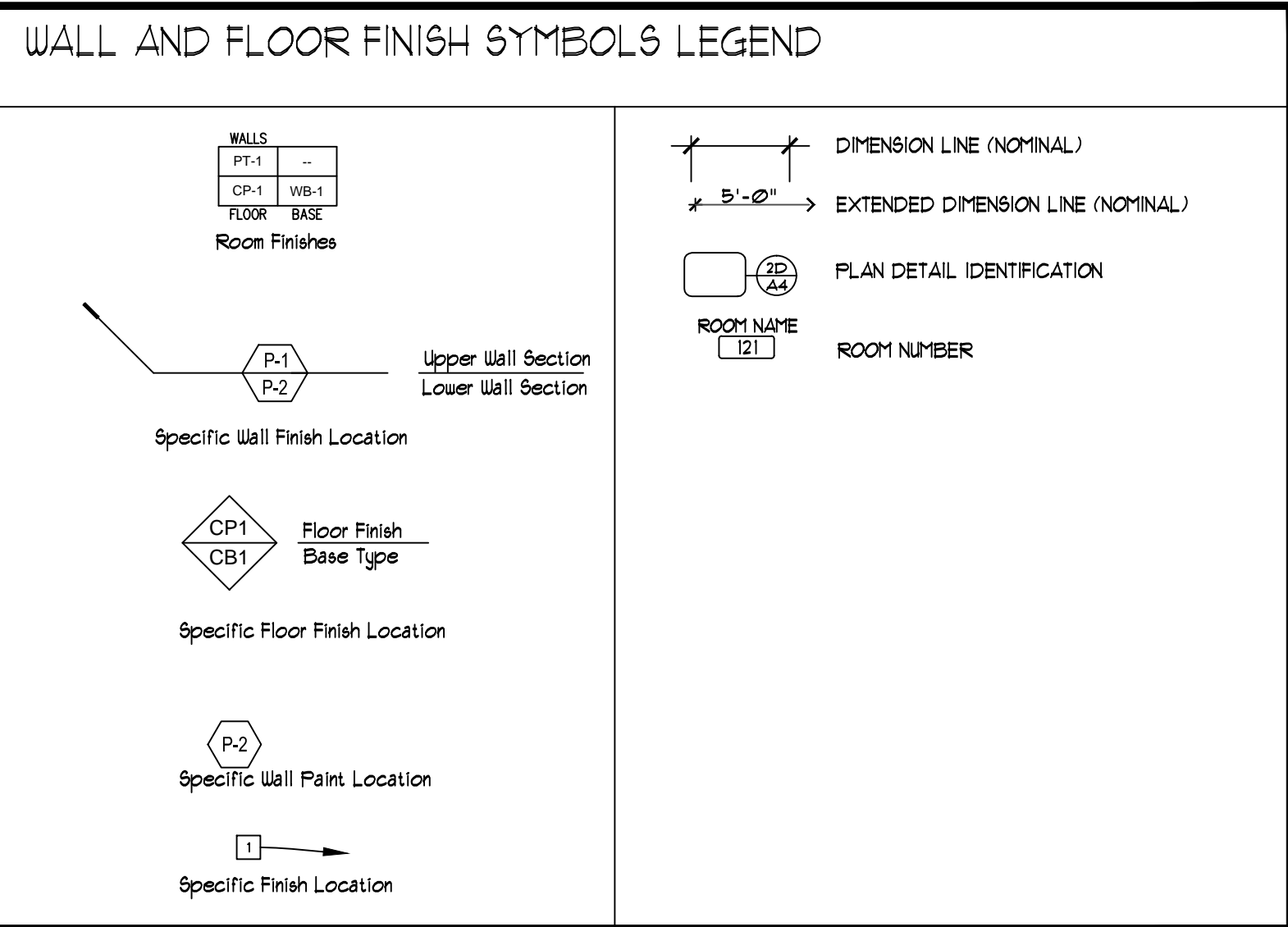




1 LOWER LEVEL - FINISH PLAN - SECTION C  
 SCALE: 1/8" = 1'-0"

PLAN KEY NOTES

1. NO FINISH - TINTED CONCRETE PANELS
2. PAINT STEP FOOTINGS BELOW CONCRETE PANELS TO MATCH TINTED CONCRETE PANELS.
3. PAINT SHIPS LADDER



**Winther-Johnson-Robinson**  
 Architects-Designers  
 8175-B Lewis Road  
 Golden Valley, Minnesota 55427  
 Phone: 763-398-0452  
 Fax: 763-398-0455

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 Date: 01-18-16 Reg. No.: 19466

**WELLINGTON**  
 MANAGEMENT  
 Commercial Real Estate

**Lionsgate Academy**  
 5605 Green Circle Drive  
 Minnetonka, MN 55343

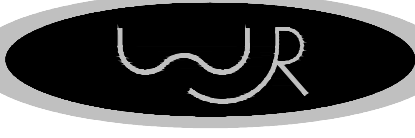
REVISION	4	03-17-16
REVISION	1	02-08-16
Issues & Revisions:		
Origination Date:		01-18-16

Sheet Title:  
**FINISH PLAN  
 LOWER LEVEL  
 SECTION C**

Location:  
 5605 Green Circle Drive  
 Minnetonka, MN 55343

Project No.: 15-475.01B  
 Scale: As Noted  
 Drawn By: RWS / JSW  
 Approval: RWS

**601C**  
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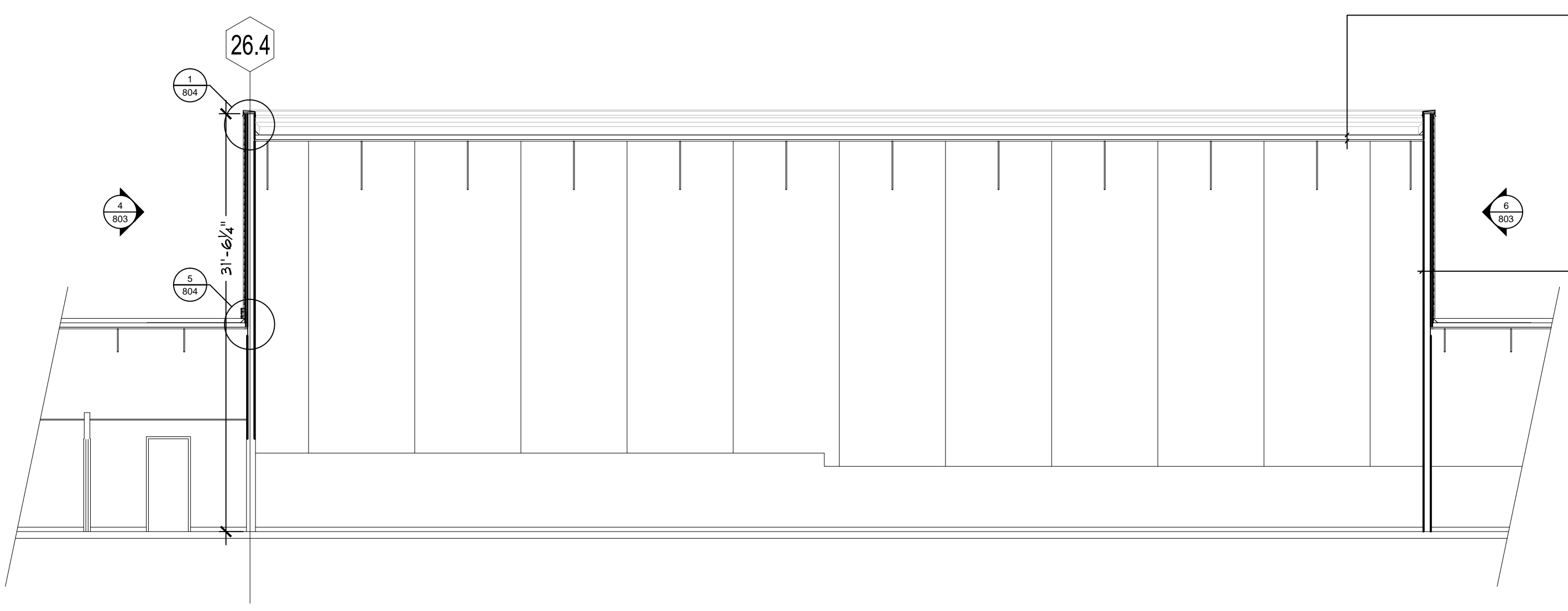


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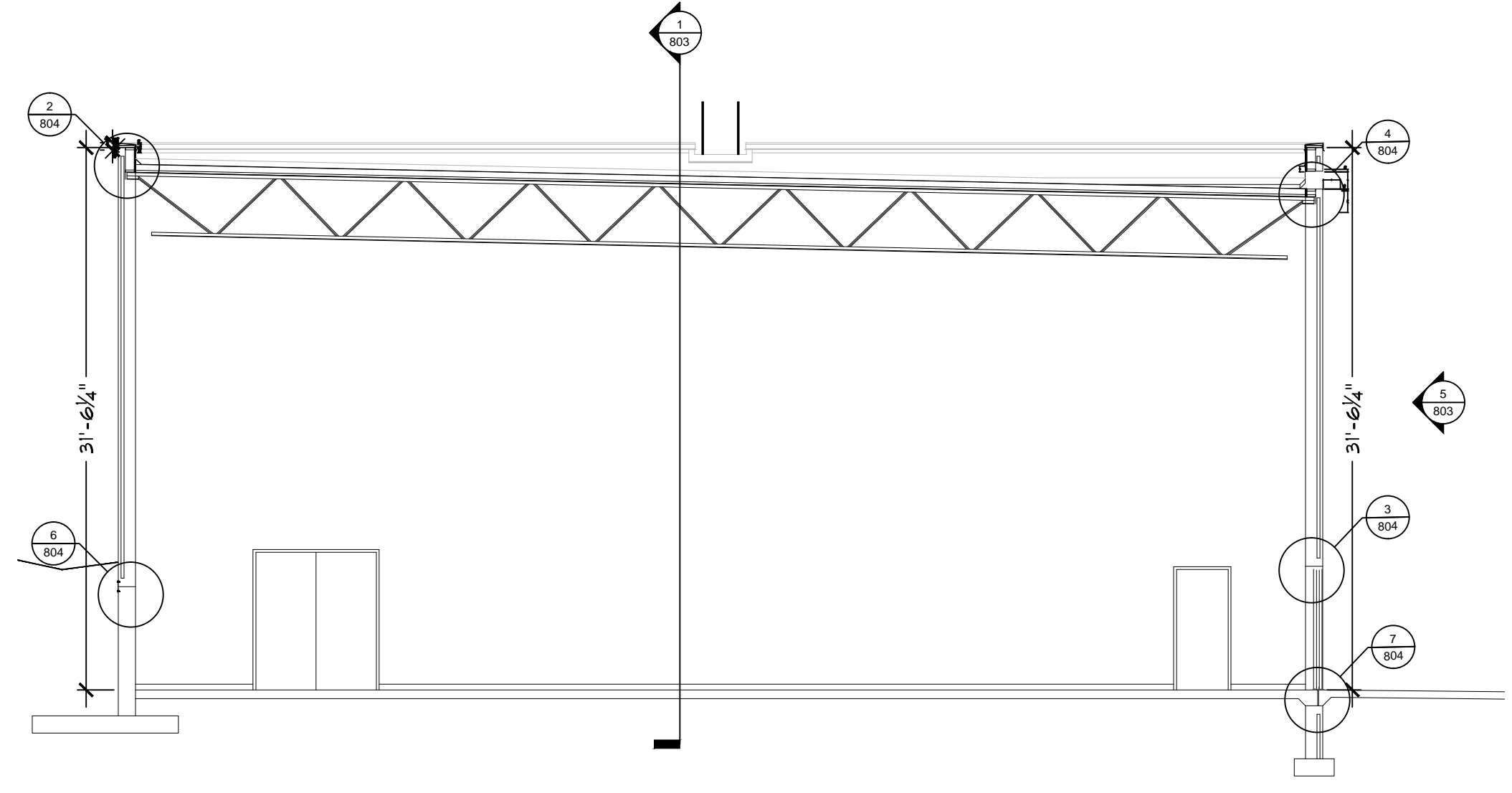
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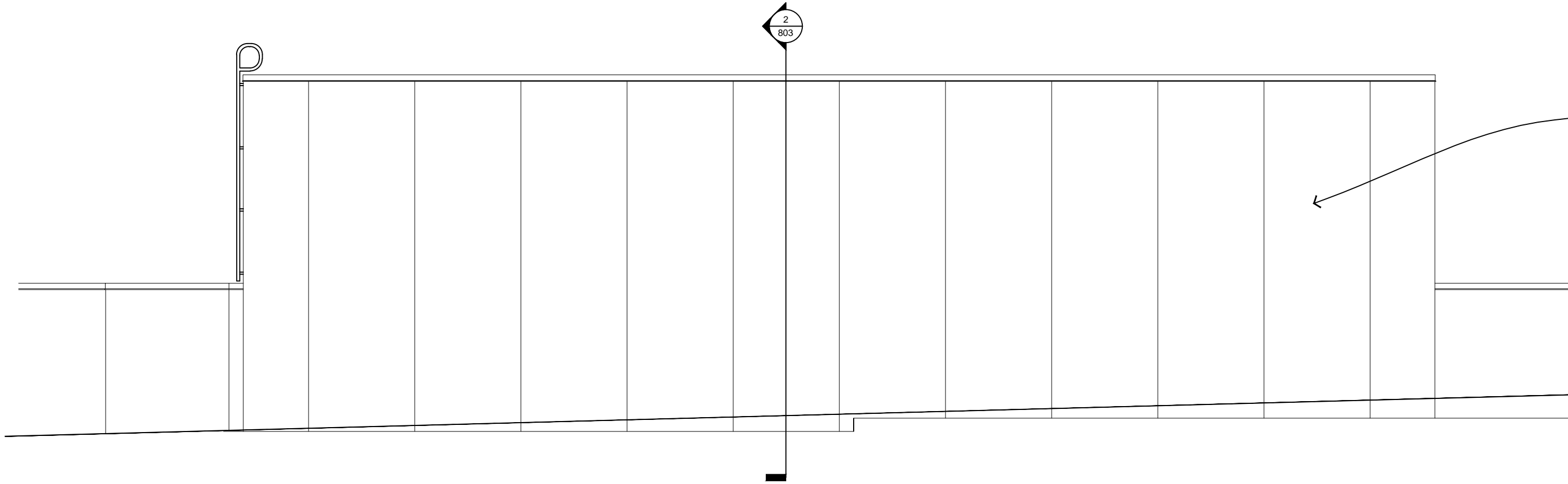
NEW ROOF CONSTRUCTION: INTERIOR TO EXTERIOR  
- ROOF DECK AS SPECIFIED ON STRUCTURAL DRUGS SHEET S1  
- POLYISOCYANURATE 6"  
- SINGLE PLY EPDM FULLY ADHERED MECHANICAL DESIGN AS MANUFACTURED BY GENFLEX ROOFING SYSTEMS

NEW CONSTRUCTION: INTERIOR TO EXTERIOR  
- 5/8" USG FIBEROCK GYPSUM BOARD SHEATHING - FULL HEIGHT OF WALL  
- VAPOR BARRIER  
- 6" STEEL STUDS AT 16" O.C. (SEE STRUCTURAL DRUGS S1 & S4)  
- FILL STUD CAVITY WITH 6" BATT INSULATION  
- 5/8" GYPSUM BOARD SHEATHING - FULL HEIGHT OF WALL  
- 1/2" EXTRUDED POLYSTYRENE SHEETS WITH CLARK-DIETRICH 1/2" "Z" FURRING CHANNEL AT EACH STUD  
- BUILDING WRAP  
- CEMENT LAP SIDING BY JAMESHARDIE COMMERCIAL WITH 6" LAP.

1 GYMNASIUM SECTION  
SCALE: 1/8" = 1'-0"

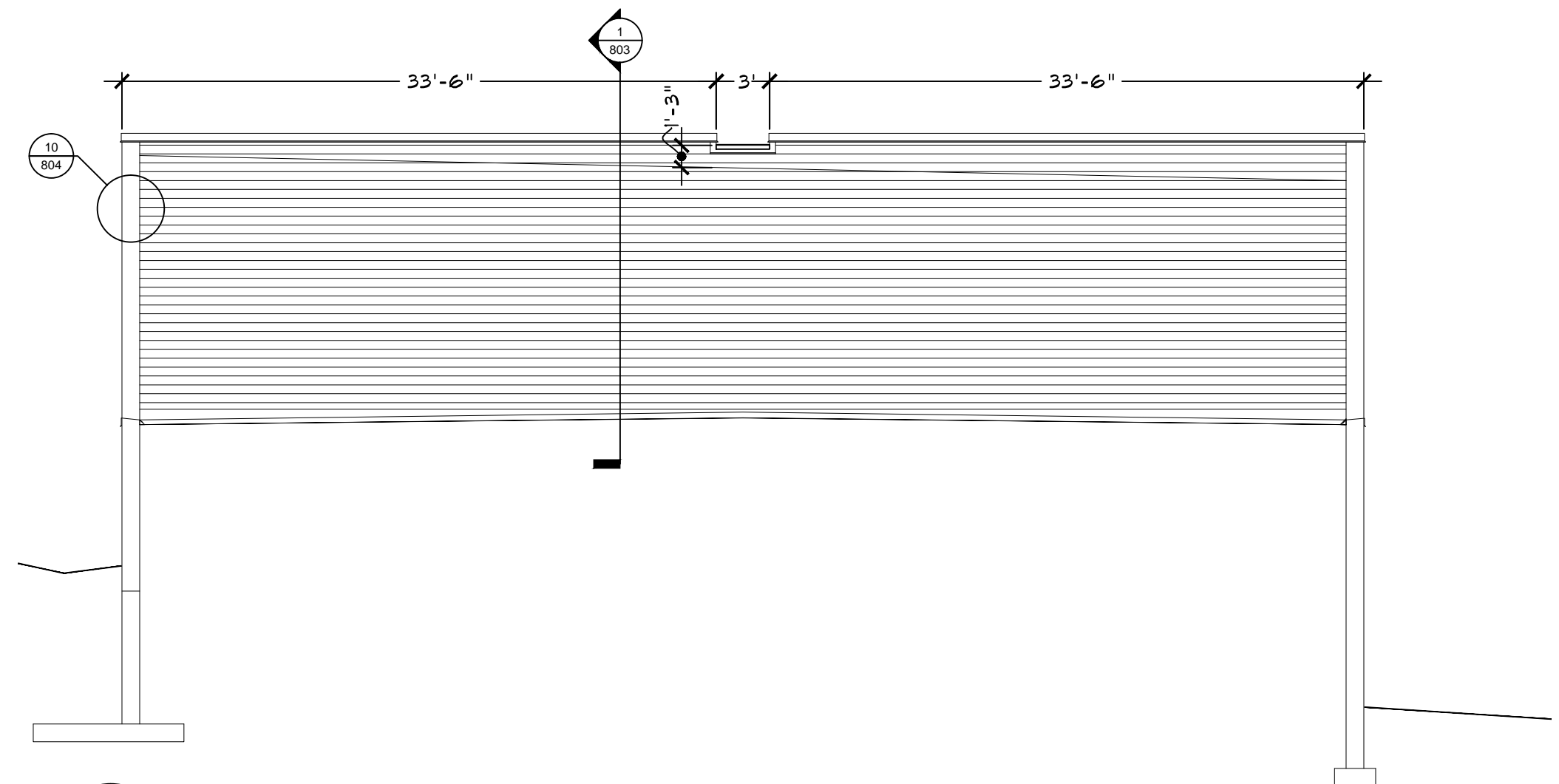


2 GYMNASIUM SECTION  
SCALE: 1/8" = 1'-0"

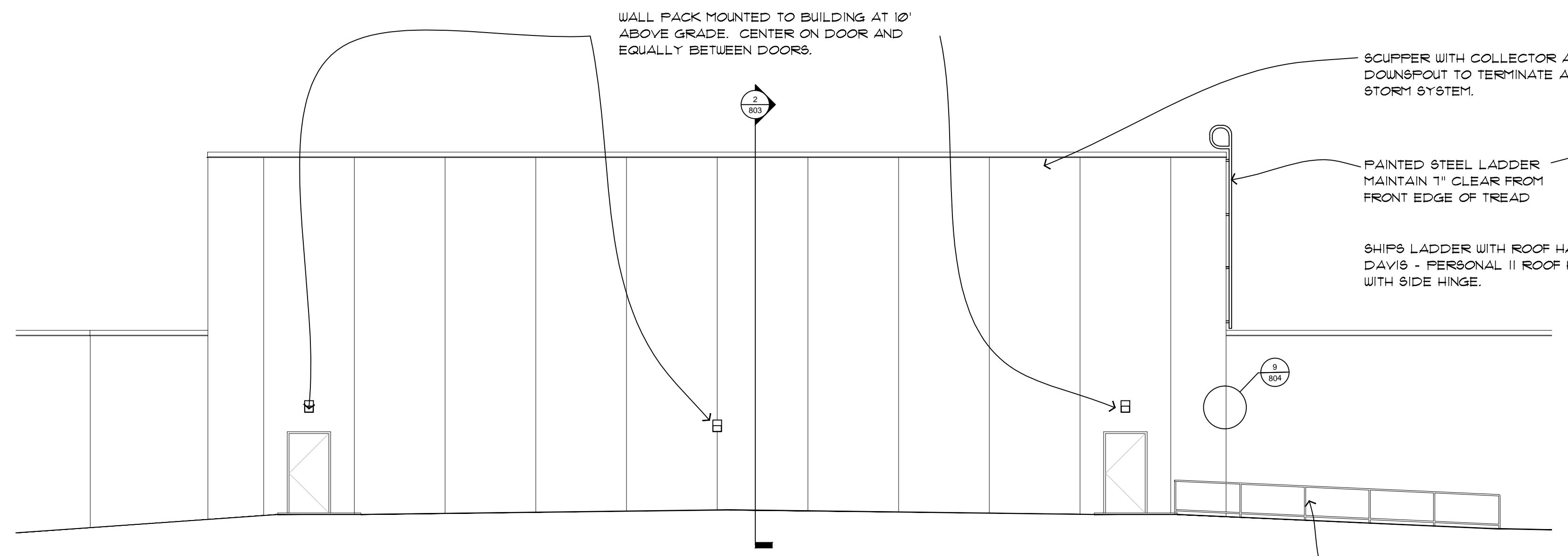


NEW CONSTRUCTION:  
- PRECAST INSULATED CONCRETE PANELS WITH BRICK PATTERN TO MATCH EXISTING BRICK.  
- PAINT TO MATCH EXISTING BRICK.

3 GYMNASIUM NORTHEAST ELEVATION  
SCALE: 1/8" = 1'-0"



4 GYMNASIUM NORTHWEST ELEVATION  
SCALE: 1/8" = 1'-0"  
SOUTHEAST ELEVATION SIMILAR



WALL PACK MOUNTED TO BUILDING AT 10' ABOVE GRADE. CENTER ON DOOR AND EQUALLY BETWEEN DOORS.

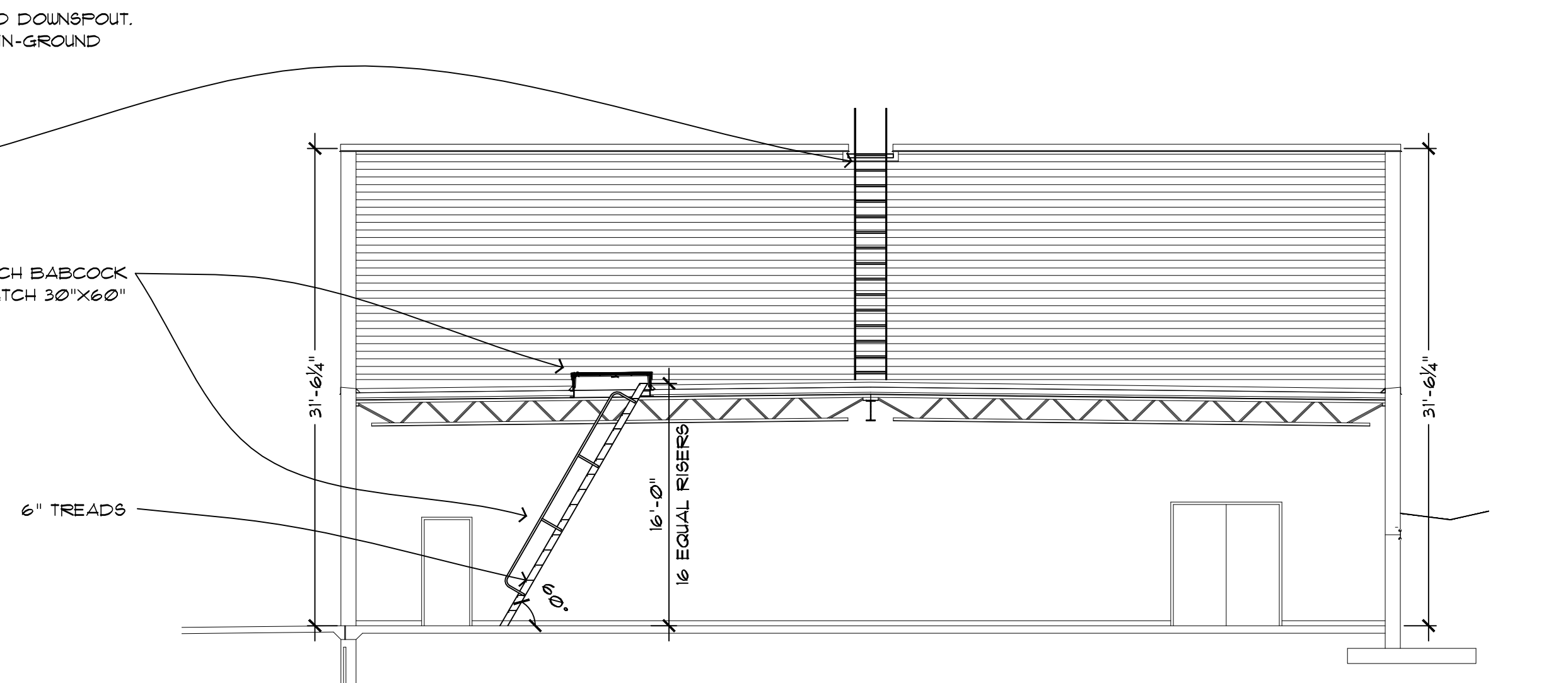
SCUPPER WITH COLLECTOR AND DOWNSPOUT. DOWNSPOUT TO TERMINATE AT IN-GROUND STORM SYSTEM.

PAINTED STEEL LADDER MAINTAIN 1" CLEAR FROM FRONT EDGE OF TREAD

SHIPS LADDER WITH ROOF HATCH BABCOCK DAVIS - PERSONAL II ROOF HATCH 30"X60" WITH SIDE HINGE.

36" HIGH HANDRAIL WITH PROTECTIVE RAIL AT 4" ABOVE CONCRETE.

5 GYMNASIUM SOUTHWEST ELEVATION  
SCALE: 1/8" = 1'-0"



6 GYMNASIUM SOUTHEAST ELEVATION  
SCALE: 1/8" = 1'-0"

Lionsgate Academy  
5605 Green Circle Drive  
Minnetonka, MN 55343

Issues & Revisions:  
Origination Date: 01-18-16

Sheet Title:  
BLDG ELEVATIONS  
BLDG SECTIONS

Location:  
5605 Green Circle Drive  
Minnetonka, MN 55343

Project No.: 15-475.01B  
Scale: As Noted  
Drawn By: RWS/JSW  
Approval: RWS

803

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Lionsgate Academy  
5605 Green Circle Drive  
89011.16



Winther-Johnson-Robinson  
Architects-Designers

8175-B Lewis Road  
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Phone: 763-398-0452  
Fax: 763-398-0455

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Date: 01-18-16 Reg. No.: 19466

Lionsgate Academy  
5605 Green Circle Drive  
Minnetonka, MN 55343

Issues & Revisions:  
Origination Date: 01-18-16

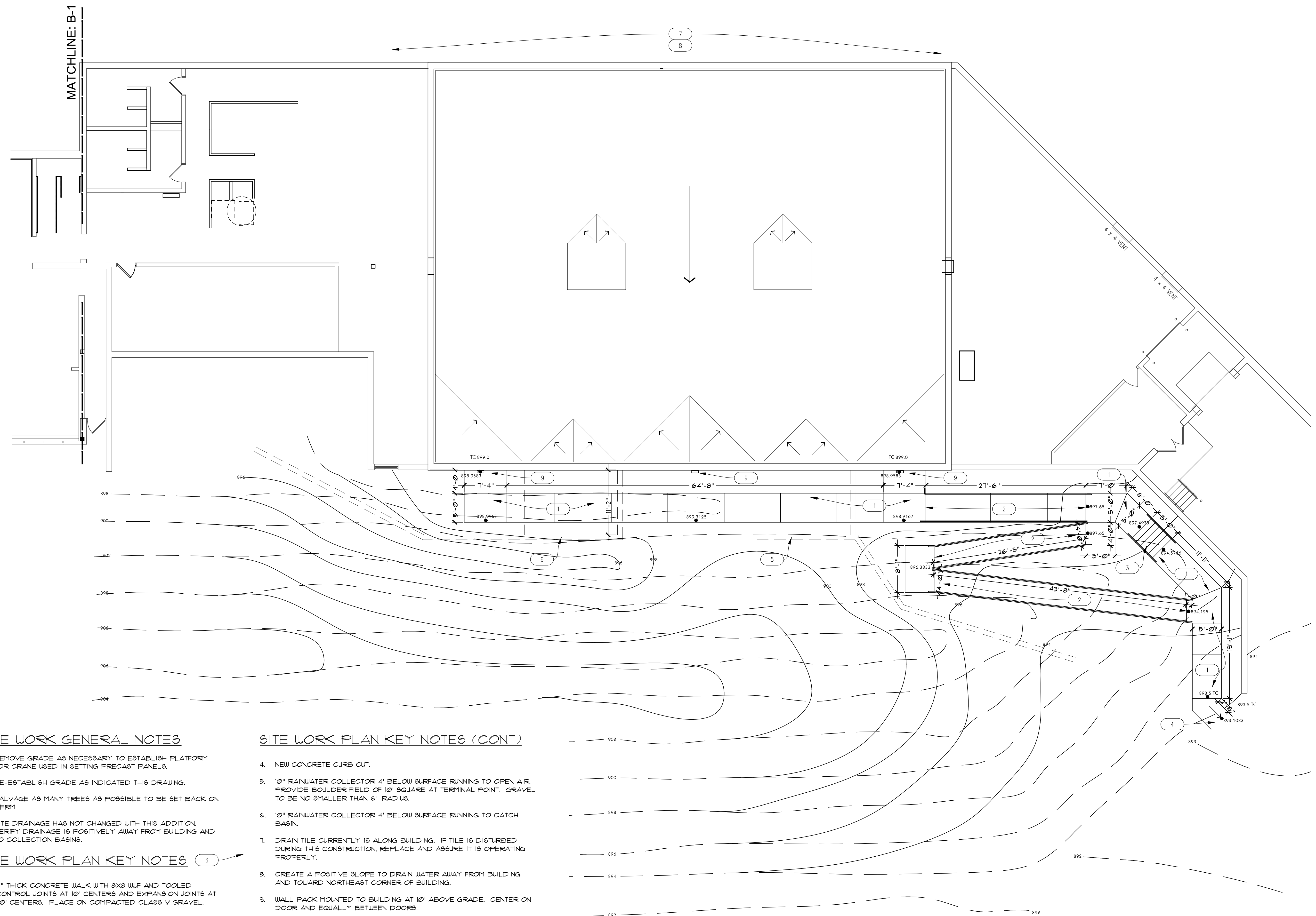
Sheet Title:  
SITE PLAN  
DETAILS

Location:  
5605 Green Circle Drive  
Minnetonka, MN 55343

Project No.: 15-475.01B  
Scale: As Noted  
Drawn By: RWS/JSW  
Approval: RWS

901  
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**SITE WORK GENERAL NOTES**

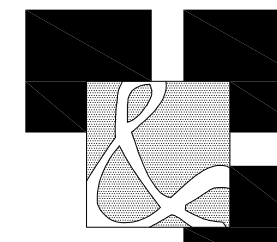
- A. REMOVE GRADE AS NECESSARY TO ESTABLISH PLATFORM FOR CRANE USED IN SETTING PRECAST PANELS.
- B. RE-ESTABLISH GRADE AS INDICATED THIS DRAWING.
- C. SALVAGE AS MANY TREES AS POSSIBLE TO BE SET BACK ON BERM.
- D. SITE DRAINAGE HAS NOT CHANGED WITH THIS ADDITION. VERIFY DRAINAGE IS POSITIVELY AWAY FROM BUILDING AND TO COLLECTION BASINS.

**SITE WORK PLAN KEY NOTES**

- 1. 5" THICK CONCRETE WALK WITH 2x2 WLF AND TOOLED CONTROL JOINTS AT 10' CENTERS AND EXPANSION JOINTS AT 20' CENTERS. PLACE ON COMPACTED CLASS V GRAVEL.
- 2. CONCRETE RAMP SAME CONSTRUCTION AS WALK ABOVE. MAINTAIN SLOPE NO GREATER THAN 1/20. PROVIDE HANDRAIL AT 36" ABOVE CONCRETE WITH BARRIER AT BOTTOM OF RAIL CENTERED AT 4" FROM CONCRETE SURFACE.
- 3. CONCRETE STAIR WITH #4 BARS. MAINTAIN RISE/RUN OF 6/12 AT STAIRS. PROVIDE HANDRAIL AT 36" ABOVE CONCRETE STAIR NOSING WITH 12" EXTENSIONS TOP AND BOTTOM OF STAIR

**SITE WORK PLAN KEY NOTES (CONT)**

- 4. NEW CONCRETE CURB CUT.
- 5. 10" RAINWATER COLLECTOR 4" BELOW SURFACE RUNNING TO OPEN AIR. PROVIDE BOULDER FIELD OF 10' SQUARE AT TERMINAL POINT. GRAVEL TO BE NO SMALLER THAN 6" RADIUS.
- 6. 10" RAINWATER COLLECTOR 4" BELOW SURFACE RUNNING TO CATCH BASIN.
- 7. DRAIN TILE CURRENTLY IS ALONG BUILDING. IF TILE IS DISTURBED DURING THIS CONSTRUCTION, REPLACE AND ASSURE IT IS OPERATING PROPERLY.
- 8. CREATE A POSITIVE SLOPE TO DRAIN WATER AWAY FROM BUILDING AND TOWARD NORTHEAST CORNER OF BUILDING.
- 9. WALL PACK MOUNTED TO BUILDING AT 10' ABOVE GRADE. CENTER ON DOOR AND EQUALLY BETWEEN DOORS.



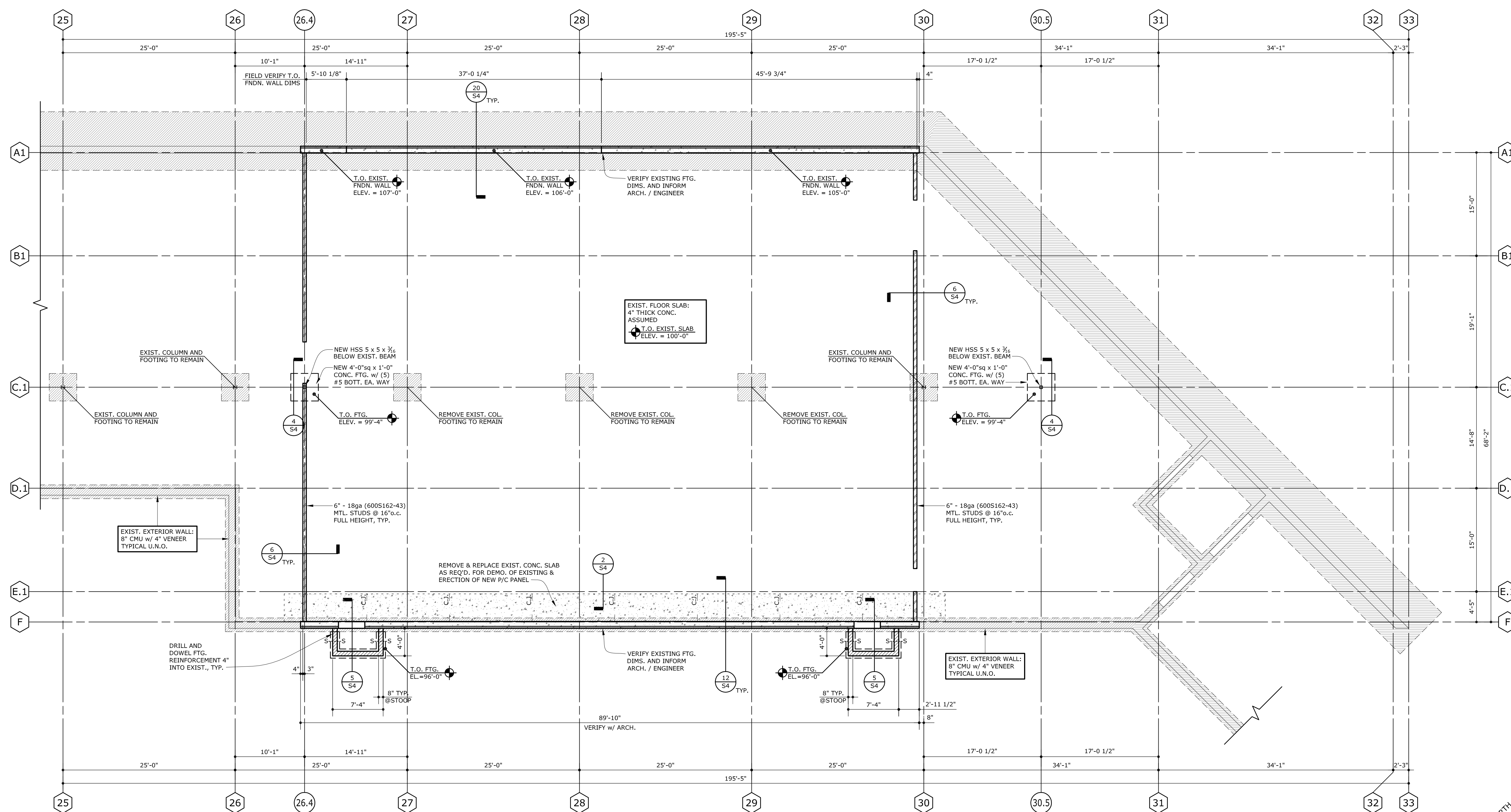
**KRECH, O'BRIEN,  
MUELLER & ASSOCIATES, INC.**  
Architecture Structural Engineering Interior Design

6115 Cahill Avenue  
Inver Grove Heights  
Minnesota 55076

651.451.4605  
fax 651.451.0917  
komainc@komainc.com

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*[Signature]*  
DATE: 1-18-16 REG. NO.: 25071



**24 FOUNDATION PLAN**  
1/8" = 1'-0"

- PLAN NOTES:
- CONTRACTOR TO COORDINATE AND VERIFY ALL DIMENSIONS AND ELEVATIONS w/ ARCHITECTURAL DRAWINGS AND FIELD CONDITIONS.
  - C.J. INDICATES CONTROL JOINT AND/OR CONSTRUCTION JOINT PER 1/S4.
  - S---S ON PLAN DENOTES STEPPED FOOTING, SEE DETAIL 24/S4.

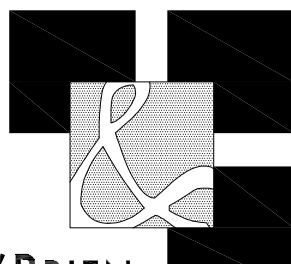
**FOUNDATION PLAN**

**LIONSGATE ACADEMY AUTISM CHARTER SCHOOL**  
5605 GREEN CIRCLE DRIVE  
MINNETONKA, MN 55343

PROJECT: 15376  
DRAWN BY: BLR  
CHECKED BY: MJL  
DATE: 01/18/16  
REVISIONS:

**S2**

N:\15376\15376\_S2.dwg 1/15/2016 11:02:32 AM



**KRECH, O'BRIEN,  
MUELLER & ASSOCIATES, INC.**  
Architecture Structural Engineering Interior Design

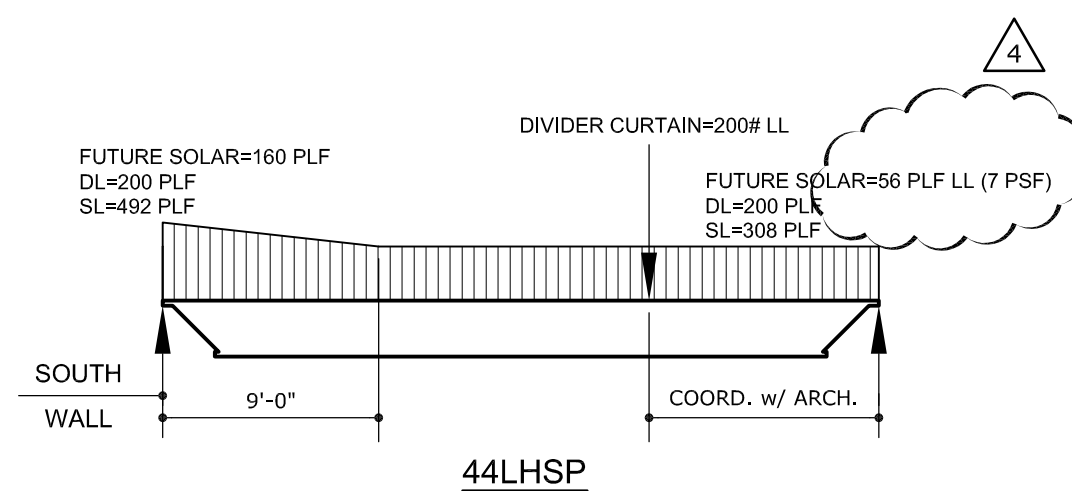
6115 Cahill Avenue  
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komainc@komainc.com

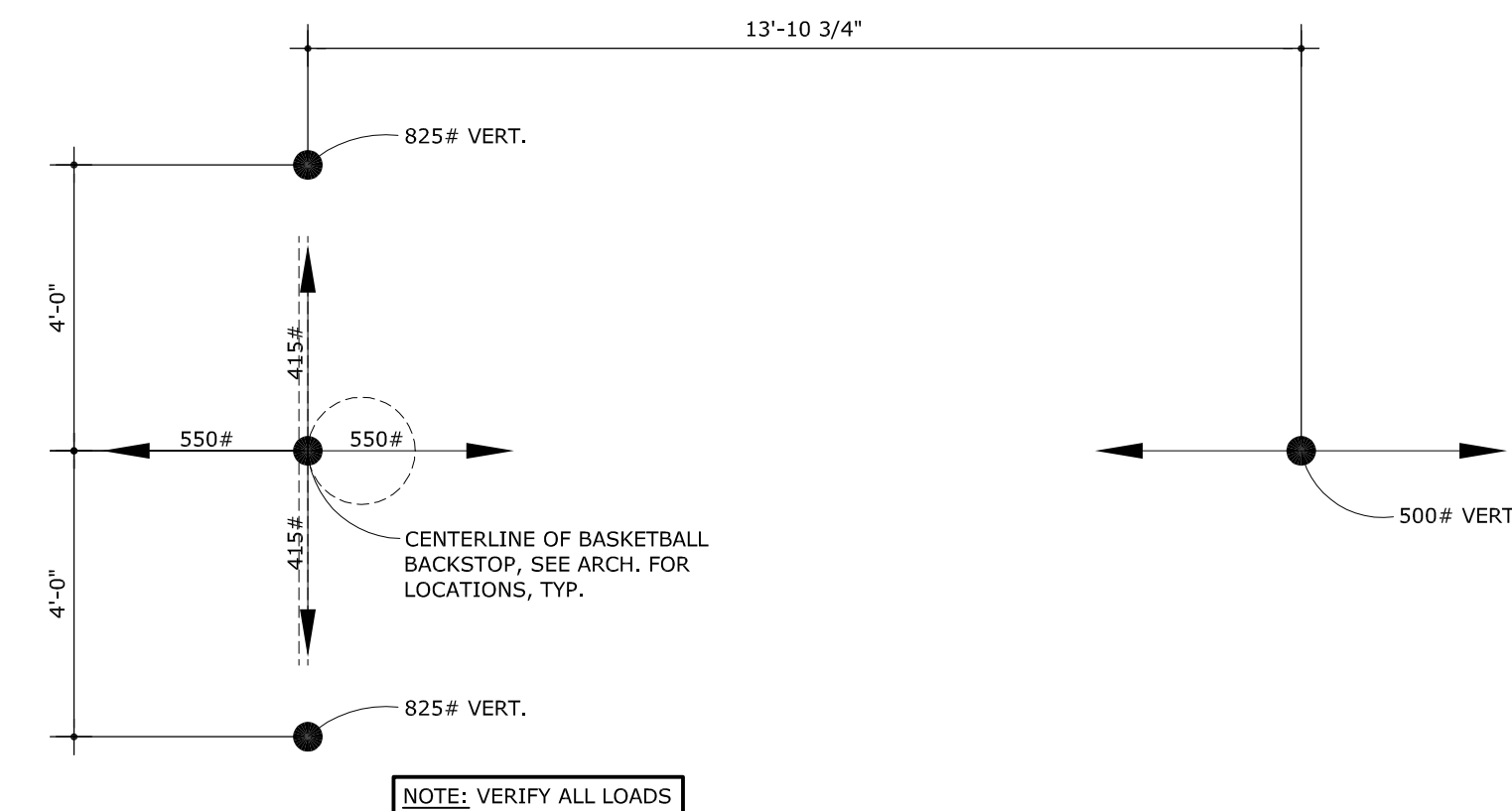
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Michael J. Looney  
DATE: 1-18-16 REG. NO.: 25071

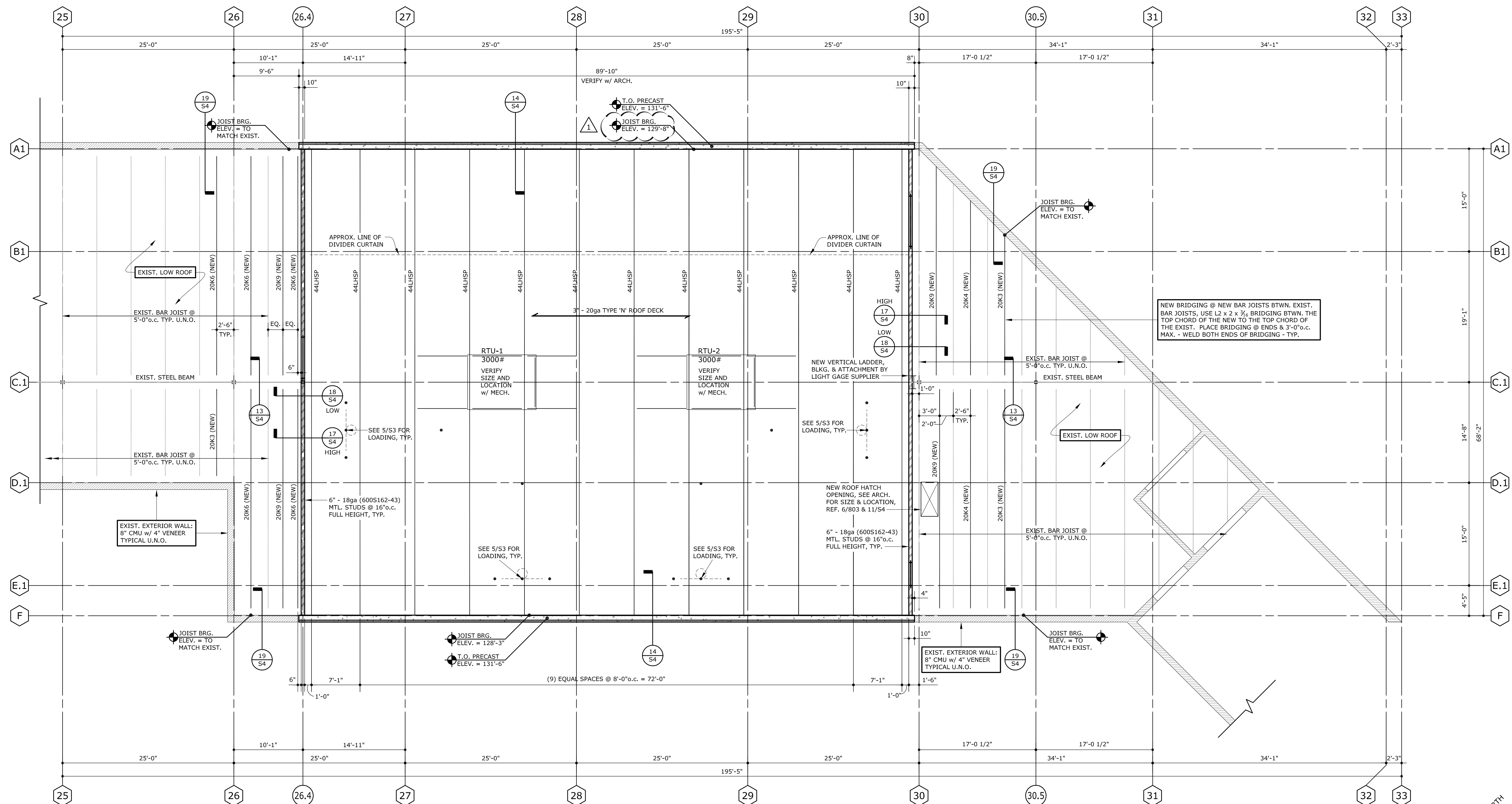


- SPECIAL JOIST NOTES:**
1. SEE PLAN FOR BACKBOARD LOCATIONS AND 5/33 FOR BACKBOARD LOADING. (VERIFY)
  2. SEE PLAN FOR RTU LOCATIONS AND LOADING.
  3. VERIFY LOCATIONS OF BACKBOARDS AND DIVIDER CURTAIN w/ ARCH.
  4. VERIFY LOCATION OF RTU'S w/ MECH.



**JOIST DIAGRAM**  
NOTE: 5" JOIST SEAT TYPICAL

**5 BACKBOARD LOADING - TYP.**  
3/8" = 1'-0"



**24 ROOF FRAMING PLAN**  
1/8" = 1'-0"

**PLAN NOTES:**

1. CONTRACTOR TO COORDINATE AND VERIFY ALL DIMENSIONS AND ELEVATIONS w/ ARCHITECTURAL DRAWINGS AND FIELD CONDITIONS.
2. SEE 9/54 FOR TYPICAL JOIST REINFORCING AT CONCENTRATED LOADS.
3. SEE 10/54 FOR TYPICAL MECHANICAL UNIT SUPPORT FRAME.
4. SEE 11/54 FOR TYPICAL ROOF OPENING SUPPORT FRAME.
5. VERIFY SIZE, WEIGHT & REQUIRED ROOF OPENINGS OF ALL MECHANICAL UNITS w/ MECHANICAL DRAWINGS AND APPROVED SHOP DRAWINGS.
6. SEE JOIST DIAGRAM FOR JOIST LOADING.

**ROOF FRAMING PLAN**

**LIONSGATE ACADEMY AUTISM CHARTER SCHOOL**  
5605 GREEN CIRCLE DRIVE  
MINNETONKA, MN 55343

PROJECT: 15376  
DRAWN BY: BLR  
CHECKED BY: MIL  
DATE: 01/18/16

- REVISIONS:
- 1 01/20/16 General Revision
  - 2 03/17/16 General Revision



Lionsgate Academy  
5605 Green Circle Drive  
55343

## **Planning Commission Resolution No. 2016-**

### **Resolution approving an expansion permit to increase the height of a portion of the existing building at 5605 Green Circle Drive.**

---

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

Section 1. Background.

- 1.01 On October 15, 1980 the city approved final site and building plans for construction of a building at 5605 Green Circle Drive.
- 1.02 The property is legally described as:  
  
Lot 1, Block 5, Opus 2 Fourth Addition, Hennepin County, Minnesota.
- 1.03 As approved, the two-story building had an 18-foot side yard setback from the east property line, which met the 1980 setback requirement.
- 1.04 The zoning ordinance was amended in 1986. This amendment established the following formula to determine side and rear yard setbacks within the B-3 zoning district: required setback = (1.5 times the building height) – 10 feet, to a maximum of 100 feet but in no case less than 20 feet from commercial, office, industrial, institutional and public parks. The existing building's side yard setback became non-conforming.
- 1.05 On October 12, 2015, the city approved a conditional use permit to allow an educational institution on a property zoned B-3, General Business District. The approved floor plan indicated a gymnasium in the southern portion of the building.
- 1.06 Winther Johnson Robinson, Inc., on behalf of Lionsgate Academy, has submitted an application to increase the height of a portion of the existing building to allow for construction of a gymnasium with a more appropriate ceiling height.

- 1.07 A portion of the vertical addition would be within the building's non-conforming side yard setback.
- 1.08 Minnesota Statute §462.357 Subd. 1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.
- 1.09 City Code §300.29 Subd. 3(g) allows expansion of a nonconformity only by variance or expansion permit.
- 1.10 City Code §300.29 Subd. 7(c) authorizes the planning commission to grant expansion permits.

Section 2. Standards.

- 2.01 City Code §300.29 Subd. 7(c) states that an expansion permit may be granted, but is not mandated, when an applicant meets the burden of proving that:
  - 1. The proposed expansion is a reasonable use of the property, considering such things as: functional and aesthetic justifications for the expansion; adequacy of off-site parking for the expansion; absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and improvement to the appearance and stability of the property and neighborhood.
  - 2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowners convenience, and are not solely because of economic considerations; and
  - 3. The expansion would not adversely affect or alter the essential character of the neighborhood.

Section 3. Findings.

- 3.01 The application for the expansion permit is reasonable and would meet the required standards outlined in City Code §300.29 Subd. 7(c):
  - 1. Reasonableness and Neighborhood Character: The vertical expansion is reasonable and would not negatively impact the character of the surrounding neighborhood as:
    - a) The existing building was constructed in the early 1980s. At that time, the building complied with all required property line

setbacks. The setbacks became non-conforming when the zoning ordinance was amended in 1986.

- b) A majority of the vertical expansion would comply with city ordinance. Only an area of less than 300 square feet requires the expansion permit.
  - c) The vertical expansion would allow for appropriate ceiling height for the gymnasium on the original floor plan reviewed by the city in 2015.
  - d) The vertical expansion would not encroach further into the non-conforming setback.
2. Unique Circumstance: When the property was developed in the early 1980s, the building met all required setbacks from property lines. The existing building's setbacks became non-conforming when the ordinance was amended in 1986. The unique lot configuration and the building's existing setbacks are circumstances unique to the property.

Section 4. Planning Commission Action.

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

- 1. Subject to staff approval, the property must be developed in substantial conformance with the following plans, except as modified by conditions below.
  - Proposed survey date-stamped July 29, 2016.
  - Floor plans dated March 17, 2016.
- 2. Prior to issuance of a building permit:
  - a) This resolution must be recorded with Hennepin County.
  - b) Install a temporary erosion control and tree protection fencing for staff inspection. These items must be maintained throughout the course of construction.
- 3. This expansion permit approval will end on December 31, 2017,



unless the city has issued a building permit for the project covered by this expansion permit approval or approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on August 18, 2016.

---

Brian Kirk, Chairperson

Attest:

---

Kathy Leervig, Deputy City Clerk

**Action on this resolution:**

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on August 18, 2016.

---

Kathy Leervig, Deputy City Clerk

# **Minnetonka Planning Commission Meeting**

**August 18, 2016**

**Agenda Item 8**

**Public Hearing: Non-Consent Agenda**

**MINNETONKA PLANNING COMMISSION**  
**August 18, 2016**

<b>Brief Description</b>	Items concerning ELDORADO VILLAS, located at 11901 Minnetonka Boulevard:  1) Major amendment to the Minnetonka Townhomes master development plan;  2) Final site and building plans; and  3) Preliminary and final plats.
<b>Recommendation</b>	Recommend the city council approve the proposal.

---

### **Background**

In 2004, the city considered plans for Big Willow Townhomes, formally known as Cross Country Townhomes, a subdivision for a four-unit townhome at 11907 Minnetonka Boulevard. While the adjacent property at 11901 Minnetonka Boulevard had not been included in the developer's original plans – at the time the owner of the property was not interested in redevelopment – the city determined that the 11901 property should be taken into consideration to promote orderly future development. Ultimately, both the 11907 and 11901 Minnetonka Boulevard properties were rezoned to planned unit development (PUD) and a master development plan was approved covering both properties. After the approval, four townhomes and an access drive were constructed on the 19907 site, while a single family home remained on the 11901 property. (See pages A25–A28.)

### **Proposal**

Gatehouse Properties, Ltd. is now proposing to construct a three-unit townhome at 11901 Minnetonka Boulevard. (See pages A1–A9.)

The proposal requires:

- Master Development Plan Amendment. By city code, a major amendment to an approved master development plan is required when the number of residential dwelling units would increase or decrease by more than five-percent. The existing master development plan calls for the construction of a four-unit townhomes on the site. As proposed, a three-unit townhome would be constructed on the site.
- Site and Building Plan Review. By city code, site and building plan review is required for construction within a PUD.

- Preliminary and Final Plats. A subdivision of the existing property would allow for future separate ownership of the individual townhomes.

### **Staff Analysis**

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

- Is the amendment to the existing master development plan appropriate?

Yes. The requested amendment is reasonable, as it would allow for development generally consistent with the previously approved master development plan. The requested amendment would reduce the number of townhome units from four to three units. While this is more than a five-percent decrease in residential units, the proposed plan would still be consistent with the site's medium-density comprehensive guide plan designation. (See existing master development plan on page A25.)

- Is the proposal an appropriate use for the property?

Yes. The proposal is consistent with the city's comprehensive guide plan. The property is guided for medium-density which is defined as 5-12 units per acre. While the proposed density for the subject property is 4.4 units per acre, when averaged with the Big Willow Townhomes property the proposed density increases to 5.8 units per acre for the entire development. Staff finds it is reasonable to average the densities for both properties as they are governed by the same master development plan.

Further, the conceptual development of the property was reviewed in 2004 concurrent with the Big Willow Townhomes project. At that time it was anticipated that the subject property would develop with a townhome project in the future. But for the reduction of one unit, the proposal is consistent with the conceptual plan reviewed at that time.

- Is the proposed site and building design appropriate?

Yes. The proposed site and building plans are reasonable and generally consistent with the previously contemplated plan for the site. Further, the plan would meet all site and building plan standards outlined in city ordinance. Proposed grading and tree impacts are generally reasonable and appropriate to accommodate the proposed townhome units. More information related to the proposed grading, tree impacts, and site and building plan standards is outlined in the "Supporting Information" section of this report.

**Access.** Several access locations were contemplated as part of the 2004 development review and again as part of the current proposal. In 2004, the developer of Big Willow Townhomes proposed a “temporary” drive access be constructed to serve the townhomes. This temporary access would serve the townhomes until such time that the 11901 Minnetonka Boulevard property were to develop. At the time of that development, the temporary access would be removed and a permanent access serving both townhome properties would be constructed. The developer’s intent was clearly illustrated in the master development plan and outlined in the Declaration of Covenants, Conditions and Restrictions, which were recorded against all of the Big Willow Townhome properties and the subject property. The current proposal is consistent with the access location included on the approved master development plan and recorded Declaration of Covenants, Conditions and Restrictions. Both Hennepin County and the city have found that the proposed access is reasonable.

### **Staff Comment**

Staff finds that the applicant’s proposal is generally consistent with the previous master development plan. The current proposal would result in a one-unit reduction in the number of residential units, and would still be consistent with the previously approved medium-density land use designation.

### **Staff Recommendation**

Recommend the city council adopt the following pertaining to 11901 Minnetonka Boulevard:

1. Ordinance approving a major amendment to the existing Minnetonka Townhomes master development plan (see page A45–A47);
2. Resolution approving final site and building plans for the proposed townhomes (See pages A48–A57);
3. Resolution approving preliminary and final plats (See pages A58–A60).

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

### Supporting Information

<b>Project No.</b>	16015.16a
<b>Property</b>	11901 Minnetonka Boulevard
<b>Applicant</b>	Gatehouse Properties, Ltd., represented by David Carlson
<b>Surrounding Land Uses</b>	Northerly: Big Willow Park Easterly: Private drive for Windmill Ridge and single family homes on properties zoned R-1 beyond. Southerly: Windmill Ridge Townhomes, zoned PUD Westerly: Big Willow Tonwhomes, zoned PUD and Guillian Field beyond
<b>Planning</b>	Guide Plan designation: Medium Density Zoning: PUD, Planned Unit Development
<b>Neighborhood Meetings</b>	<p>The developer held a series of neighborhood meetings. The following is intended to summarize those meetings.</p> <p><b>January 14, 2016.</b> The developer held a neighborhood meeting to discuss the concept plan. Representatives from the Windmill Ridge and Big Willow Townhome Homeowner's Associations were present. Ten people were in attendance.</p> <p><b>March 10, 2016.</b> The developer held another neighborhood meeting to discuss alternative access options. Five people attended the meeting. Representatives from 11811 Minnetonka Boulevard and Big Willow Townhome Homeowner's Association were present.</p> <p><b>March 21, 2016.</b> The developer met with Windmill Ridge to discuss access onto the private drive. Seven people attended the meeting.</p>
<b>Existing Site Features</b>	<p>The site is generally located south of Big Willow Park, east of Guillian Field, and north of the Windmill Ridge Townhomes. The property is 31,000 square feet in size and is currently improved with a single family home.</p> <p><u>Topography</u> The property generally slopes "upwards" from north to south with the highest part of the property is along the south property line. The overall grade change is approximately 20 feet.</p>

### Trees

The property is not encumbered by a woodland preservation area but has 22 high priority trees and 13 significant trees as classified by the city's tree preservation ordinance.

### **Access**

The plat and site plans for Windmill Ridge Townhomes was approved in 1986. Access to the townhomes was proposed to be – and continues to be – via a newly created private street. Per the Resolution No. 86-8218 approving Windmill Ridge, “the applicant was to provide appropriate easements for 11811 and 11901 [subject property] to allow access onto the private road and access easements be provided for the private road system to limit the number of curb cuts onto Minnetonka Boulevard.” (See pages A10–A16.)

In 2004, concurrent with review of the Big Willow Townhome project, several access opportunities were explored including access onto the private drive. At that time, the Windmill Ridge association expressed that they were not interested in allowing additional accesses onto their private street. As result, the developer of the Big Willow Townhomes project submitted plans illustrating that a temporary access drive would be constructed to serve the Big Willow Townhomes until the property at 11901 Minnetonka Boulevard were to develop. At the time of that development, the temporary access would be removed and a new permanent drive – to serve both the Big Willow Townhomes and townhomes on the 11901 property – would be constructed. This plan was found to be acceptable to both the city and Hennepin County and ultimately became the approved master development plan for the two adjacent sites. A Declaration of Covenants, Conditions, and Restrictions outlining the approved plan for development was recorded against all affected properties. Per the declaration, if the Paulson Property [the subject property] were to develop at any time in the future with a multi-family residential project, the CC Townhomes [now known as the Big Willow Townhomes] and the Paulson Property would be required to establish a shared, common access drive. At the time that the shared access is constructed, the existing drive previously used by the CC townhomes should be removed, and the owner of the Paulson property must grant an access easement. The declaration did establish some discretion for the city to approve alternative locations. (See pages A29–A37.)

After exploring several options, the developer has submitted the current plan. This plan is consistent with the previously approved master development plan and the recorded declaration.

As part of the review of the current project, staff researched the Windmill Ridge private drive. As part of the review, staff located two draft private access easements to allow the driveways serving 11811 and 11901 access onto the private drive. Staff believes that these drafts were attempts to satisfy the requirements of Resolution No. 86-8218. However, it appears neither of these drafts were ever recorded. (See pages A17–A18.)

A year after the Windmill Ridge development occurred, in 1987, a public easement document was recorded over the northerly 320 feet of the private drive. The easement document is for a public easement. However, the city attorney has advised the city cannot require that Windmill Ridge allow additional access onto their private drive even within the public easement because: (1) the public easement has not been previously “opened” for public travel; (2) the city is not interested in opening the easement for public travel; and (3) the city has not – nor is interested in – maintaining the easement. (See pages A19–A22.)

Recently, the Big Willow Townhome Association has submitted a letter indicating that they do not support the current plan to remove their existing drive in order to construct a new access. In their letter the association states that the preferred access location would be from the Windmill Ridge private drive. While staff would concur that this is the preferred access option, it is not a viable option unless the Windmill Ridge Homeowner’s Association were to agree to this access in writing. Consistent with their position in 2004, Windmill Ridge is not interested in allowing additional accesses onto their private drive.

**Stormwater  
Utilities**

Under city’s stormwater rule, stormwater management is required when a property is divided into three or more lots. The management mechanism must control for runoff rate, volume and quality.

**Utilities**

As currently proposed, the development would be served by a connection to the private water main under the Windmill Ridge private drive. Windmill Ridge has submitted a letter stating that they are not interested in allowing this connection. As such, staff has included a condition of approval requiring the development to connect into the watermain under Minnetonka Boulevard.

**Tree preservation**

The proposed development would remove 13 high priority trees for the construction of the permanent access drive, utilities,



townhomes, and associated grading. There are 22 high priority trees on the property.

Staff believes that by adjusting grading on the east and south sides of the property additional trees can be preserved. Staff anticipates that by doing so, an additional 4 high priority trees could be preserved. With the additional tree preservation the proposal would result in a 40-percent loss of the high priority trees. While this number is above the maximum removal allocation for traditional subdivisions, the tree removal would be in compliance with the tree removal standards for properties zoned PUD.

### **SBP Standards**

By City Code §300.27 Subd.5, in evaluating a site and building plan, the planning commission and city council shall consider its compliance with certain standards. The proposed hotel and future day care site would meet these standards.

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

**Finding:** The proposal has been reviewed by 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:** The proposal would be generally consistent with the zoning ordinance. The proposal also includes an amendment to the existing master development plan to reduce the number of townhome units from four to three.

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

**Finding:** The proposal would require some grading. However, the level of grading and resulting tree impact would be anticipated with any development of the property and would be generally consistent with the previously approved master development plan. The proposal does include some grading onto adjacent properties. Included as a condition of approval, the applicant must obtain permission from these property

owners and must submit maintenance agreements for proposed retaining walls.

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

**Finding:** The proposed site design is intuitive and is generally consistent with the approved master development plan. The proposal would result in appropriate location of buildings, parking areas, and open spaces.

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

**Finding.** The proposed site design is intuitive, with appropriate circulation patterns established for vehicular traffic. The proposal includes the removal of the existing drive onto Minnetonka Boulevard for Big Willow Townhomes and the construction of a new drive on the subject property. A new connection would provide access to the western property. This provides for appropriate internal circulation patterns for both properties.

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

**Finding:** As new construction, the proposed townhomes would meet all current building code standards including those pertaining to energy conservation.

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

**Finding:** The proposed townhomes would be new construction and includes new landscaping and stormwater management practices.

**Natural Resources** Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval the applicant must submit a construction management plan detailing these management practices.

**Approving Body** The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request.

**Motion Options** The planning commission has four options:

1. Concur with staff recommendation. In this case a motion should be made recommending the city council adopt the ordinance and resolutions.
2. Disagree with staff's recommendation. In this case a motion should be made recommending the city council deny the requested master development plan amendment, final site and building plans, and plat requests. This motion must include a statement as to why denial is recommended.
3. Concur with some of staff's recommendations and disagree with the others. In this case a motion should be made recommending approval of the some and the denial of the others. The motion must include a statement as to why denial is recommended.
4. Table the request. In this case, a motion should be made to table the item. The motion should include a statement

as to why the request is being tabled with direction to staff, the applicant or both.

**Neighborhood  
Comments**

The city sent notices to 34 area property owners and received two comments to date. (See pages A38–A43.)

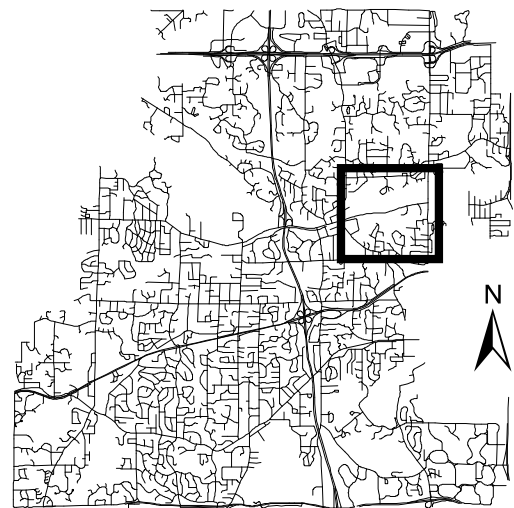
**Deadline for  
Decision**

November 2, 2016



### Location Map

Project: Eldorado Villas  
 Applicant: Gatehouse Properties Ltd  
 Address: 11901 Minnetonka Blvd  
 Project No. 16015.16a



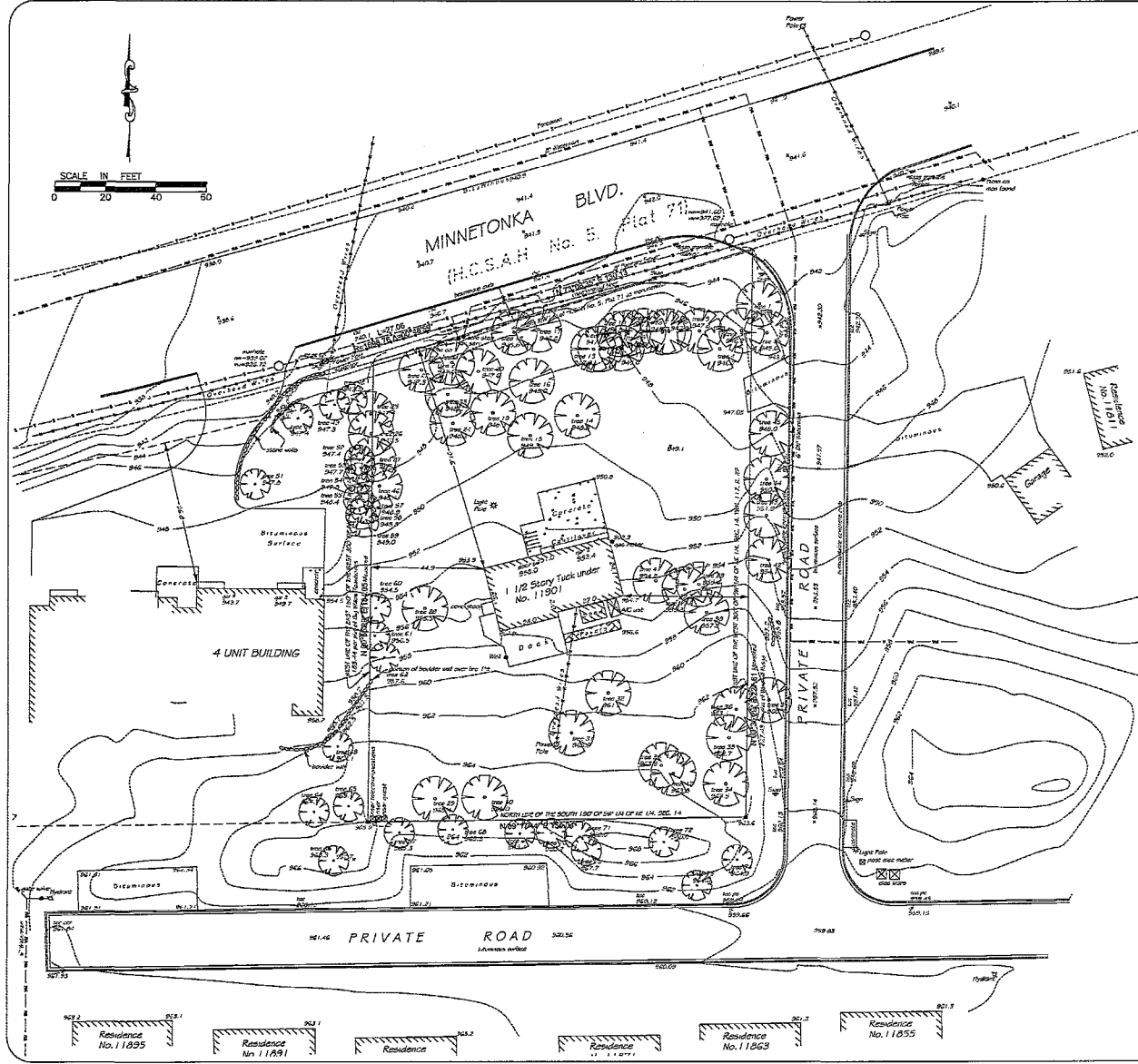
This map is for illustrative purposes only.

Eldorado Villas

11901 Minnetonka Blvd

16015.16a





**EXISTING CONDITIONS SURVEY OF:**

11901 Minnetonka Blvd.  
Minnetonka, mn

**CLIENT:**

**GATEHOUSE PROPERTIES, LTD**  
2249 Portico Green  
Wayzata, MN 55391

Surveyor:  
The Gregory Group, Inc. d.b.a.  
L&L Survey Company  
7501 72nd Avenue N,  
Brooklyn Park, MN 55428  
phone 763-450-3300  
fax 763-550-3522  
Attn: Greg Pfansch

Contractor:  
Gatehouse Properties, LTD  
2249 Portico Green  
Wayzata, MN 55391  
Attn: David Custon

Benchmark:  
Invert elevation of sanitary manhole located at the NE corner of the subject property.  
Elevation = 527.03 feet

Property zoned: Planned Unit Development (PUD)

Existing Hardwood:  
Residence = 1330 sq.ft.  
Deck = 427 sq.ft.  
Shed = 185 sq.ft.  
Pavement = 780 sq.ft.  
Total Hardwood = 2522 sq.ft.  
Area of Parcel = 30951 sq.ft.  
Percentage of Hardwood = 8.1%

**LEGAL DESCRIPTION:**

The East 150.00 feet of the West 300.00 feet of the Southwest Quarter of the Northeast Quarter of Section 14, Township 117, Range 22, Hennepin County, Minnesota lying South of County Road No. 5 and lying North of the South 190 feet thereof.

Subject to assessments and restrictions of record, if any.

**LIST OF EXISTING TREES ON SITE**

Tree #	Species	DBH
1	Spruce, white	18.0
2	Spruce, blue	14.0
3	Spruce, blue	8.5
4	Elm, American	29.0
5	Spruce, blue	7.0
6	Ash, green	11.0
7	Ash, green	22.5
8	Ash, green	19.5
9	Ash, green	42.5
10	Ash, green	12.0
11	Catalpa	8.0
12	Catalpa	8.5
13	Catalpa	20.0
14	Maple, silver	22.0
15	Broadleaf	16.5
16	Maple, silver	10.5
17	Ash, green	11.5
18	Elm, American	18.5
19	Maple, silver	15.5
20	Maple, sugar	14.0
21	Elm, Siberian	12.0
22	Elm, Siberian	17.0
23	Elm, American	16.0
24	Maple, silver	14.5
25	Spruce, blue	13.5
26	Spruce, blue	9.0
27	Spruce, blue	10.0
28	Maple, Norway	17.0
29	Pine, white	4.0
30	Pine, white	2.5
31	Redcedar	15.5
32	Ash, green	15.0
33	Cottonwood	20.0
34	Pine, red	8.0
35	Pine, red	6.0
36	Maple, silver	16.0
37	Ash, green	14.0
38	Elm, American	10.0
39	Elm, American	13.5
40	Elm, American	21.5
41	Bowelder	12.5
42	Spruce, blue	19.5
43	Spruce, blue	10.5
44	Spruce, blue	23.5
45	Pine, Austrian	16.0
46	Pine, Austrian	16.0
47	Cottonwood	26.0
48	Pine, Austrian	15.0
49	Spruce, white	9.5
50	Walnut, black	26.5
51	Spruce, white	20.0
52	Spruce, blue	12.0
53	Spruce, blue	10.5
54	Spruce, blue	11.5
55	Spruce, blue	6.5
56	Pine, Austrian	8.2
57	Pine, Austrian	8.2
58	Spruce, blue	14.5
59	Spruce, blue	8.0
60	Douglasfir	4.0
61	Douglasfir	2.5
62	Douglasfir	6.0
63	Redcedar	7.5
64	Pine, red	7.5
65	Douglasfir	7.0
66	Spruce, blue	5.0
67	Spruce, blue	18.0
68	Spruce, blue	12.0
69	Spruce, blue	14.5
70	Spruce, blue	9.5
71	Elm, American	18.5
72	Spruce, white	3.5
73	Ash, green	16.0
74	Spruce, blue	11.5
75	Spruce, blue	9.5

The only assessments shown are from plans of record or information provided by client.

I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Surveyed this 10th day of December 2015.

Gregory J. Pfansch, Minn. Reg. No. 24992

**REVISIONS:** 1-14-16 additional trees

File No. F.S. No. 1005-08 Inv. 84037

F:\Survey\11-17-22 - 11901Minnetonka - 10E-D1-0622-01-1037.dwg

**PROJECT LOCATION**

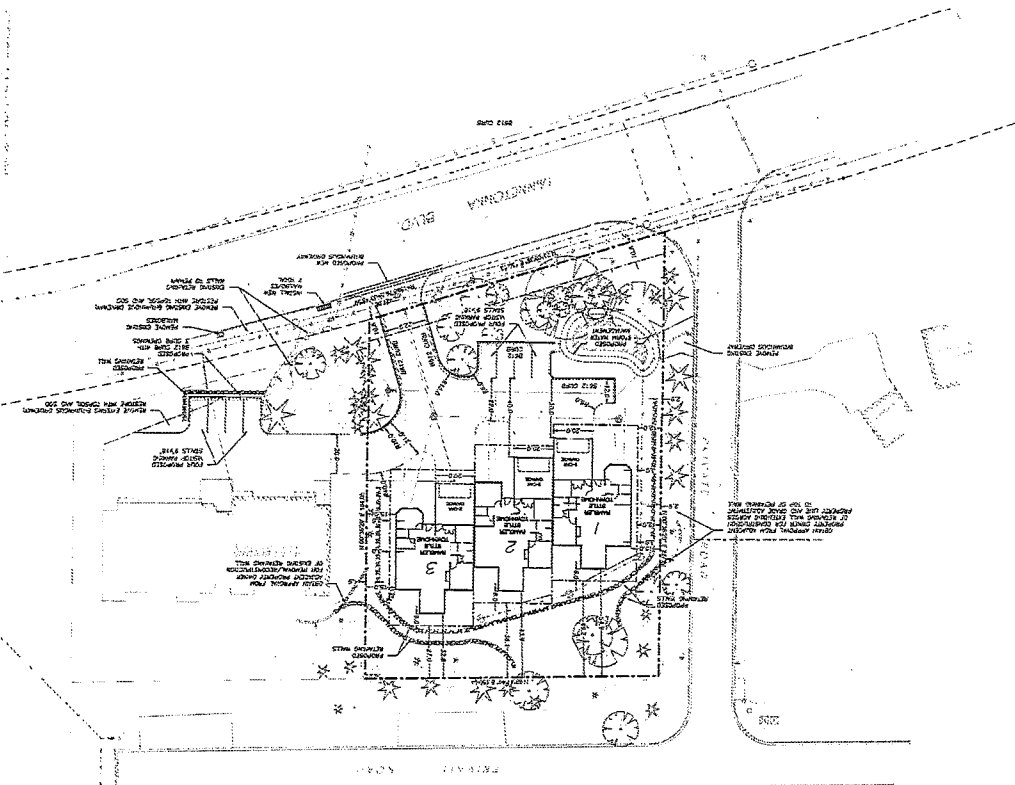
PART OF SW4 OF THE NE1/4,  
SECTION 14 TOWNSHIP 117, RANGE 22,  
HENNEPIN COUNTY, MINNESOTA.

**PROPOSED LEGAL DESCRIPTION**

LOTS 1, 2, AND 3, BLOCK 1,  
ELDORADO VILLAS,  
HENNEPIN COUNTY, MINNESOTA.

**SITE DATA:**

DEVELOPMENT LOT AREA:	30,821 SF	PROPOSED LOT 1 AREA:	3,440 SF
EXISTING BUILDING AREA:	1,328 SF	PROPOSED LOT 2 AREA:	3,244 SF
EXISTING IMPERVIOUS AREA:	6,929 SF (on half acre parcel as all buildings)	PROPOSED LOT 3 AREA:	3,440 SF
PROPOSED BUILDING AREA:	6,224 SF	PROPOSED OUTLET A AREA:	18,074 SF
PROPOSED IMPERVIOUS AREA:	11,890 SF (on half acre parcel as all buildings)	PROPOSED R/W AREA:	1,663 SF
PROPOSED DISTURBED AREA:	33,010 SF (on half acre parcel as all buildings and adjacent properties)		



**SITE PLAN LEGEND:**

- EXISTING SEAWALL
- - - - - PROPOSED LOT LINES
- - - - - PROPOSED CURB AND OUTLET
- ▨ PROPOSED BRANCHED PAVEMENT
- ▩ EXISTING IMPERVIOUS PAVEMENT TO BE REMOVED
- ▧ PROPOSED RETAINING WALL

**SURVEY DATA**

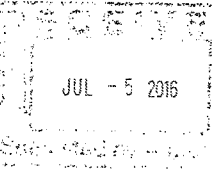
SURVEY INFORMATION PROVIDED BY:  
LOT SURVEYS COMPANY INC  
1701 73rd AVENUE NORTH  
BROOKLYN PARK, MN 55428  
DATED: DECEMBER 10, 2015  
BENCHMARK:  
Invert elevation of sanitary manhole  
located at the NE corner of the  
subject property.  
Elev. = 927.63

**SITE PLAN NOTES**

- ALL DIMENSIONS SHOWN ARE TO FINISHED GRADE SURFACE, CURB FLOWLINE, OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
- MATCH EXISTING GRADES AT EXISTING PAVEMENT TO REMAIN.
- EXISTING PAVEMENT TO REMAIN SHALL BE SAW CUT FOR CLEAN EDGE TACK SHALL BE USED ON ALL VERTICAL EDGES PRIOR TO PAVING.
- CONTRACTOR SHALL VERIFY AND COORDINATE CONDUIT REQUIREMENTS FOR UNDERGROUND UTILITIES IF ANY WITHIN THE WORK ZONE WITH THE OWNER PRIOR TO PAVING.
- CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH FIRE MARSHALL FOR POSTING OF FIRE LANCES, CURB MARKING AND SIGNAGE AS REQUIRED.
- CONTRACTOR IS RESPONSIBLE FOR REMOVAL AND REPAIR OF ALL EXISTING SITE FEATURES THAT INTERFERE WITH NEW WORK AS SHOWN.

**GENERAL NOTES**

- PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS APPROVED BY THE PERMITTING AUTHORITIES.
- WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS AND THE REQUIREMENTS AND STANDARDS OF THE LOCAL GOVERNING AUTHORITY. THE SOILS REPORT AND RECOMMENDATIONS SET FORTH THEREIN ARE A PART OF THE REQUIRED CONSTRUCTION DOCUMENTS AND IN CASE OF CONFLICT SHALL TAKE PRECEDENCE UNLESS SPECIFICALLY NOTED OTHERWISE ON THE PLANS. THE CONTRACTOR SHALL NOTIFY THE OWNER OF ANY DISCREPANCY BETWEEN SOILS REPORT AND PLANS.
- SITE CLEANING SHALL INCLUDE THE LOCATION AND REMOVAL OF ALL UNDERGROUND PIPING, VALVING, ETC.
- SITE GRADING SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE RECOMMENDATIONS SET FORTH IN THE SOILS REPORT IF OWNER HAS PROVIDED SUCH REPORT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING AND REPLACING ALL SOFT, YIELDING OR UNSUITABLE MATERIALS AND REPLACING WITH SUITABLE MATERIALS AS SPECIFIED. IF REQUESTED BY THE OWNER, CONTRACTOR SHALL SUBMIT A COMPACTOR REPORT PREPARED BY A QUALIFIED SOILS ENGINEER LICENSED WITHIN THE STATE WHERE THE WORK IS PERFORMED, VERIFYING THAT ALL FILLED AREAS AND SUBGRADE AREAS WITHIN THE BUILDING PAD AND PAVEMENT AREAS HAVE BEEN COMPACTED IN ACCORDANCE WITH THE SPECIFICATIONS AND RECOMMENDATIONS SET FORTH IN THE SOILS REPORT.
- THE LOCATIONS OF THE UNDERGROUND FACILITIES SHOWN ON THIS PLAN ARE BASED ON AVAILABLE SURVEY RECORDS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES TO LOCATE THEIR FACILITIES PRIOR TO STARTING CONSTRUCTION. NO ADDITIONAL COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR DAMAGE AND REPAIR TO THESE FACILITIES CAUSED BY HIS WORK FORCE.
- ALL EXISTING DIMENSIONS AND GRADES SHOWN ON THE PLANS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY OWNER OF ANY DIMENSIONS OR GRADES SHOWN INCORRECTLY ON THESE PLANS IF SUCH NOTIFICATION HAS NOT BEEN GIVEN.
- ALL EXISTING CONCRETE CURBING AND PAVEMENT TO REMAIN SHALL BE PROTECTED FROM DAMAGE. CONTRACTOR TO REPAIR ANY DAMAGED EXISTING CURB AND PAVEMENT AT CONTRACTOR'S EXPENSE.



**INDEX OF CIVIL SITE DRAWINGS:**

C0	PROJECT LOCATION PLAN
C1	DEVELOPMENT SITE PLAN
C2	GRADING PLAN
C3	SANITARY AND WATER UTILITY PLAN
C4	STORM SEWER UTILITY PLAN
C5	EROSION CONTROL PLAN
C6	EXISTING CONDITIONS AND REMOVALS PLAN
C7	TREE REMOVAL AND PRESERVATION PLAN
C8	DETAILS

CLIENT:  
**Gathouse Properties Ltd.**  
2249 Ponice Green  
Wayzata, MN 55391  
David Carlson  
612-275-8255  
dcarl@gathouseproperties.com

**ELDORADO VILLAS**  
RESIDENTIAL DEVELOPMENT PROJECT  
11901 Minnetonka Blvd  
Minnetonka, MN 55305  
DEVELOPMENT SITE PLAN

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of Minnesota.  
DATE: 07/05/16  
SIGNATURE: [Signature]  
PREPARED BY: CIVIL ENGINEERING  
SITE DESIGN  
1115 1st Ave. S.W. #101  
Minneapolis, MN 55415  
PHONE: 612-331-3325  
WWW.CIVILCONCRETE.COM

DATE: 07/05/16	DESIGNED BY: SD	REVISIONS:
DRAWN BY: SD	CHECKED BY: SD	
FILE NO. 00574		

**C1**  
Development of Eldorado Villas  
11901 Minnetonka Blvd  
16015.16A

**PROJECT LOCATION**

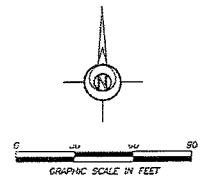
PART OF SW/4 OF THE NE/4,  
SECTION 14 TOWNSHIP 117, RANGE 22,  
KENNEPIN COUNTY, MINNESOTA.

**PROPOSED LEGAL DESCRIPTION**

LOTS 1, 2, AND 3, BLOCK 1,  
ELDGRADO VILLAS,  
KENNEPIN COUNTY, MINNESOTA.

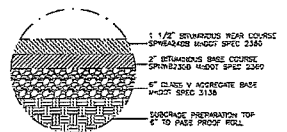
CLIENT:  
**Gatehouse Properties Ltd.**  
2249 Porcico Green  
Wayzata, MN 55391  
David Carlson  
612-375-8255  
david@gatehouseproperties.com

**ELDORADO VILLAS**  
RESIDENTIAL DEVELOPMENT PROJECT  
1901 Minnetonka Blvd  
Minnetonka, MN 55805  
GRADING PLAN



**SURVEY DATA**

SURVEY INFORMATION PROVIDED BY:  
LOT SURVEYS COMPANY, INC.  
7807 73rd AVENUE NORTH  
BROOKLYN PARK, MN 55428  
DATED: DECEMBER 10, 2015  
BENCHMARK:  
Invert elevation of sanitary manhole  
located at the NE corner of the  
subject property.  
Elev. = 927.69



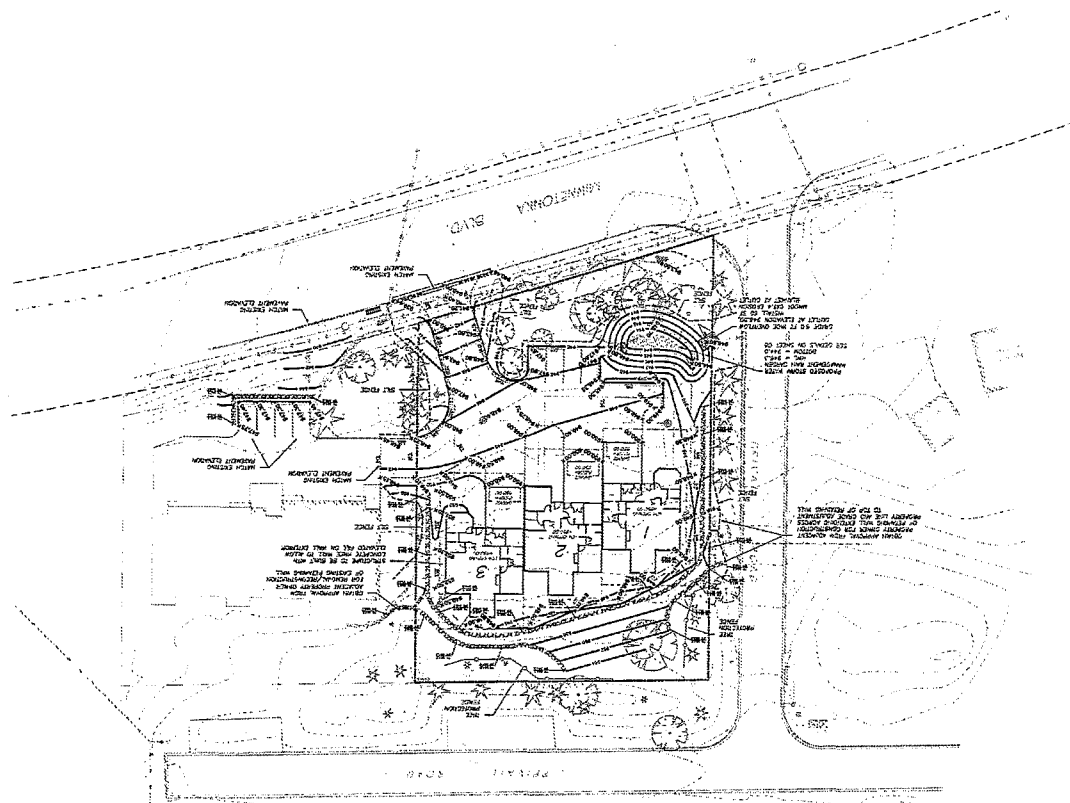
NOTES:  
1. FIELD VERIFY SUBGRADE LEVELS AND SURFACE TO SUPPORT PROPOSED PAVEMENT SECTION.  
2. CONFIRM WITH CITY PRIOR TO PLACEMENT OF CLASS V AGGREGATE BASE.  
3. CONTRACTOR SHALL EXTEND 10 FEET BEYOND BACK OF CURB.  
4. SOLE SPECIFICATIONS BY GEOTECHNICAL ENGINEER SUPERSEDE ABOVE LISTED SPECIFICATIONS.  
**BITUMINOUS PAVEMENT**

**GENERAL GRADING NOTES**

- SPECIFICATIONS APPLICABLE FOR THIS PROJECT: CURRENT STANDARD SPECIFICATIONS FOR THE CITY OF MINNETONKA AND THE LATEST VERSION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAY CONSTRUCTION EXCEPT WHERE HEREIN MODIFIED BY THESE DOCUMENTS.
- OSHA REQUIREMENTS SHALL BE FOLLOWED FOR ALL WORK ON THIS PROJECT.
- THE CONTRACTOR SHALL NOTIFY GUYHER STATE ONE CALL PRIOR TO ANY EXCAVATION.
- THE CONTRACTOR SHALL VERIFY ALL LOCATIONS AND ELEVATIONS OF UNDERGROUND UTILITIES WITH UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION AND IMMEDIATELY NOTIFY THE ENGINEER OF ANY CONFLICTS.
- ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO BEGINNING GRADING OPERATIONS. ANY EROSION CONTROL ITEMS NECESSARY TO PROTECT ADJACENT PROPERTIES SHALL BE CONSTRUCTED BY THE GRADING CONTRACTOR.
- EROSION CONTROL MAINTENANCE SHALL BE PERFORMED BY THE GRADING CONTRACTOR AND REMOVED AS PER THE CONTRACT DOCUMENTS OR AS DIRECTED BY THE ENGINEER, FOLLOWED BY ALL NECESSARY RESTORATION OF DISTURBED AREAS. THIS WORK SHALL BE INCIDENTAL TO THE GRADING CONTRACT.
- THE GRADING CONTRACTOR SHALL SCHEDULE THE SOILS ENGINEER TO FACILITATE CERTIFICATION OF ALL CONTROLLED FILLS IN A TIMELY MANNER. DENSITY TESTS SHALL MEET THE FOLLOWING REQUIREMENTS:  
A. WITHIN THE UPPER 3" OF STREETS OR PAVEMENT, THE GRADING CONTRACTOR SHALL UTILIZE APPROVED SOILS THAT ARE WITHIN 1% OF THE OPTIMUM MOISTURE CONTENT AS DEFINED BY ASTM D-598 STANDARD PROCTOR TEST MEETING 100% STANDARD PROCTOR DENSITY AND NOT EXCEEDING THIS COMPACTION BY MORE THAN 1% BELOW THE UPPER 3". COMPACTON SHALL MEET 95% STANDARD PROCTOR DENSITY AND BE WITHIN 1% OF THE OPTIMUM MOISTURE CONTENT. GRADING IDENTIFIERS SHALL AVERAGE 0.1, BUT SHALL NOT BE CONSISTENTLY HIGH OR LOW.  
B. GRADING IDENTIFIERS FOR THE REMAINDER OF THE SITE SHALL BE 0.15.  
E. THE FINAL PLAT OR CERTIFIED SURVEY SHALL GOVERN FOR EASEMENTS AND LOT DIMENSIONS.  
F. ALL AREAS OF UNSUITABLE SOILS FOUND IN THE PAD DESCRIBED ABOVE THAT CANNOT BE CORRECTED SHALL BE EXPOSED OFF SITE BY THE CONTRACTOR AT NO COST TO THE OWNER. THE GRADING CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF THESE AREAS AND PROVIDE INFORMATION AS TO THEIR SIZE AND LOCATION.  
G. THE GRADING CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE TO THE SITE AT ALL TIMES.  
1. THE GRADING CONTRACTOR SHALL KEEP PUBLIC STREETS AND TRAVELWAYS CLEAR OF SOIL AND DEBRIS. DUST CLEANING AT THE CONSTRUCTION ENTRANCE SHALL BE PERFORMED.  
2. ALL PROPOSED SPOT ELEVATIONS ARE TO FLOW LINE OF CURB OR THE FINISHED GRADE SURFACE UNLESS OTHERWISE NOTED.  
3. ALL GRASS AND TROPICAL ARE TO BE REMOVED FROM BUILDING, PAVEMENT, AND CURB AREAS.

**INDEX OF CIVIL SITE DRAWINGS:**

C0	PROJECT LOCATION PLAN
C1	DEVELOPMENT SITE PLAN
C2	GRADING PLAN
C3	SANITARY AND WATER UTILITY PLAN
C4	STORM SEWER UTILITY PLAN
C5	EROSION CONTROL PLAN
C6	EXISTING CONDITIONS AND REMOVALS PLAN
C7	TREE REMOVAL AND PRESERVATION PLAN
C8	DETAILS



I hereby certify that the plans, specifications, or report of this project were prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer and in the line of the State of Minnesota.  
DATE: 07/09/16  
PREPARED BY: CTVL ENGINEERING  
110 100 1st Ave. S.W.  
Minnetonka, MN 55805  
Phone: 763-414-0959  
www.ctvl.com

DATE: 07/09/16	DRAWN BY: SD	DESIGNED BY: SD	CHECKED BY: SD
VERTICAL SCALE: 1" = 10'-0"			
HORIZONTAL SCALE: 1" = 40'-0"			

FILE NO. 00574

**C2**

Grading Plan  
Eldorado Villas  
11901 Minnetonka Blvd  
16015.16a

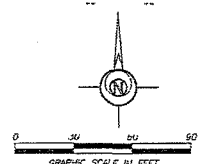


**PROJECT LOCATION**

PART OF SW1/4 OF THE NE1/4,  
SECTION 14 TOWNSHIP 117, RANGE 22,  
HENNEPIN COUNTY, MINNESOTA.

**PROPOSED LEGAL DESCRIPTION**

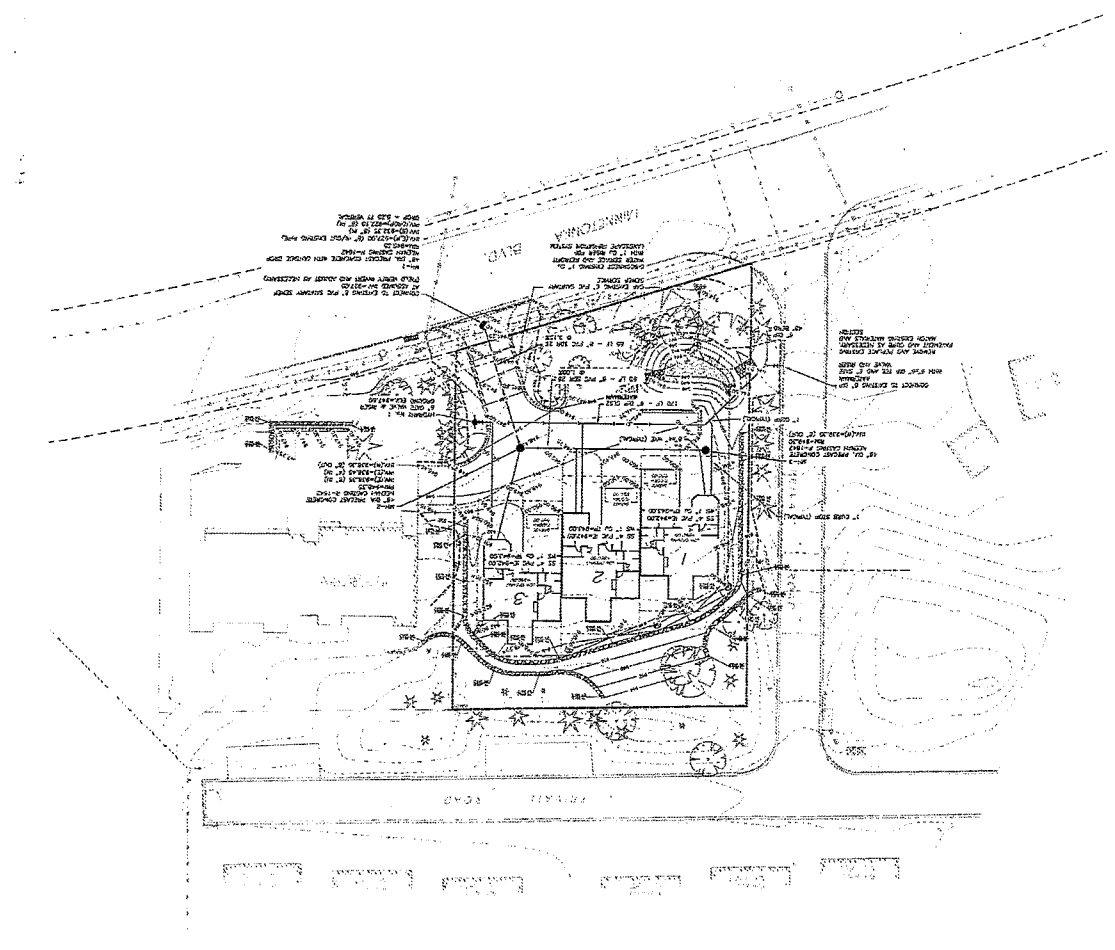
LOTS 1, 2, AND 3, BLOCK 1,  
ELCORADO VILLAS,  
HENNEPIN COUNTY, MINNESOTA.



**SURVEY DATA**

SURVEY INFORMATION PROVIDED BY:  
LOT SURVEY COMPANY, INC.  
1751 73rd AVENUE NORTH  
BROOKLYN PARK, MN 55428  
DATED: DECEMBER 10, 2015

BENCHMARK:  
Invert elevation of sanitary manhole  
located at the NE corner of the  
subject project.  
Elev. = 927.69



**GENERAL UTILITY NOTES:**

- SPECIFICATIONS APPLICABLE FOR THIS PROJECT, CURRENT STANDARD SPECIFICATIONS FOR THE CITY OF MINNETONKA, MN AND ALL MINNESOTA DEPARTMENT OF HEALTH AND WPCA REQUIREMENTS EXCEPT WHERE MODIFIED BY THESE CONTRACT DOCUMENTS.
- OSHA REQUIREMENTS SHALL BE FOLLOWED FOR ALL WORK ON THIS PROJECT.
- THE CONTRACTOR SHALL NOTIFY "Gopher State One Call" 48 HOURS PRIOR TO ANY EXCAVATION (651-454-0002 OR 1-800-282-1188 OUT STATE).
- THE CONTRACTOR SHALL VERIFY ALL LOCATIONS AND ELEVATIONS OF UNDERGROUND UTILITIES WITH UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION (STORM SEWER, SANITARY SEWER, WATER, NATURAL GAS, TELEPHONE, ELECTRIC, ETC.) AND IMMEDIATELY NOTIFY THE ENGINEER OF ANY CONFLICTS.
- THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND FACILITIES TO ALLOW PROPER FUNCTIONING DURING AND AFTER CONSTRUCTION. ANY REQUIRED SUPPORTING STRUCTURES SHALL BE SUPPLIED BY THE CONTRACTOR AS WORK INCIDENTAL TO THE CONTRACT.
- THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY CONFLICTS BETWEEN EXISTING UTILITIES AND THE PROPOSED CONSTRUCTION. THE ENGINEER WILL COORDINATE WITH THE UTILITY COMPANY IN QUESTION TO DETERMINE THE NEED FOR RELOCATION OF THE EXISTING UTILITY.
- EXISTING CONDITIONS SUCH AS SAND OR MANHOLES OR VALVE BOXES SHALL BE IDENTIFIED BY THE CONTRACTOR AND THESE SHALL BE REPORTED TO THE ENGINEER PRIOR TO EXCAVATION BY THE CONTRACTOR. SINCE CONSTRUCTION HAS BEGUN, ALL DAMAGE TO UNDERGROUND UTILITIES WILL BE ASSIGNED TO HAVE BEEN CAUSED BY THE CONTRACTOR, ANY "REPAIRS NECESSARY" SHALL BE PERFORMED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
- FINAL PLAT SHALL GOVERN FOR EASEMENTS AND LOT LINES.
- THE CONTRACTOR SHALL COORDINATE WITH THE LOCAL JURISDICTION TO OBTAIN PERMITS AND METER FOR WATER SERVICE. ALL ASSOCIATED COSTS SHALL BE INCIDENTAL TO THE CONTRACT, INCLUDING DISRUPTION OF TEST WATER INTO CITY'S SANITARY SEWER SYSTEM. THE CONTRACTOR SHALL NOT OPERATE GATE VALVES OR HYDRANTS ON THE CITY'S WATER SUPPLY SYSTEM.
- THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEER AND THE PROJECT ENGINEER 48 HOURS PRIOR TO STARTING WORK OR AS REQUIRED BY THE LOCAL JURISDICTION OR BE SUBJECT TO BEING SHUT DOWN.
- THE CONTRACTOR SHALL KEEP ACCESS ROADS CLEAR OF SOIL OR OTHER DEBRIS, AND PERFORM DAILY STREET CLEANING. POSITIVE GRADINGS CONTROLLED WITH EROSION CONTROL AND EROSION PREVENTION MEASURES SHALL BE PERFORMED. INLET PROTECTION SHALL BE INSTALLED WITHIN 48 HOURS AFTER INLET CONSTRUCTION, UNLESS SPECIFIED ON THE PLANS OR AS A BID ITEM ON THE BID FORM. ANY TEMPORARY CULVERTS, DITCHES, FILTER FABRIC, ETC. NECESSARY TO ACCOMPLISH THIS SHALL BE PERFORMED AS INCIDENTAL TO THE CONTRACT.
- THE CONTRACTOR SHALL PRESERVE AND PROTECT THE MARKERS AND MONUMENTS SET FOR THE SUBDIVISION OF THE LAND.
- THE CONTRACTOR SHALL SCHEDULE THE SOILS ENGINEER TO FACILITATE CERTIFICATION OF ALL CONTROLLED FILLS IN A TIMELY FASHION. DENSITY TESTS SHALL MEET THE FOLLOWING:  
A. COMPOST TESTS SHALL BE TAKEN ON ALL TRENCHES AS DETERMINED BY THE ENGINEER OR HIS REPRESENTATIVE.  
B. WITHIN THE UPPER 1' OF STREETS, PRIVATE DRIVES AND PARKING LOTS, CONTRACTOR SHALL UTILIZE APPROVED SOILS THAT ARE WITHIN 1% OPTIMUM MOISTURE CONTENT AS DETERMINED BY THE STANDARD PROCTOR TEST-ASTM: D-1586 WITH 100% STANDARD PROCTOR DENSITY AND NOT EXCEEDING COMPACTION BY MORE THAN 1% BELOW THE UPPER 1' OF CONSTRUCTION SHALL MEET 90%. GRADING TOLERANCES SHALL BE 0.1".  
C. THE OWNER SHALL PAY FOR ALL TESTINGS OF SOILS COMPACTION, ANY AREAS WHICH FAIL TO MEET THE ABOVE STANDARDS SHALL BE CORRECTED AND RE-TESTED BY THE OWNER'S TESTING AGENT AT THE CONTRACTOR'S EXPENSE.
- SANITARY SERVICE AND WATER SERVICE SHALL BE INSTALLED AT ELEVATIONS AS DEFINED ON THIS PLAN.
- CONTRACTOR SHALL PROVIDE TEMPORARY TRAFFIC CONTROL IN COMPLIANCE WITH ANY/ALL TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS FIELD MANUAL, DATED 2016 FOR CONSTRUCTION ADJACENT TO TRAVELWAYS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF THE DEPTH OF EXISTING UTILITIES LISTED ON THIS PLAN PRIOR TO THE ORDERING OF ANY FITTINGS, STRUCTURES, CASTINGS, ETC. ENGINEER AND THE OWNER SHALL NOT BE RESPONSIBLE FOR ANY DISCREPANCIES FOUND AS DEPTHS ARE ESTIMATED.
- CITY INSPECTION IS REQUIRED FOR THE SANITARY SEWER AND WATER SERVICE CONNECTIONS.
- CONTRACTOR TO COMPLY WITH ALL REGULATORY AGENCY PERMIT CONDITIONS FOR PERMITS OBTAINED BY OWNER AND FOR PERMITS OBTAINED BY GENERAL CONTRACTOR.
- ALL WORK PERFORMANCE AND MATERIALS USED FOR CONSTRUCTION OF UTILITIES MUST CONFORM TO THE CITY OF MINNETONKA STANDARD SPECIFICATIONS AND DETAILS.

**INDEX OF CIVIL SITE DRAWINGS:**

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C6	EXISTING CONDITIONS AND REMOVALS PLAN
C7	TREE REMOVAL AND PRESERVATION PLAN
C8	DETAILS

CLIENT:  
**Gatehouse Properties Ltd.**  
2249 Perica Green  
Wayzata, MN 55391  
David Carlson  
612-275-8252  
david@gatehouseproperties.com

**ELCORADO VILLAS**  
RESIDENTIAL DEVELOPMENT PROJECT  
1901 Minnetonka Blvd  
Minnetonka, MN 55905  
SANITARY AND WATER UTILITY PLAN

I hereby certify that the plans, specifications, or report filed hereon are true and correct to the best of my knowledge and belief, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
Date: 07/09/16 Eng. No. 24348  
Prepared By: CIVIL ENGINEERING UTILITY DESIGN  
1111 1st Avenue North, Suite 201  
Minnetonka, MN 55905  
Phone: 763-414-0253  
www.civil-engineering.com

DATE: 07/09/16	DESIGNED BY: SD	CHECKED BY: SD
DRAWN BY: SD	DESIGNED BY: SD	CHECKED BY: SD
DATE: 07/09/16	DESIGNED BY: SD	CHECKED BY: SD
DRAWN BY: SD	DESIGNED BY: SD	CHECKED BY: SD

FILE NO. 00574  
**C3**  
Sanitary and Water Utility ELDORADO VILLAS

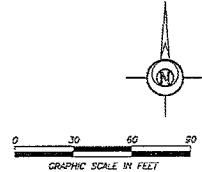
**PROJECT LOCATION**

PART OF SW1/4 OF THE NE1/4  
SECTION 14 TOWNSHIP 117, RANGE 22,  
HENNIPEN COUNTY, MINNESOTA.

**PROPOSED LEGAL DESCRIPTION**

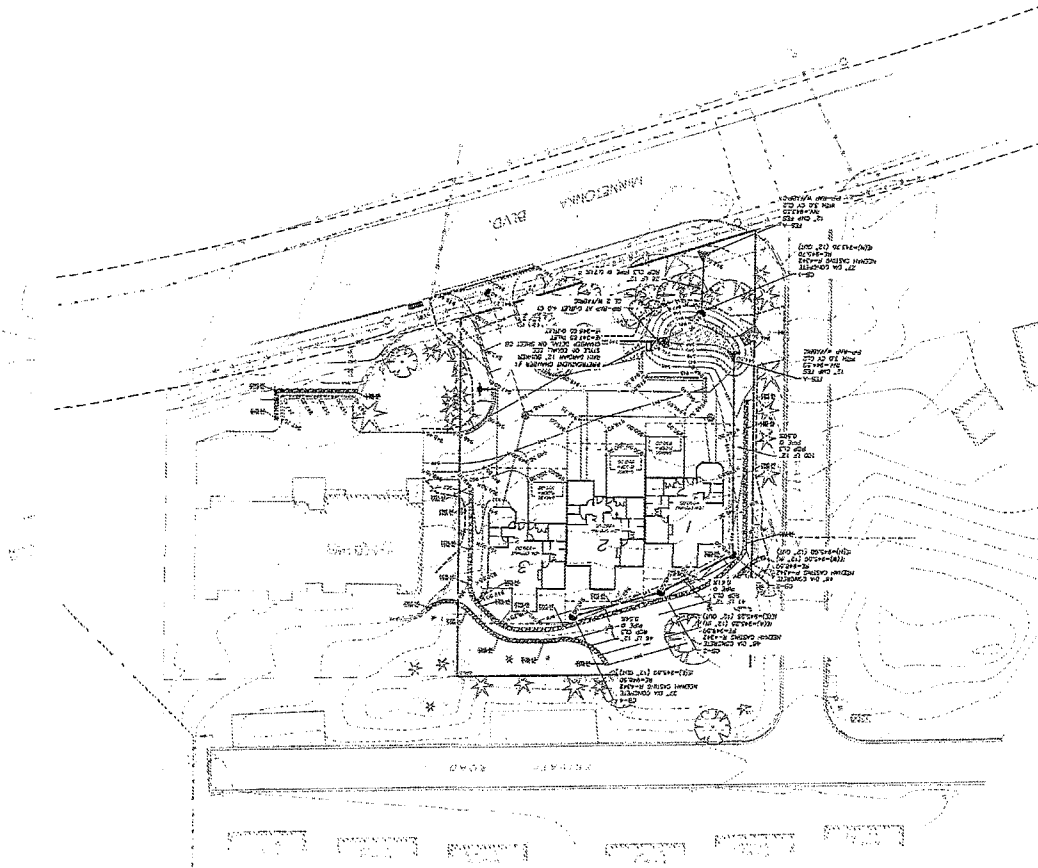
LOTS 1, 2, AND 3, BLOCK 1,  
ELDORADO VILLAS,  
HENNIPEN COUNTY, MINNESOTA.

CLIENT: **Gatchhouse Properties Ltd.**  
2249 Portico Green  
Wayzata, MN 55391  
David Carlson  
612-275-8255  
david@gatchhousepropertiesltd.com



**SURVEY DATA**

SURVEY INFORMATION PROVIDED BY:  
LOT SURVEYS COMPANY, INC.  
7801 73rd AVENUE NORTH  
BROOKLYN PARK, MN 55428  
DATED: DECEMBER 10, 2015  
BENCHMARK:  
Invert elevation of auxiliary mark  
located at the NE corner of the  
subject property.  
Elev. = 927.99



**GENERAL UTILITY NOTES:**

- SPECIFICATIONS APPLICABLE FOR THIS PROJECT: CURRENT STANDARD SPECIFICATIONS FOR THE CITY OF MINNETONKA, MN AND ALL MINNESOTA DEPARTMENT OF HEALTH AND WPA REQUIREMENTS EXCEPT WHERE MODIFIED BY THESE CONTRACT DOCUMENTS.
- OSHA REQUIREMENTS SHALL BE FOLLOWED FOR ALL WORK ON THIS PROJECT.
- THE CONTRACTOR SHALL NOTIFY "Gopher State One Call" 48 HOURS PRIOR TO ANY EXCAVATION (851-456-0022 OR 1-800-252-1188 OUT STATE)
- THE CONTRACTOR SHALL VERIFY ALL LOCATIONS AND ELEVATIONS OF UNDERGROUND UTILITIES WITH UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION (STORM SEWER, SANITARY SEWER, WATER, NATURAL GAS, TELEPHONE, ELECTRIC, ETC.), AND IMMEDIATELY NOTIFY THE ENGINEER OF ANY CONFLICTS.
- THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND FACILITIES TO ALLOW PROPER FUNCTIONING DURING AND AFTER CONSTRUCTION. ANY REQUIRED SUPPORTING STRUCTURES SHALL BE SUPPLIED BY THE CONTRACTOR AS WORK NECESSITATES TO THE CONTRACT.
- THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY CONFLICTS BETWEEN EXISTING UTILITIES AND THE PROPOSED CONSTRUCTION. THE ENGINEER WILL COORDINATE WITH THE UTILITY COMPANY IN QUESTION TO DETERMINE THE NEED FOR RELOCATION OF THE EXISTING UTILITY.
- EXISTING CONDITIONS SUCH AS SAND IN MANHOLES OR VALVE BOXES SHALL BE IDENTIFIED BY THE CONTRACTOR AND THESE SHALL BE REPORTED TO THE ENGINEER PRIOR TO EXCAVATION BY THE CONTRACTOR. ONCE CONSTRUCTION HAS BEGUN, ALL DAMAGE TO UNDERGROUND UTILITIES WILL BE ASSIGNED TO HAVE BEEN CAUSED BY THE CONTRACTOR. ANY REPAIRS NECESSARY SHALL BE PERFORMED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
- FINAL PLAN SHALL COVER FOR BASEMENTS AND LOT LINES.
- THE CONTRACTOR SHALL COORDINATE WITH THE LOCAL JURISDICTION TO OBTAIN PERMITS AND METER FOR WATER SOURCE. ALL ASSOCIATED COSTS SHALL BE NECESSARY TO THE CONTRACT, INCLUDING DISPOSAL OF TEST WATER INTO CITY'S SANITARY SEWER SYSTEM. THE CONTRACTOR SHALL NOT OPERATE GATE VALVES OR HYDRANTS ON THE CITY'S WATER SUPPLY SYSTEM.
- THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEER AND THE PROJECT ENGINEER 48 HOURS PRIOR TO STARTING WORK OR AS REQUIRED BY THE LOCAL JURISDICTION OR BE SUBJECT TO BEING SHUT DOWN.
- THE CONTRACTOR SHALL KEEP ACCESS ROADS CLEAR OF SOIL OR OTHER DEBRIS, AND PERFORM BARRY STREET CLEANING, POSITIVE DRAINAGE CONTROLLED BY EROSION CONTROL, AND EROSION PREVENTION MEASURES SHALL BE PERFORMED. INLET PROTECTION SHALL BE INSTALLED WITHIN 48 HOURS AFTER INLET CONSTRUCTION, UNLESS SPECIFIED ON THE PLANS OR AS A BID ITEM ON THE BID FORM. ANY TEMPORARY CURBS, RICHES, FILTER FABRIC, ETC. NECESSARY TO ACCOMPLISH THIS SHALL BE PERFORMED AS INCIDENTAL TO THE CONTRACT. THE CONTRACTOR SHALL PRESERVE AND PROTECT THE MARKERS AND MONUMENTS SET FOR THE SUBMISSION OF THE LAND.
- THE CONTRACTOR SHALL SCHEDULE THE SOILS ENGINEER TO FACILITATE CERTIFICATION OF ALL CONTROLLED FIELDS IN A TIMELY MANNER. DENSITY TESTS SHALL MEET THE FOLLOWING:  
A. DENSITY TESTS SHALL BE TAKEN ON ALL TRENCHES AT LOCATIONS AS DETERMINED BY THE ENGINEER OR HIS REPRESENTATIVE.  
B. WITHIN THE UPPER 3" OF STREETS, PRIVATE DRIVES AND PARKING LOTS, CONTRACTOR SHALL UTILIZE APPROVED SOILS THAT ARE WITHIN 1% OPTIMUM MOISTURE CONTENT AS DEFINED BY THE STANDARD PROCTOR TEST-ASTM 9-89S WITH 100% STANDARD PROCTOR DENSITY AND NOT EXCEEDING COMPACTION BY MORE THAN 1% BELOW THE UPPER 3" COMPACTION SHALL MEET 95%. GRADING TOLERANCES SHALL BE 0.1".
- THE OWNER SHALL PAY FOR ALL TESTING OF SOILS COMPACTION. ANY AREAS WHICH FAIL TO MEET THE ABOVE STANDARDS SHALL BE CORRECTED AND RE-TESTED BY THE OWNER'S TESTING AGENCY AT THE CONTRACTOR'S EXPENSE.
- SANITARY SERVICE AND WATER SERVICE SHALL BE INSTALLED AT ELEVATIONS AS SHOWN ON THIS PLAN.
- CONTRACTOR SHALL PROVIDE TEMPORARY TRAFFIC CONTROL IN COMPLIANCE WITH MN/DOT TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS FIELD MANUAL, DATED 2018 FOR CONSTRUCTION ADJACENT TO TRAVEL WAYS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF THE DEPTH OF EXISTING UTILITIES LISTED ON THIS PLAN PRIOR TO THE GRINDING OF ANY FITTINGS, STRUCTURES, CASTINGS, ETC. ENGINEER AND THE OWNER SHALL NOT BE RESPONSIBLE FOR ANY DISCREPANCIES FOUND AS DEPTHS ARE ESTIMATED.
- CITY INSPECTION IS REQUIRED FOR THE SANITARY SEWER AND WATER SERVICE CONNECTIONS.
- CONTRACTOR TO COMPLY WITH ALL REGULATORY AGENCY PERMIT CONDITIONS FOR PERMITS OBTAINED BY OWNER AND FOR PERMITS OBTAINED BY GENERAL CONTRACTOR.
- ALL WORK PERFORMED AND MATERIALS USED FOR CONSTRUCTION OF UTILITIES MUST CONFORM TO THE CITY OF MINNETONKA STANDARD SPECIFICATIONS AND DETAILS.
- PIPE LENGTHS SHOWN ARE MEASURED CENTER OF STRUCTURE TO CENTER OF STRUCTURE OR END OF FLARED END SECTION.

**INDEX OF CIVIL SITE DRAWINGS:**

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C8	DETAILS

**ELDORADO VILLAS**  
RESIDENTIAL  
DEVELOPMENT PROJECT  
1901 Minnetonka Blvd  
Minnetonka, MN 55305  
STORM SEWER  
UTILITY PLAN

I hereby certify that the plan, specification, or report filed hereon is a duly prepared Professional Engineer under the laws of the State of Minnesota.  
DATE: 07/05/19  
DRAWN BY: SD  
DESIGNED BY: SD  
CHECKED BY: SD  
PREPARED BY: CIVIL ENGINEERING  
NITE DESIGN  
118 Tech Center Dr  
PO Box 268  
Pharm, MN 55114-0268  
www.nitedesign.com

REVISIONS  
DATE: 07/05/19  
DRAWN BY: SD  
DESIGNED BY: SD  
CHECKED BY: SD  
FILE NO. 00574  
VERTICAL SCALE  
1" = 10'-0"  
HORIZONTAL SCALE  
1" = 40'-0"

**C4**

Storm Sewer  
Utility Plan  
Eldorado Villas

11901 Minnetonka Blvd  
16015.16a

**PROJECT LOCATION**

PART OF SW¼ OF THE NE¼,  
SECTION 14 TOWNSHIP 137 N, RANGE 22,  
HENNEPIN COUNTY, MINNESOTA.

**PROPOSED LEGAL DESCRIPTION**

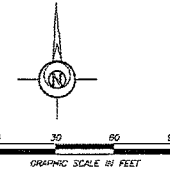
LOTS 1, 2, AND 3, BLOCK 1,  
ELDORADO VILLAS,  
HENNEPIN COUNTY, MINNESOTA.

**SURVEY DATA**

SURVEY INFORMATION PROVIDED BY:  
LOT SURVEYS COMPANY, INC  
7801 73rd AVENUE NORTH  
CROOKLEIGH PARK, MN 55428

DATED: DECEMBER 10, 2015

BENCHMARK:  
Invert elevation of ordinary manhole  
located at the NE corner of the  
subject property.  
Elev. = 527.68



**POLLUTION PREVENTION NOTES**

1. Solid waste collected, stored, and disposed of must comply with MPCA requirements.
2. Hazardous materials, oils, greases, paint, and any hazardous substance must be properly stored, including secondary containment, to prevent spills, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal must be in compliance with MPCA regulations.
3. Erosion washing of trucks or other construction vehicles is not allowed on site. No engine idling is allowed on site.
4. No concrete washouts are allowed on site.

**VEGETATION GRADING COVER SCHEDULE**

1. Permanent turf ground cover shall include all disturbed areas to be covered with a minimum 4" topsoil and seeded or sodded by City, or as proposed on City approved landscape plan for the project.
2. Temporary ground cover shall be MnDOT seed mix 150 shall be applied at 100 lbs/a/c. MnDOT Type 1 mulch shall be applied at 2 lbs/a/c and this mulch is not to be applied to soil or erosion control.
3. Fertilizer shall be MnDOT Type 1 (10-10-10) and applied at 200 lbs/a/c. One fertilizer application shall be used after November 1 or when temperatures do not exceed 45° F, using some class specified above. No seed shall be placed on snow or ice greater than 2" in depth.
4. Any seeded areas that do not become established with vegetation shall be reseeded at Contractor's expense.
5. Erosion control shall be installed in seed areas with ground surface slopes of 3% or steeper.

**EROSION CONTROL NOTES**

1. All services necessary to control erosion and sediment (i.e. perimeter silt fence, rock construction entrances, water, sumps, berms, etc.) shall be installed prior to any other construction operations.
2. Temporary erosion control and stabilization shall be completed within 72 hours of disturbed areas that are to remain for and in an unfinished temporary condition. Temporary stabilization to be completed in compliance with MnDOT 2575 specifications.
3. After completion of final grading, exposed soils must be permanently stabilized within 72 hours. Stabilization shall consist of: a) direct seeding and sod as allowed by City, or as proposed on City approved landscape plan for the project. The site must be kept in a well drained condition at all times. The contractor shall be responsible for temporary ditches, or other means necessary to ensure proper drainage. The building pad must be provided with a positive outlet. This work shall be incidental to the grading contract.
4. Erosion control of the site shall occur only at rock construction activities to reduce seeping of silt onto paved streets. Sediment trapped onto streets during working hours must be removed via street sweeping and sweeping at the end of each working day.
5. Temporary dewatering pump out to be discharged to constructed temporary Dewatering Discharge per detail this sheet, or sediment filter bag constructed of min. 100 non-woven fiber fabric, to provide silt and sediment removal from stormwater prior to discharge to appropriate drainage area.

**GENERAL GRADING NOTES**

1. Specifications applicable for this project: Current standard specifications for the City of Minneapolis, and the latest Minnesota Department of Transportation Specifications for Highway Construction, except where modified by these documents.
2. OS&M requirements shall be followed for all work on this project.
3. The Contractor shall notify "Gopher State One Call" 48 hours prior to any excavation (1-800-252-1166).
4. The Grading Contractor shall verify all locations and elevations of underground utilities with utility companies prior to any construction, and immediately notify the Engineer of any conflicts.
5. Final Plat shall govern for easements and lot dimensions.
6. Any erosion control items necessary to protect adjacent properties shall be constructed prior to the start of excavation or grading work.
7. Erosion control requirements shall be performed by the Grading Contractor, and removed as per the Contract Documents or as directed by the Owner, followed by all necessary restoration of disturbed area.
8. The Grading contractor shall provide positive drainage on the site at all times. Grading tolerances shall be 3:10' for hard surface areas. Grading tolerances for the remainder of the site shall be 5:25'.
9. The Grading Contractor shall keep public streets, parking lots, and travel ways clear of soil and debris. Daily cleaning of the construction entrance shall be performed, especially at the end of each day's work.

**EROSION CONTROL INSTALLATION SCHEDULE**

1. Silt fence shall be installed or restored prior to any construction. Silt fence shall be spaced as shown to intercept runoff. The area located beyond the perimeter silt fence shall not be disturbed during construction.
2. All storm sewer inlets shall have total protection inserts installed, inserts shall be "Rock Retention Silt" or "Road Drain-Curb & Gutter" inlet protection devices as manufactured by WMSO (or approved equal) and installed per manufacturer's recommendations.
3. All erosion control installations shall remain in place and be maintained in good condition by the contractor until the site has been re-vegetated or when time it shall be removed by the contractor. For proposed paved surface areas, the contractor may remove necessary silt fencing to construct roadway, while maintaining adequate erosion control at adjacent areas.
4. Sufficient topsoil shall be stockpiled to allow for the replacement of 4" topsoil for disturbed areas to be re-vegetated.
5. The contractor shall schedule site grading, utility installation and site construction so that the general site can be mowed and seeded or reseeded at some reasonable time after disturbance. Areas that will not be subject to construction traffic shall be seed and mulched or seeded within 72 hours of final grading.

**EROSION CONTROL MAINTENANCE SCHEDULE**

1. Erosion control measures shall be inspected by the contractor's representative and maintained by the contractor every Friday and within 24 hours after any rainfall event larger than 1/2" until the project is completed. Maintenance requirements are as follows: silt fence - 1/3 height of fence or compact, remove sediment and/or repair fence within 24 hours rock entrance - refresh as necessary to conform to design inlet protection barrier - remove sediment after each rain event, clean or replace filter when clogged surface water - drain and replace, within 72 hours of discovery; street sweeping - remove all sediment trapped onto paved surfaces within 24 hours or as directed by City Engineer.
2. Replacement - Fabric shall be replaced promptly when it decomposes or becomes ineffective before the barrier is no longer necessary.
3. Any sediment remaining in place after silt fence is no longer required shall be dressed to conform with the existing grade, prepared, and seeded with appropriate cover mix, as directed by the engineer.
4. Removal of the silt fence - Silt fences shall be removed when they have served their useful purpose, but not before the upward sloping area has been permanently stabilized.

**RESPONSIBLE PARTY**

Contact information for the responsible party for erosion control is:  
TO BE DETERMINED

**INDEX OF CIVIL SITE DRAWINGS:**

- C0 PROJECT LOCATION PLAN
- C1 DEVELOPMENT SITE PLAN
- C2 GRADING PLAN
- C3 SANITARY AND WATER UTILITY PLAN
- C4 STORM SEWER UTILITY PLAN
- C5 EROSION CONTROL PLAN
- C6 EXISTING CONDITIONS AND REMOVALS PLAN
- C7 TREE REMOVAL AND PRESEPVATION PLAN
- C8 DETAILS

CLIENT:  
**Gatehouse Ltd.**  
2349 Portico Green  
Wayzata, MN 55391

David Carlson  
612-375-8755  
david@gatehousepropertieshd.com

**ELDORADO VILLAS**  
RESIDENTIAL  
DEVELOPMENT PROJECT  
1901 Minnetonka Blvd  
Minnetonka, MN 55305

EROSION CONTROL PLAN

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

DATE: 07/05/16  
PROJECT NO: 00574  
DRAWN BY: SD  
DESIGNED BY: SD  
CHECKED BY: SD

118 1st Ave. S.W. 3rd Fl.  
Minnetonka, MN 55305  
Phone: 763.511.0255  
www.civil-engineering.com

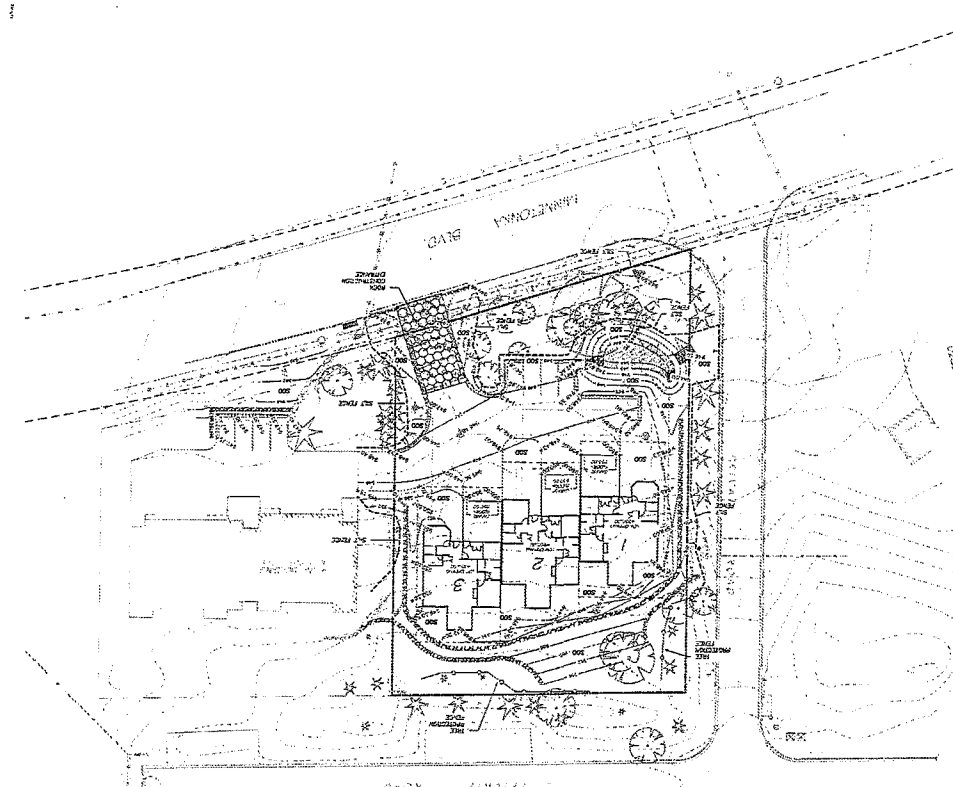
DATE: 07/05/16	PROJECT NO: 00574
DRAWN BY: SD	CHECKED BY: SD
DESIGNED BY: SD	

VERTICAL SCALE: 1" = 10'  
HORIZONTAL SCALE: 1" = 40'

FILE NO. 00574

**C5**

Erosion Control Details  
1901 Minnetonka Blvd  
16015.16A



JUL - 5 2015





# Windmill Ridge

RESOLUTION GRANTING FINAL APPROVAL OF PLAT NO. 1622A (86075.8), A REVISED PLAT OF WINDMILL RIDGE, LYING WITHIN SECTION 14, TOWNSHIP 117, RANGE 22 AND SUBMITTED BY HANS HAGEN HOMES

---

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

Section 1. Background.

- 1.01. Pursuant to the provisions of the applicable sections of Minnesota Statutes, the City of Minnetonka has adopted regulations for the platting and zoning of lands.
- 1.02. Plat No. 1622A (86075.8), revised WINDMILL RIDGE, has been presented to the City Council of the City of Minnetonka for approval and appears to conform to the comprehensive plans.

Section 2. Approval and Authorization.

- 2.01. Plat No. 1622A, WINDMILL RIDGE, be and hereby is approved, as stated in the final report prepared by the Engineering Department, dated October 20, 1986, subject to the following stipulations:
  1. The preliminary plat be revised to assign an outlet status to the property to be dedicated to the City. This property is to be dedicated with no encumbrances or restrictions. The City may choose to use the property for open space, development or other public purposes including roadway.
  2. Submission of Revised Landscape Plans to include the following:
    - a. 13 additional deciduous trees of 2-1/2" minimum caliper.
    - b. 19 additional coniferous trees in the 6'-10' height range.
    - c. Species size schedule for plantings.
    - d. All disturbed areas to be sodded and the required underground irrigation system indicated.

e. All trees to be preserved by explicitly marked for preservation with grading limits staked and inspected by staff prior to grading operations.

3. The applicant work with the Engineering Department in developing final drainage details which may involve parking lot catch basins. Also, storm sewer pipe connection across City property to the south and ponding area be located within an easement obtained from the City at the time of final plat approval.

4. Installation of erosion control methods during construction to be approved by the Engineering Department.

5. Project approval by the Minnehaha Creek Watershed District and the ponding area designed to watershed district standards including the following:

- a. The pond be sized to accommodate a one-year flood event.
- b. The pond be constructed to include a skimming device.
- c. The applicant be responsible for maintaining the pond on a regular basis.

6. The applicant provide appropriate easements for 11811 and 11901 Minnetonka Boulevard properties to access the private road and access easements be provided for the private road system.

7. The applicant submit a maintenance agreement for the private road including both snow removal and future repair.

8. The townhouses be constructed utilizing materials indicated on plans including paneled redwood garage doors.

9. The applicant work with the Director of Operations and Maintenance on utility connections to include the following:

- a. Posting of a bond to ensure against damages to public utility lines and construction activity be coordinated and supervised by the Director of Operations and Maintenance.



b. The looped watermain be valved as required.

c. All utilities will be a private system.

d. Each dwelling unit be equipped with 6" sanitary and 1" water service.

10. Submission of detailed exterior lighting and signage plans for staff review and approval.

11. The project comply with all requirements of the Uniform Building Code and the applicant work with the Fire Marshal in establishing appropriate emergency vehicle access.

12. The applicant receive a Hennepin County access permit and install a bypass lane on westbound Minnetonka Boulevard to Hennepin County specifications.


13. All driveway and parking areas be surrounded with concrete curb and gutter.

14. The Preliminary Plat be revised to delete 20' storm sewer easements on private property and provide standard 7' drainage and utility easements around the perimeter of the site.

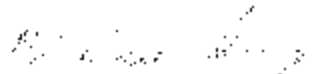
15. The applicant work with staff in establishing grading limits at the southeast corner of the townhouses. Retaining wall to preserve mature trees may be required.

16. The applicant execute a revised and updated P.U.D. Agreement with the City.

Adopted by the City Council of the City of Minnetonka, Minnesota, on this 20th day of October, 1986.

  
LARRY A. DONLIN, MAYOR


ATTEST:

  
\_\_\_\_\_  
D. L. Eggenberger, City Clerk

Action on this resolution

Motion for adoption: Renneke  
Seconded by: Gordon  
Voted in favor of:  
Bergstedt, Anderson, DeGhetto, Renneke, Gordon, Hanus, Donlin  
Voted against: \_\_\_\_\_  
Abstained: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Resolution adopted.

I hereby certify that the foregoing is a certified copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on the 20th day of October, 1986.

  
\_\_\_\_\_  
D. L. Eggenberger, City Clerk

RESOLUTION AMENDING RESOLUTION NO. 86-8218  
APPROVING PLAT NO. 86075.8, A SUBDIVISION  
KNOWN AS WINDMILL RIDGE

---

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

Section 1. Background.

- 1.01. On October 20, 1986, the City Council adopted Resolution No. 86-8218, approving Plat No. 86075.8 for Hans Hagen Homes, Inc., known as Windmill Ridge.
- 1.02. That resolution contained a number of conditions for approval.
- 1.03. The surveyor for the plat has raised concerns about one of these conditions.
- 1.04. The City Council has determined that this condition may be modified.

Section 2. Approval and Authorization.

- 2.01. Resolution No. 86-8218 is hereby amended as follows:

- a. Paragraph 2.01 (14) is amended to read as follows:

14. The preliminary plat be revised to delete 20-foot storm sewer easements on private property and provide standard 7 foot drainage and utility easements around the perimeter of the site, excepting therefrom the East 7 feet of Lot 24, Block 1, Windmill Ridge.

Adopted by the City Council of the City of Minnetonka, Minnesota, on this 16th day of December, 1986.

  
LARRY A. DONLIN, MAYOR

ATTEST:

*D. L. Eggenberger*  
D. L. Eggenberger, City Clerk

Action on this resolution

Motion for adoption: Gordon  
Seconded by: Anderson  
Voted in favor of:  
Hanus, Bergstedt, Anderson, DeGhetto, Gordon, Donlin  
Voted against: \_\_\_\_\_  
Abstained: \_\_\_\_\_  
Absent: Renneke  
Resolution adopted.

I hereby certify that the foregoing is a certified copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on the 16th day of December, 1986.

*D. L. Eggenberger*  
D. L. Eggenberger, City Clerk

easement document never recorded

Quit Claim Deed.  
Corporation to Individual.

Form No. 30

U.S. GOVERNMENT PRINTING OFFICE: 1964 O  
SECURITY CLASS. CONFIDENTIAL  
Minnesota Uniform Conveyancing Blanks

**This Indenture**, Made this 26th day of September, 19 86,  
between Hans Hagen Homes, Inc.

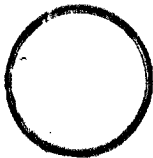
a corporation under the laws of the State of Minnesota, party of the first part, and  
the public

of the County of Hennepin and State of Minnesota  
part Y of the second part,

**Witnesseth**, That the said party of the first part, in consideration of the sum of  
One Dollar and other good and valuable consideration (\$1.00) DOLLARS,  
to it in hand paid by the said party Y of the second part, the receipt whereof is hereby acknowledged,  
does hereby Grant, Bargain, Quitclaim, and Convey unto the said party Y of the second part,  
heirs and assigns, Forever, all the tract or parcel of land lying and being in the County of  
Hennepin and State of Minnesota, described as follows, to-wit:

A nonexclusive easement for ingress and egress over and across  
that part of Lot 23, Block 1, Windmill Ridge, Hennepin County,  
Minnesota, lying northerly of the South 320 feet thereof.

**To Have and to Hold the Same**, Together with all the hereditaments and appurtenances there-  
unto belonging or in anywise appertaining, to the said party Y of the second part,  
heirs and assigns, Forever.



**In Testimony Whereof**, the said first party has caused these  
presents to be executed in its corporate name by its Senior Vice  
President and its corporate seal to  
be hereunto affixed the day and year first above written.

Hans Hagen Homes, Inc.

By Maria Kees

Its Senior Vice President.

easement document never recorded

Deed. to Individual.

Form No. 30

Minnesota Uniform Conveyancing Blanks

W. S. BOOTH & SON, INC. 20, MPLE 55402  
SECURITY BLANK BOOK, INC. 1001 W. WYOMING ST. ST. PAUL 55101

This Indenture, Made this 24th day of September, 1986, between Hans Hagen Homes, Inc.

a corporation under the laws of the State of Minnesota, party of the first part, and Bruce E. Anthony and Shirley M. Anthony, husband and wife of the County of Hennepin and State of Minnesota parties of the second part,

Witnesseth, That the said party of the first part, in consideration of the sum of one dollar and other good and valuable consideration (\$1.00) DOLLARS, has hereby Grant, Bargain, Quitclaim, and Convey unto the said parties of the second part, heirs and assigns, Forever, all the tract or parcel of land lying and being in the County of Hennepin and State of Minnesota, described as follows, to-wit:

A nonexclusive easement for ingress and egress over and across that part of Lot 23, Block 1, Windmill Ridge, Hennepin County, Minnesota, lying northerly of the South 320 feet thereof.

To Have and to Hold the Same, Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said parties of the second part, heirs and assigns, Forever.

1833097

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O'Brien file

OFFICE OF THE REGISTRAR 33  
OF TITLES  
HENNEPIN COUNTY, MINNESOTA  
CERTIFIED FILED ON

MAY 15 1987

3 PM

R. Owen Carlson  
REGISTRAR OF TITLES  
BY *[Signature]* DEPUTY

3/50

Universal Title  
Box 537

1840341

FIRST SUPPLEMENTAL DECLARATION  
OF COVENANTS, CONDITIONS, RESTRICTIONS AND  
EASEMENTS FOR WINDMILL RIDGE

This First Supplemental Declaration, dated this 4th day of June, 1987, is made by HANS HAGEN HOMES, INC., a Minnesota Corporation (hereinafter sometimes referred to as "Declarant").

WHEREAS, Declarant made and executed a "Declaration of Covenants, Conditions, Restrictions and Easements for Windmill Ridge", which is dated March 11, 1987, and filed in the office of the Registrar of Titles in and for Hennepin County, Minnesota, on May 15, 1987, as Document No. 1833097, and is hereinafter referred to as the "Declaration"; and

WHEREAS, Declarant is the owner of the following described real estate as described in said Declaration and which Declarant now desires to add an easement to the Property described in said Declaration:

Lots 1 through 23, both inclusive, Block 1,  
Windmill Ridge, Hennepin County, Minnesota; and

WHEREAS, neither the time limitation (5 years from the date of recording of the Declaration) nor the limitation on aggregate number of additional Living Units (18) set forth in



the Declaration have been exceeded by this First Supplemental Declaration.

NOW, THEREFORE, Declarant hereby declares that the following real property shall include a nonexclusive easement for ingress and egress over and across that part of Lot 23, Block 1, Windmill Ridge, Hennepin County, Minnesota, lying northerly of the South 320-feet thereof; to be conveyed to the public:

DESC. OK  
EJ  
OVER PT OF LAND  
IN CTF 692290

Lot 23, Block 1, Windmill Ridge

IN WITNESS WHEREOF, the above-named corporation has caused this First Supplemental Declaration to be executed the day and year first above written.

HANS HAGEN HOMES, INC.

BY: Marie Reese  
Its: SENIOR VICE PRESIDENT / TREASURER


STATE OF MINNESOTA )  
  ) ss.  
COUNTY OF RAMSEY )

The foregoing instrument was acknowledge before me this 11<sup>th</sup> day of June, 1987, by Marie Reese the Senior Vice President / Treasurer of Hans Hagen Homes, Inc., a Minnesota corporation, on behalf of the corporation.

Laura J. Ranum  
Notary Public

THIS INSTRUMENT DRAFTED BY:

Hans Hagen Homes, Inc.  
2353 N. Rice Street  
St. Paul, MN 55113

 **LAURA J. RANUM**  
NOTARY PUBLIC - MINNESOTA  
RAMSEY COUNTY  
My commission expires 4-24-92

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EDEN PRAIRIE  
EDINA

GOLDEN VALLEY  
GREENWOOD  
HOPKINS  
PLYMOUTH  
SHOREWOOD  
ST. LOUIS PARK

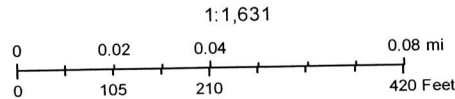
WAYZATA  
WOODLAND  
Red: Band\_1  
Green: Band\_2  
Blue: Band\_3  
Counties



February 22, 2016

**1411722130038**  
**34 Address Unassigned**

DISCLAIMER  
This drawing is not a legally recorded plat or an accurate survey  
It is intended to be only an approximate representation of information from various government offices and other sources  
It should not be used for a purpose that requires exact measurement or precision  
People who use this drawing do so at their own risk  
The City of Minnetonka is not responsible for any inaccuracies contained in the drawing  
The City of Minnetonka provides no warranty, express or implied, about the correctness of the information.



Big Willow Townhomes, formally known as  
Cross Country (CC) Townhomes

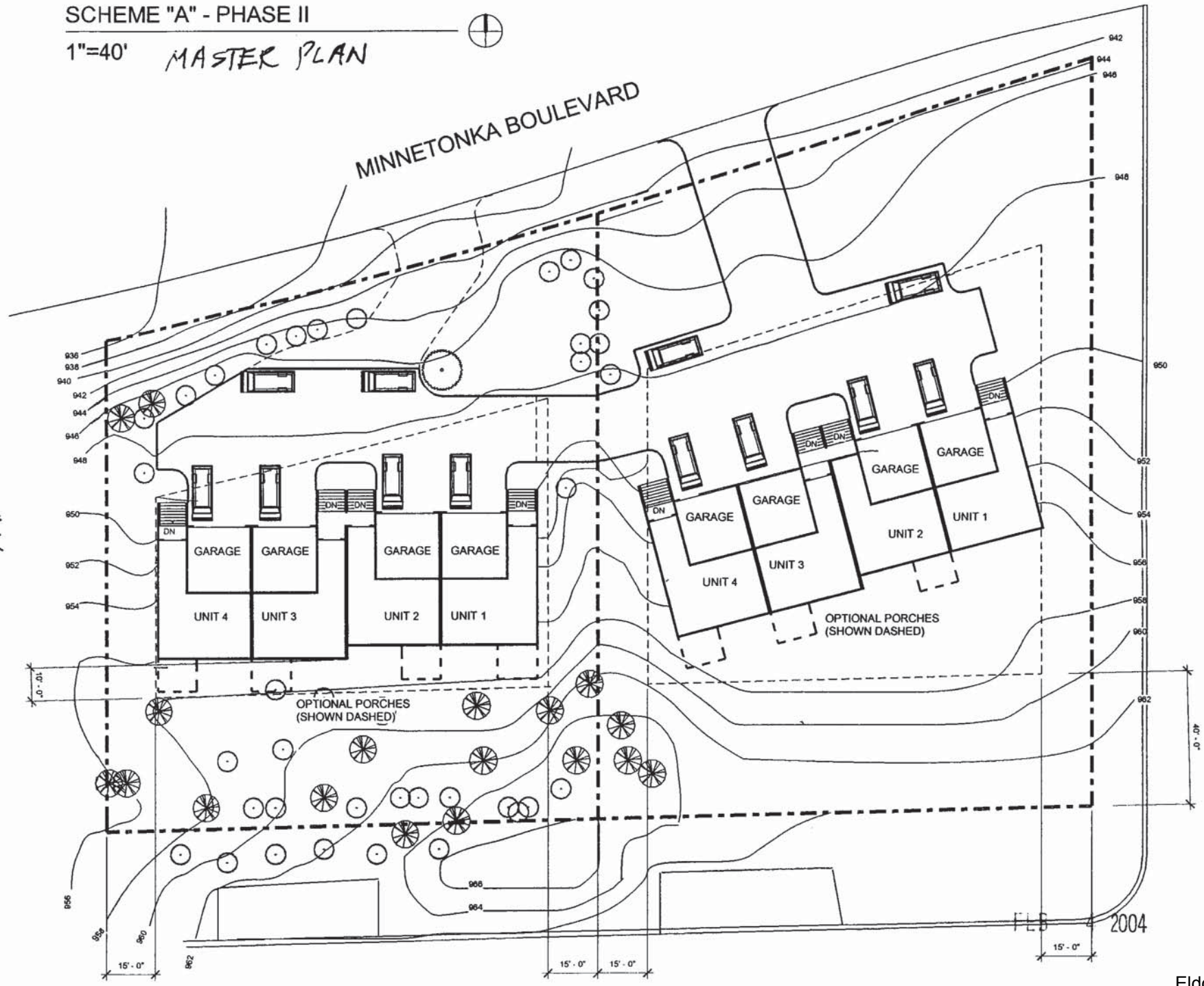
SCHEME "A" - PHASE II

1"=40' MASTER PLAN



MINNETONKA BOULEVARD

A11



PROJECT NO 0125  
 DATE JANUARY 20, 2004  
 DRAWN BY MBH  
 SHEET MINNETONKA TOWNHOMES  
 11907 MINNETONKA BOULEVARD  
 MINNETONKA, MN  
 OF  
 ELDORADO VILLAS  
 11901 MINNETONKA BLVD  
 16015.16a  
 MARY HUSTAD LLC  
 4231 Cedar Drive, Eden Prairie, MN 55444-1118 (952) 940-2119 email: mhustad@mhustad.com

**ORDINANCE NO. 2004-**

**AN ORDINANCE REZONING 11901 MINNETONKA BOULEVARD FROM R-1,  
DENSITY RESIDENTIAL TO PUD, PLANNED UNIT DEVELOPMENT, AND  
ADOPTING A MASTER DEVELOPMENT PLAN, WITH SIDE YARD SETBACK  
VARIANCES, FOR 11907 AND 11901 MINNETONKA BOULEVARD**

---

THE CITY OF MINNETONKA ORDAINS:

Section 1.

1.01 The property at 11901 Minnetonka Boulevard is hereby rezoned from R-1, low density residential, to PUD, planned unit development. A master development plan is hereby approved for 11901 and 11907 Minnetonka Boulevard, with a side yard setback variances from 35 feet to 15 feet from the westerly and easterly property lines. Approval is based on the following findings:

1. The proposal would meet the required standards and ordinances for a site and building plan approval.
2. The proposal would meet the required standards for a variance because:
  - a. There is a unique hardship to the property; and
  - b. The variance would meet the intent of the ordinance
3. The rezoning would be consistent with the City's guide plan;
4. The rezoning would be consistent with the public health, safety, and welfare.
5. The rezoning would better reflect the development potential of both sites.

Approval is subject to the conditions of the site and building plan review and substantial conformance to the master plan, date-stamped February 4, 2004.

Section 2. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on \_\_\_\_\_, 2004.

\_\_\_\_\_  
Karen J. Anderson, Mayor

ATTEST:

\_\_\_\_\_  
Kathleen A. Magrew, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction:

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on \_\_\_\_\_, 2004.

\_\_\_\_\_  
Kathleen A. Magrew, City Clerk

Date:

G:\WORD\Ord\2003 Ordinances\03087rez.doc

# Certificate of Title

Certificate Number: 759267

Transfer from: 599794

Originally registered November 15, 1946 Volume: 358, Certificate No: 110442, District Court No: 7756

State of Minnesota

County of Hennepin

}

S.S.

Registration

## This is to certify that

Vendela R Paulson, whose address is 11901 Minntonka Boulevard, Minneapolis, Minnesota

is now the owner of an estate in fee simple

## In the following described land situated in the County of Hennepin and State of Minnesota:

East 150 feet of the West 300 feet of that part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 117, Range 22, West of the Fifth Principal Meridian, lying South of County Highway Number 5 and North of the South 190 feet thereof;

Subject to easement over the South 30 feet thereof for road purposes, as shown in deed Doc No. 316387;

Subject to the interests shown by the following memorials and to the following rights or encumbrances set forth in Minnesota statutes

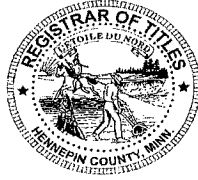
chapter 508, namely:

1. Liens, claims, or rights arising under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record;
2. Any real property tax or special assessment for which a sale of the land has not been had at the date of the certificate of title;
3. Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
4. All rights in public highways upon the land;
5. Such right of appeal or right to appear and contest the application as is allowed by law;
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
7. Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

### Memorials

Document Number	Document Type	Date of Filing Month Day, Year Time	Amount	Running in Favor Of
T1707462	Highway Plat	Mar 4, 1986 9:00 AM		County of Hennepin. Hennepin County State Aid Highway Number 5, Plat 71. As directed by Resolution Doc. No. 979240.
T3267373	Mortgage	Mar 27, 2000 10:00 AM	\$80,000.00	City-County Federal Credit Union City of Brooklyn Center, State of Minnesota
T3366801	Satisfaction of Mortgage	Mar 9, 2001 10:00 AM		Satisfies document no(s). 3267373.0
T3974884	Declaration	Jun 11, 2004 9:00 AM		Creating covenants, conditions and restrictions. (See Inst)
T5210278	Power of Attorney	Oct 28, 2014 10:00 AM		Appointing Tracy Paulson, Shelly Paulson and Vicky Stich from Vendella R Paulson.
T5210279	Affidavit of Attorney in Fact	Oct 28, 2014 10:00 AM		Shelly Paulson certifies that Power of Attorney document no(s) 5210278 is in full force and effect.
T5210280	Transfer on Death Deed	Oct 28, 2014 10:00 AM		Made by Vendella R Paulson, an unmarried person





In Witness Whereof, I have hereunto subscribed my name and affixed the seal of my office this 21st day of March, 1991.

**R. Dan Carlson**

**Registrar of Titles,**

**In and for the County of Hennepin and State of Minnesota.**

3974884

3974884

② 759267

1130874

successor to 1009855

OFFICE OF THE REGISTRAR  
OF TITLES  
HENNEPIN COUNTY, MINNESOTA  
CERTIFIED FILED ON  
2C

JUN 1 1 2004

9am

BY *[Signature]*  
REGISTRAR OF TITLES  
DEPUTY

3974884

AND PRIOR TAXES PAID  
TAXPAYER SERVICES  
TRANSFER ENTERED

JUN 0 9 2004

HENNEPIN COUNTY MINN.  
DEPUTY

*[Signature]*

Record and Return to:  
\_\_\_\_\_  
\_\_\_\_\_

copy to files

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS DECLARATION is made this 9<sup>th</sup> day of June, 2004 by Cross Country Design Build, LLC, a Minnesota limited liability company ("Cross Country") and Vendella R. Paulson, a single person ("Paulson").

WHEREAS, Cross Country is the owner in fee of the land located in Hennepin County, Minnesota, legally described as set forth on Exhibit A attached hereto and incorporated herein by reference ("Cross Country Property"); and

WHEREAS, Paulson is the fee owner of the land adjacent to the Cross Country Property immediately to the east, also in Hennepin County, Minnesota, legally described as set forth on Exhibit B attached hereto and incorporated by reference ("Paulson Property")

WHEREAS, Cross Country intends to develop the Cross Country Property by constructing thereon a four-unit townhome community ("CC Townhomes"); and

WHEREAS, it is foreseeable that the Paulson Property may, at some time in the future, be developed as a planned unit development (townhome community); and

WHEREAS, access to the Paulson Property is currently achieved via a private access roadway, and access to the Cross Country Property is currently achieved via Minnetonka Boulevard; and

WHEREAS, the City of Minnetonka ("City") is concerned that two separate access points to Minnetonka Boulevard by two adjacent townhome communities would pose an undue safety risk to traffic on Minnetonka Boulevard; and

WHEREAS, the City has, therefore, requested that Cross Country's development of the Cross Country Property (including construction of the CC Townhomes) and any future development of the Paulson Property share a common access drive; and

WHEREAS, Cross Country and Paulson therefore intend to encumber the Cross Country Property and Paulson Property by creating certain covenants, conditions and restrictions on the Cross Country Property and Paulson Property, as hereinafter set forth.

NOW, THEREFORE, in the interest of complying with the desires of the City with respect to the proposed development of the Cross Country Property (including construction of the CC Townhomes) and any potential development of the Paulson Property, Cross Country and Paulson hereby declare that the Cross Country Property and the Paulson Property shall be occupied, held, sold and conveyed subject to and together with the covenants, conditions and restrictions hereinafter created, which covenants, conditions and restrictions shall run with the Cross Country Property and with the Paulson Property as appurtenant thereto, and shall be binding upon and inure to the benefit of all parties having any right, title or interest in the Cross Country Property and the Paulson Property, or any part thereof, their respective legal representatives, heirs, successors and assigns.

## **ARTICLE I**

### **Definitions**

1.1 **Owner.** One or more persons or entities holding a fee simple interest in any parcel of land subject to this Declaration, or holding a vendee's interest therein, shall be referred to herein as "Owner."

## **ARTICLE II**

### **Covenants**

2.1 **Grant and Location of Covenants.** Cross Country and Paulson hereby create the covenants, conditions and restrictions on, over, under, above and across the Cross Country Property and on, over, under, above and across the Paulson Property in accordance with the terms and conditions set forth herein.

2.2 Creation of Common Access Drive. In the event the Paulson Property is developed at any time in the future with a multi-family residential development, including, but not limited to, a townhome community ("Paulson PUD"), whether by Paulson or a successor in interest to Paulson, then the CC Townhomes and the Paulson PUD shall be required to establish a shared, common access drive by which both the CC Townhomes and the Paulson PUD will gain access to Minnetonka Boulevard. The City shall determine, in its sole reasonable discretion, the location of such common access drive. Once such common access drive is constructed, the existing drive previously used by the CC Townhomes ("Existing Drive") shall be removed, and the owner of the Paulson Property must grant an access easement to the owners of the Cross Country Property.

2.3 Cost of Removing Existing Drive. All costs relative to the removal of the Existing Drive shall be borne by the homeowners association for the CC Townhomes.

2.4 Cost of Maintaining Common Access Drive. The costs related to the maintenance, repair and replacement of the common access drive used by the CC Townhomes and the Paulson PUD up to the point that the common access drive begins to serve only the CC Townhomes shall be borne equally by each respective development's homeowners association. The maintenance, repair and replacement of the remainder of the common access drive (*i.e.*, that portion of the common access drive that serves only the CC Townhomes) will be the sole responsibility of the CC Townhomes homeowner's association. Said associations shall cooperate in providing such maintenance, repair and replacement of the jointly used portion of common access drive. In the event said associations cannot agree on the maintenance, repair and replacement of the jointly used portion of the common access drive, the matter shall be submitted to arbitration with the American Arbitration Association, with the decision of the arbitrator final and binding upon the associations, and the cost of the arbitration shared equally between the associations unless the arbitrator determines otherwise.

2.5 Non-Development of Paulson Property. If the Paulson Property is not developed for use as a multi-family residential development or similar use, then no common access drive need be constructed, and the existing drive for the Paulson Property may continue to be used by the Owner of the Paulson Property.

ARTICLE III

Miscellaneous

3.1 Amendment. This Declaration may not be changed or modified in any way except by an amendment hereto signed by the Owner of the Cross Country Property, the Owner of the Paulson Property, and the City, and the same duly recorded in the Office of the Registrar of Titles, Hennepin County, Minnesota.

3.2 Effect. The covenants, conditions and restrictions herein contained shall be binding upon the parties, their families, guests, business invitees, contractors, and others claiming through or under the parties; and shall be enforceable by injunctive relief as well as any other appropriate remedy. The covenants, conditions and restrictions shall run with the land and shall be binding on the parties hereto, their respective successors and assigns, and all subsequent owners of all or any part of the real property described herein and improvements, together with their respective grantees, successors, heirs, executors, administrators, devisees or assigns.

IN WITNESS WHEREOF, the parties hereto executed this Declaration as of the day and year first above written.

CROSS COUNTRY DESIGN BUILD, LLC

By:



Dean Gannon

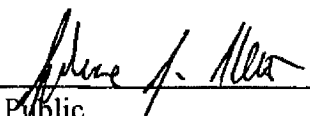
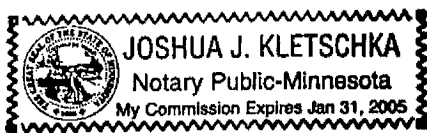
Its:

Chief Manager

  
Vendella R. Paulson

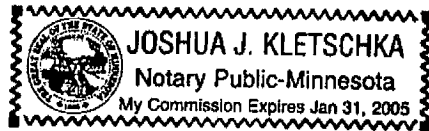
STATE OF MINNESOTA )  
 ) ss:  
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 8th day of June, 2004, by Dean Gannon, the Chief Manager of Cross Country Design Build, LLC, a Minnesota limited liability company, on behalf of the limited liability company.

  
Notary Public

STATE OF Mn )  
 ) ss.  
COUNTY OF Hennepin )

On the 8th day of June, 2004, before me appeared Vendella R. Paulson, a single person, to me personally known to be the person described in and who executed the same as her free act and deed.



[Signature]  
Notary Public

THIS INSTRUMENT DRAFTED BY:  
HELLMUTH & JOHNSON, PLLC (NTP)  
10400 Viking Drive, Suite 500  
Eden Prairie, MN 55344  
Telephone: (952) 941-4005  
Facsimile: (952) 941-2337

s\Cross Country Design Build\Mtka. Blvd. TH\Restrictive Covenants

EXHIBIT A

LEGAL DESCRIPTION OF  
CROSS COUNTRY PROPERTY

The East 75 feet of the West 150 feet of that part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 117, Range 22, Hennepin County, Minnesota, lying South of County Highway Number 5, and the North of South 190 feet thereof, Hennepin County, Minnesota.

AND

The West 75 feet of that part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 117, Range 22, Hennepin County, Minnesota, lying South of County Highway Number 5 and North of the South 190 feet thereof, Hennepin County, Minnesota.

Torrens Certificate Number: 1009855

EXHIBIT B

LEGAL DESCRIPTION OF  
PAULSON PROPERTY

759267  
The East 150 feet of the West 300 feet of that part of the Southwest Quarter of the Northeast Quarter of Section 14, Township 117, Range 22, West of the Fifth Principal Meridian, lying South of Highway Number 5 and North of the South 190 feet thereof, Hennepin County, Minnesota.

(Torrens property)



## Neighborhood Comments

## BIG WILLOW ASSOCIATION

Comments/Questions/Concerns regarding proposed Eldorado Villas  
8-8-16

1 The Big Willow Association has the following questions, comments and concerns  
2 regarding the proposal for the development of Eldorado Villas at 11901 Minnetonka  
3 Blvd.

4  
5 Big Willow Association has **NOT** agreed to any redesign of its current access to  
6 Minnetonka Blvd. or to alterations to any portion of its property or to sharing a  
7 common access drive with the proposed Eldorado Villas development.

### 8 9 **Preferred option**

10 In a meeting on 2/19/16 with Minnetonka City Planner Loren Gordon and Senior  
11 Planner Ashley Cauley at the Minnetonka City Hall, Loren told the members of our  
12 Association that Windmill Ridge Road is the preferred option for access to  
13 Minnetonka Blvd. for the Eldorado Villas development at 11901 Minnetonka Blvd.  
14 However, Loren told us that it was a private road.

### 15 16 **Designation of public portion of road**

17 In a meeting on 3/10/16 with Loren, Ashley, and the developer, David Carlson of  
18 Gatehouse Properties, David presented a 1987 document discovered by city  
19 planning staff that designates a portion of Windmill Ridge Road as a public road.  
20 Previously it was thought that the entire Windmill Ridge Road was a private road,  
21 but these documents state otherwise:

22 "Declarant hereby declares that the following real property shall include a  
23 nonexclusive easement for ingress and egress over and across that part of  
24 Lot 23, Block 1, Windmill Ridge, Hennepin County, Minnesota, lying northerly  
25 of the South 320 feet thereof, to be conveyed to the public: Lot 23, Block 1,  
26 Windmill Ridge."

27  
28 Since the city told us that their preferred option for access to Minnetonka Blvd. by  
29 Eldorado Villas is Windmill Ridge Road and since there is a portion of the road that  
30 is public, why isn't it being used in the proposal?

31  
32 Note: the developer does not show that portion of public road on his proposal. His  
33 drawings give the impression that the entire road is a private drive.

### 34 35 **Cul-de-sac option**

36 In the meeting on 3/10/16 Loren said that in today's situation the public portion of  
37 the road would be a cul-de-sac so that snowplows could properly enter and exit.  
38 Why doesn't the city put in a cul-de-sac at this location so that its snowplows can  
39 properly enter and exit the drive?

### 40 41 **Right to use public road**

42 While the Windmill Ridge Association may prefer that Eldorado Villas not use the  
43 road, it's a public road and, as shown to us on 3/10/16, the intent of the easement

**BIG WILLOW ASSOCIATION**

Comments/Questions/Concerns regarding proposed Eldorado Villas

8-8-16

1 was to allow the Paulson property and the property on the east side of Windmill  
2 Ridge Road, to access Minnetonka Blvd.

3  
4 **Proposed reconstruction of our retaining wall**

5 The proposal includes a reconstruction of our existing retaining wall in the rear of  
6 our property, making it a continuous retaining wall between the two properties. We  
7 are very happy with the current design and would **not** agree to any reconstruction,  
8 redesign or grading of any kind to the rear of our property. We do not want to blur  
9 the property line and do not want the possibility of any additional water runoff onto  
10 our property.

11  
12 **Proposed parking and loss of trees/foilage**

13 The proposal to provide 4 parking spaces on our Big Willow property would remove  
14 too many mature trees and other foliage that currently buffers the noise from  
15 Minnetonka Blvd. and provide privacy for our homeowners. Removing any of these  
16 trees/foilage would drastically change the views outside our front windows. These  
17 trees/foilage are not listed for removal, but with the proposal for 4 parking spaces,  
18 trees/foilage would be lost. At most, 2 spaces could be placed in the proposed area  
19 without losing trees/foilage. This means we will lose at least 1 parking space in an  
20 area that already has very limited parking.

21  
22 **Proposed widening of driveway**

23 The proposal to widen the driveway from the Big Willow property to the Eldorado  
24 Villas property from its current width to the width of 20 feet brings the driveway  
25 too close (4-5 feet) to the largest and most significant pine tree on the Big Willow  
26 property, tree #51. The proposal would already require the lower branches of the  
27 tree to be removed. We feel that any excavating in this area will disturb the root  
28 system and cause this cherished tree to be lost.

29  
30 **Removal of trees**

31 We are not pleased with the proposal to remove trees 56, 57, 58 and 59 from our  
32 property. Tree 55 is also very near these trees (2 feet away) and would almost  
33 certainly be lost. Tree 58 is a large beautiful pine tree and should not be removed.

34  
35 **Sufficient space for large vehicle**

36 The proposal does not provide for sufficient turn-around space on our property for  
37 large vehicles (garbage truck, delivery trucks, snow plow truck, emergency vehicles,  
38 etc.). When cars are parked in the proposed 4 parking spaces and in front of our  
39 homes, these large trucks would not be able to turn around and would have to back  
40 out of our property. This is especially dangerous since there are children living  
41 within our association.

## BIG WILLOW ASSOCIATION

Comments/Questions/Concerns regarding proposed Eldorado Villas  
8-8-16

### 1 **Waste containers**

2 If our garbage truck can't properly enter/exit our property, will we be required to  
3 place our trash containers at the curb on Minnetonka Blvd.? This will be a great  
4 distance from our homes. Where will all these containers be placed, particularly  
5 when there is snow on the shoulder? Under the current garbage schedule, between  
6 the two associations this could amount to 14 containers on the recycling day. This  
7 would be an extremely dangerous situation on windy days if containers and garbage  
8 blow onto Minnetonka Blvd. It's also dangerous with all the bikers who use the  
9 shoulder. Who can provide us a written guarantee, not just words, that the garbage  
10 truck will be able to drive up to our homes for pickup *in perpetuity*?  
11

### 12 **Parking inconvenience and hazard to guests**

13 Overflow guests currently park in the softball field parking lot to the west of our  
14 property. The proposal would cause our guests to have to walk further along  
15 Minnetonka Blvd. before reaching our driveway entrance. Since it is a busy road that  
16 has no sidewalks, walking on the shoulder is dangerous, particularly during the  
17 winter months when the shoulder is snow packed and icy. We do not want to  
18 subject our guests to additional inconvenience and hazard.  
19

### 20 **Guarantees**

21 Since there is a proposal for modifications of our property, what guarantees would  
22 be in place for completion of these modifications in the unlikely event the developer  
23 becomes insolvent or otherwise unable to complete the project? Will an escrow be  
24 established as a safeguard?  
25

### 26 **Establishment of an association**

27 We have seen no documentation regarding the development of the Eldorado Villas  
28 homeowners association (HOA). Have documents been filed for an association? Will  
29 there be an association or will there simply be three separate owners without a  
30 formal association?  
31

32 The Covenant clearly envisions that the development of the Paulson property will be  
33 an association (cf. 2.4 references to "association"). If Eldorado Villas isn't an  
34 association, what recourse do we have if an owner refuses to pay their portion for  
35 road maintenance? (There is an arbitration provision for "associations" but nothing  
36 if there is no association but only individual homeowners.)  
37

### 38 **Lack of provisions in the Covenant**

39 There are no provisions in the Covenant to decide:

- 40 • Who is responsible for contracting vendors for services to the common  
41 driveway?
- 42 • Who will oversee that any work to the common driveway is executed in a  
43 timely manner and completed satisfactorily?
- 44 • Where are bills to be sent?

## BIG WILLOW ASSOCIATION

Comments/Questions/Concerns regarding proposed Eldorado Villas

8-8-16

- 1 • Who is responsible for collecting funds from the 2 associations (or the 4
- 2 separate parties—3 at Eldorado Villas and 1 at Big Willow) to pay bills?
- 3 • When is snow removed? How many inches of snow are required before it's
- 4 plowed? Who decides this? What happens if the parties don't agree?
- 5 • Are we supposed to have joint meetings to discuss these matters? Who
- 6 attends? Who chairs the meetings? When are meetings held? How are
- 7 decisions made?

### 9 **Final thoughts**

10 While the developer may feel his plan is the be-all and end-all to developing the  
11 Paulson property, since many details were not outlined in the Covenant, the two  
12 associations could potentially be heading to arbitration often because of  
13 disagreements. This will result in additional expenses for the parties and create ill  
14 feelings between neighbors. We desire good relations with our neighbors, but  
15 executing the common access driveway, as proposed, has the potential to create  
16 bitterness between neighbors even before the owners of Eldorado Villas are moved  
17 in. Unfortunately, the developer (Mr. Carlson) will be long gone by the time any of  
18 these situations arise.

19  
20 In creating the Big Willow Association, Common Interest Community (CIC) #1334,  
21 the developer of Big Willow agreed to whatever the city required so that he could  
22 build the association. In 2004 when the covenant was drafted, the developer  
23 intended to purchase the Paulson property and merge it with the Big Willow  
24 association within the 7-year term as outlined in the Big Willow Declaration (Article  
25 20, Sections 1-4 and Exhibit C). Having a common drive under these conditions  
26 made some sense; it would be one association. You will recall then that the housing  
27 bust occurred in 2008-09, the economy went into recession and there was little to  
28 no construction for several years. Thus the developer's option to add units to the Big  
29 Willow Association expired.

30  
31 The reality that we are faced with today is that in this proposal two separate  
32 associations are being forced to share a common drive. We are distressed because  
33 the proposed development by Mr. Carlson is significantly altering our property in a  
34 major way, which is affecting our lives, the esthetics of our property, and our ability  
35 to enjoy our homes in peace and tranquility.

36  
37 We've had numerous conversations, emails and meetings with the developer,  
38 members of the Planning Commission, and our own association membership. All of  
39 our correspondences are documented in our 16-page chronology.

40  
41 The Big Willow Association is not prepared to bare **ANY** costs associated with the  
42 development of Eldorado Villas.

**BIG WILLOW ASSOCIATION**

Comments/Questions/Concerns regarding proposed Eldorado Villas  
8-8-16

1 **Specific questions regarding the proposal design**

2

3 How can we be expected to support this proposal and any modifications to our  
4 property when we haven't seen samples of the materials that will be used for the  
5 proposed landscaping (driveway, retaining walls, etc.) on our property?

6

7 What is the "rock construction entrance" on the proposed new entrance?

8

9 Is the county okay with moving a Minnetonka Blvd. access closer to Windmill Ridge  
10 Road?

11

12 Are there other options for the location of the mailboxes? The proposed option is  
13 much further from our homes.

14

15 What is the amendment to the master development plan as stated on the City of  
16 Minnetonka website regarding this proposal?

17

18 What is the exact area considered to be the common access for shared expense?

19

20 What is the timeline for construction and completion?

21

22 Will the redesign of our property require a new title, lot description or any other  
23 legal document related to our property description? If so, who will bare this cost?

24

25

26 Submitted by the members of the Big Willow Association:

27

- Nancy Kazalunas and Mildred Kazalunas  
28 Owners of Big Willow #11907

29

- Jose (Ze) Zonis and Gary Feldhege  
30 Owners of Big Willow #11909

31

- Lucy Perman  
32 Owner of Big Willow #11911

33

- Dean Gannon  
34 Owner of Big Willow #11913

35

36

37

## Ashley Cauley

---

**From:** Karmen Nelson [REDACTED]  
**Sent:** Wednesday, August 10, 2016 4:19 PM  
**To:** Ashley Cauley  
**Cc:** [REDACTED]  
**Subject:** Eldorado Villas 11901 Minnetonka Blvd

Hi Ashley,

I wanted to follow up after our conversation today. Please include this e-mail in the packet for the planning commission.

As you know, I am the President of the Windmill Ridge Homeowners Association. We have received notice and information about Mr. Carlson's development plans for the development entitled the "Eldorado Villas." It appears that the plans submitted by the developer show a proposed encroachment on the private property of our HOA for landscaping and/or utilities.

I think it might be helpful to be clear about our position as this development moves forward.

On behalf of the Board and Officers of our HOA, I want to state that we will not permit or agree to any encroachment or other access by Eldorado Villas onto our property for any reason. This would include encroachment for landscaping, driveway, utilities, etc.

Please feel free to give me a call if you have any questions or comments.

Best regards,

Karmen Nelson (as President of Windmill Ridge Homeowners Association).  
[REDACTED]

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## **Ordinance No. 2016-**

### **An ordinance amending the existing master development plan pertaining to the property at 11901 Minnetonka Boulevard**

---

The City Of Minnetonka Ordains:

#### Section 1.

1.01 This ordinance hereby amends the existing master development plan pertaining to the property at 11901 Minnetonka Boulevard.

1.02 The property is legally described as:

The East 150.00 feet of the West 300.00 feet of the Southwest Quarter of the Northeast Quarter of Section 14, Township 117, Range 22, Hennepin County, Minnesota, lying South of County Road No. 5 and lying North of the South 190 feet thereof.

1.03 The amendment generally approves construction of three townhomes on the site.

#### Section 2.

2.01 This ordinance is based on the following findings:

1. The proposal is consistent with the 2030 Comprehensive Guide Plan.
2. The amendment would not negatively impact the public health, safety, and welfare.

#### Section 3.

3.01 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans:
  - Eldorado Villas site plan, dated July 5, 2016
  - Eldorado Villas grading plan, dated July 5, 2016
  - Eldorado Villas sanitary and waer utility plan, dated July 5, 2016
  - Eldorado Villas storm sewer utility plan, dated July 5, 2016

The above plans are hereby adopted as the master development plan for the 11901 Minnetonka Boulevard property.

2. Development must further comply with all conditions as outlined in City Council Resolution No. 2016-\_\_\_\_, adopted by the Minnetonka City Council on September 12, 2016.

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

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on September 12, 2016.

\_\_\_\_\_  
Terry Schneider, Mayor

Attest:

\_\_\_\_\_  
David E. Maeda, City Clerk

Action on this Ordinance:

Date of introduction: August 8, 2016

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:  
Abstained:  
Absent:  
Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on September 12, 2016.

---

David E. Maeda, City Clerk

## **Resolution No. 2016-**

### **Resolution approving final site and building plans for 11901 Minnetonka Boulevard**

---

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

Section 1. Background.

1.01 Gatehouse Properties, Ltd. has requested site and building plan approval for development of the property at 11901 Minnetonka Boulevard. As proposed, the existing single-family home would be removed and a three-unit townhome would be constructed.

1.02 The property is legally described as follows:

The East 150.00 feet of the West 300.00 feet of the Southwest Quarter of the Northeast Quarter of Section 14, Township 117, Range 22, Hennepin County, Minnesota lying South of County Road No. 5 and lying North of the South 190 feet thereof,

Subject to easements and restrictions of record, if any.

1.03 On August 18, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the fi site and final building plans.

Section 2. Standards Findings.

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;
3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
  - a) An internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
  - b) The amount and location of open space and landscaping;
  - c) Materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
  - d) Vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and
7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of

design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Section 3. Findings.

3.01 The 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 proposal would be generally consistent with the zoning ordinance. The proposal also includes an amendment to the existing master development plan to reduce the number of townhome units from four to three.
3. The proposal would require some grading. However, the grading and resulting tree impact would be anticipated with any development of the property and would be generally consistent with the previously approved master development plan. The proposal does include some grading onto adjacent properties. As a condition of this resolution, the applicant must obtain permission from these property owners for such work and must submit maintenance agreements for any retaining walls.
4. The proposed site design is intuitive and is generally consistent with the approved master development plan. The proposal would result in appropriate location of buildings, parking areas, and open spaces.
5. The proposed site design is intuitive, with appropriate circulation patterns established for vehicular traffic. The proposal includes the removal of the existing drive onto Minnetonka Boulevard for Big Willow Townhomes and the construction of a new drive on the subject property. This would provide for appropriate internal circulation patterns for both properties.
6. As new construction, the townhomes would meet all current building code standards including those pertaining to energy conservation.
7. The proposed townhomes would be new construction and would include new landscaping and stormwater management practices.

8. The proposal includes grading and a retaining wall on the Windmill Ridge. The impacts to the Big Willow Townhome property were vetted during the 2004 review of the master development plan.

Section 3. City Council Action.

3.01 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:
  - Development site plan dated July 5, 2016
  - Grading plan dated July 5, 2016
  - Utility plans dated July 5, 2016
  - Erosion control plan dated July 5, 2016
  - Tree preservation plan dated July 5, 2016
2. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
  - a) The following must be submitted for the grading permit to be considered complete.
    - 1) An electronic PDF copy of all required plans and specifications.
    - 2) Three full size sets of construction drawings and project specifications.
    - 4) Final site, grading, stormwater management, utility, landscape, tree mitigation, and natural resource protection plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
      - a. Final grading plan must:
        1. Include the top and bottom elevations for the retaining walls.
        2. Adjust grading to reduce impact to the trees on the east and south sides of the property.

3. Adjust the grading limits on the north side of the proposed rain garden in order to protect the trees along Minnetonka Boulevard.
- b. Final utility plan must:
1. Provide the elevations of upstream and downstream manholes.
  2. Illustrate if an alternative water main alignment is appropriate to avoid the water main being located under a rain garden.
  3. Include an isolation valve south of the 6x6 connection tee to limit the number of homes that may be out of service if a break occurs.
  4. Illustrate or note removal of the existing sewer service back to the main and removal of the wye and sleeve.
- c. Final stormwater plan and stormwater management plan must:
1. Eliminate the stormwater outlet. If the stormwater outlet cannot be eliminated, the developer must work with staff to adjust the location to minimize tree loss.
  2. Provide stormwater management over the entire site's impervious surface.
  3. Comply with the city's water quality criteria, which requires either on-site detention/retention of 2.5-inches during a storm event or MIDS/P8 modeling showing 60-percent TP removal and 90-percent TSS removal.
  4. Meet the volume control requirements.



- d. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in city code. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.
- 5) The following documents for the review and approval of the city attorney:
- a. Stormwater maintenance agreements and easements over all stormwater facilities.
  - b. Easements and agreements allowing for connections to private water and sewer lines. The easement/agreement must state the maintenance responsibilities of each owner. If no agreement is reached, the developer must submit a revised utility plan illustrating alternative connections.
  - c. Agreement from adjacent property owners which allows grading and retaining walls onto respective properties. If an agreement is not reached, a revised grading plan which does not illustrate encroachments onto adjacent properties must be submitted.
  - d. An easement and maintenance agreement for the hydrant.
- 6) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct parking lot and utility improvements, comply with grading permit, tree mitigation requirements, landscaping requirements, and to restore the site. One itemized letter of credit is permissible, if approved by staff.
- a. The city will not fully release the letters of credit or cash escrow until:
    - A final as-built survey has been submitted;

- An electronic CAD file or certified as-built drawings for public infrastructure in microstation or DXF and PDF format have been submitted;
  - Vegetated ground cover has been established; and
  - Required landscaping or vegetation has survived one full growing season.
- 7) 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.
- 8) A construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.
- 9) All required administration and engineering fees.
- b) Prior to issuance of the grading permit:
- 1) Obtain all necessary permits from the MPCA and MDH for the sanitary sewer extension permit and water main construction.
  - 2) Confirm entrance grades and sight distances with Hennepin County. The existing grades exceed 15-percent.

- 3) Confirm with Hennepin County that the increase in impervious surface will not require additional improvements to avoid stormwater runoff onto the county roadway.
  - 4) Install a temporary rock driveway, erosion control, and tree protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
  - 5) Schedule and hold a preconstruction meeting with engineering, planning, and natural resources staff as determined by city staff.
3. Prior to issuance of a building permit for construction of the townhomes:
- a) Submit the following documents:
    - 1) Proof of subdivision registration and transfer of NPDES permit.
    - 2) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.
    - 3) A letter from the surveyor stating that the boundary and lot stakes have been installed as required by ordinance.
  - b) Submit cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
    - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

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

If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.

- c) Submit all required hook-up fees.
  - d) Enter into an agreement with the city. This agreement must note that the city is not liable for perceived nuisance issues related to lighting or noise, resulting from the location adjacent to a city park. This agreement will be drafted by the city attorney and filed with the property's chain of title.
4. The existing driveway for Big Willow Townhomes must be removed within 30-days of construction of the new driveway or prior to issuance of a building permit for the townhome units, whichever comes first.
  5. Retaining walls over four feet in height must be engineered by a licensed structural engineer and fall protection must be provided.
  6. Any work within the county right-of-way requires an approved Hennepin County permit. This includes, but is not limited to, driveway and street access, drainage and utility construction, trail development, and landscaping.
  7. The property owner must work with Hennepin County to restore the area of the vacated driveway.
  8. All lots within the development must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.
  9. The property owner is responsible for replacing any required landscaping that dies.
  10. Provide an address sign near the Minnetonka Boulevard entrance indicating each address – or range of address – for the townhomes.

Address numbers must be at least 4-inches high and must contrast with their background.

12. During construction the street must be kept free of debris and sediment.
13. The property owner is responsible for replacing any required landscaping that dies.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 12, 2016.

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Terry Schneider, Mayor

Attest:

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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 September 12, 2016.

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David E. Maeda, City Clerk

**Resolution No. 2016-**

**Resolution approving the preliminary plat and final plats of  
ELDORADO VILLAS at 11901 Minnetonka Boulevard**

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

Section 1. Background.

1.01 Gatehouse Properties, Ltd. has requested preliminary and final plat approval for ELDORADO VILLAS, a three-unit townhome project. (Project 16015.16a.)

1.02 The property is located at 11901 Minnetonka Boulevard. It is legally described as follows:

The East 150.00 feet of the West 300.00 feet of the Southwest Quarter of the Northeast Quarter of Section 14, Township 117, Range 22, Hennepin County, Minnesota lying South of County Road No. 5 and lying North of the South 190 feet thereof,

Subject to easements and restrictions of record, if any.

1.03 On August 18, 2016, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council grant preliminary plat and final plat approval.

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential

subdivisions. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposed preliminary plat meets the design requirements as outlined in City Code §400.030.

Section 4. Council Action.

4.01 The above-described preliminary plat is hereby approved, subject to the following conditions:

1. Prior to release of the final plat for recording:
  - a) Revise the following on the plat “City Council of ~~St. Louis Park~~ Minnetonka.”
  - b) Provide the following documents for the city attorney’s review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
    - 1) Title evidence that is current within 30-days before release of the final plat.
    - 2) Documents establishing a homeowners’ association. The association must be responsible for maintaining any common areas, common drives, required drainage ponding and any other required drainage improvements approved by the city. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of the pond and any adjacent drainage ditches, keeping a vegetative cover within the ditches and pond, and removing any blockage of the swale or culvert that may impede the drainage of the site, as approved with the building permits.
    - 3) Shared access agreements or easements for the Lots 1-6, Block 1 of BIG WILLOW TOWNHOMES and proposed Lots 1-3, Block 1, ELDORADO VILLAS. The agreements/easements must state the maintenance responsibilities of each owner.

2. This approval will be void if within one calendar year of this approval in: (1) the final plat is not recorded within the county; and (2) the city has not received and approved a written application for a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 12, 2016.

---

Terry Schneider, Mayor

Attest:

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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 September 12, 2016.

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David E. Maeda, City Clerk