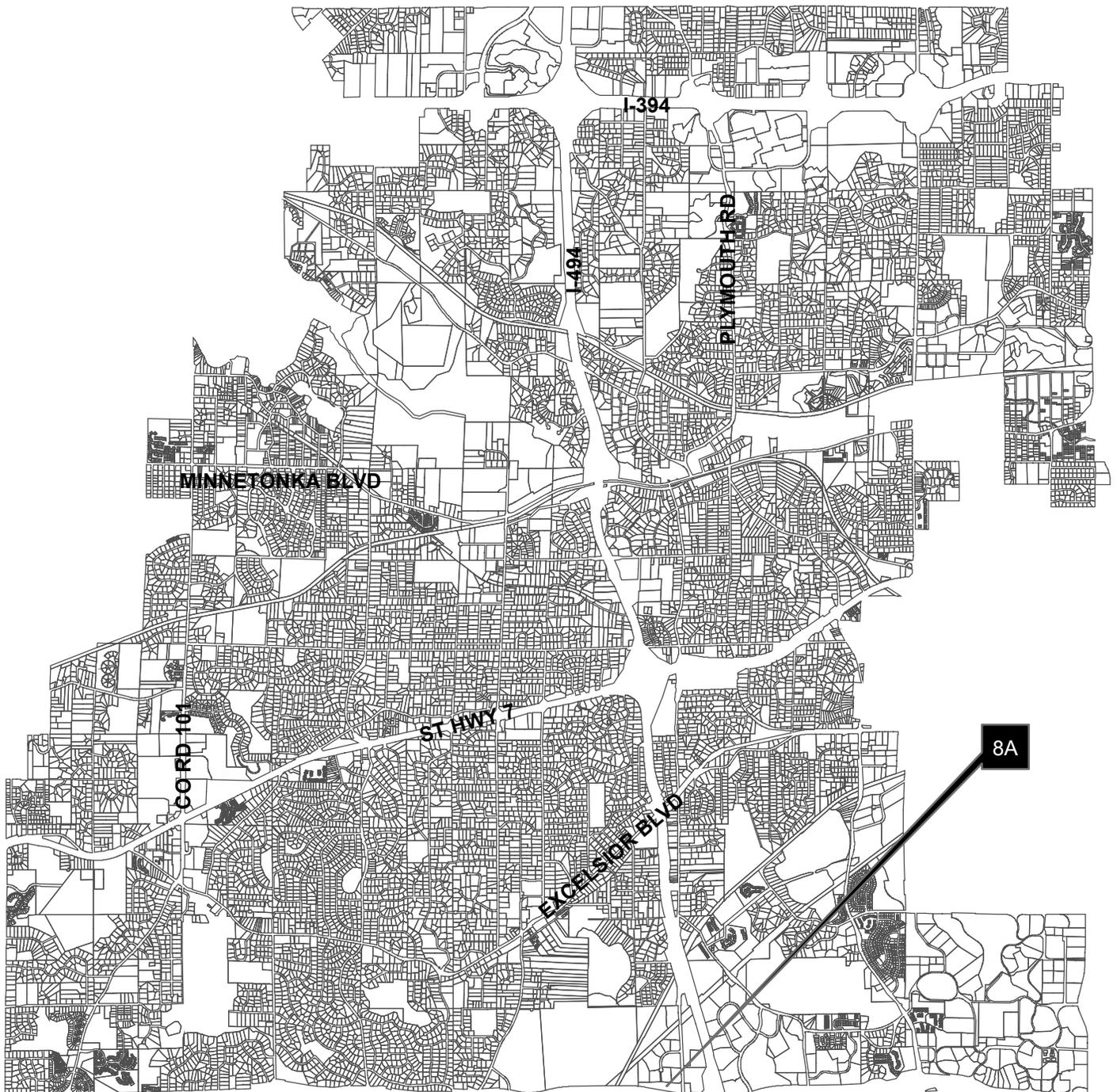




**CITY OF MINNETONKA  
PLANNING COMMISSION  
NOVEMBER 17, 2016**

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## **Planning Commission Agenda**

**November 17, 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: November 3, 2016**
- 5. Report from Staff**
- 6. Report from Planning Commission Members**
- 7. Public Hearings: Consent Agenda**

No Items

### **8. Public Hearings: Non-Consent Agenda Items**

- A. Final site and building plans, with parking variance, for a self-storage facility at 6150 Baker Road.

Recommendation: Adopt the resolution approving the proposed facility (5 votes)

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

### **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 December 1, 2016 Planning Commission meeting:

Project Description: The applicant is requesting setback variances and an expansion permit (side yard, aggregate side yard, and shoreland) to construct two additions on a single family home at 17008 Grays Bay Blvd.

Project No.: 16031.16a

Staff: Drew Ingvalson

Ward/Council Member: 3—Brad Wiersum

Section: 17

Project Description: HP Holdings, LLC has submitted an application to subdivide the property at 1555 Linner Road into four single-family residential lots. The application requires: (1) preliminary plat approval; (2) variances to reduce the lot width at the right of way for Lots 1, 2, 4; and (3) variance to reduce the lot width at setback on Lot 2.

Project No.: 16029.16a

Staff: Ashley Cauley

Ward/Council Member: 3—Brad Wiersum

Section: 4

Project Description: Conditional use permit for a telecommunication tower at 6125 Chasewood Parkway.

Project No.: 03014.16a

Staff: Susan Thomas

Ward/Council Member: 1—Bob Ellingson

Section: 35

Project Description: Groveland Elementary is proposing to expand the existing parking lot at 17310 Minnetonka Blvd.

Project No.: 92032.16a

Staff: Loren Gordon

Ward/Council Member: 3—Brad Wiersum

Section: 17

## WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

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

**Unapproved  
Minnetonka Planning Commission  
Minutes**

**November 3, 2016**

**1. Call to Order**

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

**2. Roll Call**

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

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

**3. Approval of Agenda**

***Odland moved, second by Hanson, to approve the agenda with the removal of Item 8A, a modification and additional comments for Item 8B, and additional comments for Item 9A as outlined in the change memo dated November 3, 2016.***

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

**4. Approval of Minutes: October 20, 2016**

***Odland moved, second by O'Connell, to approve the October 20, 2016 meeting minutes as submitted.***

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

**5. Report from Staff**

Thomas briefed the commission on land use applications considered by the city council at its meeting of October 24, 2016:

- Adopted an ordinance amending the floodplain districts to match changes made by FEMA.

- Adopted a resolution approving items for Unmapped Brewing Company.
- The applicant postponed the review of items for Enclave at Regal Oak on Shady Oak Road.
- Adopted a resolution approving Mayfair at Copperfield.
- Concept plan review of an application for a monopole to be located at the Williston water tower site.

The next planning commission meeting is scheduled for November 17, 2016.

**6. Report from Planning Commission Members**

Odland completed the city's Citizens' Police Academy. Minnetonka is fortunate to have such dedicated police officers who go the extra mile to keep residents safe. She thanked Officer Sheldon for the ride along.

**7. Public Hearings: Consent Agenda: None**

**8. Public Hearings**

**A. Final site and building plans with parking variance for a self-storage facility at 6150 Baker Road.**

Review on this item was postponed at the request of the applicant.

**B. Items concerning the redevelopment of the property at 10101 Bren Road East.**

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

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

Powers confirmed with Cauley that staff worked with the developer and determined that it would be difficult for any type of development to save all of the central grove of trees. The proposal would remove a portion of the trees. The remaining trees would be removed when the pedestrian bridge that crosses Blue Circle Drive would be replaced in the near future.

Odland asked where trees would be added. Cauley reviewed the landscape plan.

Tom Hayden, with Lecesse Development, applicant, stated that the proposal would have an attractive, high-density building with amenities commiserate with a luxury, residential community. He thanked his engineers for figuring out a way to realign the utilities to allow a trail. The property on the west is incorporated into the design and would be part of the luxury, community experience. To offset the tree removal, the site would be loaded up with as much greenery as possible. He has spent a great deal of time with staff to work through all of the issues. The applicant is proud of the design.

Chair Kirk asked what type of trees would be added. Colleran answered that the concept plan shows that trees with a diameter of 2.5 to 3-inch trees would be planted for deciduous trees. The final species has not yet been determined. By ordinance, no more than 25 percent of one type of tree may be planted to ensure a variety.

Chair Kirk noted that there is no on-street parking. Mr. Hayden stated that parking is a big priority. Due to the area's demographics, there would be 60 percent 1-bedroom and studio apartments and 40 percent 2-bedroom apartments. Fewer 2-bedroom apartments would allow the parking ratio to be 1.8 parking stalls per unit. There are a few areas that could provide additional parking if it would be deemed necessary in the future.

Chair Kirk asked how the future SWLRT influenced the proposal. Mr. Hayden said that the majority of tenants would be local and live within three to five miles. Maybe five percent would commute downtown. The SWLRT would be great for the overall Opus campus. The proposal would be the first large, multi-family dwelling within the campus. Having the commercial, activity, and SWLRT would be beneficial to the proposal in the long term.

O'Connell noted that 10 percent of the units would be rent restricted. He asked what the income limit would be. Cauley answered 80 percent of the area's median income.

The public hearing was opened.

Annette Bertelsen, 13513 Larkin Drive, stated that:

- She spoke on behalf of residents in the Essex neighborhood.
- She asked if the rent restriction would count toward the Metropolitan Council's goal for the city.

- She asked how the proposal would align with future plans for the area. The proposed location for the trail further south seems logical and beneficial.
- She asked how the proposal would connect with Bren Road.
- She questioned the justification for using park dedication fees to pay for the trail. She calculated the park dedication fee for 322 units at \$500 per unit to be \$1.61 million. She requested that the developer pay the fee to the city so it can be used for a future trail that may or may not fit with the overall plan. She questioned where the proposed site falls within the city's list of priorities for using park dedication funds to improve the trails and park.

Stuart Lind, of Annex Medical, part of the CondoBusiness Association, stated that:

- He did not want the driveway curb cut in the proposed location.
- He estimated that a lot of employees would live in the proposed building. He would not be surprised if 50 percent of the units would be filled by United Health employees.
- He pointed out the heavy traffic areas.
- United Health employees purposely drive the wrong way on a one-way street to take a shorter route. A small revision would help.
- He was concerned for foot traffic. He suggested improving the bottom area to make it a more pleasing area to walk.
- He pointed out where he requested a fence be located.
- He suggested adding lights and paving the path where it is obvious that pedestrians are already walking.

No additional testimony was submitted and the hearing was closed.

Cauley asked Mr. Lind where he would like the fence located. Mr. Lind pointed it out south of the shared driveway. It would make pedestrians choose to walk down the path.

Knight suggested requesting a police officer monitor the exit of the parking ramp for drivers going the wrong way on the one-way street. Cauley will pass that along to police department staff.

Wischnack explained that the developer is not requesting financial assistance such as tax increment financing (TIF) and is not providing rent control of 10 percent of the units as part of the approval of the development. Ten percent of

the units would have restricted rent and would be available to renters who make no more than 80 percent of the median income. The city has been performing quite well in relation to meeting its affordability goals. Thrive 2040 is the new housing policy plan that stratifies affordability goals to provide affordable housing to workers with incomes 30 to 50 percent and 50 to 80 percent of the area median income. The city received 94 out of 100 for its housing performance score given by the Metropolitan Council. That means that the city is meeting its affordability requirements.

Chair Kirk confirmed with Wischnack that the affordability component of the proposal is a benefit for a planned unit development (PUD).

Wischnack confirmed that a residential development pays \$5,000 per unit in park dedication fees. Staff works with developers to connect trails. Moving the trails around for the proposal would be funded by the developer. Park dedication fees are kept in the park dedication fund and there are regulations restricting for what the money can be used. There is a prioritization in the capital improvement plan that guides the order in which improvements will be made. Lighting for the entire six miles of trails in the Opus Business Park is budgeted to be done in the 2018-2019 capital improvement budget.

Chair Kirk confirmed with Wischnack that the applicant would pay the entire park dedication fee, but the applicant could subtract the cost of the trail to the north since it is not located on the proposed site.

Cauley reviewed the trail map of the area and connection to the future SWLRT.

Mr. Hayden explained that once the topography was completed, it was discovered that it would be necessary to move the median to the south. The median would be landscaped with trees and shrubs. He is hoping to make it dense enough to discourage pedestrians from walking through it. He would prefer a natural barrier instead of a fence. The entrance on the south is close to the trail system to access United Health Care. He agreed that lighting throughout the entire six-mile stretch of trail makes sense. He estimated that residents would leave in the morning out the west side instead of Bren Road because it would be the path of least resistance.

Chair Kirk and staff discussed the traffic backups that occur on Bren Road at 4:30 p.m. Wischnack stated that the entrance issue may be worked out by the property owners before the city council meeting.

Nick Mannel, Loucks and Associates, engineer for the applicant, explained the technical challenges. There is a four-foot difference between the entry drive and parking lot elevation. The parking elevation is set by the first-floor elevation of the building. That prevents the connection between the two drive aisles. There is a grade plan requirement that prevents raising or lowering the floor elevations.

Chair Kirk thought that the proposal would be great.

Powers agreed that the project would be wonderful.

Hanson appreciated the additional permanent green space and addition of more trees than required. It is a good design. Something this size is needed to kick off development in the area.

***Odland moved, second by Powers, to recommend that the city council adopt the following for 10101 Bren Road East with a modification to address the driveway and connect the trail from Blue Circle; replace the demo and tree removal plan with page 27 of the staff report as referred to in the change memo dated November 3, 2016; and include an incentive for pedestrians to stay on the path such as extensive landscaping:***

- 1. Ordinance rezoning the property from I-1, Industrial, to a PUD, planned unit development, and a master development plan.***
- 2. A resolution approving final site and building plans with parking variance.***

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

## **9. Other Business**

### **A. Concept plan for development of the properties at 1911 and 1935 Linner Road.**

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

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

In response to Chair Kirk's questions, Thomas explained the exhibit that provides the square footage of lots in the area. R-1A is a zoning classification that allows for lots smaller than 22,000 square feet in size in order to promote construction of new, smaller-than-usual-sized houses. The ordinance states that R-1A zoning would be appropriate if more than 60 percent of surrounding properties are less than 22,000 square feet in size and a new, public street would be built to create its own neighborhood. The city has broad discretion when considering a rezoning application. There is a restriction on the size and height of the house and on the amount of impervious surface.

Eric Zehnder, Zehnder Homes, applicant, stated that the cul-de-sac would provide a nice feel for a neighborhood. Rezoning the property to R-1A would allow a cul-de-sac for four houses. Linner Road is a busy road and a cul-de-sac would be safer than 4 driveways accessing Linner Road. There are 12 lots less than 22,000 square feet within a close proximity. The average lot size for the proposed lots would be 18,624 square feet in size. The houses would be limited by the floor area ratio (FAR) requirement. There would be minimal tree impact. Most of the trees on the property are boxelder trees. There are 13 high-priority trees. All ordinance requirements would be met in regard to tree removal. A cul-de-sac would be a better approach. The area is more served by cul-de-sacs. The financial implications are a wash. He did not anticipate the need for any variances.

Chair Kirk invited those present to speak.

Jocelyn Anderson, 1901 Linner Road, stated that:

- She was concerned with the neighborhood character and change from R-1 to R-1A. R-1 zoning would keep the character of the neighborhood.
- The front and side yard setbacks are greatly reduced in R-1A zoning. The proposed house could be 10 feet from the property line.
- She was concerned how it would impact her property.
- She and her neighbor Harriet Carlson, who resides at 1939 Linner Road, advocate for the R-1, four-house plan or a cul-de-sac with three houses that conform to R-1 zoning to allow for a larger front setback.

Chris Dylan, 1902 Deerhill Court, stated that:

- Five houses would be too many in this neighborhood. Three or four would fit beautifully.
- The main problem would be the way houses would be set. The houses on the cul-de-sac would be pushed back much further than they would if four houses would have driveways on Linner Road.
- He would prefer something more straight forward without a stubby cul-de-sac.
- There would be the same amount of traffic with a cul-de-sac or driveways on Linner Road.

Dennis Mcfadden, 1813 Linner Road, stated that:

- The density would increase from three to eight or nine. Traffic is already problematic.
- He is a proponent of three or four houses without the cul-de-sac.

Susan Dubbs, 1910 Deerhill Court, stated that:

- The applicant said that it would be easier to sell houses located on a cul-de-sac. She did not think a cul-de-sac should be done to make the seller's job easier.

Powers felt that five houses would be too many. The area has large lots with houses setback further from the road. He thought four houses on a cul-de-sac would be a mistake.

Mr. Zehnder explained that the front setback would be 25 feet from the property line which would be 50 feet from the paved street. Thomas explained that, legally, a front yard is one that abuts a public right of way independent of the orientation of the house. A corner lot, technically, has 2 fronts.

Mr. Zehnder clarified that it would be three to six or seven houses, instead of three to eight or nine houses. Across the street at Linner Ridge is a cul-de-sac with the exact situation. There are two houses with similar front setbacks facing Linner Road. There are a lot of cul-de-sacs in the area and lots that have side yards adjacent to Linner Road. He provided the four-lot concept. The lots would be larger and conform to all ordinance requirements, but the third lot would look kind of strange. The five-lot subdivision looks like it makes sense. It would not make a difference financially. The houses in both proposals would be easy to sell. The five-lot subdivision is a better product and would be more aesthetically pleasing.

Powers left the meeting.

Odland felt that four houses would fit better than five.

Hanson thought that houses lined up on Linner Road would look denser than setting a couple back further. The neighborhood has character. He liked the five-house proposal.

Chair Kirk agreed with Hanson. The cul-de-sac on the west has narrow, deep lots. The front-yard setbacks would be similar to the proposal. He is concerned about the two smaller lots. The other layout that meets R-1 zoning requirements does not seem very attractive. The street is not very wide. Linner Road acts as a collector street for the cul-de-sacs. The more driveways added to Linner Road would complicate that. It would be better for the vehicles to access Linner Road from a cul-de-sac than separate driveways. He was on the fence.

O'Connell was also on the fence. He thought that R-1A subdivisions are generally located near a busier street. He asked if an R-1A housing subdivision had ever been approved in a similar neighborhood. Thomas stated that only two other R-1A subdivisions have been approved. One is located near County Road 101 and Excelsior Boulevard and the other is located on Highview Place, near Interstate 494 and Highway 7. Chair Kirk noted that similar subdivisions had previously been approved as planned unit developments (PUD). Thomas explained that a seven-lot proposal would have located four lots on Linner Road. The area has different vegetation, but is a steep, wooded slope. The area was put into a conservation easement to concentrate development near Linner Road and preserve the wooded area.

Knight asked how large a house could be built on the lot 16,300 square feet in size. Thomas answered that there would be a floor area ratio (FAR) restriction of .24. Knight noted that the house across the street at 15002 Linner Ridge is huge. He confirmed with Thomas that the house at 15002 Linner Ridge would not have been built if the site had been zoned R-1A. Under the old PUD ordinance, the FAR applied to the entire development area which often resulted in large houses on small lots and small houses on large lots. Knight stated that the R-1A zoning would create lots and houses that would fit each other and look more appropriate.

Knight prefers the five-lot with a cul-de-sac plan better than the long, four lots on Linner Road. The cul-de-sac would hide the other houses.

Chair Kirk stated that it is obvious that the area is ready to be redeveloped. The 1930 stucco seems out of place with the character.

Knight felt that the cul-de-sac would fit better and create a nice neighborhood rather than just driveways on Linner Road.

Hanson suggested keeping five lots, but somehow pulling the fifth house back.

O'Connell thought knowing the house placement would be helpful. He was also on the fence.

Chair Kirk stated that the concept plan is schedule to be reviewed by the city council December 1, 2017.

**B. Concept plan for development of a 110-unit senior care facility at 17710 and 17724 Old Excelsior Boulevard.**

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

Thomson reported. Staff recommends that commissioners provide comments and feedback on the identified key issues. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Chair Kirk confirmed with Thomas that the side setbacks would be equal to one and a half times the height of the building.

Della Kolpin, with Mesaba Capital Development, applicant, stated that:

- The site is 2.54 acres. The applicant plans on purchasing both parcels and selling .38 acres, for a result of 2.24 acres. The .38 acres would be used for the South Lake Pediatrics building's parking.
- The proposed building would be oriented to get natural light to as many residents as possible.
- The facility would have 110 units. For senior housing, parking is one stall for each unit. There would be 70 underground parking stalls as well as 40 above grade. The cross parking easement with South Lake Pediatrics would be beneficial for the holiday weekends and events throughout the year. The South Lake Pediatrics building is closed on weekends, so the parking lot would be available for the

applicant. She pointed out where an additional 40 parking stalls would be located.

- The proposal would include a new sidewalk along the road and trails that would go around the site. Benches and lighting would also be looked at.
- The facility would provide continuum of living which would include independent, assisted, and memory care. There would be studio, one-bedroom, one-bedroom with den, and two-bedroom units. There would be resident common areas.
- The capital investment would be \$22 million.
- The attributes of the site include that it is located near a major intersection, commercial businesses, and North Memorial Medical Center.
- There will be relatively low traffic.
- The high density offers an ideal redevelopment option for the area.
- In 2011, the site was noted as high-density residential in the vision study.
- There would be 4 levels. Each level would be around 28,000 square feet in size. The green space would be 1 and the building 1.6.
- The site would have to be rezoned and platted.
- The front setback would be 50 feet, side setbacks 40 feet, and rear setback of 30 feet. The underground parking wall could be used as part of the retaining wall with a rear setback of 20 feet. That would require a variance.
- She described the entrance to the building and parking ramp.
- The roof would be flat with a covered main entrance. Natural colors would be used. Main-level patios would be included on the south and west sides.
- Memory care would be on the north wing and have a memory care garden.
- There would be gardens, sidewalks, and benches throughout the site.
- The applicant's most recent project has almost been completed in Edina at 71<sup>st</sup> and York Avenue. The applicant would partner with the best operator for the market place.

Karen Swanson, 17809 Old Excelsior Boulevard, stated that:

- She has concerns with the size, density, traffic flow, parking, impact to the neighborhood, and quality of life to the residents.

- Four stories would overpower the neighbors, except for the large commercial building on the east side.
- Residents would need support staff.
- The street is two lanes and is extremely busy and backs up before and after school and during school events. The high school has grown tremendously over the years. Getting in and out of the site would be difficult.
- The proposed driveway would be just passed the median at the Excelsior Boulevard and County Road 101 intersection. Drivers now make a u-turn around the median to access the daycare.
- It would be difficult to extend a sidewalk down the street and may cause the removal of a huge tree. The residents would be contained to the trails on the site.
- She was concerned with sirens that would visit the site.

Ms. Kolpin stated that:

- Her kids go to Wayzata High School and she has been to the Minnetonka High School many times. Senior housing is an ideal opportunity because the seniors do not have to travel during peak traffic times.
- About 20 of the 110 units would be memory care and 40 would be assisted living, so those residents would not drive or have vehicles. Senior housing would provide high density, but much less traffic.
- The details of making the site walkable have not been completed, but there would be an opportunity for a sidewalk, benches, and lighting along Old Excelsior Boulevard. She would work closely with city staff to determine what the city would like to link the site with neighboring properties.
- There would be approximately 30 staff members working across 3 shifts.
- The residents would have first priority for underground parking, but employees would have the opportunity if there would be some available. The surface stalls would be for visitors.
- The median is located further to the east.
- The cottonwood tree is located to the west of the proposed site.

Knight asked how much senior housing is available and if more is needed. Wischnack answered that in the last few years, 1,438 units of housing have been or are in the process of being built in Minnetonka. Of those, senior-focused housing includes Cherrywood which is 100 units and 2 cooperative projects

which have 54 and 84 units. That is 238 units out of the 1,438. The majority of new housing being built is not considered senior housing. The baby boomers are at the 65 year to 67 year of age right now.

Chair Kirk noted that Applewood sold out very quickly.

O'Connell agreed with the current traffic issues, but thought that senior housing would add less traffic issues than an office use. The proposal seems to fit the long-range plan. He did not oppose it.

Odland saw nothing wrong with the product, but did not think it would be the right location. Staff change shifts at 7 a.m. and 3 p.m. A semi would deliver food and the site does not have a turnaround.

Knight asked how delivery vehicles would navigate the site. He liked the site's proximity to health care providers. That would be a benefit.

O'Connell said that the building may appear large until the rest of the area catches up with the master plan.

Odland noted that 71<sup>st</sup> and York in Edina already has high-density residential uses surrounding the facility. The proposal would have traffic challenges.

Hanson noted that the proposal would be the first new project in the neighborhood. There is a fair amount of existing senior housing. The developer has done a number of great projects. Senior housing is hard to repurpose. There are better sites for senior housing in Minnetonka.

Chair Kirk felt that the site may be a little tight for the height of the building. The west side would be almost a four-story building adjacent to one-story office buildings. The east side faces the MedTech Building which is already large in mass. He would prefer the mass of the building set back further from Old Excelsior Boulevard. There is not a lot of site to play with. He struggled with the amount of activity that would be generated on Old Excelsior Boulevard. He would like to see the traffic study. The product is right. Senior housing is selling out fairly quickly.

Chair Kirk stated that the concept plan is schedule to be reviewed by the city council November 14, 2017.

## **10. Adjournment**

***Odland moved, second by Knight, to adjourn the meeting at 9:46 p.m.  
Motion carried unanimously.***

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

# **Minnetonka Planning Commission Meeting**

**November 17, 2016**

## **Agenda Item 7**

**Public Hearing: Consent Agenda**

**(No Items)**

# **Minnetonka Planning Commission Meeting**

**November 17, 2016**

## **Agenda Item 8**

**Public Hearing: Non-Consent Agenda**

**MINNETONKA PLANNING COMMISSION**  
**November 17, 2016**

<b>Brief Description</b>	Final site and building plans, with parking variance, for a self-storage facility at 6150 Baker Road
<b>Recommendation</b>	Adopt the resolution approving the proposed facility

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**Introduction**

Buhl Investors LLC has submitted plans to redevelop the existing property at 6150 Baker Road. As proposed, a roughly 116,000 square foot, three-story addition would be added to the west side of the site's existing building. The resulting 133,500 square foot building would be occupied by Extra Storage Space, a self-storage facility. (See attachments.)

**Proposal Summary**

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

- **Existing Site Conditions.** The nearly six-acre subject property is located in the southwest corner of the Baker Road/County Road 62 intersection. A roughly 17,000 square foot building is located on the east side of the site. Surface parking is situated on both the east and west sides of the building. In addition to these constructed features, the west side of the site contains a wetland, associated 100-year floodplain area, and steep slope.
- **Proposed Building and Site Design.** The proposed addition would be located directly west of the site's existing building. Both the existing building and proposed addition would be divided into 168 private storage units of varying sizes.
- **Proposed Parking and Access.** Parking for the proposed facility would continue to be located on the east side of the site. Driveway access to loading bays would be located on the far west and midpoints of the building.

**Primary Questions and Analysis**

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

- **Is the proposed land use appropriate?**

Yes. The subject property is zoned I-1, industrial. Indoor – and outdoor – storage is a permitted use in this zoning district.

- **Is the parking variance reasonable?**

Parking requirements are generally based on the size of a building and the type of use occupying that building. City code outlines a variety of uses and associated parking rates. When a specific use is not contained in code, staff evaluates parking based on: (1) the parking rate for a similar use that is outlined in the code; and (2) the parking rate as suggest by the Institute of Transportation Engineers (ITE).

City code does not contain a self-storage use category or associated parking rate. The most similar land use outlined in code is warehouse. ITE has a “mini-warehouse” category. By ITE, “mini-warehouses” are defined as buildings in which a number of units are rented for the store of goods; this is precisely what is proposed by the applicant. While the site’s existing 29 parking spaces would not meet code-required parking for a warehouse use, this number would meet minimum average parking demand suggested by ITE for “mini-warehouses.”

	<b>Parking Rate</b>	<b>Required Parking</b>
<b>City Code – warehouse</b>	1/1000 sq.ft.	134 spaces
<b>ITE – mini-warehouse</b>	0.16/1000 sq.ft.	21 spaces

**Staff Recommendation**

Adopt the resolution approving final site and building plans, with parking variance, for a self-storage facility at 6150 Baker Road. (See attachments.)

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

### Supporting Information

#### Surrounding Land Uses

Northerly: Industrial property  
Easterly: Baker Road, industrial properties beyond  
Southerly: County Road 62  
Westerly: Industrial property

#### Planning

Guide Plan designation: Industrial  
Existing Zoning: I-1, Industrial

#### City Actions

The proposal necessitates the following applications:

- **Site and building plan review.** By City Code §300.27 Subd.3(b), site and building plan review is required for any enlargement of a non-residential building by more than 10 percent of its gross floor area.
- **Parking variance.** By City Code 300.28 Subd12(c)(2)(aa), warehouse use of the proposed building requires 134 parking spaces. The applicant is proposing 29 spaces.

#### History

In 1996, the city considered a proposal to construct a marine sales and storage building on the subject property. The proposal include short-term construction of a 17,000 square foot building and a plan for future expansion of the building. The city ultimately approved a conditional use permit – required for the retail component on an industrially-zoned property – and final site and building plans.

The applicant's current proposal generally reflects the future expansion plan contemplated in the 1996 submittal.

#### Extra Storage Space

Based on information provided by the applicant, Extra Storage Space is the nation's second largest self-storage owner and operator. Similar to other Extra Storage Space facilities, the proposed facility would offer a variety of storage unit sizes.

The following hours of operation are anticipated:

	HOURS
Monday – Friday	9:30 a.m. to 6:00 p.m.
Saturday	9:00 a.m. to 5:30 p.m.
Sunday	Closed

**Setbacks, Etc.**

		<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Building Setbacks	North	20 ft	35 ft	45 ft
	South	50 ft	70 ft	50 ft
	East	50 ft	105 ft	105 ft
	West	20 ft	> 100 ft	> 100 ft
Parking Lot Setbacks	North	10 ft	10 ft	10 ft
	South	20 ft	60 ft	70 ft
	East	20 ft	30 ft	30 ft
	West	20 ft	> 100 ft	> 100 ft
FAR		1.0	0.08	0.53
Impervious		85%	15%	35%
Building Height		35 ft	20 ft	30 ft

\*All numbers rounded down to nearest 5 ft

**Steep Slopes**

The westerly portion of the property contains a code-defined steep slope ranging in grade from 22 to 23 percent. As proposed, a small portion of the building, driveway, and associated retaining wall would be located in the northeasterly portion of this slope.

The ordinance does not prohibit construction on slopes of less than 30 percent. Rather, it requires that construction meet certain standards. The applicant's proposal would meet these standards:

1. The property is physically suitable for the design and siting of the proposed development. The proposed development will preserve significant natural features by minimizing disturbance to existing topographical forms.

**Finding:** The proposed disturbance would be located at the top of the slope and impact a relatively small portion of the total sloped area.

2. The development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

**Finding:** With the use of the retaining wall, staff does not anticipate the proposal would result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

3. The proposed development provides adequate measures to protect public safety.

**Finding:** The steep slope and proposed construction is not located in close proximity to any public property, roadway, or other developed area. As such, staff does not anticipate that the proposed site work would result in any negative impacts on public safety.

**Grading**

The proposed building would generally take advantage of the existing topography, being built “into” a gradual hill on the site. The majority of site grading would occur in order to accommodate a driveway “turnaround” and stormwater areas. Roughly one to four feet of fill would be located in the area of the “turnaround” and five feet of excavation would occur in the stormwater management area.

**Stormwater**

As proposed, runoff from new impervious surface would be captured by catch basins located at various points on the property. From these catch basins runoff would be directed via pipe to under to a new ponding area west of the building.

**Trees**

The proposal would result in removal of eight trees: six spruce trees, one oak, and one maple. All are within the basic tree removal area and, as such, no mitigation would be required.

**SBP Standards**

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

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

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

2. Consistency with this ordinance;

**Finding:** Apart from the parking variance, the proposed site and building plans would meet 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:** Significant grading was done in 1996 in conjunction with the original development of the site. The proposed building and site work would generally make use of existing topography.

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

**Finding:** The proposal would result in an intuitive redevelopment of an existing industrial site.

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

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

**Finding:** The proposal would result in an intuitive redevelopment of an existing industrial site.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of

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

**Finding:** As new construction, the proposed addition would meet minimum energy standards.

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

**Finding:** The proposed redevelopment is not anticipated to negatively impact adjacent and neighboring properties or land uses. The redevelopment would be surrounded by other existing, industrially-zoned sites and major roadways.

#### **Variance Standard**

By City Code §300.07 Subd.1, a variance may be granted from the requirements of this ordinance including those placed on nonconformities. A variance is only permitted when it is in harmony with the general purposes and intent of this ordinance and when the variance is consistent with the comprehensive plan. A variance may be granted when the applicant establishes that there are practical difficulties in complying with this ordinance. Practical difficulties means that the property owner proposes to use the property in a reasonable manner not permitted by this ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, would not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

The proposal requires a technical building setback variances, several parking lot setback variances, and an impervious surface variance. The applicant's proposal meets the variance standard:

1. **Comprehensive Plan.** The requested variance is not in conflict with the comprehensive plan. The subject property is guided for industrial use. The parking variance would allow for a permitted, industrial use of the site.
2. **Intent of the Ordinance.** The intent of the ordinance as it pertains to parking requirements is to ensure adequate parking is provided to meet anticipated parking demand. The requested variance meets this intent. While the proposed 29 parking spaces would not meet minimum city

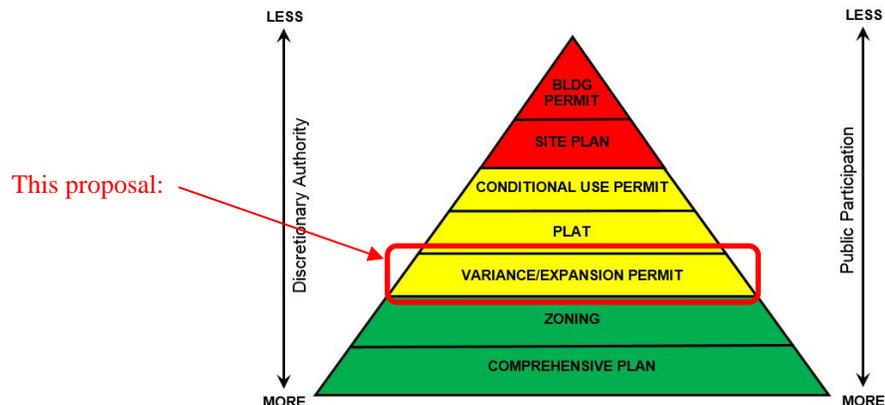
code requirements for a warehouse use, they would meet the minimum 21 spaces suggested by the Institute of Transportation Engineers (ITE) for a “mini-warehouse” use.

3. **Practical Difficulties.** There are practical difficulties in complying with the ordinance.
  - **Reasonableness.** The requested variance is reasonable. Though the applicant’s proposal would not meet minimum parking requirements as required by city code, it would provide for parking in excess of parking demand anticipated by ITE.
  - **Unique Circumstance.** The significant discrepancy between city code requirements and the parking demand suggested by ITE – widely accepted for its expertise in traffic and parking considerations – constitutes a unique circumstance.
  - **Character of the Locality.** The proposed variance would not negatively impact the surrounding area. The area is characterized by industrial properties; the requested variance would not change this.

**Outside Agencies**

The applicant’s proposal has been submitted to various outside agencies for review, including Hennepin County.

**Pyramid of Discretion**



**Motion Options**

Five votes are required to approve the applicant’s proposal. The planning commission has three options:

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

2. Disagree with staff's recommendation. In this case, a motion should be made denying the proposal. This motion must include a statement as to why the proposal is denied.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

**Neighborhood  
Comments**

The city sent notice to 50 area property owners. No comments have been received.

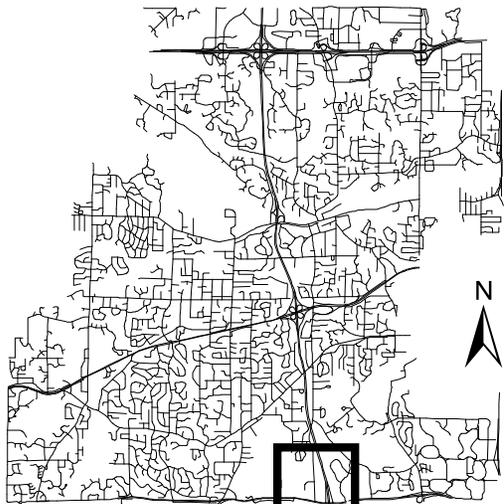
**Deadline for Action**

January 10, 2017

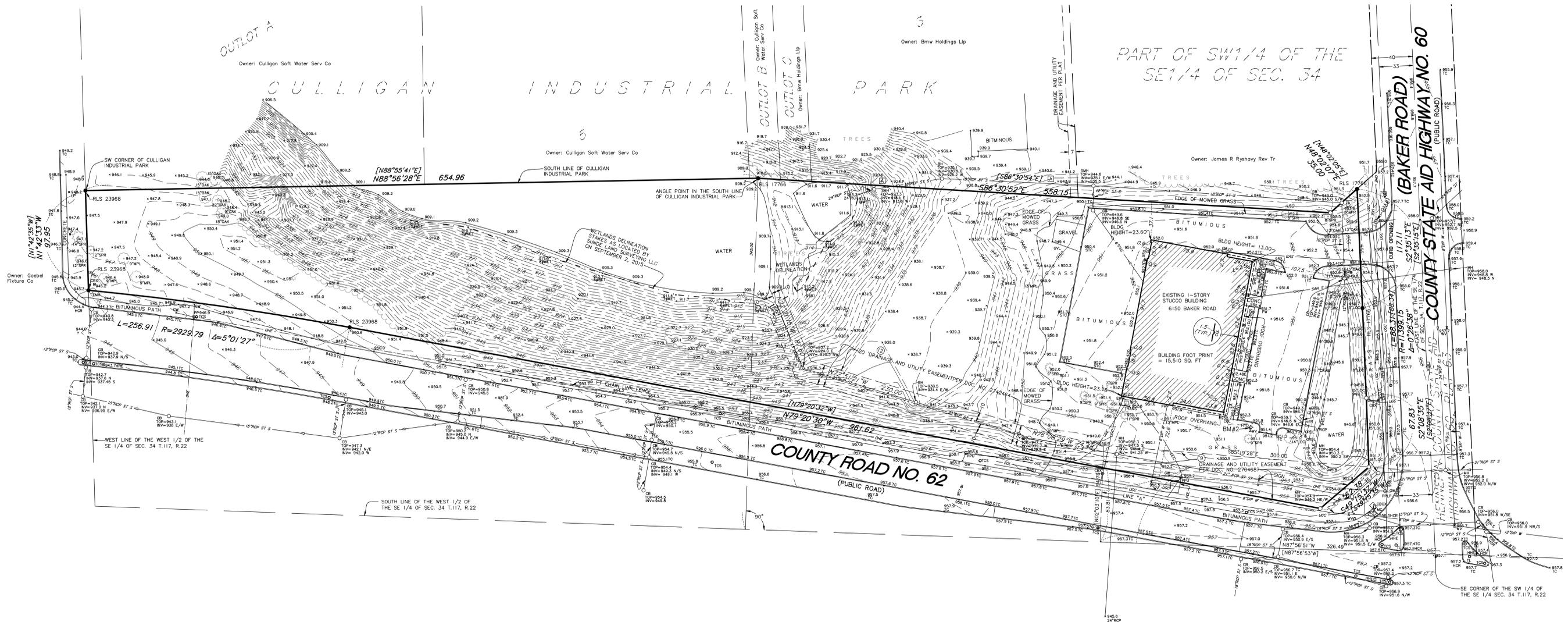


**Location Map**

Project: Baker Rd Mini Storage  
 Applicant: Buhl Investors  
 Address: 6150 Baker Rd  
 Project No. 96045.16a



This map is for illustrative purposes only.



**DESCRIPTION OF PROPERTY SURVEYED**

(Per First American Title Insurance Company Commitment for Title Insurance Commitment No. NCS-805842-MPLS, commitment date July 28, 2016)

That part of the West half of the Southeast quarter of Section 34, Township 117, Range 22, described as follows:  
 Beginning at the angle point in the South line of Culligan Industrial Park, said point also being 345 feet North of the South line of said West half of the Southeast Quarter; thence on an assumed bearing of South 86 degrees 30 minutes, 54 seconds East along said South line of Culligan Industrial Park and its Easterly extension a distance of 558.15 feet; thence North 48 degrees, 02 minutes, 05 seconds East a distance of 35 feet; thence South 02 degrees, 35 minutes, 15 seconds East a distance of 117.11 feet; thence Southerly 88.34 feet along a tangential curve concave to the West having a radius of 11399.15 feet and a central angle of 00 degrees, 26 minutes, 38 seconds; thence South 02 degrees, 08 minutes 37 seconds East tangent to said curve a distance of 67.83 feet; thence South 49 degrees, 15 minutes, 35 seconds West a distance of 62.38 feet; thence North 79 degrees, 20 minutes 32 seconds West a distance of 961.62 feet; thence Westerly 256.91 feet more or less along a tangential curve concave to the South having a radius of 2929.79 feet and a central angle of 05 degrees, 01 minute, 27 seconds to a point on the West line of said West half of the Southeast Quarter; thence North 01 degree, 42 minutes, 35 seconds West along said West line to the Southwest corner of said Culligan Industrial Park; thence North 88 degrees, 55 minutes 41 seconds East along said South line of Culligan Industrial Park to the point of beginning.  
 (Torrrens Property, Certificate of Title No. 840997)

Property is located in Hennepin County, Minnesota.

**PLAT RECORDING INFORMATION**

The plat of Culligan Industrial Park was filed of record on June 10, 1974, as Document No. 80087.

[ ] Bearings and/or dimensions listed within brackets are per plat or record documents.

**TITLE COMMITMENT**

First American Title Insurance Company Commitment for Title Insurance Commitment No. NCS-805842-MPLS, commitment date July 28, 2016, was relied upon as to matters of record.

**Schedule B Exceptions:**

- ① Exceptions are indicated on survey with circled numbers unless otherwise noted. Items not listed below are standard exceptions and/or are not survey related.
- 9.) As shown by recital on the certificate of title, pursuant to Order and Decree of Registration recorded May 23, 1996, as Document No. 2704687:  
 Subject to reservation to the County of Hennepin of a permanent easement for drainage and utility purposes over all that part of the above-described tract which lies Easterly and Southerly of the following described line:  
 Commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter of Section 34, Township 117, Range 22; thence run Westerly along the Southerly line of said Southwest Quarter of the Southeast Quarter on an assumed bearing of North 87 degrees 56 minutes 51 seconds West for a distance of 326.49 feet to the actual point of beginning of the line to be described; thence North 2 degrees 03 minutes 10 seconds East for 94.76 feet; thence South 85 degrees 19 minutes 28 seconds East for 300 feet and said line there terminating (as determined in Torrrens Case No. 20059).
- 10.) Subject to minerals and mineral rights reserved by the County of Hennepin, as shown by recital on the certificate of title.
- 11.) Conditions contained in Resolution No. 96-107, a certified copy of which was recorded September 13, 1996, as Document No. 2742463.
- 12.) Easement for drainage and utility easements in favor of the County of Hennepin, as contained in Quit Claim Deed dated September 3, 1996, recorded September 13, 1996, as Document No. 2742464.

**GENERAL NOTES**

- 1.) Survey coordinate basis: Hennepin County Coordinate System
- 2.) Adjoining ownership information shown hereon was obtained from the Hennepin County Property Tax Information web site.
- 3.) Wetland shown hereon is per delineation markers observed in the process of conducting the fieldwork. Markers were set by Kjoehaug Environmental Services Company, August, 29th 2016.

**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, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. In addition, Gopher State One Call locates requests from surveyors may be ignored or result in an incomplete response. Where additional or more detailed information is required, excavation and/or a private utility locate request 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 162230386.
- 4.) Contact GOPHER STATE ONE CALL at 651-454-0002 (800-252-1166) 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. 2701730339E, dated September 2, 2004. This information was obtained from the FEMA Map Service Center web site.

**PARKING**

No point stripes observed

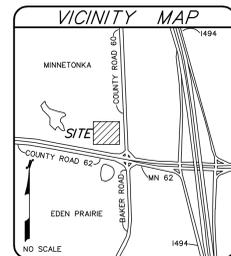
**AREA**

Area = 253,430 square feet or 5.818 acres

**LIST OF POSSIBLE ENCROACHMENTS**

(Disclaimer note)

- A. Storm sewer crosses north property line without benefit of an easement.



**LEGEND**

- Denotes iron monument set marked with P.L.S. No. 44900
- Denotes found iron monument

- BE Denotes building entrance
- BH Denotes beehive catch basin
- CB Denotes catch basin
- CBOX Denotes control box
- CBX Denotes communication box
- CD Denotes building column
- CC Denotes concrete
- CONC Denotes drain grate
- DC Denotes ductile iron pipe
- DIP Denotes electric meter
- EM Denotes fire hookup
- FH Denotes fiber optic line
- FOL Denotes flag pole
- FP Denotes face of walk
- GM Denotes gas meter
- GP Denotes guard post
- GRDL Denotes ground light
- GW Denotes guy wire
- HCR Denotes disabled ramp
- HHE Denotes electric hand hole
- HYD Denotes fire hydrant
- INV Denotes pipe invert
- LA Denotes landscaping
- LP Denotes light pole
- MC Denotes metal cover
- MH Denotes manhole
- OD Denotes overhead door
- OHE Denotes overhead electric line
- PHS Denotes parking sign
- PP Denotes power pole
- PPLP Denotes power and light pole
- RCP Denotes power pole with underground utility
- PVC Denotes polyvinylchloride pipe
- RIPR Denotes rip rap
- RCP Denotes reinforced concrete pipe
- RD Denotes roof drain
- SAN Denotes sanitary manhole
- SAN S Denotes sanitary sewer
- SMH Denotes storm manhole
- STC Denotes storm sewer curb
- ST S Denotes storm sewer
- TC Denotes top of curb
- TCS Denotes traffic control sign
- TL Denotes traffic light
- TRANS Denotes transformer
- UGC Denotes underground communication line
- UGE Denotes underground electric line
- W Denotes water line
- WV Denotes water valve
- CRAB Denotes Crabapple tree
- LOC Denotes Locust tree
- MPL Denotes Maple tree
- OAK Denotes Oak tree
- SHB Denotes shrub
- SPR Denotes Spruce Tree

**BENCH MARKS (BM)**

- (NAVD 88)
- 1.) Top of railroad spike on west side of power pole north of main entrance on Baker Road  
Elevation = 958.18 feet
- 2.) Top of top nut of fire hydrant east of southeast corner of building  
Elevation = 954.55 feet

**SURVEYOR'S CERTIFICATION**

To: Buhl Investors, LLC, a Minnesota limited liability company, Garold E. Briggs, and First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 7(a), 7(b)(1), 8, 9, 11, and 13 of Table A thereof. The fieldwork was completed on 8-15-2016.

Dated this 25 day of August, 2016.

SUNDE LAND SURVEYING, LLC.

By: *Arlene J. Carlson*  
 Arlene J. Carlson, P.L.S. Minn. Lic. No. 44900



added wetlands	B.K	9/6/2016
Revisions	By	Date
8/25/2016	B.K	

Drawing Title:  
**ALTA/NSPS LAND TITLE and TOPOGRAPHIC SURVEY FOR: BUHL INVESTORS**  
 MINNETONKA MARINE, 6150 BAKER ROAD, MINNETONKA, MN

**SUNDE LAND SURVEYING**  
 www.sunde.com

Main Office: (35W) Suite 118  
 Bloomington, Minnesota 55420-3435  
 952-881-2450 (Fax: 952-888-8000)  
 Branch Office:  
 Cloquet, Minnesota 55625-8267

Project: 2016-096    Bk/Pg: 897/94    Date: 8/25/2016  
 Township: 117, Range: 22    Section: 34  
 File: 2016096001.dwg    Sheet: 1 of 1







**Planting Palette:**

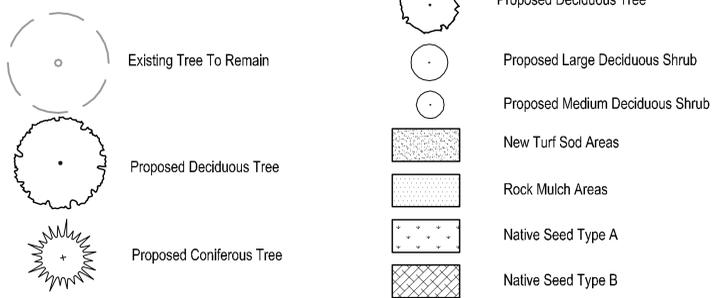
Qty.	Key	Scientific Name	Common Name	Size	Root	Notes
3	A	Ulmus americana 'Valley Forge'	Valley Forge Elm	2.5" Cal.	B&B	
4	B	Acer x freemanii 'Sienna'	Sienna Glen Maple	2.5" Cal.	B&B	
7	C	Picea glauca var. 'Densata'	Black Hills Spruce	6' Hgt.	B&B	
4	D	Syringa reticulata 'Ivory Silk'	Japanese Tree Lilac	2.0" Cal.	B&B	

**TREES:**

Qty.	Key	Scientific Name	Common Name	Size	Root	Notes
27	F	Spiraea japonica 'Neon Flash'	Neon Flash Spirea	#3	POT	
25	G	Viburnum trilobum 'Bailey Compact'	Compact American Cranberrybush	#5	POT	
28	H	Syringa patula 'Miss Kim'	Miss Kim Lilac	#3	POT	

**SHRUBS:**

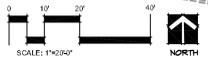
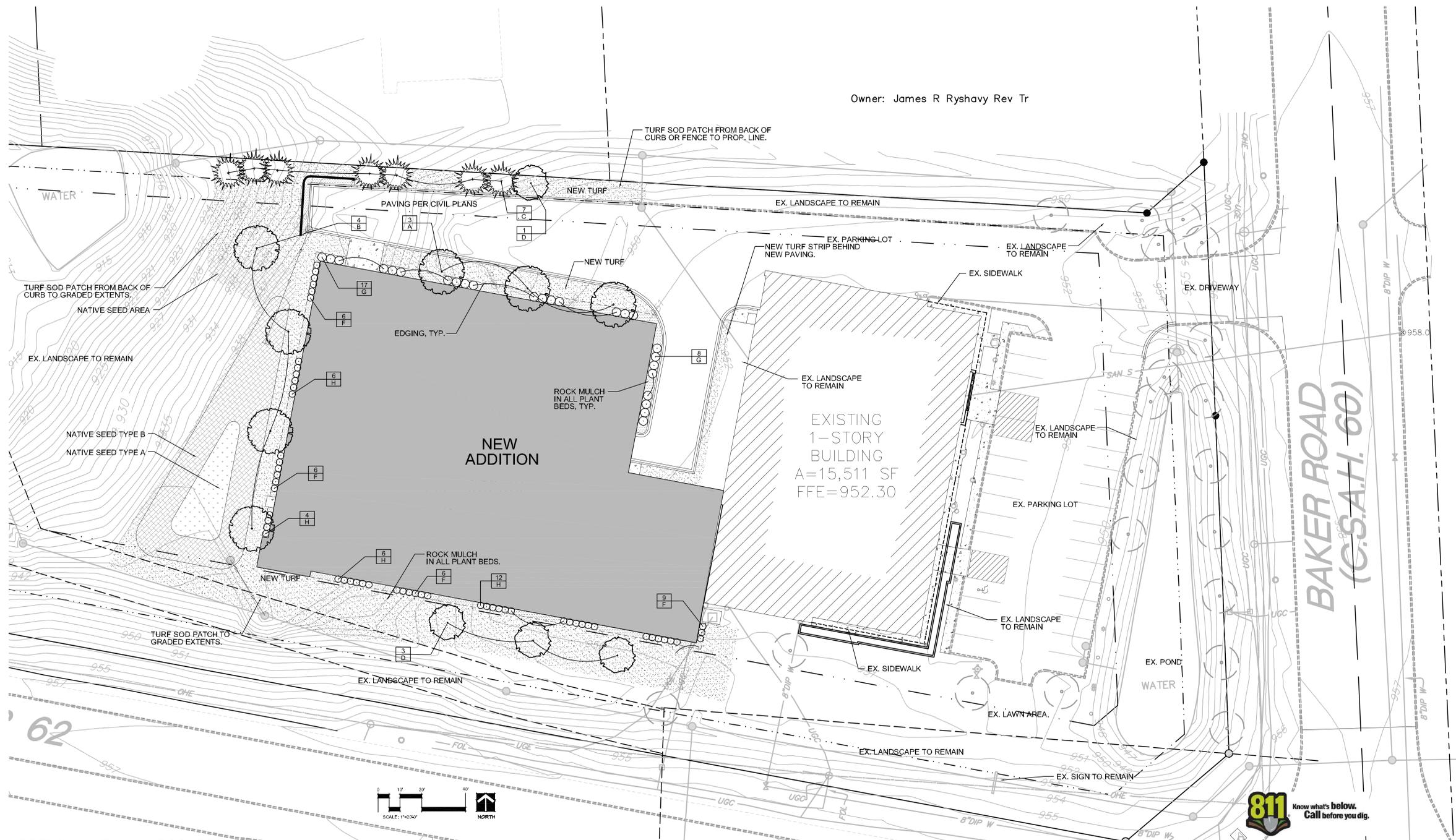
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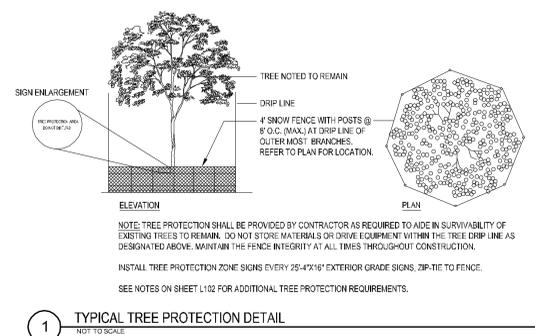
**General Notes:**

1. Refer to Sheet L102 for Plant Details, Notes, Seeding Mix, and Other Landscape Requirements.
2. See Civil Engineer's plans for site plan layout and dimensions.
3. Contractor to coordinate any work in the city right-of-way with City of Minnetonka Public Works Department.
4. See Architect's plans for additional requirements regarding the site plan layout.
5. Refer to Sheet L101 for Tree Preservation Plan.
6. Landscape contractor is responsible for watering all trees, shrubs, & turf grass outside the irrigation limits for 30 days after installation or until plant establishment.

**LANDSCAPE SCHEDULE:**



Landscape Symbols Legend:



**Minnetonka Tree Preservation/Replacement Data:**  
Ordinance No. 2015-05

Total Trees Inventoried:	36
Significant Trees Inventoried:	33
High Priority Trees Inventoried:	03
Significant Trees to be Removed:	9
Non-Significant Trees to be Removed:	0
High Priority Trees to be Removed:	0
Total Trees to be Removed:	9
% Of Trees Removed:	25%
Tree Mitigation Ratio:	2:1
Number of Replacement Trees Required:	18

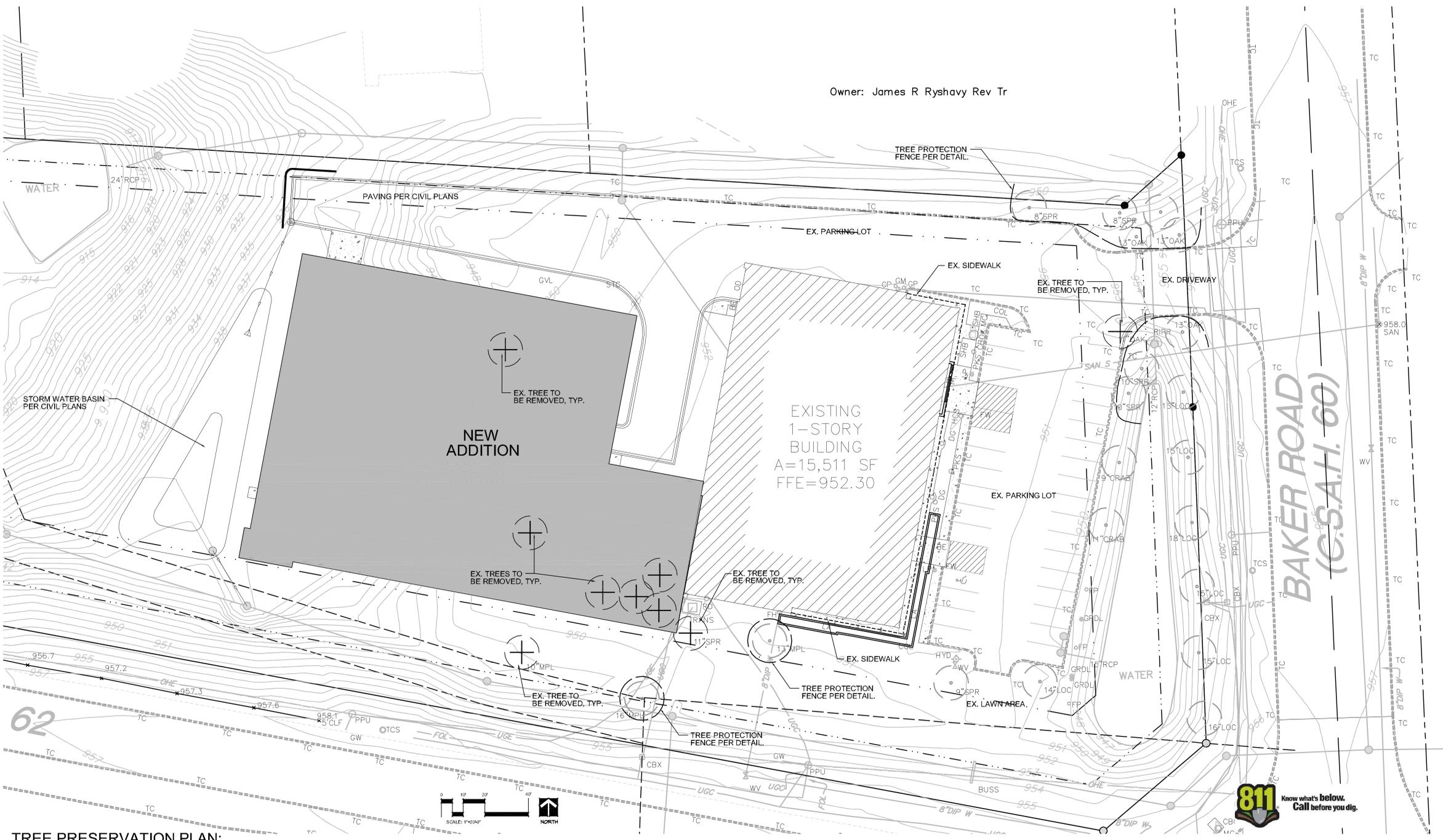
General Notes:

1. Refer to Sheet L102 for Plant Details, Notes, Seeding Mix, and Other Landscape Requirements.
2. See Civil Engineer's plans for site plan layout and dimensions.
3. Contractor to coordinate any work in the city right-of-way with City of Minnetonka Public Works Department.
4. See Architect's plans for additional requirements regarding the site plan layout.
5. Refer to Sheet L100 for Landscape Layout Plan.
6. Landscape contractor is responsible for watering all trees, shrubs, & turf grass outside the irrigation limits for 30 days after installation or until plant establishment.

**FIELD TREE INVENTORY LOG**

TAG NO.	TREE DIA. (IN)	SPECIES	TREE CATEGORY	REMOVE?	NOTES
1	13	Maple	Significant	Yes	
2	9	Spruce	Significant	Yes	
4	9	Spruce	Significant	Yes	
5	9	Spruce	Significant	Yes	
6	9	Spruce	Significant	Yes	
7	11	Spruce	Significant	Yes	
8	13	Maple	Significant	No	
9	10	Maple	Significant	Yes	
10	10	Maple	Significant	No	
11	9	Spruce	Significant	No	
12	14	Locust	Significant	No	
13	16	Locust	Significant	No	
14	15	Locust	Significant	No	
15	15	Locust	Significant	No	
16	19	Locust	Significant	No	
17	11	Crabapple	Significant	No	
18	10	Crabapple	Significant	No	
19	15	Locust	Significant	No	
20	15	Locust	Significant	No	
21	10	Spruce	Significant	No	
22	10	Spruce	Significant	No	
23	13	Oak	Significant	No	
24	11	Oak	Significant	Yes	
25	13	Oak	Significant	No	
26	13	Oak	Significant	No	
27	9	Spruce	Significant	No	
28	9	Spruce	Significant	No	
29	8	Spruce	Significant	No	
30	15	Oak	High Priority	No	
31	22	Oak	High Priority	No	
32	9	Oak	Significant	No	
33	18	Oak	High Priority	No	
34	12	Spruce	Significant	No	
35	9	Maple	Significant	No	
36	9	Maple	Significant	No	
37		Maple	Significant	No	
<b>440</b>			<b>TOTAL INCHES INVENTORIED</b>		
<b>36</b>			<b>TOTAL EXISTING TREES IN INVENTORY</b>		
<b>88</b>			<b>SIGNIFICANT INCHES TO BE REMOVED</b>		
<b>0</b>			<b>HIGH PRIORITY INCHES TO BE REMOVED</b>		

LANDSCAPE NOTES, DETAILS, AND SCHEDULES:



TREE PRESERVATION PLAN:

**CALYX DESIGN GROUP**  
Landscape Architecture  
Sustainable Design  
Master Planning  
379 Sibley Avenue | Suite 301 | St. Paul, MN 55102  
Telephone: 651.768.8013  
Internet: www.calyxdesigngroup.com

**MH MORHAGEN HANSEN**  
1000 Tweede Oaks Center Dr.  
Suite 200  
Wayzata, MN 55391  
Tel: 952.426.7400  
Fax: 952.426.7400

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 LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

BENJAMIN J. BERG, PLA  
REGISTRATION NUMBER: 48084

THE ARCHITECT SHALL BE DEEMED THE AUTHORS AND OWNERS OF THEIR RESPECTIVE INSTRUMENTS OF SERVICE AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING COPYRIGHTS OF THE ATTACHED DOCUMENTS.

NO.	DESCRIPTION	DATE
1	SITE PLAN REVIEW	09/20/2016
2	SITE PLAN REVISION	11/09/2016

PROJECT NUMBER: 160480PDV  
DRAWN BY: LMF  
CHECKED BY: BH  
DATE: 9/20/2016  
COMPUTER DIRECTORY: Jobs@Deannovic@Baker Rd Mini-Storage

TREE PRESERVATION PLAN

DESIGN DEVELOPMENT



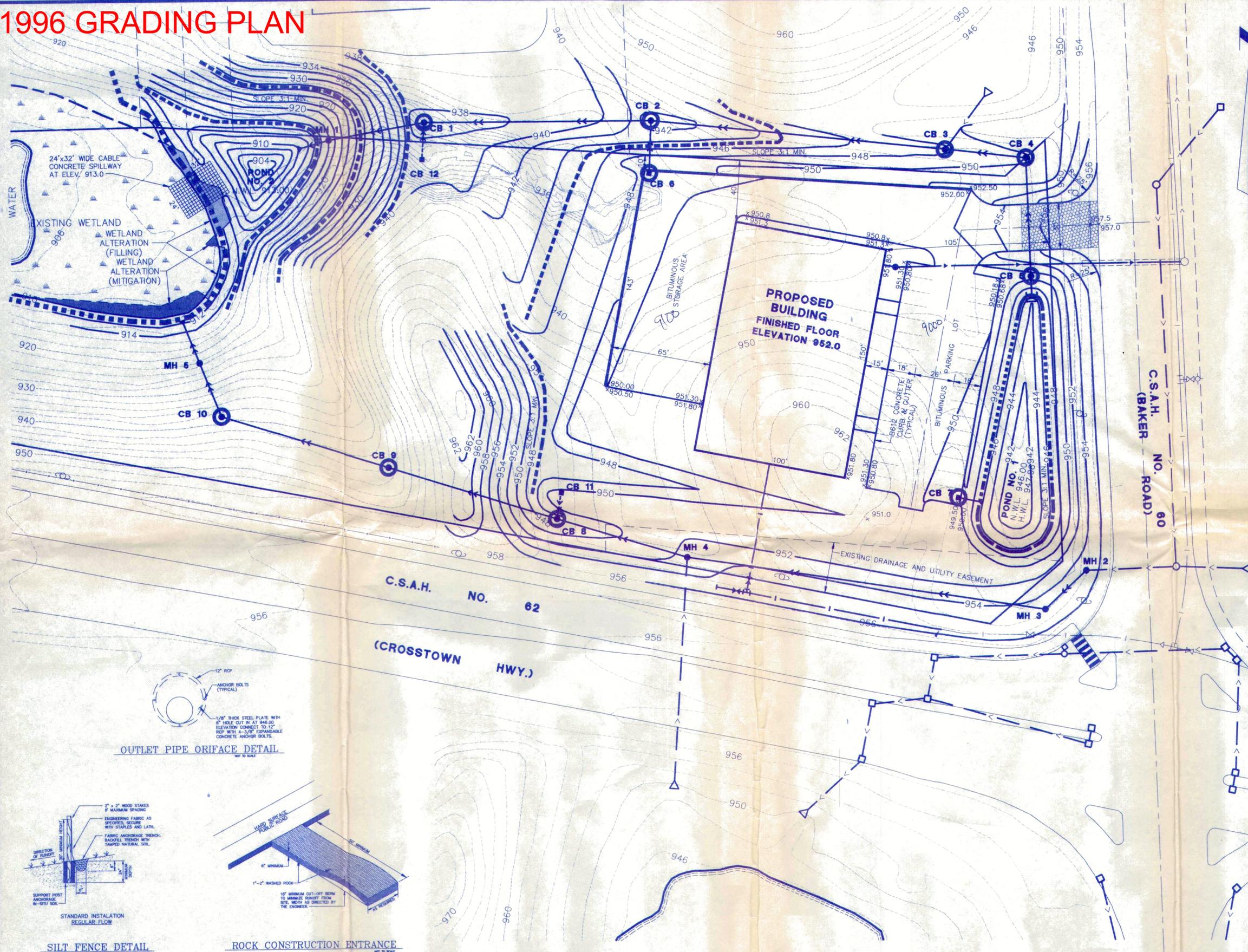








# 1996 GRADING PLAN

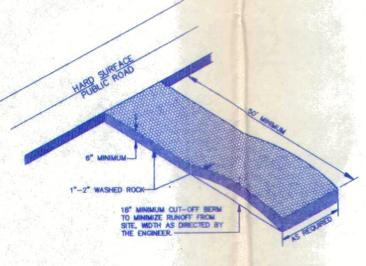
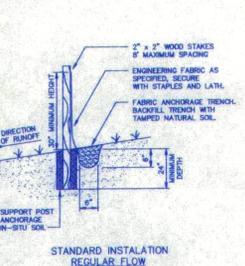
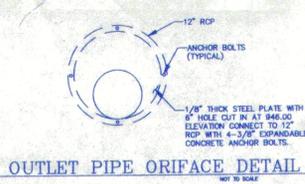
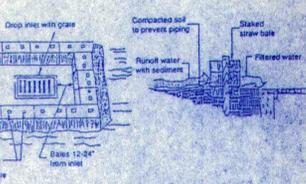
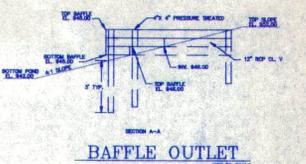
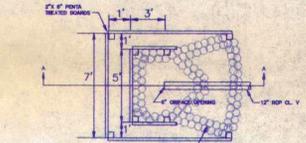


### LEGEND

- 956 --- EXISTING CONTOUR
- 944 --- PROPOSED CONTOUR
- 950.68x --- PROPOSED SPOT ELEVATION
- PROPOSED STORM SEWER
- PROPOSED FUTURE STORM SEWER
- PROPOSED ROCK CONSTRUCTION ENTRANCE
- --- PROPOSED INLET SEDIMENT FILTER
- --- PROPOSED BAFFLE OUTLET
- PROPOSED SILT FENCE INSTALLED BEFORE GRADING
- PROPOSED SILT FENCE INSTALLED AFTER CONSTRUCTION

### CONSTRUCTION SCHEDULE

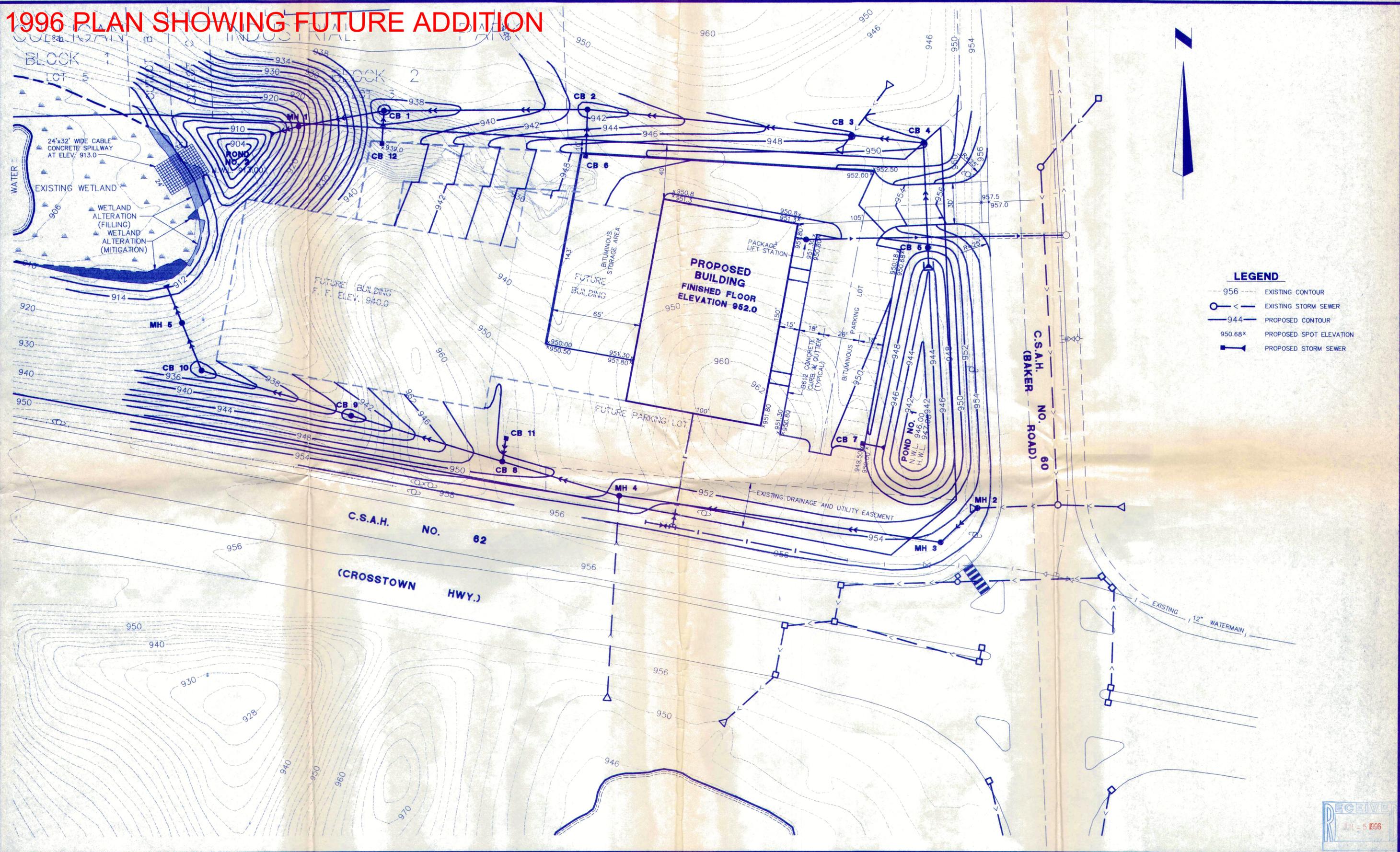
1. INSTALL SILT FENCE EROSION CONTROL
2. INSTALL ROCK CONSTRUCTION ENTRANCE
3. CONSTRUCT STORMWATER DETENTION POND AND OUTLET
4. GRADE SITE
5. MAINTAIN EROSION CONTROL DURING ALL CONSTRUCTION
6. THE SITE SHALL BE SEEDED AND MULCHED WITHIN 10 DAYS OF THE COMPLETION OF SITE GRADING.
7. INSTALL UTILITIES, CONSTRUCT BUILDING AND PARKING LOT.
8. REMOVE EROSION CONTROL AFTER VEGETATION IS ESTABLISHED.



381,000  
259,083  
1596

ENGINEER	CERTIFICATION	DESIGN	REVISIONS	OWNER	PROJECT	SHEET TITLE	DATE	PROJECT NO.
<b>WILLIAM R. ENGELHARDT ASSOCIATES, INC.</b> CONSULTING ENGINEERS 1107 HAZELTINE BOULEVARD • SUITE 480 CHASKA, MINNESOTA 55318	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 PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  <i>William R. Engelhardt</i> DATE: 6/2/96 REGISTRATION NO.: 72026	DESIGNED BY:	DATE	DESCRIPTION	<b>GARY BRIGGS</b> 16602 WAYZATA BLVD. WAYZATA, MN. 55391	<b>THE BOAT PLACE</b> BAKER ROAD AND CROSSTOWN HWY. NO. 62	<b>PRELIMINARY</b> GRADING, DRAINAGE AND EROSION CONTROL PLAN	JUNE, 1996
		DRAWN BY:						
		CHECKED BY:						PLAN: 1"=30'
								PROFILE: N/A
								HORIZ: N/A
								SHEET NO.
								2 OF 4

# 1996 PLAN SHOWING FUTURE ADDITION



**LEGEND**

- 956 --- EXISTING CONTOUR
- <--- EXISTING STORM SEWER
- 944 --- PROPOSED CONTOUR
- 950.68\* PROPOSED SPOT ELEVATION
- PROPOSED STORM SEWER

RECEIVED  
MAY 5 1996

<b>ENGINEER</b> WILLIAM R. ENGELHARDT ASSOCIATES, INC. CONSULTING ENGINEERS 1107 HAZELTINE BOULEVARD • SUITE 480 CHASKA, MINNESOTA 55318	<b>CERTIFICATION</b> I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  <i>William Engelhardt</i> DATE: 5/3/96 REGISTRATION NO. 12026	<b>DESIGN</b> DESIGNED BY: DRAWN BY: CHECKED BY:	<b>REVISIONS</b>	<b>OWNER</b> GARY BRIGGS 16602 WAYZATA BLVD. WAYZATA, MN. 55391	<b>PROJECT</b> THE BOAT PLACE BAKER ROAD AND CROSSTOWN HWY. NO. 62	<b>SHEET TITLE</b> PRELIMINARY ULTIMATE GRADING, DRAINAGE AND EROSION CONTROL PLAN	<b>DATE</b> MAY, 1996	<b>PROJECT NO.</b> 98-217-08
			DATE:      DESCRIPTION:				<b>SCALE</b> 1"=30'	<b>SHEET NO.</b> 3 OF 4

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

### **Resolution approving final site and building plans, with parking variance, for self-storage facility at 6150 Baker Road**

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

#### Section 1. Background.

- 1.01 Buhl Investors, LLC has requested approval of final site and building plans for a self-storage facility. The request includes a parking variance from 134 parking spaces to 29 parking spaces.
- 1.02 The property is located at 6150 Baker Road. It is legally described on Exhibit A of this resolution
- 1.03 On November 17, 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. Standards

- 2.01 City Code §300.27 Subd. 5, outlines several items that must be considered in the evaluation of site and building plans.
  - 1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
  - 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 By City Code §300.28 Subd.20(b)(3), steep slope development will be approved only if the following standards are met:

1. The property is physically suitable for the design and siting of the proposed development. The proposed development will preserve

significant natural features by minimizing disturbance to existing topographical forms.

2. The development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.
3. The proposed development provides adequate measures to protect public safety.

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

### Section 3. Findings

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

1. The proposal has been reviewed by planning, building, engineering, natural resources, fire, and public works staff and found to be generally consistent with the city's development guides.
2. Apart from the parking variance, the proposed site and building plans would meet ordinance standards.
3. Significant grading was done in 1996 in conjunction with the original development of the site. The building and site work currently proposed would generally make use of existing topography.
4. The proposal would result in an intuitive redevelopment of an existing industrial site.
5. As new construction, the proposed addition would meet minimum energy standards.
6. The proposed redevelopment is not anticipated to negatively impact adjacent and neighboring properties or land uses. The

redevelopment would be surrounded by other existing, industrially-zoned sites and major roadways.

3.02 The proposal would meet the steep slopes standards as outlined in Code §300.28 Subd.20(b)(3):

1. The proposed disturbance would be located at the top of the slope and impact a relatively small portion of the total sloped area.
2. With the use of a retaining wall, soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems are not anticipated.
3. The steep slope and proposed construction is not located in close proximity to any public property, roadway, or other developed area. As such, the city does not anticipate that the proposed site work would result in any negative impacts on public safety.

3.03 The proposal would meet the variance standard outlined in City Code §300.07 Subd. 1(a):

1. Comprehensive Plan. The requested parking variance is not in conflict with the comprehensive plan. The subject property is guided for industrial use. The parking variance would allow for a permitted, industrial use of the site.
2. Intent of the Ordinance. The intent of the ordinance as it pertains to parking requirements is to ensure adequate parking is provided to meet anticipated parking demand. The requested variance meets this intent. While the proposed 29 parking spaces would not meet minimum city code requirements for a warehouse use, they would meet the minimum 21 spaces suggested by the Institute of Transportation Engineers (ITE) for a “mini-warehouse” use.
3. Practical Difficulties. There are practical difficulties in complying with the ordinance.
  - a) Reasonableness. The requested variance is reasonable. Though the proposal would not meet minimum parking requirements as per city code, it would provide for parking in excess of parking demand anticipated by ITE.
  - b) Unique Circumstance. The significant discrepancy between city code requirement and the parking demand suggested by

ITE – widely accepted for its expertise in traffic and parking considerations – constitutes a unique circumstance.

- c) Character of the Locality. The proposed variance would not negatively impact the surrounding area. The area is characterized by industrial properties; the requested variance would not change this.

#### Section 4. Planning Commission Action.

4.01 The above-described site and building plans, with parking variance, are hereby approved subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
  - Site and Utility Plan, dated November 4, 2016
  - Grading and Erosion Control Plan, dated November 4, 2016
  - Landscape Plan, dated November 3, 2016
  - Building Floor Plans, dated November 4, 2016
  - Building Elevations, dated November 4, 2016
2. Grading Permit.
  - a) 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. 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.
    - 3) 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 site plan must:

1. Include a sidewalk connection from the concrete stoop in the southwest corner of the addition to the northerly drive lane. This path will be the natural route for exit discharge from the southwest stairwell.
- b. Final stormwater management plan and stormwater maintenance agreement. The plan must meet the requirements of the city's Water Resources Management Plan, Appendix A. Design.
1. Volume: Retention of 1 inch of runoff over the site's entire impervious surface.
  2. Rate: Maintain, at a minimum, the existing peak runoff flow rates for the 2, 10, and 100-year event.
  3. Water Quality: Removal of 60 percent of total phosphorous and 90 percent total suspended solids.
- c. Final utility plan must:
1. Confirm how sanitary sewer will be provided to the site.
  2. Indicate how the existing hydrant near the southeast corner of the building is fed.
  3. Include a hydrant near the northeast stairway of the new addition. Fire hydrants must be located such that all points along the access road adjacent to the building are within the 500-foot spacing distance required by the fire code.
  4. Include correspondence from Hennepin County noting: (1) that connection to County storm sewer will be permitted; and (2) sufficient capacity is available.

- d. Final landscaping and tree mitigation plans must:
  - 1. Meet minimum landscaping value and mitigation requirements as outlined in city code. Required landscaping value is a percentage of project value. At the sole discretion of natural resources staff, landscaping and mitigation may be adjusted based on site conditions.
  - 2. Include an itemized plant material list and incorporate additional native plantings that will contribute to reducing landscape irrigation needs.
  - 3. Include rain sensors on any irrigation systems.
  
- 4) The follow documents for review and approval of the city attorney:
  - a. A private fire hydrant agreement for the review and approval of the city attorney.
  - b. A conservation easement over wetland and steep slope area and a drawing of the easements. The easement may allow removal of hazard, diseased, or invasive species.
  
- 5) 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:
    - 1. A final as-built survey has been submitted;

2. Vegetated ground cover has been established; and
  3. Required landscaping or vegetation has survived one full growing season.
- 6) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
  - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion or grading problems.
- 7) A construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.
- 8) All required administration and engineering fees.
- b) Prior to issuance of the grading permit, install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
3. Building Permit:
- a) Prior to issuance of a building permit, submit the following:
    - 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) 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.

4) All required hook-up fees.

5) Any delinquent utility assessments.

6) Revised building elevations showing type and color of exterior building materials.

b) Note that building permit approval will include a condition that any false exterior doors or false interior units must include appropriate signage noting "This Door Blocked."

c) Standpipes will not be required in the stairways of the new addition, but are highly recommended by the fire marshal due to unknown storage contained within each unit.

4. Permits may be required from other outside agencies including, Hennepin County, the Nine Mile Creek Watershed District, and the MPCA. It is the applicant's responsibility to obtain any necessary permits.

5. During construction the street must be kept free of debris and sediment.
6. The property owner is responsible for replacing any required landscaping that dies.
7. This resolution does not approve any signs. Separate sign permit applications must be submitted.
8. The approvals granted under this resolution will expire on December 31, 2017 unless: (1) a building permit has been issued for the proposal as outlined; or (2) the city has received and approved a written request for extension of the approvals.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on November 17, 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: Knight

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 November 17, 2016.

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Kathy Leervig, Deputy City Clerk

**Exhibit A**

That part of the West half of the Southeast quarter of Section 34, Township 117, Range 22, described as follows:

Beginning at the angle point in the South line of Culligan Industrial Park, said point also being 345 feet North of the South line of said West half of the Southeast Quarter; thence on an assumed bearing of South 86 degrees 30 minutes, 54 seconds East along said South line of Culligan Industrial Park and its Easterly extension a distance of 558.15 feet; thence North 48 degrees, 02 minutes, 05 seconds East a distance of 35 feet; thence South 02 degrees, 35 minutes, 15 seconds East a distance of 117.11 feet; thence Southerly 88.34 feet along a tangential curve concave to the West having a radius of 11399.15 feet and a central angle of 00 degrees, 26 minutes, 38 seconds; thence South 02 degrees, 08 minutes 37 seconds East tangent to said curve a distance of 67.83 feet; thence South 49 degrees, 15 minutes, 35 seconds West a distance of 62.38 feet; thence North 79 degrees, 20 minutes 32 seconds West a distance of 961.62 feet; thence Westerly 256.91 feet more or less along a tangential curve concave to the South having a radius of 2929.79 feet and a central angle of 05 degrees, 01 minute, 27 seconds to a point on the West line of said West half of the Southeast Quarter; thence North 01 degree, 42 minutes, 35 seconds West along said West line to the Southwest corner of said Culligan Industrial Park; thence North 88 degrees, 55 minutes 41 seconds East along said South line of Culligan Industrial Park to the point of beginning.

(Torrens Property, Certificate of Title No. 840997)