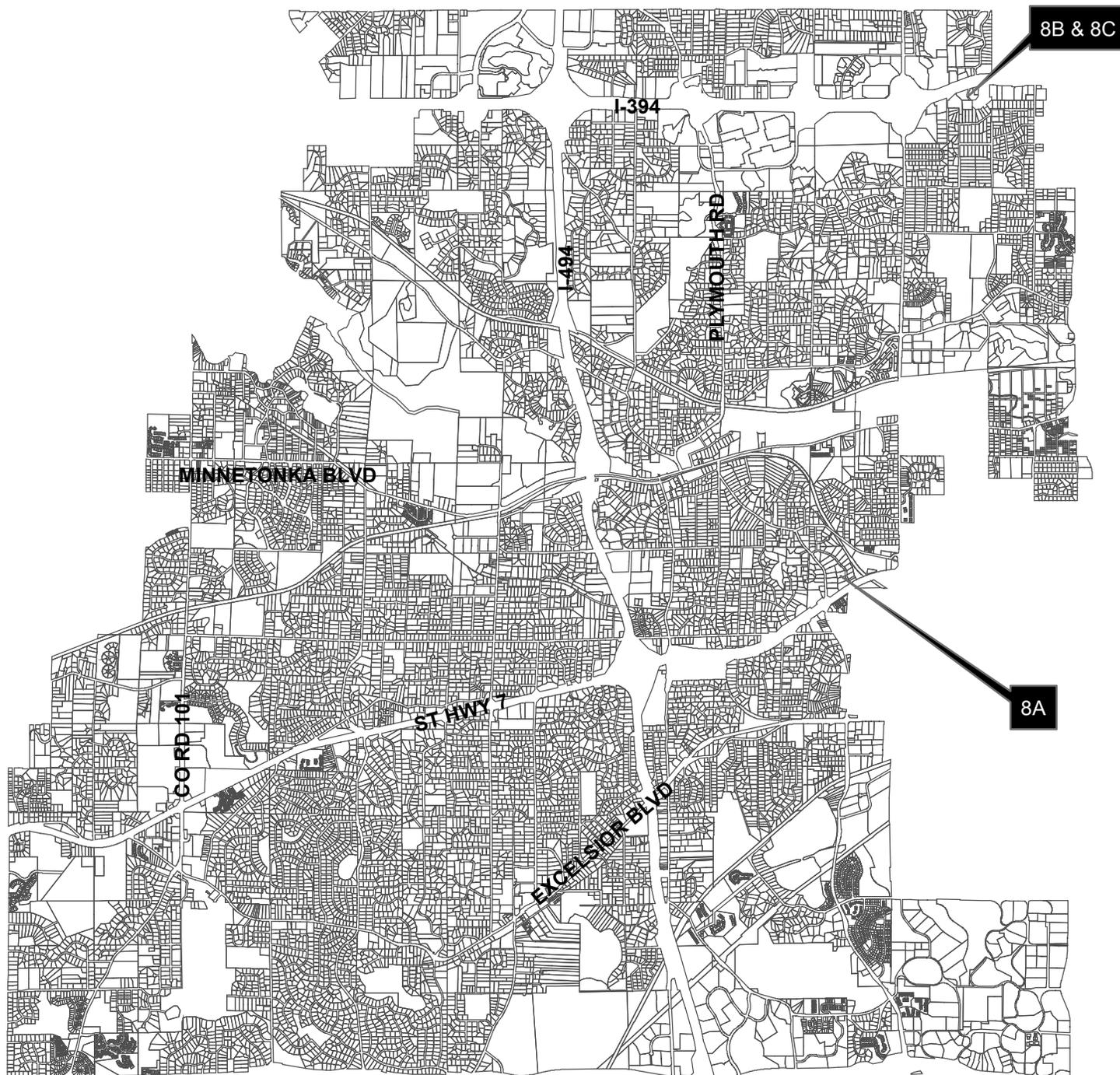




**CITY OF MINNETONKA
PLANNING COMMISSION
FEBRUARY 2, 2017**

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





Planning Commission Agenda

February 2, 2017—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: January 19, 2017**
- 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. Preliminary and final plats for a two-lot subdivision at 3900 Cottage Lane.

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

- Recommendation to City Council (Tentative Date: February 27, 2017)
- Project Planner: Susan Thomas

B. Conditional use permit for a medical clinic at 10653 Wayzata Boulevard.

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

- Recommendation to City Council (Tentative Date: February 27, 2017)
- Project Planner: Drew Ingvalson

- C. Variance to allow two wall signs on a single building elevation at 10653 Wayzata Boulevard.

Recommendation: Adopt the resolution approving the variance (5 votes)

- Final Decision Subject to Appeal
- Project Planner: Drew Ingvalson

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 February 16, 2017 Planning Commission meeting:

Project Description: The applicant is proposing to divide the two existing lots at 1911 and 1935 Linner Road into a total of four lots, meeting all minimum R-1 standards. The proposal requires approval of preliminary and final plats.

Project No.: 16030.17a

Staff: Susan Thomas

Ward/Council Member: 3—Brad Wiersum

Section: 04

Project Description: The applicant is requesting a conditional use permit and variance to construct a detached garage, with a second driveway, that exceeds 12 feet in height and 1,000 square feet.

Project No.: 17001.17a

Staff: Drew Ingvalson

Ward/Council Member: 3—Brad Wiersum

Section: 20

Project Description: Concept Plan for a 54-unit apartment building, with underground parking, resident community room, onsite manager's office and outdoor play area. Units would have a mix of 1, 2 and 3 bedrooms and rents between \$800 and \$1200 per month.

Project No.: 17002.17a

Staff: Loren Gordon

Ward/Council Member: 3—Bob Ellingson

Section: 23

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**

January 19, 2017

1. Call to Order

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

2. Roll Call

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

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

3. Approval of Agenda

Odland moved, second by Knight, to approve the agenda as submitted with a modification to Item 8C provided in the change memo dated January 19, 2017.

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

4. Approval of Minutes: January 5, 2017

Knight moved, second by Calvert, to approve the January 5, 2017 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of January 16, 2017:

- Adopted a resolution approving a conditional use permit for River Valley Church.
- Adopted a resolution approving the preliminary and final plat approvals for The RiZe Apartments.

- Adopted a resolution approving items for the SWLRT.
- Adopted a resolution approving items for Crest Ridge Senior Living.
- Adopted a resolution approving items for Woodlands at Linner Road.

The mayor will give the State of the City address February 8, 2017 at 7:30 a.m. at the Minnetonka Community Center.

Minnetonka and Hopkins City Councils met to discuss creating a Joint Powers Agreement.

6. Report from Planning Commission Members

Odland announced that she completed her four-year term on the planning commission and that this would be her last meeting. She appreciated the opportunity and wished everyone well.

7. Public Hearings: Consent Agenda

No items were removed from the consent agenda for discussion or separate action.

Odland moved, second by O'Connell, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:

A. Front yard setback variance to remodel a three-season porch into a master bedroom at 3649 Woody Lane.

Adopt the resolution approving a front yard setback variance to convert a three-season porch into a master bedroom at 3649 Woody Lane.

B. Front yard setback variance to convert an existing deck and three-season porch into living space at 5952 Woodland Circle.

Adopt the resolution approving a front yard setback variance to allow for the conversion of the existing porch and deck into enclosed living space at 5952 Woodland Circle.

C. Amendment to the Minnetonka Corporate Center sign plan as it pertains to the property at 6000 Clearwater Drive.

Adopt the resolution approving an amendment of the Minnetonka Corporate Center sign plan as it pertains to the property at 6000 Clearwater Drive.

Powers, Calvert, Knight, O'Connell, Odland, and Kirk voted yes. Motion carried and the items on the consent agenda were approved as submitted.

8. Public Hearings

A. Conditional use permit to allow construction of a 10,000-square-foot storage building on the Minnetonka Public Works site located at 11522 Minnetonka Boulevard.

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

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

Knight asked if the project would implement technology to provide energy efficiency.

Minnetonka Streets and Parks Operations Manager Darin Ellingson, representing the applicant, stated that LED light bulbs would be used. The building would be pretty basic and used for storage of off-season equipment.

The public hearing was opened.

Todd Werner, 3012 Cedar Crossing, stated that he commended Gordon for listening to the neighbors and installing the fence and trees. The trees and fence would improve the view and help with noise mitigation from the site. He appreciated Gordon listening to him on that issue.

No testimony was submitted and the hearing was closed.

Calvert pointed out an incorrect date in the report.

Odland moved, second by Powers, to recommend that the city council adopt the resolution to allow construction of a 10,000-square-foot storage building on the Minnetonka Public Works site located at 11522 Minnetonka Boulevard.

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

This item is scheduled to be reviewed by the city council on February 6, 2017.

B. Aggregate side yard, shoreland, and wetland setback variances to construct a second-story addition at 3153 Lake Shore Boulevard.

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

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

Dan Hayes, applicant, was available for questions and hoped that the request would be approved.

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

Odland moved, second by Calvert, to adopt the resolution approving aggregate side yard, shoreland, and wetland setback variances to construct a second story addition at 3153 Lake Shore Boulevard.

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

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

C. Variances to allow construction of three home additions at 17008 Grays Bay Boulevard.

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

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

Knight noted that the side yard setback for the living room side of the house already has a variance. Ingvalson explained that the structure is currently 1.38 feet from the property line. The proposed addition would be 3.86 feet from the property line. The side setback requirement for a small lot is 9 feet.

Rick Van Fossen, of Krech Exteriors, applicant, appreciated everyone's time and Ingvalson for working with him. The proposal would provide the owner with more space, update the home, and make the space flow better from room to room. The family loves the location, but needs more space and the 1986 kitchen needs updating. There is no basement. The proposal would keep the integrity of the neighborhood. Most surrounding houses are larger and have been updated. He appreciated the consideration.

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

Calvert confirmed with Ingvalson that a fence is located in the proposed shed's location and that a fence is allowed in a floodplain setback.

Knight visited the site and thought that the proposed shed would be fine. He was concerned that the living room addition would bring the house too close to the neighboring house.

Calvert was concerned with encroaching on the floodplain. Dietrich explained that the proposal would not extend into the floodplain, but would extend into the floodplain-setback requirement. The reason for the floodplain setback is primarily for structure protection, but the two-foot floor elevation would provide sufficient protection.

In response to Knight's question, Ingvalson explained that the proposed additions would not be taller than the current structure. The proposed additions would meet height requirements.

O'Connell moved, second by Odland, to adopt the resolution approving side yard floodplain variances for the northeast (living room) and northwest (kitchen) additions and denying a variance for the southeast (shed) addition at 17008 Grays Bay Boulevard with modifications provided in the change memo dated January 19, 2017.

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

Knight moved, second by O'Connell, to adopt the resolution approving side yard floodplain variances for the northeast, northwest and southeast additions at 17008 Grays Bay Boulevard with a modification provided in the

change memo dated January 19, 2017 and with the condition that the amount of impervious surface for the site not be increased.

Ingvalson explained that if the variance for the shed, the southeast addition, would be approved, then floodplain and shed location variances would also have to be included in the proposal.

Calvert thought that the shed would integrate well into the design. The proposed location would be less disruptive to the environment than putting it in the backyard. The shed would look like part of the house. The shed does not bother her.

Chair Kirk thought it might look deceiving because the property on the south side is vacant. The proposed living room setback would actually decrease the existing setback of the house.

Calvert shared the concern that the proposed living room addition would be in such close proximity to the neighboring house, but the neighbor did not provide a comment. She noted that the proposed shed location already has a fence.

Powers noted that even though the living-room variance would decrease the setback, the proposed addition would be closer to a different part of the neighbor's house.

Chair Kirk acknowledged that the neighborhood falls into a unique category with dwellings very close to each other.

Calvert supported a condition for approval of the proposed shed addition that would prevent an increase in the site's impervious surface total unless that amount would be mitigated by an increase in the site's amount of pervious surface.

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

O'Connell moved, second by Knight, to adopt the resolution approving side yard floodplain variances for the northeast addition (living room) at 17008 Grays Bay Boulevard with a modification provided in the change memo dated January 19, 2017.

Calvert, Knight, O'Connell, Odland, and Kirk voted yes. Powers voted no. Motion carried.

Powers moved, second by Odland, to adopt the resolution approving a side yard floodplain variance for the northwest addition (kitchen) at 17008 Grays Bay Boulevard with a modification provided in the change memo dated January 19, 2017.

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

Knight moved, second by Calvert, to adopt the resolution approving a variance for the southeast addition (the shed) at 17008 Grays Bay Boulevard with a modification provided in the change memo dated January 19, 2017.

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

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

D. Preliminary plat for Wilson Ridge 6th Addition, a three-lot subdivision of existing properties at 4316 and 4328 Wilson Street.

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.

Shaun Hendrickson, owner of 4328 Wilson Street and applicant, stated that he was available for questions.

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

Odland moved, second by Calvert, to recommend that the city council adopt the resolution approving the preliminary plat of Wilson Ridge 6th Addition, a three-lot residential subdivision at 4316 and 4328 Wilson Street.

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

This item is scheduled to be reviewed by the city council on February 6, 2017.

9. Adjournment

***Knight moved, second by Odland, to adjourn the meeting at 7:45 p.m.
Motion carried unanimously.***

By: _____
Lois T. Mason
Planning Secretary

MINNETONKA PLANNING COMMISSION
February 2, 2017

Brief Description	Preliminary and final plats for a two-lot subdivision at 3900 Cottage Lane.
Recommendation	Recommend the city council adopt the resolution approving the plats.

Introduction

Shadow Investments, represented by Nick Shermeta, is proposing to divide the existing property at 3900 Cottage Lane into two single-family lots. The existing home would be removed and two new homes would be constructed.

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 1.1-acre subject property was created in 1941 as part of the Orchard Knobs plat. The existing, roughly 1,800 square foot home was constructed in 1948. The home is generally located at the highest point of the lot, with grade falling noticeable downward from the home to Cottage Lane. The lot contains 13 mature trees.
- **Proposed Lots.** The applicant is proposing to divide the property into two lots, both of which would be over 22,000 square feet in size.
- **Site impacts.** As proposed, grading would occur to remove the existing drive and home, construct new driveways and homes, and install required utilities and stormwater management facilities. This general grading would result in removal of, or substantial impact to, three of the site's high-priority trees.

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 subdivision and staff's findings.

- **Are the proposed lot sizes and configurations appropriate?**

Yes. The proposed lots would exceed all minimum size and dimension standards as required by city code.

	Area		Width		Average Depth
	Total	Buildable	Setback	Right-of-way	
Required	22,000 sq.ft.	3,500 sq.ft.	110 ft	80 ft	125 ft
Lot 1	22,040 sq.ft.	8,730 sq.ft.	155 ft	160 ft	165 ft
Lot 2	26,280 sq.ft.	12,835 sq.ft.	115 ft	115 ft	235 ft

All numbers rounded down to nearest 5 ft or 5 sq.ft.

- **Are the anticipated site impacts reasonable?**

Yes. The proposed subdivision has been evaluated for conformance with the city's natural resource ordinances, including the tree protection and steep slope ordinances. These ordinances attempt to balance the community benefit of preserving natural resources with private development rights.

Trees. Under the tree ordinance, no more than 35% of a site's high-priority trees may be removed or impacted during development. The subject property contains 11 high-priority trees and 1 significant tree. The proposed subdivision and resulting construction would result in removal of, or substantial damage to, three high-priority trees. This level of removal/damage would meet the standards of the tree protection ordinance.

Trees	Existing	Impacted or Removed
High-Priority	11	3 trees or 27%
Significant	1	0 trees or 0%
TOTAL	12	3 trees or 25%

Steep Slope. By code definition, a "steep slope" is one that: (1) rises at least 25 feet; (2) has an average grade change of at least 20%; and (3) has a width of at least 100 feet. While there is a noticeable slope between Cottage Lane the existing home, the change in grade is just 12 feet. As such, the area is not considered a "steep slope."

Staff Recommendation

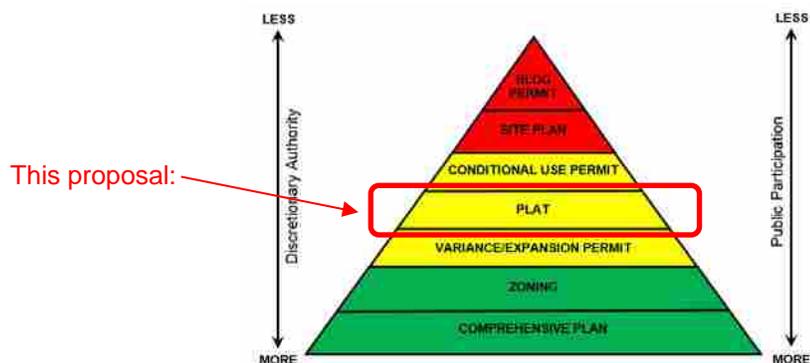
Recommend the city council adopt the resolution approving the preliminary and final plats for a two-lot subdivision at 3900 Cottage Lane.

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

Supporting Information

Surrounding Uses	The subject property is surrounded by single-family residential lots.
Planning	Guide Plan designation: low-density residential Existing Zoning: R-1, low-density residential
Grading	Grading would occur to remove an existing driveway, construct new driveways and homes, and install required utilities and stormwater management practices. The general grading plan submitted suggests that grading would primarily involve excavation adjacent to Cottage lane. Specific grading plans would be reviewed in conjunction with building permit applications for each lot.
Stormwater	Under the city's stormwater rule, stormwater management must be provided for each individual home. Stormwater facilities, such as rain gardens, must control for runoff rate, volume and quality. As a condition of approval, specific stormwater plans must be submitted for staff review and approval in conjunction with building permit applications for each lot.
Utilities	Public water and sanitary sewer facilities are available to the site from Cottage Lane.
Outside Agencies	The applicant's proposal has been submitted to various outside agencies for review, including Minnehaha Creek Watershed District.

Pyramid of Discretion



Motion Options

The planning commission has three options:

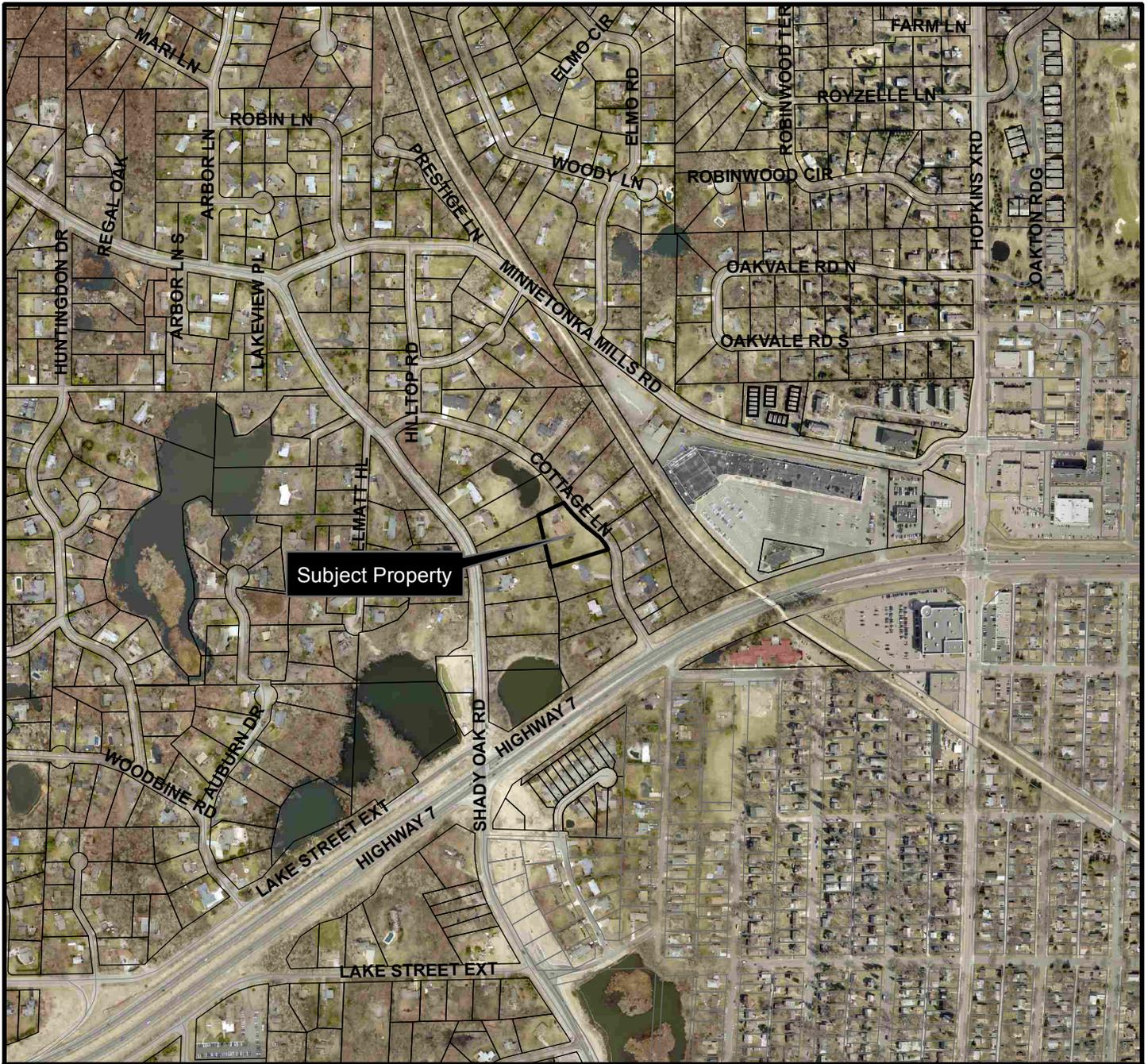
1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the plats.

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

Voting Requirement The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council's final approval requires an affirmative vote of a simple majority.

Neighborhood Comment The city sent notices to 60 area property owners and has received no comments to date.

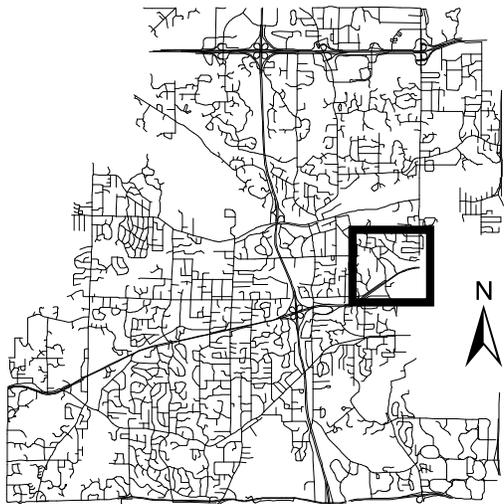
Deadline for Action April 10, 2017



Subject Property

Location Map

Project: Shadow Investments
 Address: 3900 Cottage Ln
 Project No. 16037.16a



This map is for illustrative purposes only.

LEGAL DESCRIPTION:

Lot 8, Orchard Knobs.

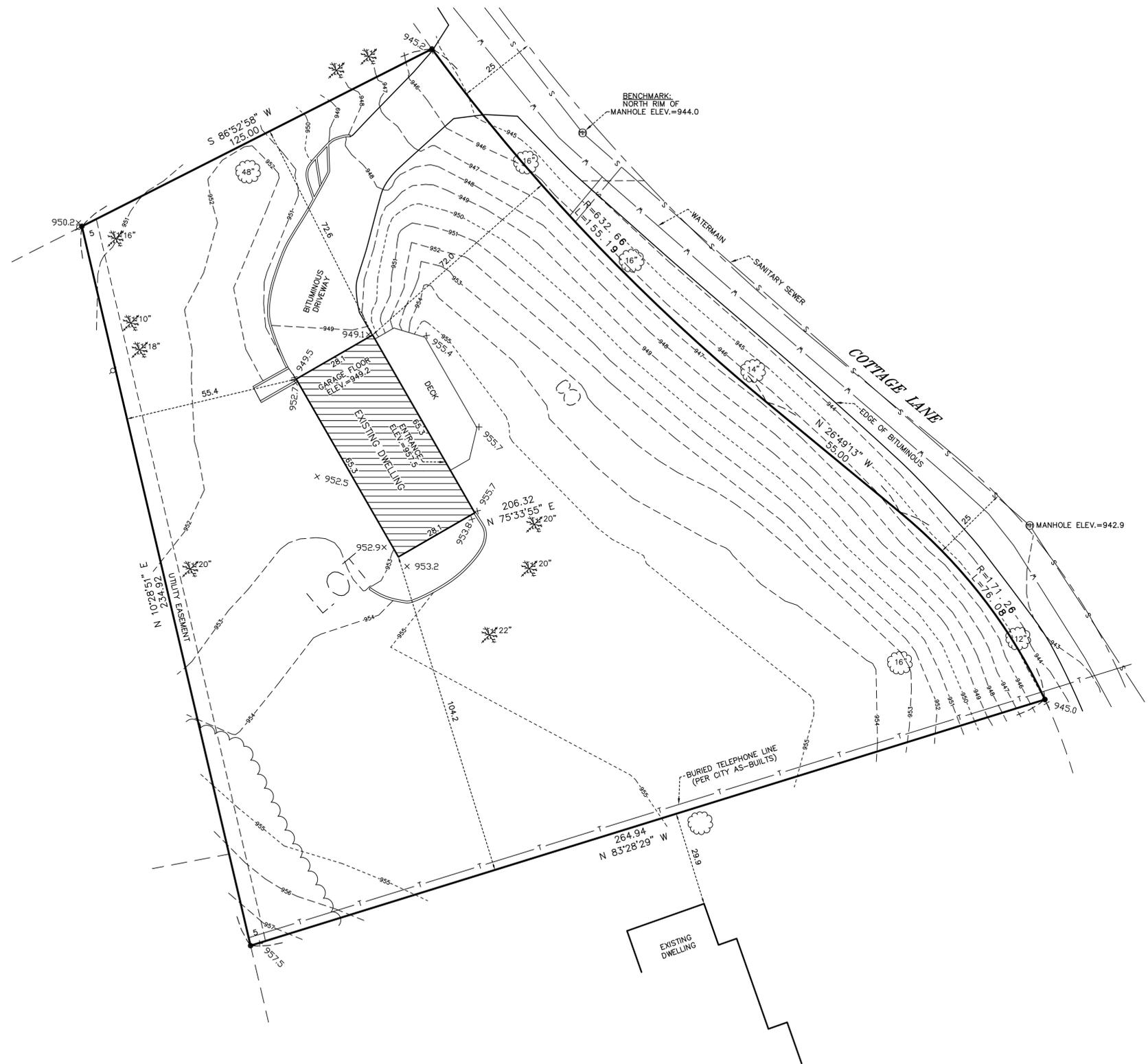
Subject to easement contained in the Deed Document No. 192099 as shown in Deed Doc. No. 217217; (See Directive Doc. No. T5399438)

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. Existing building dimensions and setbacks measured to outside of siding or stucco.
5. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
6. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, found, unless otherwise noted.



DATE	REVISION DESCRIPTION	DRAWING ORIENTATION & SCALE	CLIENT/JOB ADDRESS	ADVANCE SURVEYING & ENGINEERING, CO.	I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.	SURVEYED DATE:	SHEET TITLE	SHEET NO.
			<p>NICK SHERMETA</p> <p>3900 COTTAGE LANE MINNETONKA, MN</p>	<p>Advance Surveying & Engineering, Co.</p> <p>17917 Highway No. 7 Minnetonka, Minnesota 55345 Phone (952) 474-7964 Web: www.advsur.com</p>	<p>Wayne W. Preuks #43503 LICENSE NO. DECEMBER 13, 2016 DATE</p>	DECEMBER 8, 2016	EXISTING SURVEY	<p>S1</p>
						DRAFTED DATE:	SHEET SIZE: 22 X 34	
						DECEMBER 12, 2016	DRAWING NUMBER	
							161151 WP	

LEGAL DESCRIPTION:

Lot 8, Orchard Knobs.

Subject to easement contained with the Deed Document No. 192099 as shown in Deed Doc. No. 217217; (See Directive Doc. No. T5399438)

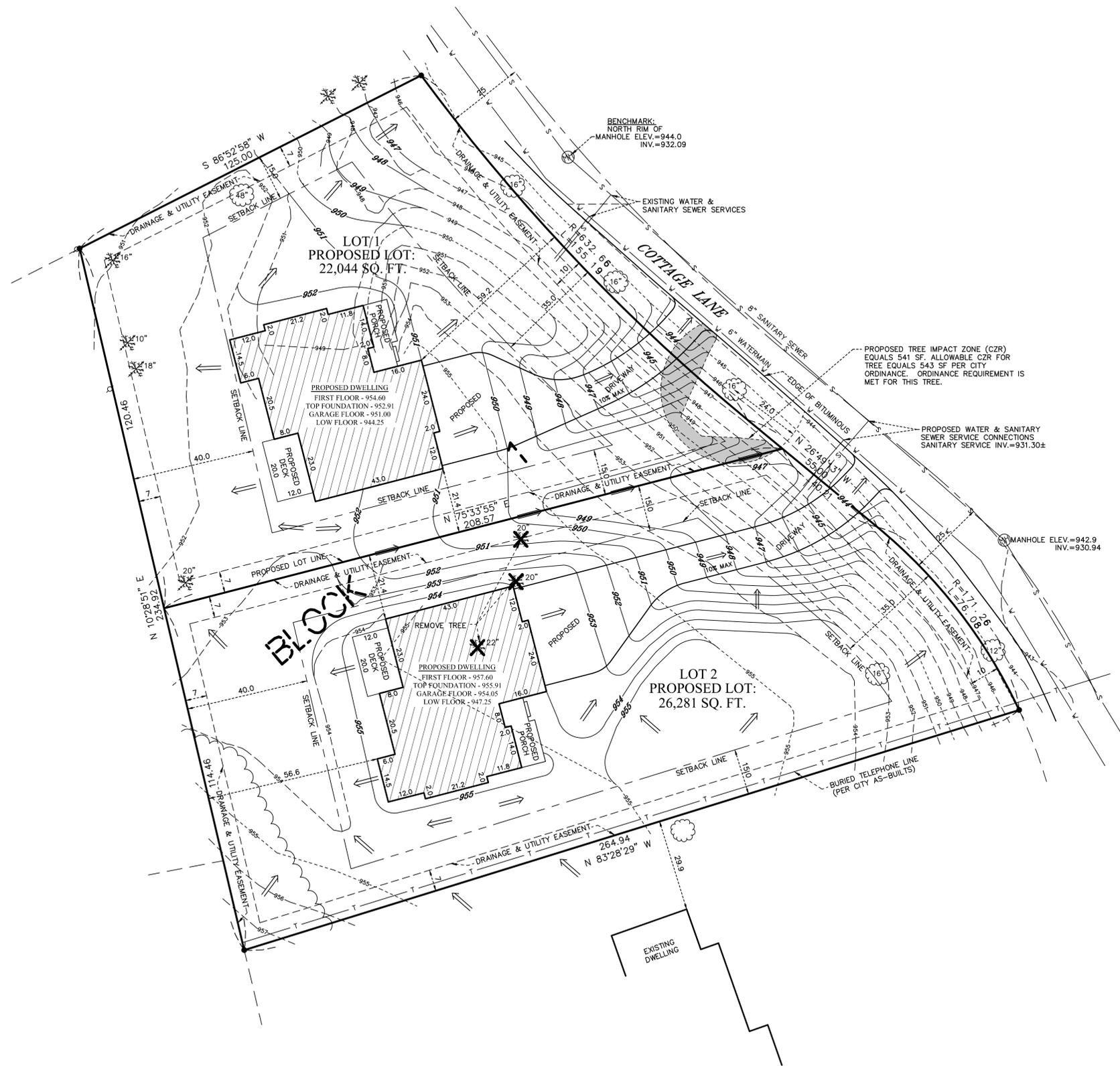
SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. Existing building dimensions and setbacks measured to outside of siding or stucco.
5. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
6. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
7. While we have shown the proposed dwellings per the current zoning regulations (which should be verified with the city), in the past there have been "Protective Restrictions" for the plat of Orchard Knobs that may apply and may have implications on any future improvements. If there is any concern or confusion regarding if said restrictions still apply, we suggest you review this preliminary plat and said restrictions with the city and/or legal counsel before proceeding.

STANDARD SYMBOLS & CONVENTIONS:

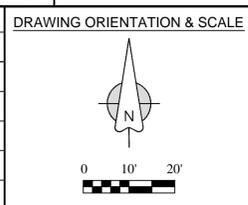
"●" Denotes iron survey marker, found, unless otherwise noted.

PRELIMINARY PLAT: SHADOW INVESTMENTS



LEGEND	
EXISTING CONTOUR	--- 925 ---
PROPOSED CONTOUR	— 925 —
DRAINAGE ARROW - FLOW	⇒
TREE REMOVAL	✕

DATE	REVISION DESCRIPTION
01/06/17	TO ADJUST PROPOSED LOT LINE & GRADING



CLIENT/JOB ADDRESS

NICK SHERMETA

3900 COTTAGE LANE
MINNETONKA, MN

Advance
Surveying & Engineering, Co.

17917 Highway No. 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com

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 CIVIL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Joshua S. Rinke
Joshua S. Rinke
#52716
LICENSE NO.
DECEMBER 14, 2016
DATE

SURVEYED DATE:	DECEMBER 8, 2016
DRAFTED DATE:	DECEMBER 14, 2016

SHEET TITLE	PRELIMINARY PLAT
SHEET SIZE:	22 X 34
DRAWING NUMBER	# 161151 JR

SHEET NO.

S1

SHEET 1 OF 1

Resolution No. 2017-

Resolution approving preliminary and final plats of a two-lot subdivision at 3900 Cottage Lane

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

Section 1. Background.

- 1.01 Shadow Investments has requested preliminary and final plat approval for a two-lot residential subdivision.
- 1.02 The property is located at 3900 Cottage lane. It is legally described as: Lot 8, Orchard Knobs.
- 1.03 On February 2, 2017, 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 and final plat approval.

Section 2. General Standards.

- 2.01 City Code §400.030 outlines general design standards for residential subdivisions. These standards are incorporated by reference into this resolution.

Section 3. Findings.

- 3.01 The proposed plats meet the design standards as outlined in City Code §400.030.

Section 4. Council Action.

4.01 The above-described preliminary and final plats are hereby approved, subject to the following conditions:

1. Prior to release of the final plat for recording submit the following:
 - a) Final plat drawing. The final plat must:
 - 1) Include a final plat name.
 - 2) Clearly illustrate all existing and proposed easements, including:
 - a. The existing 5-foot easement along the rear lot line, with document number.
 - b. A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
 - b) Title evidence that is current within thirty days before release of the final plat for review and approval of the city attorney.
 - c) Two sets of mylars for city signatures.
 - d) An electronic CAD file of the plat in microstation or DXF.
 - e) Park dedication fee of \$5,000.
2. Subject to staff approval, the subdivision must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
 - Preliminary Plat, drafted date December 14, 2016
3. Prior to issuance of a building permit for the first new house within the subdivision, submit a letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
4. Prior to issuance of a building permit for either of the lots within the subdivision:

- a) Submit the following items for staff review and approval:
 - 1) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance.
 - 2) Stormwater management plan. The plan must control for runoff rate, volume and quality.
 - 3) Final grading and tree preservation plan. The plan must:
 - a. Be in substantial conformance with preliminary plat drafted date December 14, 2016. No more than three high-priority trees may be removed from the combined site.
 - b. Show sewer and water services to minimize impact to any significant or high-priority trees.
 - 3) A tree mitigation plan. The plan must meet minimum mitigation requirements as outline in ordinance. However, at the sole discretion of staff, mitigation may be decreased.
 - 4) 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.
- b) 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.
- c) Submit all required hook-up fees.
5. All lots and structures within the development are subject to the all R-1 zoning standards. In addition:
- a) Water services for new homes must be 1.5 inch type K copper.
 - b) Sewer service for new homes must be 6 inch. Cut in wye.
 - c) A full width street patch will be required upon completion of service installation.
 - d) Lots 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.
6. During construction, the streets must be kept free of debris and
7. This approval will expire on March 6, 2018 unless either: (1) the final plat has been filed; or (2) the city has approved a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on March 6, 2017.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on March 6, 2017.

David E. Maeda, City Clerk

MINNETONKA PLANNING COMMISSION
February 2, 2017

Brief Description Conditional use permit and parking variance for a medical clinic at 10653 Wayzata Boulevard

Recommendation Recommend the city council approve the request

Proposal A future tenant of the subject building, Odom Health and Wellness, is proposing to expand an existing clinic area within the existing building. There is currently an approved conditional use permit for this clinic. However, the Odom Health and Wellness proposal would expanded medical clinic to 3,800 square feet in size. There would be no exterior changes to the site or building.

Proposal Requirements

The proposal requires:

- Conditional use permit: The property is zoned PID/Planned I-394 District. Medical clinics are a conditional use in this zoning district. Therefore, a conditional use permit is required.
- Variance: The property is currently under-parked and the expansion of the medical office area would increase the parking non-conformity.

Approving Body

The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request. (City Code §300.06 Subd. 4).

Staff Analysis Staff finds that the applicant’s proposal is reasonable and would meet the conditional use permit standards (general and specific) outlined in the zoning ordinance.

Staff finds that the proposal meets the general conditional use permit standards, as the use:

- 1) Is consistent with the intent of the ordinance;

Finding: Medical clinics are a conditionally permitted use within the Planned I-394 District (PID).

- 2) Is consistent with the goals, policies and objectives of the comprehensive plan;

Finding: The use is consistent with the goals, policies and objectives of the comprehensive plan. The subject site is guided for office use. Medical clinic uses are consistent with the uses within this land use category.

- 3) Does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

Finding: The proposal has been reviewed by the city's building, engineering, planning, natural resource, and fire staff. It is not anticipated to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

- 4) Is consistent with the city's water resources management plan;

Finding: The use is consistent with the city's water resources management plan. No exterior additions are being proposed to the property at this time.

- 5) Is in compliance with the performance standards specified in §300.28 of the ordinance; and

Finding: The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building. With the exception of the parking variance to allow a reduction of parking, the proposal would meet the standards outlined.

- 6) Does not have an undue adverse impact on the public health, safety or welfare.

Finding: The use is not anticipated to have an undue adverse impact on the public health, safety or welfare.

Staff finds that the proposal meets the specific conditional use permit standards, as the use:

- 1) Shall not be adjacent to low density residential areas;

Finding: All of the surrounding land uses are office and medical uses, and all of the surrounding properties are guided for office use in the comprehensive plan. The site is not adjacent to any low-density residential properties.

- 2) Shall have direct access from the site to a collector or arterial street as defined in the comprehensive plan;

Finding: The site has direct access from Wayzata Boulevard, which is defined as an arterial street in the comprehensive plan.

- 3) Shall not have emergency vehicle access adjacent to or located across a street from any residential use; and

Finding: The proposed medical use is a sports medicine and health clinic. It is not anticipated that the use would require emergency vehicle access. Additionally, the site access locations are not located adjacent to or across the street from any residential use properties.

- 4) May be required to submit a detailed parking analysis for uses exceeding 10,000 square feet. Additional parking may be required based on this analysis.

Finding: The proposed clinic would be 3,800 square feet in size and would only be a 300 square foot expansion from the previously approved clinic area, so a detailed parking study was not required. In 2014, the applicant submitted parking utilization information covering a one week period in January. At this time, a chiropractic clinic was operating in the building. The observation noted that a maximum number of 17 vehicles were parked in the 58-stall parking lot. Per city ordinance, the expansion of the medical clinic would require the site to have a total of 68 parking spaces. Staff finds that there is adequate parking available to meet the increased parking need that would result from the expanded medical clinic. Nevertheless, staff has created a proof-of-parking plan indicating how ten additional parking stalls, resulting in the required 68 stalls, could be constructed if needed in the future. (See attached).

Staff finds that parking demand could be accommodated.

- 1) Based on parking analysis in the Institute of Transportation Engineers (ITE) Parking Generation manual, the office and clinic building uses would require an average peak period

parking demand of 50 parking spaces. Staff finds that the proposed parking variance would meet the intent of the ordinance; the proposed use, based on the ITE study, would actually demand less parking than what is

- 2) The applicant submitted parking utilization information for a one week period in January 2014, which included operation of the chiropractor clinic. The observation noted that the maximum number of vehicles parked in the 58-stall parking lot was only 17 vehicles.
- 3) Staff has created a proof-of-parking plan indicating how ten additional parking stalls could be constructed
- 4) By city code, if warranted by unique characteristics, or documented parking demand for similar developments, or both, the city may allow reductions in the number of parking spaces actually constructed as long as the applicant provides a proof of future parking plan. The plan must show the location for all minimum required parking spaces in conformance with applicable setback requirements. The city may require installation of the additional parking spaces whenever the need arises.

Staff Recommendation

Recommend that the city council adopt the resolution which approves a conditional use permit for a medical clinic at 10653 Wayzata Boulevard.

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

Supporting Information

Project No.	98054.17a
Property	10653 Wayzata Blvd.
Applicant	Steve Kowalke, Odom Health & Wellness
Surrounding Land Uses	North: Wayzata Boulevard and Highway I-394 South: Office building, zoned PID and guided for office use East: Office building, zoned PID and guided for office use West: Medical office building, zoned PID and guided for office use
Planning	Guide Plan designation: Office Zoning: PID/Planned I-394 District
Site Features	The site is located on Wayzata Boulevard, just east of Archwood Road. The site is 1.7 acres in size and contains a 2-story, 15,200 square foot office building which was constructed in 2004.
History	<p>In 2003, the city approved a site and building plan for a two-story building on the subject property.</p> <p>In January 2013, the city received a building permit application for a chiropractor clinic within the office building. By city code, medical clinics over 2,000 square feet in size are conditionally permitted uses. A medical clinic that is 2,000 square feet or less in size is considered a standard office use, which is a permitted use in the PID zoning district. Since the building permit was for a 2,000 square foot clinic, the city issued the permit.</p> <p>In February 2014, the city received a request to expand the medical clinic to 3,500 square feet in size, requiring a conditional use permit. The increase in medical clinic space increased the parking requirement for the site. Staff did not require additional parking to be constructed due to proof-of-parking and parking utilization information.</p>
Proposed Clinic	<p>The clinic is proposing to move to the Mill City Credit Union building from their current location across I-394 (10500 Wayzata Boulevard). The clinic plans to expand into adjacent vacant office space. The clinic provides various services including:</p> <ul style="list-style-type: none">• sports medicine;• physical therapy;

- massage therapy;
- nutrition;
- personal training; and
- other wellness services.

All of the proposed construction for the expansion would be internal, and there would be no changes to the exterior of the site. (See attached).

Medical Clinic Expansion

Based on plans submitted, it appears that the proposed medical clinic expansion consists of adding a small closet to the space. However, the area numbers the previously approved for the medical clinic (3,490 square feet) and proposed for the future medical clinic (3,790 square feet) vary significantly. It is likely that the calculations completed for the 2014 conditional use permit were done incorrectly and the space was actually larger than proposed. Due to this discrepancy, staff is proceeding with the conditional use permit for a 3,800 square foot medical clinic.

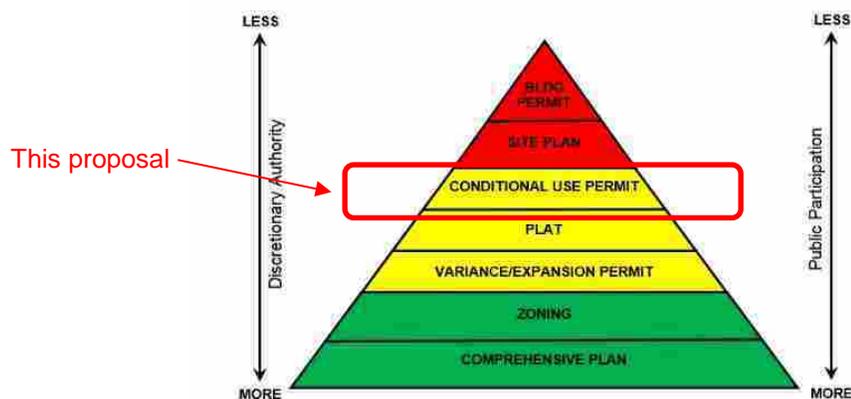
Parking

In 2014, the subject property was granted a conditional use permit for a medical clinic. The property needed additional parking stalls to meet parking ordinance requirements. As a part of this request, the applicant provided parking utilization information from a one week period in January 2014 (which included operation of a chiropractor clinic, see attached) and a proof-of-parking document. In turn, the city added a condition that required that these stalls be installed if there was a demonstrated need for additional parking.

The subject site currently has 58 parking spaces. As proposed, city parking ordinance would require that the site have 68 parking spaces. However, a generation study completed by the Institute of Transportation Engineers (ITE) in 2004 demonstrates that the uses on the site would require only 50 parking spaces to meet the parking demand. Additionally, the January 2014 parking utilization review showed that the maximum number of cars parked in the 58-stall parking lot was 17. Due to these findings, staff has found it reasonable for the applicant to request a parking variance, subject to conditions.

Staff has drafted a proof-of-parking plan for the subject site and added a condition of approval that allows the city to require installation of the ten proof-of-parking spaces if there is a demonstrated need for additional parking. Additional parking must meet all zoning code requirements.

Pyramid of Discretion



Motion Options

The planning commission has three options:

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

Voting Requirement

The planning commission will make a recommendation to the city council on the applicant's proposal. A recommendation for approval requires an affirmative vote of four members.

The city council's final approval requires affirmative votes of a simple majority.

Neighborhood Comments

The city sent notices to 29 area property owners and received no comments.

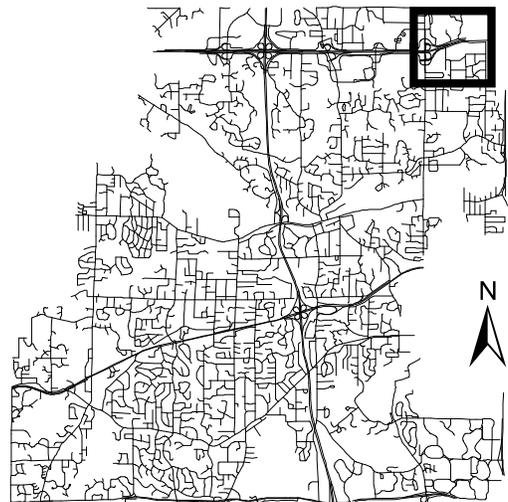
Deadline for Decision

April 24, 2017



Location Map

Project: Odom Health & Wellness
Address: 10653 Wayzata Blvd
Project No. 98054.17a



This map is for illustrative purposes only.



MILL CITY CREDIT UNION



ATTACHMENT A1

1-30-14

Narrative for Minnetonka Conditional Use Permit

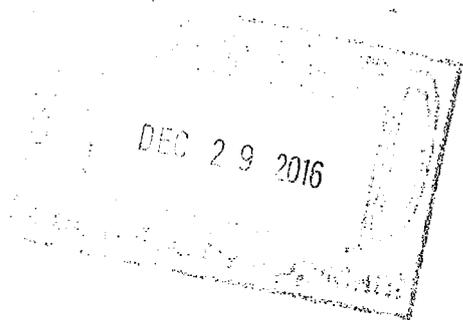
Re: Voyager Bank Building / Interventional Pain Clinic Expansion

We would like to propose a conditional use permit regarding the expansion of the Interventional Pain Clinic at the Voyagers National Bank building and have the existing parking spaces to remain as is. The use of the parking areas have not been fully utilized for the existing tenants since the building was constructed in 2004 and it is not expected to change with the addition of the new clinic. The building currently has 60 parking spaces which more than meets the requirements for the existing business occupancy. The new expansion of the clinic changes the quantity of parking spaces based on the Parking and Loading Requirements of the City of Minnetonka Ordinances. This change is based on the interpretation that the existing Chiropractic clinic 2028 USF and the new Clinic 1,462USF would be assessed as a medical use and would change the parking load factor from 1/250 sf to 1/175 sf. This interpretation would change the parking needs from 60 existing spaces by adding 4 additional stalls for a total of 64 spaces.

A parking study has been completed and has covered the peak times that customers/tenants use this facility during the late morning and early afternoon. This parking study has confirmed that the existing vehicle parking never reaches its full capacity, even during the peak hours of late morning and early afternoon when the parking is only 20% -30% utilized. We also believe that seasonal changes would not significantly impact the total load for the Voyager National Bank Building.

PARKING STUDY

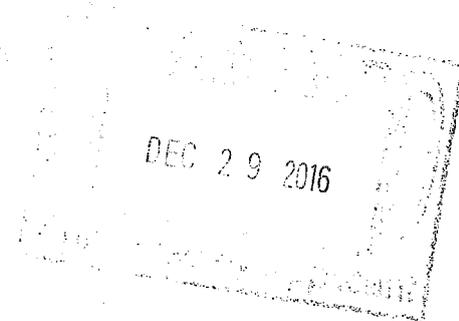
Thursday (1-23-14, @10:30 am)	17 vehicles / 60 spaces
Thursday (1-23-14 @ 2:30 pm)	11 vehicles / 60 spaces
Friday (1-24-14, @ 10:30am)	9 vehicles / 60 spaces
Friday (1-24-14 @ 2:30pm)	10 vehicles / 60 spaces
Monday (1-27-14, @ 10:10am)	14 vehicles / 60 spaces
Tuesday (1-28-14, @10:45am)	15 vehicles / 60 spaces
Wednesday (1-29-14, @ 11:00am)	17vehicles / 60 spaces
<hr/>	
Average daily vehicle census	13 vehicles / 60 spaces



This parking study clearly illustrates that the current parking spaces more than accommodate the current tenants of the building and the proposed expansion of the Interventional Pain Clinic. The existing office space that the clinic is expanding into currently has 5 offices. Assuming that each office would have 1 vehicle for each office would equal a total of five vehicles / day. The new clinic expansion would average 3 vehicles per procedure throughout the course of the day and is less than the current use of this space. The existing 60 parking spaces should also be able to easily accommodate the overlap of typical clinical appointments.

The existing Chiropractic Clinic has provided information on the number of patients that visit the clinic on a daily basis. These numbers have assumed that patients, guests or family members utilized one vehicle during their visit. The average numbers of patients that visit the existing chiropractic clinic range from 4 to 24 visits per day and these numbers vary greatly depending on whether procedures are being performed on that day. The new clinic will perform procedures two days / week and will average the same mix of patients that they currently see each day. The total number of patient load and building occupants should easily be accommodated by the existing parking which has been confirmed by the observations conducted during the parking study.

We have prepared a Proof of Parking Plan that indicates (4) additional parking spaces that could be added in the future. This would bring the parking capacity to a total of 64 spaces. We believe the best use of this property however, is to preserve it as green space which can be enjoyed by the building occupants and help buffer the hardscape parking from the building. We also believe that no additional parking spaces will be needed by this proposed interior project or by the existing or future building tenants.



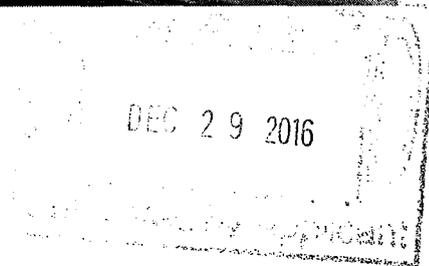
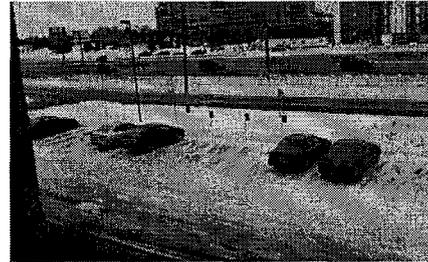
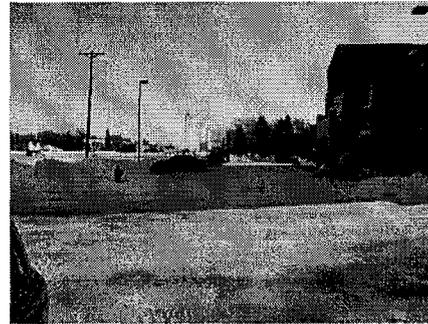
ATTACHMENT A1

1-30-14

Narrative for Minnetonka Conditional Use Permit

Re: Voyager Bank Building / Interventional Pain Clinic Expansion

IMAGES OF PARKING STUDY



December 29, 2016

Conditional Use Permit Application

City of Minnetonka

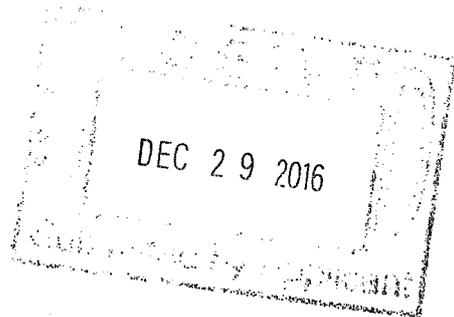
Property Address: 10653 Wayzata Blvd Minnetonka MN 55305

Parcel ID Number: 01-117-22-24-0005

Odom Sports Medicine, PA /dba/ Odom Health and Wellness (OHW) is requesting a Conditional Use Permit for the above referenced property. OHW is a clinic which provides physician directed Health and Wellness Services: Sports Medicine, Physical Therapy, Massage Therapy, Nutrition, Personal Training, and other wellness services. Currently, the clinic is located almost directly across 394 at 10500 Wayzata Blvd, and has been at that location since 2003. The purpose for the move is to accommodate growth in patient visits. The projected hours of operation will be Monday-Friday 6 a.m. to 8 p.m., Saturdays 6 a.m. to 6 p.m.

The proposed layout on the second floor of the building is presented below, and is similar to the Interventional Pain Clinic design for which a Conditional Use Permit was issued by the City of Minnetonka for the same site on February 27, 2014 (Attachment A).

The OHW plan incorporates a footprint of approximately 3790 USF on the second floor of the Mill City Bank Building.



Resolution No. 2017-

Resolution approving a conditional use permit for a medical clinic at 10653 Wayzata Boulevard

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

Section 1. Background.

- 1.01 Steve Kowalke, Odom Health & Wellness, has requested a conditional use permit for a 3,800 square foot medical clinic. (Project 98054.17a)
- 1.02 The property is located at 10653 Wayzata Blvd. It is legally described as:

Lot 1, Block 2, Colonial Oaks
- 1.03 In 2014, the city approved a conditional use permit for a medical clinic on the subject property. The subject proposal is an expansion of this approved request.
- 1.04 On February 2, 2017, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. General CUP Standards.

- 2.01 City Code §300.21 Subd. 2 lists the following general standards that must be met for granting a conditional use permit:
 - 1. The use is consistent with the intent of the ordinance;

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

Section 3. Specific CUP Standards.

3.01 City Code §300.31 Subd. 4(b)(2)(d) lists the following specific standards that must be met for granting a conditional use permit for hospitals and medical clinics uses:

1. Shall not be adjacent to low density residential areas;
2. Shall have direct access from the site to a collector or arterial street as defined in the comprehensive plan;
3. Shall not have emergency vehicle access adjacent to or located across a street from any residential use; and
4. May be required to submit a detailed parking analysis for uses exceeding 10,000 square feet. Additional parking may be required based on this analysis.

Section 4. General CUP Findings.

4.01 The proposal meets the general conditional use permit standards.

1. Medical clinics are a conditionally permitted use within the Planned I-394 District (PID).
2. The use is consistent with the goals, policies and objectives of the comprehensive plan. The subject site is guided for office use. Medical clinic uses are consistent with the uses within this land use category.

3. The proposal has been reviewed by the city's building, engineering, planning, natural resource, and fire staff. It is not anticipated to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.
4. The use is consistent with the city's water resources management plan. No exterior additions are being proposed to the property at this time.
5. The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building.
6. The use is not anticipated to have an undue adverse impact on the public health, safety or welfare.

Section 5. Specific CUP Findings.

5.01 The proposal meets the conditional use permit standards.

1. All of the surrounding land uses are office and medical uses and all of the surrounding properties are guided for office use in the comprehensive plan. The site is not adjacent to any low density residential properties.
2. The site has direct access from Wayzata Boulevard, which is defined as an arterial street in the comprehensive plan.
3. The proposed medical use is a sports medicine and health clinic. It is not anticipated that the use would require emergency vehicle access. Additionally, the site access locations are not located adjacent to or across the street from any residential use properties.
4. The proposed clinic would be 3,800 square feet in size and would only be a 300 square foot expansion from the previously approved clinic area, so a detailed parking study was not required. In 2014, the applicant submitted parking utilization information for a one week period in January, which included operation of a chiropractor clinic. The observation noted that the maximum number of cars parked in the 58-stall parking lot was 17 vehicles. Per city ordinance, the expansion of the medical clinic would require the site to have a total of 68 parking spaces. However, based on this previous information that there is adequate parking available to meet the increased

parking need that would result from the expanded medical clinic. In addition, staff has created a proof-of-parking plan indicating how ten additional parking stalls could be constructed if needed in the future.

Section 6. City Council Action.

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

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the floor plan dated December 29, 2016.
2. The building must comply with all requirements of the Minnesota state building code, fire code, and health code and appropriate permits must be obtained.
3. Sign permits are required for any exterior signs.
4. This resolution must be recorded with Hennepin County prior to the issuance of a building permit.
5. The city may require installation of proof-of-parking spaces if there is a demonstrated need for additional parking. Additional parking must meet all zoning code requirements.
6. The city council may reasonably add or revise conditions to address any future unforeseen problems.
7. Any change to the approved use that results in a significant increase in traffic, parking or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on February 27, 2017.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on February 27, 2017.

David E. Maeda, City Clerk

Seal

MINNETONKA PLANNING COMMISSION
February 2, 2017

Brief Description Variance to allow two wall signs on a single building elevation at 10653 Wayzata Boulevard.

Recommendation Adopt the resolution approving the variance.

Background

The Colonial Oaks subdivision was approved in 1973. The subject property's site and building plan was approved in 2004 without a sign covenant; the city's sign ordinance governs signage at the site. In 2015, the city approved a 56 square foot wall sign for the north building elevation (Mill City Credit Union). Previously, there was a 35 square foot wall sign on the east elevation (Voyager Bank). However, currently, there is no wall signage on the east elevation. Both of the wall signs on the north and east elevation met city ordinance.

Proposal

BTR Voyager I, LLC, is requesting a variance to add a second sign on the north elevation of the existing 2-story office building. The new sign would have a maximum letter height of 12 inches, a maximum logo height of 30 inches, and would be 40 square feet in area. (See attached.) When combined with the existing north elevation wall sign, the proposed wall signs would exceed the maximum number and graphic area allowed by city ordinance on the north elevation.

	Number of Signs	Area	Sign Height
Allowed	1 North Elevation, 1 East Elevation	50 square feet or 25 percent of building length, whichever is greater	24 inches (letters), 36 inches (logo)
Proposed	2 North Elevation*, 0 East Elevation	96 square feet and 39 percent of building length*	12 inches (letters), 30 inches (logo)

*requires variance

If the variance is approved, the applicant has agreed to not have any additional wall signage on the building with the exception of the two wall signs proposed with this request. This would prohibit any future wall signage on the east elevation, which is currently permitted.

Staff Analysis

Staff finds that the applicant's request meets the variance standards outlined in city code:

- **Reasonableness:** The requested variance is reasonable. It is reasonable to have two wall signs facing Wayzata Boulevard, an arterial street, in exchange for not having a wall sign facing Tonka Terrace, a local street. Constructing a second wall sign on the north elevation, instead of the east elevation, would establish better wayfinding to the subject property.

Additionally, if the signs were not on the same elevation, each sign would be compliant with city sign ordinances. It is only the combination of the signs onto one elevation that causes the wall signage to exceed allowable maximum number of signs and sign area requirements.

- **Unique Circumstance:** The subject property has two street frontages. By ordinance, two wall signs are allowed on the building, one on each frontage. The applicant is proposing two signs that would, individually, meet the sign ordinance. The proposal only requires a variance because two signs are proposed on the same building elevation. Though the site has two frontages, the north elevation, which faces Wayzata Boulevard, has significantly more visibility. Allowing a second sign on the north elevation would create easier wayfinding for those visiting the subject site in compared to the sign being located on the east elevation.
- **Neighborhood Character:** The majority of wall signage along Wayzata Boulevard is facing north. As such, approving the proposed variance would be consistent with the direction of wall signs along Wayzata Boulevard and would not alter the essential character of the neighborhood.

Staff recommendation

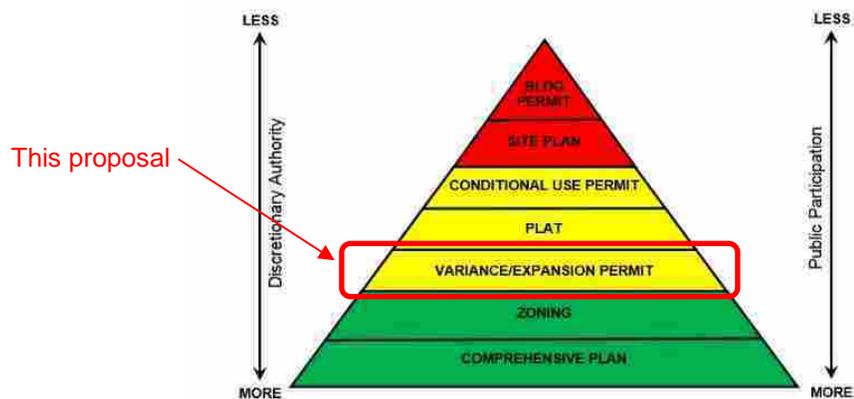
Adopt the resolution approving the variance to allow two wall signs on a single elevation at 10653 Wayzata Boulevard.

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

Supporting Information

Project No.	98054.17b
Property	10653 Wayzata Boulevard
Applicant	BTR Voyager I, LLC
Surrounding Land Uses	North: Highway I-394 South: Office building, zoned PID East: Medical office building, zoned PID West: Office building, zoned PID
Planning	Guide Plan designation: Office Zoning: PID, Planned I-394 District
Variance Standard	A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)

Pyramid of Discretion



- Motion options** The planning commission has the following motion options:
1. Concur with staff's recommendation. In this case, a motion should be made adopting the resolution approving the variance.
 2. Disagree with staff's recommendation. In this case, a motion should be made denying the request. 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.

Voting Requirement The planning commission action on the applicant's request is final subject to appeal. Approval requires the affirmative vote of five commissioners.

Appeals Any person aggrieved by the planning commission's decision about the requested variances 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.

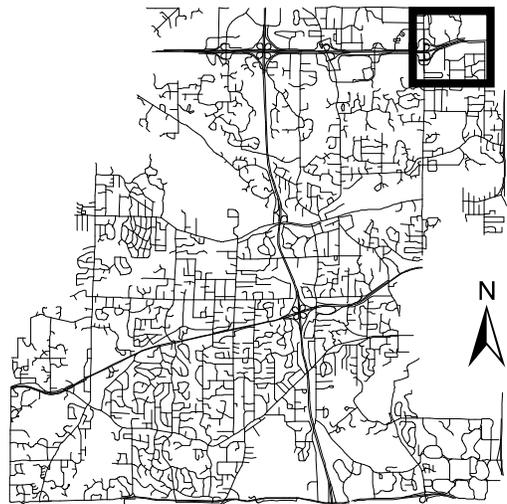
Neighborhood Comments The sent notice to 28 area property owners. No comments have been received to date.

Deadline for Decision April 24, 2017



Location Map

Project: BTR Voyager I
 Address: 10653 Wayzata Blvd #2504
 Project No. 98054.17b



This map is for illustrative purposes only.

KEYED SITE PLAN NOTES:

FOLLOW HANDICAP REGULATIONS AS PER CHAPTER 841, FOR THE MINNESOTA ACCESSIBILITY CODE

- 1 3 1/2" ASPHALT PAVING OVER 8" CLASS 5 AGGREGATE BASE - SEE SPECIFICATIONS 10" BASE IN ALL DRIVE LANES.
- 2 5" REINFORCED CONC. W/ #3 @ 12" O.C. OVER 6" CLASS 5 AGG. BASE WITH CONTROL JOINTS SHOWN
- 3 CONCRETE ISLANDS SEE 1/A12
- 4 4" REINFORCED CONCRETE SIDEWALK ON MIN. 4" COMPACTED SAND BASE - TYPICAL SIDEWALK FINISH IS BROOK FINISH WITH TRAVLED EDGES - SEE 6/A12
- 5 4" O.D. STEEL PIPE BOLLARDS FILL WITH CONC. SEE DETAIL 1/A12 - IS TOTAL
- 6 4" WIDE PAINTED PARKING STRIPES - TYPICAL SIMILAR FOR ACCESSIBLE PARKING STALLS WITH LOGO, TYP. 8'-6" O.C. - UNO.
- 7 LANDSCAPE AREA B.C. TO ROUGH GRADE TO FINAL CONTOURS, LANDSCAPER WILL PROVIDE FINISH MATERIALS
- 8 MONUMENT SIGN - SEE 1/A12
- 9 ELECTRICAL POSTLIGHTS. SEE ELECTRICAL PLAN
- 10 ACCESSIBLE PARKING SPACE SIGN SHALL BE LOCATED CENTERED AT HEAD OF AISLE MOUNTED ON A SQUARE ALUMINUM PIPE 5/16" AND 40" - 60" ABOVE ADJACENT PARKING SURFACE - VERIFY WITH LOCAL BUILDING OFFICIAL.
- 11 LOADING AISLES SHALL BE SIMILARLY SIGNED AT LOCATION NOTED SIGNS DESIGNATION ACCESSIBLE PARKING SPACES SHALL BE CENTERED ON THE HEAD END OF THE SPACE LOCATED A MAXIMUM OF 46" INCL. FROM THE HEAD OF THE SPACE AND BE MOUNTED FROM 40" - 60" BETWEEN THE BOTTOM OF THE SIGN AND PARKING SURFACE
- 12 PROVIDE UNDERGROUND 3" PVC PIPE FOR LAWN IRRIGATION - VERIFY WITH SPRINKLER CONTRACTOR
- 13 APPROACH APRONS TO PARKING & DRIVEWAYS - VERIFY DESIGN WITH CITY OR HMT. REQUIREMENTS
- 14 ELECTRICAL TRANSFORMER - SEE MECHANICAL/ELECTRICAL SITE PLAN
- 15 CONC. PAD AND APRON FOR TRASH ROOM
- 16 - NOT USED -
- 17 CONCRETE PAD - COORDINATE WITH ATM SUPPLIER FOR SIZE AND DEPTH
- 18 DO NOT ENTER SIGN
- 19 STOP SIGN
- 20 DIRECTIONAL SIGN- N.I.C.
- 21 CATCH BASIN- SEE CIVIL
- 22 PAINTED DIRECTIONAL ARROWS

GENERAL NOTES:

- VERIFY & LOCATE ALL UNDERGROUND PHONE & UTILITY LINES PRIOR TO ANY EXCAVATION
- SEE MECH. & ELEC. DRAWINGS FOR ADDITIONAL INFORMATION REGARDING SITE UTILITIES.
- BARRICADE OFF CONSTRUCTION AREA AS REQUIRED KEEP CONSTRUCTION AREA TO MINIMUM.
- SLOPE SIDEWALKS & GRADE AWAY FROM BUILDING TYPICAL 1:20 MAX. SLOPE.
- MATCH NEW CONSTRUCTION WITH EXISTING WHEREVER NECESSARY (i.e. CONC., CURBS, WALKS, PAVING, etc.)
- MATCH NEW GRADING INTO EXISTING GRADING.
- CUT & PATCH EXISTING BITUMINOUS PAVING, CONC. CURBS & SIDEWALKS TO MATCH EXISTING.
- ALL MECHANICAL & ELECTRICAL EXPOSED PIPING, GRILLES, CONDUITS, etc. TO BE PAINTED.
- PARKING STRIPES TO BE PAINTED 4" WIDE AT 8'-6" O.C. & 18'-0"
- CONC. SIDEWALK TO BE 5'-0" WIDE TYP. W/ SAW CUT CONTROL JOINTS @ 5'-0" SIM. FIBER JOINTS @ 20'-0" O.C.
- USE 5'-0" CURB RADII UNLESS NOTED OTHERWISE
- REMOVE EXISTING TREES & ROOT SYSTEM NOT PRESERVABLE. SEE SURVEY FOR LOCATIONS.

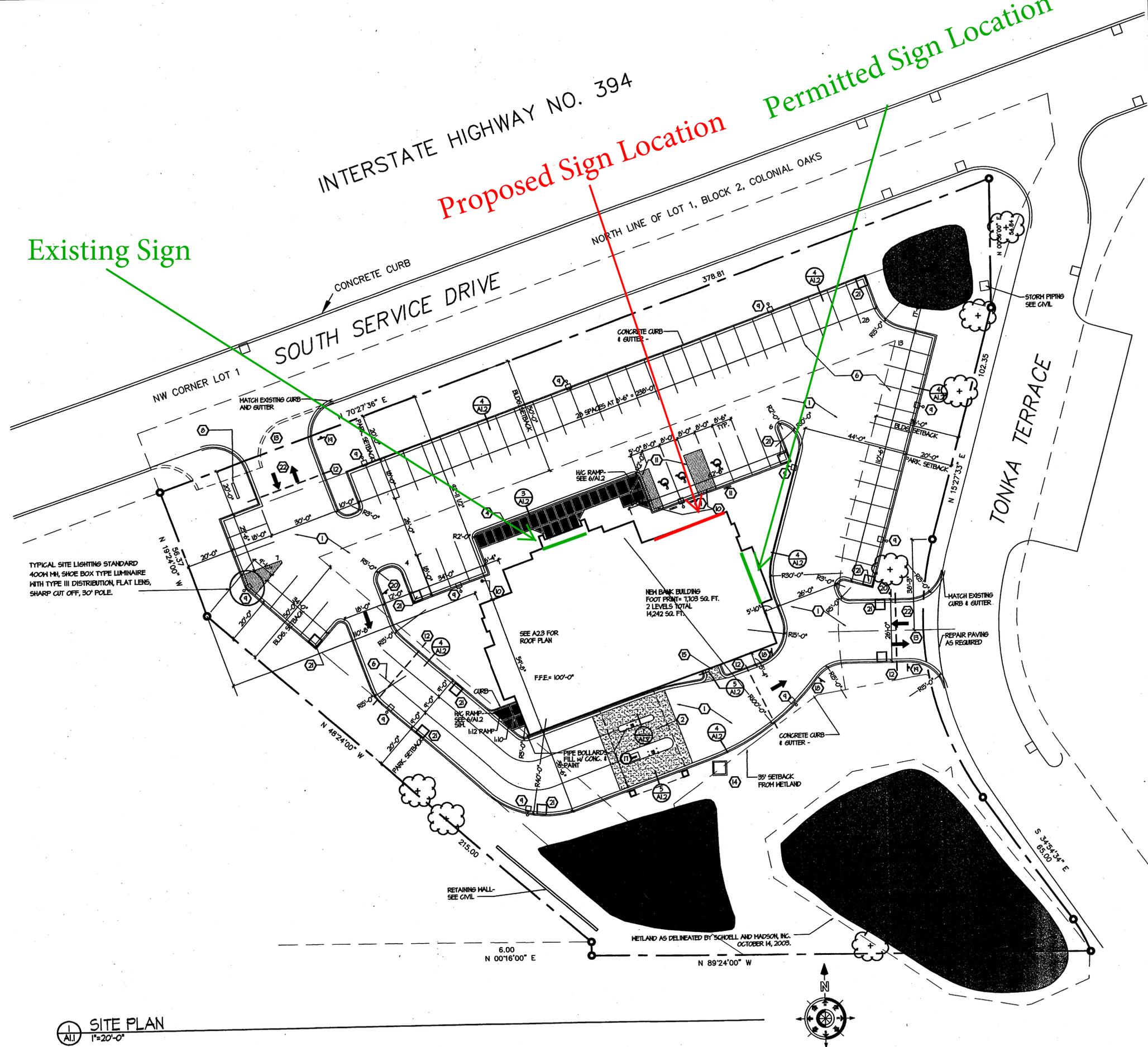


SEE SECTION 0110 OF THE SPECIFICATIONS FOR ALTERNATES #1 & #2

Existing Sign

Proposed Sign Location

Permitted Sign Location



SITE PLAN
1"=20'-0"

REVISIONS	1	BD SET- 5-17-04
	2	RESUB- 6-10-04
	3	
	4	
	5	
	6	
	7	
	8	

HICKEY THORPSTENSON GROVER LTD
5300 HENNEPIN TOWN ROAD
EDEN PRAIRIE, MN. 55347 952-278-8880



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. REGISTRATION NUMBER: J DATE: JUNE 10, 2004

SITE PLAN AND NOTES

DRAWN BY: TRW/STH
CHECKED BY: JRG

VOYAGER BANK BUILDING
10653 TONKA TERRACE
SHELL BID PACKAGE
MINNETONKA, MINNESOTA

A1.1

PREVIOUSLY PERMITTED SIGNAGE LOCATIONS



A

EAST FACING SIGN
Approx. size: 24.00"H x 17' - 6"L
(35 SqFt)

B

NORTH FACING SIGN

NEW SIGNAGE PROPOSED LOCATION



A

NORTH FACING SIGN (NEW)
30.00"H x 52.00L (logo mark)
12.00"H x 88.29"L (logo text primary)
9.00"H x 136.16"L (logo text secondary)
(26.70 SqFt)

B

NORTH FACING SIGN (Existing)
Mill City Credit Union Sign

NEW SIGNAGE PHOTO MOCKUP



Additional Photo Rendering

Legal Description:

LOT 1 BLOCK 2 COLONIAL OAKS

Written Statement

The Mill City Building is adjacent to Interstate 394 to the North and Tonka Terrace to the East. As per City Code we are currently permitted to maintain wall signage on both the I-394 and Tonka Terrace sides of our property. Our building has two well established tenants with Mill City Bank occupying the first floor and Odom Health and Wellness proposed to occupy the 2nd floor. It is important for both of our tenants to maintain signage clearly visible from I - 394 both for existing and future clients. We are requesting a variance from the current sign ordinance in order to have the ability to install a second sign on the north side of the building directly facing I-394. Additionally, we are proposing to eliminate the allowable signage on the east face of the building and we would be agreeable to an enforceable sign plan which would prohibit signage on the east face of the building.

Describe why the proposed use is reasonable

The request is reasonable for the property is surrounded by office and medical uses of which these existing businesses maintain signage. The request is not asking for any additional signage but only to allow one additional sign to face I - 394 which is the predominant roadway system that is utilized by the businesses' clients to access the building.

Describe:

- 1. Circumstances unique to the property**
- 2. Why the need for the variance was not caused by the owner**
- 3. Why the need is not solely based on economic considerations**

1. The property is unique in that it is double fronted by roadway which by ordinance permits one sign per frontage side. Moreover, the property is unique in that the two story building occupies two businesses (one per floor) rather than just one business or several businesses such as an office building where such request may not be reasonable.
2. The building has attracted two well respected Minnetonka businesses which both require business signage visible from I-394. Odom Health and Wellness feels that the building in its current signage state gives the distinct impression that it is a single user building since the east facing portion of the building is not visible from 394. Without the ability for Odom Health and Wellness to maintain signage on the North side of the building, they are greatly concerned that they will lack a sense of identity at this location.
3. The need is based on the fact that the east building face visibility is extremely impaired by existing tree coverage from the adjacent property to the east. Moreover, I-394 is the primary roadway in which the two business' clients will travel to reach the building therefore making 394 the most logical and sensible location for both signs to face.

Describe why the variance would not alter the essential character of the neighborhood.

This variance request will not alter the character of the area for the area is consumed with professional businesses and office buildings most of which maintain business signage as well.

Planning Commission Resolution No. 2017-

Resolution approving a sign variance to allow two wall signs on a building elevation at 10653 Wayzata Boulevard.

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

Section 1. Background.

1.01 The subject property is located at 10653 Wayzata Boulevard. It is legally described as:

Lot 1, Block 2, Colonial Oaks, Hennepin County, Minnesota.

1.02 BTR Voyager I, LLC, is requesting a sign variance to add a second sign on the north elevation of an existing two-story office building. The new sign would have a maximum letter height of 12 inches, a maximum logo height of 30 inches, and would be 40 square feet in area. When combined the 4 existing and proposed wall signs would exceed the maximum number and graphic area allowed by city ordinance.

	Number of Signs	Area	Sign Height
Allowed	1 North Elevation, 1 East Elevation	50 square feet or 25 percent of building length, whichever is greater	24 inches (letters), 36 inches (logo)
Proposed	2 North Elevation*, 0 East Elevation	96 square feet and 39 percent of building length*	12 inches (letters), 30 inches (logo)

*requires variance

1.03 If the variance is approved, applicant has agreed to not have any additional wall signage on the building with the exception of the two wall signs proposed with this request. This would prohibit any future wall signage on the east elevation, which is currently permitted.

1.04 City Code §325.06 Subd. 2, Table 325.6 allows properties with more than one street frontage to have one sign per building elevation facing each frontage. Also, this table allows the greater of 50 square feet or 25 percent

of the length of the building for maximum graphic area. The proposed signage is non-complaint with these requirements.

1.05 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances.

Section 2. Standards.

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

Section 3. Findings.

3.01 The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):

1. **PURPOSE AND INTENT OF THE ZONING ORDINANCE:** The purpose and intent of the ordinance is to regulate the size and location of signage in order to ensure that signs that are intended to communicate with the public are designed, constructed, and maintained in a manner that does not adversely impact public safety, health, general welfare, aesthetics and image of the community. The requested variance meets this intent. The proposed signage will enhance wayfinding, in comparison to what is allowed by ordinance, without adversely impacting the public safety, health, general welfare, aesthetics, and image of the community.
2. **CONSISTENT WITH COMPREHENSIVE PLAN:** The city's comprehensive plan does not make a specific reference to signage. As such, the proposal is not contrary to the comprehensive plan.
3. **PRACTICAL DIFFICULTIES:** There are practical difficulties in complying with the ordinance:
 - a) **REASONABLENESS:** The requested variance is reasonable. It is reasonable to have two wall signs facing Wayzata

Boulevard, an arterial street, in exchange for not having a wall sign facing Tonka Terrace, a local street. Constructing a second wall sign on the north elevation, instead of the east elevation, would establish better wayfinding to the subject property.

Additionally, if the signs were not on the same elevation, each sign would be compliant with city sign ordinances. It is only the combination of the signs onto one elevation that causes the wall signage to exceed allowable maximum number of signs and sign area requirements.

- b) **UNIQUE CIRCUMSTANCE:** The subject property has two street frontages. By ordinance, two wall signs are allowed on the building, one on each frontage. The applicant is proposing two signs that would, individually, meet the sign ordinance. The proposal only requires a variance because two signs are proposed on the same building elevation. Though the site has two frontages, the north elevation, which faces Wayzata Boulevard, has significantly more visibility. Allowing a second sign on the north elevation would create easier wayfinding for those visiting the subject site in compared to the sign being located on the east elevation.
- c) **CHARACTER OF LOCALITY:** The majority of wall signs on Wayzata Boulevard face north. As such, approving the proposed variance to allow signage on the north elevation would be consistent with the direction of wall signs along Wayzata Boulevard and would not alter the essential character of the neighborhood.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described variance based on the findings outlined in section 3 of this resolution. 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:
 - Sign plan set dated December 30, 2016
2. Prior to issuance of a sign permit:

- a) A copy of this resolution must be recorded with Hennepin County.
3. Signage on the east elevation is no longer permitted. Only signage in substantial conformation with the plan set dated December 30, 2016 is permitted.
4. This variance will end on December 31, 2018, unless the city has issued a sign permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on February 2, 2017.

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 February 2, 2017.

Kathy Leervig, Deputy City Clerk