



---

## **Planning Commission Agenda**

**July 20, 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: July 6, 2017**

**5. Report from Staff**

**6. Report from Planning Commission Members**

**7. Public Hearings: Consent Agenda**

**A. Front yard setback variance for a new home at 17300 County Road 101**

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

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

**B. Expansion permit for an addition to the existing home at 5017 Mayview Road**

Recommendation: Adopt the resolution approving the expansion permit (5 votes)

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

**C. Conditional use permit to allow accessory structures with an aggregate gross floor area of 1,455 square feet at 13330 North Street.**

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

- Recommendation to City Council (Tentative Date: August 14, 2017)
- Project Planner: Ashley Cauley

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

- A. Preliminary and final plats, with lot area and front yard setback variance, and waiving the McMansion Policy, for GRENIER ROAD ADDITION at 5717 Eden Prairie Road

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

- Recommendation to City Council (Tentative Date: August 14, 2017)
- Project Planner: Susan Thomas

- B. Conditional use permit and site and building plan review for a storage building at Hopkins High School, 10901 Hillside Lane West

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

- Recommendation to City Council (Tentative Date: August 14, 2017)
- Project Planner: Drew Ingvalson

- C. Conditional use permit for a restaurant with outdoor seating area at Ridgedale Corner Shoppes, 1801/1805 Plymouth Road.

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

- Recommendation to City Council (Tentative Date: August 14, 2017)
- 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 August 10, 2017 Planning Commission meeting:

Project Description: Reaffirmation of previous approvals of a two-lot subdivision at 11806 Cedar Lake Road.

Project No.: 14005.17a

Staff: Susan Thomas

Ward/Council Member: 2—Tony Wagner

Section: 11

Project Description: The applicant is proposing to operate a full service sushi restaurant at 17420 Minnetonka Blvd. According to the application, the restaurant would also have beer and wine. The application requires a conditional use permit and a parking variance.

Project No.: 06027.17a

Staff: Ashley Cauley

Ward/Council Member: 3—Brad Wiersum

Section: 17

Project Description: The applicant has submitted an application to construct four-story, 110-unit senior care facility at 17710 and 17724 Old Excelsior Blvd.

Project No.: 16032.17a

Staff: Drew Ingvalson

Ward/Council Member: 4—Tim Bergstedt

Section: 30

Project Description: The property owners are proposing a significant remodel of the existing home at 2604 Crosby Road. The remodel includes an addition of a second floor over the existing main floor space. As the existing home has non-conforming setbacks from property lines, the proposed addition requires an expansion permit.

Project No.: 17015.17a

Staff: Susan Thomas

Ward/Council Member: 3—Brad Wiersum

Section: 08

Project Description: Andy Larson, on behalf of Midwest Motor Sports, is proposing to operate a marine sales business from the property at 17717 State Highway 7. As proposed, the existing office building would be removed and a new 11,200 sq ft commercial building would be constructed. The proposal requires approval of: (1) final site and building plans, with expansion permit to maintain existing, non-conforming setbacks; and (2) a conditional use permit to allow outdoor display of one boat.

Project No.: 91011.17a

Staff: Susan Thomas

Ward/Council Member: 4—Tim Bergstedt

Section: 30

## 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**

**July 6, 2017**

**1. Call to Order**

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

**2. Roll Call**

Commissioners Schack, Sewall, Calvert, Knight, and Kirk were present. Powers and O'Connell were absent.

Staff members present: City Planner Loren Gordon and Planner Drew Ingvalson.

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

**4. Approval of Minutes:** June 22, 2017

***Schack moved, second by Knight, to approve the June 22, 2017 meeting minutes as submitted with a correction of the date to reflect approval of the May 18, 2017 minutes.***

***Schack, Sewall, Calvert, Knight, and Kirk voted yes. Powers and O'Connell were absent. Motion carried.***

**5. Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of June 26, 2017:

- Adopted a resolution approving an extension for items regarding Legacy Oaks Third Addition.
- Adopted a resolution approving the final plat for Homestead Place.
- Adopted a resolution approving a façade and sign plan amendment for Ridgedale Festival.

The next planning commission meeting will be held July 20, 2017.

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

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

**8. Public Hearings**

**A. Amendment to the Minnetonka Corporate Center sign plan as it pertains to the property at 6030 Clearwater Drive.**

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.

Jay Joiner, representing Gardner School, the applicant, said that Ingvalson did a good job summarizing the proposal. The sign on the building would fit with the building's character and identify that the school is a separate use from its neighbor.

Knight stated that the building looks very nice. The applicant appreciated that. Calvert agreed. The signs are tasteful.

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

***Calvert moved, second by Sewall, to adopt the resolution approving an amendment of the Minnetonka Corporate Center sign plan as it pertains to the property at 6040 Clearwater Drive.***

***Schack, Sewall, Calvert, Knight, and Kirk voted yes. Powers and O'Connell were absent. 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.

**9. Adjournment**

***Schack moved, second by Calvert, to adjourn the meeting at 6:42 p.m. Motion carried unanimously.***

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

# **Minnetonka Planning Commission Meeting**

**July 20, 2017**

**Agenda Item 7**

**Public Hearing: Consent Agenda**



**MINNETONKA PLANNING COMMISSION**  
**July 20, 2017**

<b>Brief Description</b>	Front yard setback variance for a new home at 17300 County Road 101
<b>Recommendation</b>	Adopt the resolution approving the variance

---

**Background**

In October 2016, the planning commission reviewed front yard setback variance request for construction of a new home at 17300 County Road 101. While a front yard setback of 50 feet was required, the applicant was proposing a setback of 35 feet.

Staff recommended approval of the variance noting:

- The proposed front yard setback was reasonable and would not negatively impact neighborhood character. The 35-foot setback would be double the 17-foot setback of the home previously on the property. Further, a variety of structures along County Road 101 have reduced front yard setbacks.
- Given the required setbacks from Lake Minnetonka, FEMA floodplain, County Road 101, and the location of a variety of utility easements, just 17% of the subject property was considered buildable. While not necessarily unique in the immediate area, this relatively small percentage of buildable area is not common to all similarly zoned properties in the community.

The commission concurred with staff and approved the variance with a variety of conditions. As is typical, one of the conditions required that the site be “developed and maintained in substantial conformance” with the site and building plans reviewed by the commission. (See attached.)

**Current Request**

The design of the proposed home was recently finalized and a building permit application was submitted. In reviewing the permit, staff noted that the footprint was notably different than that reviewed by the commission in 2016. However, staff also noted that the proposed home would:

- Have a footprint just 150 square feet larger than previously approved;
- Be located within the same general building “envelope” as previously approved; and
- Maintain the setbacks as previously approved.

Nevertheless, staff determined that due to the significantly different shape the proposed home is not in “substantial conformance” with the previous approval. A “new” front yard setback variance is necessary. As in 2016, staff supports this “new” variance for two primary reasons:

- The proposed front yard setback is reasonable and would not negatively impact neighborhood character. The 35-foot setback would be double the 17-foot setback of the home previously on the property. Further, a variety of structures along County Road 101 have reduced front yard setbacks.
- Given the required setbacks from Lake Minnetonka, FEMA floodplain, County Road 101, and the location of a variety of utility easements, just 17% of the subject property is considered buildable. While not necessarily unique in the immediate area, this relatively small percentage of buildable area is not common to all similarly zoned properties in the community.

### **Staff Recommendation**

Adopt the resolution approving a front yard setback variance for a new home at 17300 County Road 101.

Originator: Susan Thomas, AICP, Assistant City Planner

Through: Loren Gordon, AICP, City Planner

### Supporting Information

**Surrounding Uses** North: Lake Minnetonka  
South: County Road 101 and single-family homes beyond  
East: County Road 101 and marina beyond  
West: Single-family home

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

**McMansion Policy** The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.

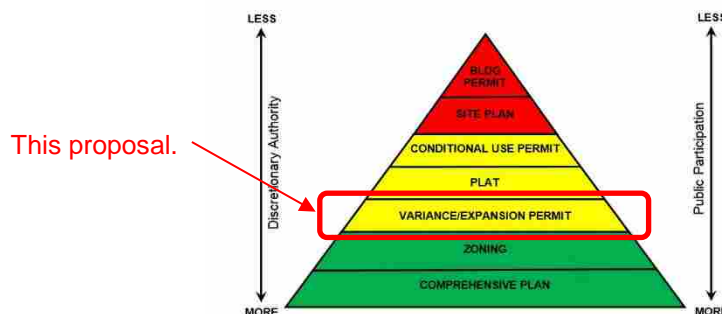
By City Code §300.02, floor area is defined as “the sum of the following as measured from exterior walls: the fully exposed gross horizontal area of a building, including attached garage space and enclosed porch areas, and one-half the gross horizontal area of any partially exposed level such as a walkout or lookout level. By the same code, FAR is defined as “the floor area of a building as defined by [this] ordinance, divided by area of the lot on which the building is located. Area zoned as wetland, floodplain, or below the ordinary high water level of a public water is excluded from the lot area for purposes of the floor area ratio calculation.”

The largest FAR in the area is 0.25. As proposed, the property would have an FAR of 0.19, complying with the McMansion Policy.

**Natural Resources** Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance erosion control fencing.

**Neighborhood Comments** The city sent notices to 45 area property owners. No comments have been received.

### 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 to adopt the resolution approving the request.
2. Disagree with staff's recommendation. In this case, a motion should be made denying the request. This motion must include a statement as to why the request 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.

**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.

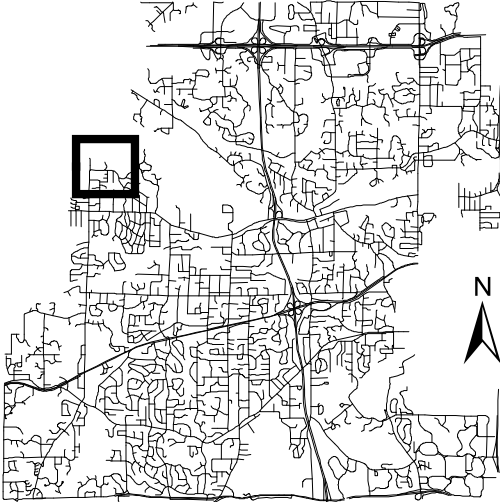
**Deadline for  
Decision**

**October 23, 2017**



### Location Map

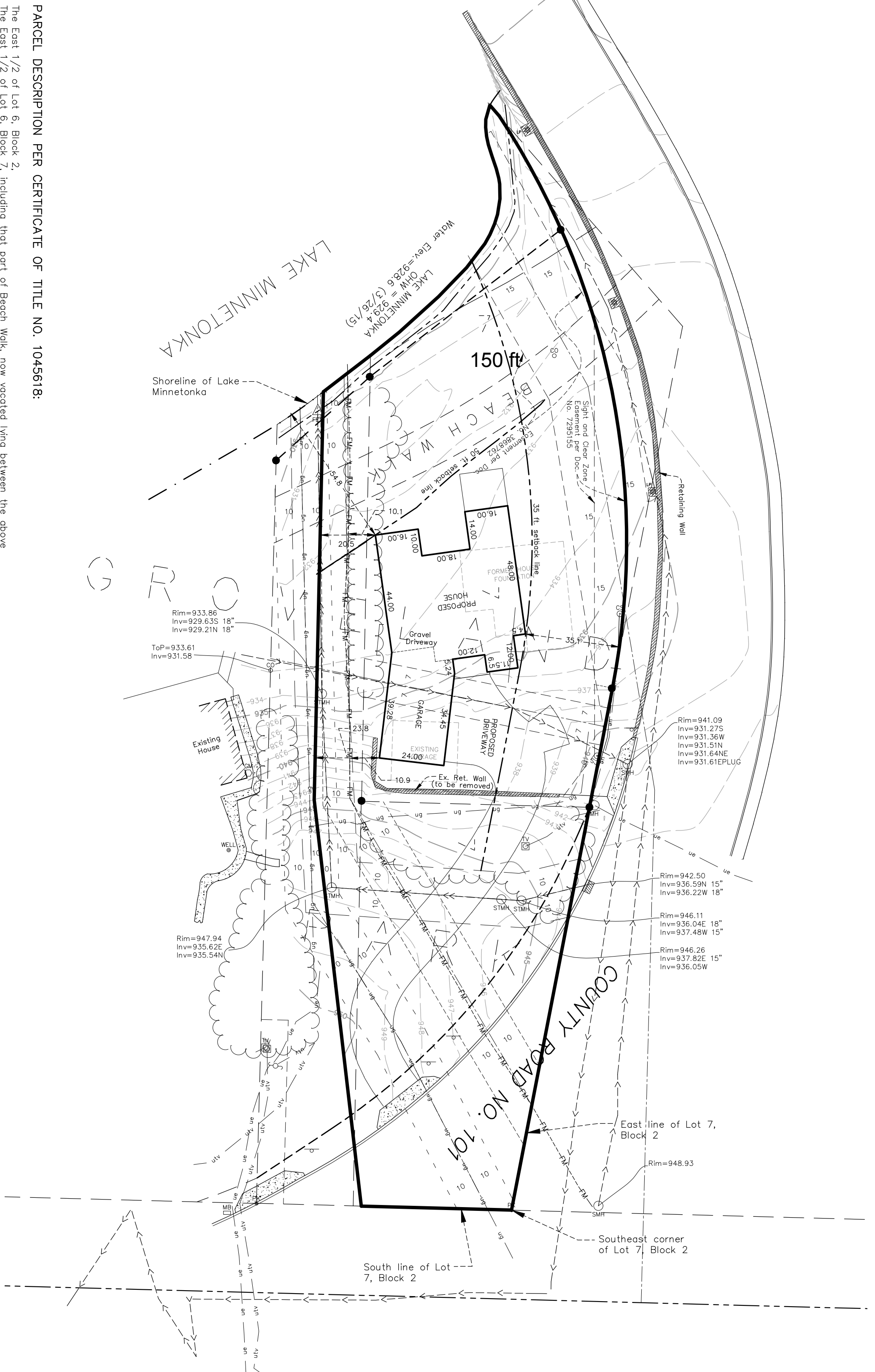
Project: Homestead Partners  
Address: 17300 Co Rd 101  
Project No. 16025.16b



This map is for illustrative purposes only.

2016 APPROVAL

2016 LOT CONFIGURATION



PARCEL DESCRIPTION PER CERTIFICATE OF TITLE NO. 1045618:

The East 1/2 of Lot 6, Block 2,  
 The East 1/2 of Lot 6, Block 7, including that part of Beach Walk, now vacated lying between the above  
 described tracts and between extensions of the side line of said lots,  
 The South 150 feet of Lot 7, Block 2  
 "Groveland Park";

AND

That part of the following described parcel:  
 The East 1/2 of Lot 6, Block 2,  
 The East 1/2 of Lot 6, Block 7, including that part of Beach Walk, now vacated lying between the above  
 described tracts and between extensions of the side line of said lots,  
 The South 150 feet of Lot 7, Block 2  
 "Groveland Park";

Lying easterly of the following described line and its northerly and southerly extensions thereof:

Commencing at the southeast corner of said Lot 7; thence North 88 degrees 29 minutes 16 seconds West,  
 assumed bearing, along the South line of said Lot 7, a distance of 55.80 feet to the point of beginning of the  
 line to be described; thence North 06 degrees 37 minutes 31 seconds West, 151.53 feet; thence North 01 degree  
 17 minutes 21 seconds East, 151.3 feet, more or less, to the shoreline of Lake Minnetonka and said line there  
 terminating.

Located in the SW 1/4 of  
 Sec. 08, Twp. 117, Rge. 22

**Carlson  
McCain**  
 ENVIRONMENTAL · ENGINEERING · SURVEYING  
 3890 Pheasant Ridge Drive NE,  
 Suite 100, Blaine, MN 55449  
 Phone: 763-489-7900 Fax: 763-489-7959

**CERTIFICATE OF  
SURVEY**

**17300 County  
Road No. 101**  
 Minnetonka, Minnesota

**JMS CUSTOM  
HOMES, LLC**  
 Street Address  
 City, ST, Zip

**REVISIONS**

1.	
2.	
3.	
4.	
5.	
6.	

DRAWN BY: \_\_\_\_\_ C# \_\_\_\_\_  
 ISSUE DATE: 09/15/16  
 FILE NO: XXX

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

Name: Thomas R. Balluff  
 Signature: \_\_\_\_\_  
 Date: 09/15/16 License #: 40361

**ELEVATION NOTES:**

- \*-SOFFIT: CUT-TO WIDTH ON RAKES, CUT-TO WIDTH ON EAVES 3/8" VENTED
- \*-FASCIA: STEEL CUT-TO WIDTH, SIDERS EDGE
- \*-SHINGLES: 30 YEAR CERTANTEED ARCHITECTURAL SHINGLES
- \*-ROOF AND PLUMBING VENTS TO BACK OF ELEVATION

PENETRATION BLOCKS: LP FABRICATED ON SITE (PROPORTIONAL TO FIXTURE) PROVIDE ALL NECESSARY FLASHING



**FRONT ELEVATION (SOUTH)**  
SCALE: 1/8"=1'-0" (2x SCALE ON 24X36 SHEETS)



**LEFT ELEVATION (WEST)**  
SCALE: 1/8"=1'-0" (2x SCALE ON 24X36 SHEETS)

*NOTE: HOME ELEVATION EXAMPLE  
NEW HOME PLAN IS IN DEVELOPMENT STAGE  
TO MATCH PROPOSED HOME FOOTPRINT!*

**SITE ADDRESS**

LOT	BLOCK
7	7

**REVISIONS**

DATE	DESCRIPTION
02/23/2015	CAD PLAN #1
04/28/2015	CAD PLAN #2
05/22/2015	CAD PLAN #3
09/03/2015	CAD PLAN #4
09/24/2015	CAD PLAN #5
10/23/2015	CAD PLAN #6
10/27/2015	SURVEY
11/23/2015	CAD PLAN #7
11/24/2015	CAD PLAN #7
12/07/2015	CAD PLAN #8
03/21/2016	BD SET #1
04/09/2016	BD SET #1
04/07/2016	BD SET #1

**APPROX SQ FT**

1990 SQ FT LL  
2450 SQ FT ML  
4440 T SQ FT

1013 SQ FT GARAGE

PLANS PREPARED BY RICK S

**COPYRIGHT**

JMS Custom Homes, LLC expressly reserves its common law copyright and other property rights in these plans. These plans are not to be reproduced, changed, or copied in any form or manner whatsoever, nor are they to be assigned to a third party without first obtaining the written permission and consent of JMS Custom Homes, LLC. In the event of unauthorized use of these plans by a third party, the third party shall hold JMS Custom Homes, LLC harmless. ©2015 JMS Custom Homes. MN Builder License #BC592962

DATE 07-08-2015

PAGE A1.1



## **Planning Commission Resolution No. 2016-20**

### **Resolution approving a front yard setback variance for a new home at 17300 County Road 101**

---

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

Section 1. Background.

- 1.01 Homestead Partners, LLC. has requested a front yard setback variance for construction of a new home.
- 1.02 The property is located at 17300 County Road 101. It is legally described on Exhibit A of this resolution.
- 1.03 City Code §300.10 Subd. 5(b) requires a minimum front yard setback of 50 feet.
- 1.04 The applicant is proposing a setback of 35 feet.
- 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 would meet the variance standard as outlined in City Code §300.07 Subd. 1:
1. **INTENT OF THE ORDINANCE.** The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the front yard setback requirement is to provide for: (1) consistent building lines within a neighborhood; and (2) adequate separation between structures and roadways for aesthetic and safety purposes. The proposal would meet this intent:
    - a) Structures in the area have varied front yard setbacks. There is no consistent building line in the area.
    - b) The proposed home would be located 46 feet from the paved surface of County Road 101 and along the inside curve of this roadway. Generally, traffic slows along an inside curve.
  2. **CONSISTENT WITH COMPREHENSIVE PLAN.** The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.
  3. **PRACTICAL DIFFICULTIES.** There are practical difficulties in complying with the ordinance:
    - a) **REASONABLENESS AND CHARACTER OF THE LOCALITY:** The proposed front yard setback is reasonable and would not negatively impact neighborhood character. The 35-foot setback would be double the 17-foot setback of the home previously on the property. Further, a variety of structures along County Road 101 have reduced front yard setbacks.
    - b) **UNIQUE CIRCUMSTANCE:** Given the required setbacks from Lake Minnetonka, FEMA floodplain, County Road 101, and the location of a variety of utility easements, just 17% of the subject property is considered buildable. While not necessarily unique in the immediate area, this relatively small percentage of buildable area is not common to all similarly zoned properties in the community.

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:
  - Site Plan, dated September 15, 2016
  - Building Elevation, dated July 8, 2015
  - Floor Plans, dated August 9, 2016
2. Prior to issuance of a building permit:
  - a) A copy of this resolution must be recorded with Hennepin County.
  - b) The previously approved administrative lot division must be recorded with Hennepin County and proof of recording submitted to the city.
  - c) The existing private sewer line must be relocated and appropriate, private easement dedicated over the line.
  - d) A revised survey must be submitted indicating:
    - 1) The home will meet required 20 foot horizontal setback from 100-year floodplain;
    - 2) The home will meet required two foot vertical separation from the 100 year floodplain elevation; and
    - 3) No more than 30 percent of the area 150 feet upland of the 929.4 elevation will be covered by impervious surface.
  - e) The applicant must reevaluate the location and configuration of the proposed infiltration based in an effort to reduce impact to the existing oak tree.

- f) The applicant must install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
- 3. This variance will end on December 31, 2017, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

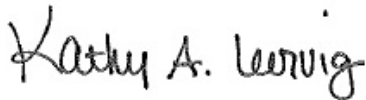
Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on October 20, 2016.



---

Brian Kirk, Chairperson

Attest:



---

Kathy Leervig, Deputy City Clerk

Action on this resolution:

Motion for adoption: O'Connell  
Seconded by: Odland  
Voted in favor of: Odland, Powers, Calvert, Hanson, O'Connell, Kirk  
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 October 20, 2016.

---

Kathy Leervig, Deputy City Clerk

EXHIBIT A

PARCEL DESCRIPTION PER CERTIFICATE OF TITLE NO. 1045618:

The East 1/2 of Lot 6, Block 2,  
The East 1/2 of Lot 6, Block 7, including that part of Beach Walk, now vacated lying between the above described tracts and between extensions of the side line of said lots,  
The South 150 feet of Lot 7, Block 2

"Groveland Park".

AND

That part of the following described parcel:

The East 1/2 of Lot 6, Block 2,  
The East 1/2 of Lot 6, Block 7, including that part of Beach Walk, now vacated lying between the above described tracts and between extensions of the side line of said lots,  
The South 150 feet of Lot 7, Block 2

"Groveland Park".

Lying easterly of the following described line and its northerly and southerly extensions thereof:

Commencing at the southeast corner of said Lot 7; thence North 88 degrees 29 minutes 16 seconds West, assumed bearing, along the South line of said Lot 7, a distance of 55.80 feet to the point of beginning of the line to be described; thence North 06 degrees 37 minutes 31 seconds West, 151.53 feet; thence North 01 degree 17 minutes 21 seconds East, 151.3 feet, more or less, to the shoreline of Lake Minnetonka and said line there terminating.

# BUILDING PERMIT APPLICATION









**Planning Commission Resolution No. 2017-**

**Resolution approving a front yard setback variance for a  
new home at 17300 County Road 101**

---

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

Section 1. Background.

- 1.01 Homestead Partners, LLC. has requested a front yard setback variance for construction of a new home.
- 1.02 The property is located at 17300 County Road 101. It is legally described on Exhibit A of this resolution.
- 1.03 City Code §300.10 Subd. 5(b) requires a minimum front yard setback of 50 feet. The applicant is proposing a setback of 35 feet.
- 1.04 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 would meet the variance standard as outlined in City Code §300.07 Subd. 1:
1. **INTENT OF THE ORDINANCE.** The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the front yard setback requirement is to provide for: (1) consistent building lines within a neighborhood; and (2) adequate separation between structures and roadways for aesthetic and safety purposes. The proposal would meet this intent:
    - a) Structures in the area have varied front yard setbacks. There is no consistent building line in the area.
    - b) The proposed home would be located 45 feet from the paved surface of County Road 101 and along the inside curve of this roadway. Generally, traffic slows along an inside curve.
  2. **CONSISTENT WITH COMPREHENSIVE PLAN.** The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.
  3. **PRACTICAL DIFFICULTIES.** There are practical difficulties in complying with the ordinance:
    - a) **REASONABLENESS AND CHARACTER OF THE LOCALITY:** The proposed front yard setback is reasonable and would not negatively impact neighborhood character. The 35-foot setback would be double the 17-foot setback of the home previously on the property. Further, a variety of structures along County Road 101 have reduced front yard setbacks.
    - b) **UNIQUE CIRCUMSTANCE:** Given the required setbacks from Lake Minnetonka, FEMA floodplain, County Road 101, and the location of a variety of utility easements, just 17% of the subject property is considered buildable. While not necessarily unique in the immediate area, this relatively small percentage of buildable area is not common to all similarly zoned properties in the community.

---

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:
    - Survey, dated June 2, 2017
    - Construction plan set, dated May 16, 2017
  2. Prior to issuance of a building permit:
    - a) A copy of this resolution must be recorded with Hennepin County.
    - b) Submit the following:
      - A revised survey showing all up-to-date easement information with proper titles and document numbers.
      - A stormwater management plan in conformance with the city's stormwater rule for staff review and approval.
    - c) A private easement must be dedicated over the relocated private sewer line on the subject property. While appropriate easements have been filed on the benefitted property, appropriate easements have not been filed on the subject property.
    - d) The applicant must evaluate the location and configuration of any infiltration basins in an effort to reduce impact to the existing oak tree.
    - e) Install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
  3. This variance will end on December 31, 2018, unless the city has issued a building 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 July 20, 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 July 20, 2016.

---

Kathy Leervig, Deputy City Clerk

EXHIBIT A

PARCEL DESCRIPTION PER CERTIFICATE OF TITLE NO. 1045618:

The East 1/2 of Lot 6, Block 2,  
The East 1/2 of Lot 6, Block 7, including that part of Beach Walk, now vacated lying between the above described tracts and between extensions of the side line of said lots,  
The South 150 feet of Lot 7, Block 2

"Groveland Park".

AND

That part of the following described parcel:

The East 1/2 of Lot 6, Block 2,  
The East 1/2 of Lot 6, Block 7, including that part of Beach Walk, now vacated lying between the above described tracts and between extensions of the side line of said lots,  
The South 150 feet of Lot 7, Block 2

"Groveland Park".

Lying easterly of the following described line and its northerly and southerly extensions thereof:

Commencing at the southeast corner of said Lot 7; thence North 88 degrees 29 minutes 16 seconds West, assumed bearing, along the South line of said Lot 7, a distance of 55.80 feet to the point of beginning of the line to be described; thence North 06 degrees 37 minutes 31 seconds West, 151.53 feet; thence North 01 degree 17 minutes 21 seconds East, 151.3 feet, more or less, to the shoreline of Lake Minnetonka and said line there terminating.

**MINNETONKA PLANNING COMMISSION**  
**July 20, 2017**

**Brief Description**      Expansion permit for an addition to the existing home at 5017 Mayview Road

**Recommendation**      Adopt the resolution approving the expansion permit

---

**Background**

The subject property was platted in 1950, prior to adoption of the city’s first subdivision ordinance. As it does not meet current lot standards, the lot is considered non-conforming.

	Area		Width		Depth
	Total	Buildable	Right-of-Way	Setback	
Required	22,000 sq.ft.	3,500 sq.ft.	80 ft	110 ft	125 ft
Existing	9,625 sq.ft.	2,800 sq.ft.	70 ft	70 ft	135 ft

\* numbers rounded down to nears 5 ft or 5 sq. ft.

The roughly 1,300 square foot home on the property was constructed in 1952, prior to adoption of the city’s first zoning ordinance. As the home itself does not meet current setback standards, it too is considered non-conforming.

	Front	Side (NW)	Side (SE)	Aggregate Side	Rear	Max Height
Required	35 ft	10 ft	10 ft	30 ft	28 ft	35 ft
Existing	43 ft	13 ft	6 ft	19 ft	60 ft	16 ft

\* numbers rounded down to the closest 1 ft

**Proposal**

David Stenson, on behalf of the property owners, is proposing a 5-foot addition to the rear of the existing home. (See attached). Based on the narrative provided by the applicant, the proposed addition would add a second level bedroom to the home and increase the total height of the structure approximately 3.5 feet. The current home is a single story structure that is nearly 20 feet under the 35-foot height allowed by ordinance. Staff is unable to comment on the interior layout of the home, as the applicant did not provide interior plans.

The proposed addition would meet minimum side yard setback and would maintain the home’s existing non-conforming aggregate side yard setback. An expansion permit is required.

## **Staff Analysis**

Staff finds that the proposed addition would meet the expansion permit standards.

- Reasonableness. The proposed addition would meet the required side yard setback and would maintain the non-conforming 19-foot aggregate side yard setback. The addition would:
  - a) Not encroach further into the required setbacks than the existing structure;
  - b) Be located 20 feet from the closest neighboring home; and
  - c) Allow for an expansion of a modestly sized home.
- Unique Circumstance: The existing property is just 9,625 square feet in size, less than half the city's minimum lot size. However, it is not classified as a "small lot" by city code definition. For more information on "small lots," see the "Supporting Information" section of this report. Were it a "small lot":
  - a) The home would be subject to a minimum 7-foot setback from both side property lines and would not be subject to an aggregate side yard setback. If property was considered a small lot, the proposed addition would not encroach within the required setbacks and would not require an expansion permit. (See attached).
  - b) Roughly, 56% of the property would be encumbered by required setbacks. Because it is not a "small lot," nearly 70% of the property is encumbered. (See attached).
- Neighborhood Character: The proposed remodeling and additions resulting from the requested expansion permit would not make a significant visual impact to the property and immediate area, as the addition would be to the rear of the property and the total height of the structure would increase by just 3.5 feet.

## **Staff Recommendation**

Adopt the resolution approving an expansion permit for an addition to the existing home at 5017 Mayview Road.

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



### Supporting Information

**Surrounding Land Uses**

The subject property is surrounded by single-family homes.

**Planning**

Guide Plan designation: low-density residential  
Zoning: R-1

**Small Lot**

By city code definition a “small lot” is one that: (1) was created prior to 1966; (2) is less than 15,000 square feet in area; and (3) is located in an area where the average lot size is less than 15,000 square feet in size. While the subject property was created in 1950 and is just over 9,000 square feet in size, the median average lot size within 400 feet to the property is 20,150 square feet. As such, it’s not considered “small lot.”

**Expansion Permit**

By City Code §300.29 Subd. 3(g), an expansion permit is required for an expansion of a non-conforming structure when the expansion would not intrude into a setback area beyond the distance of the existing structure. A variance is required when the expansion would intrude further into the setback area. As the existing home has a non-conforming aggregate side yard setback of 19 feet, and the proposed addition would not intrude further into this setback, an expansion permit is required.

**Burden of Proof**

By City Code §300.29 Subd.7(c), an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

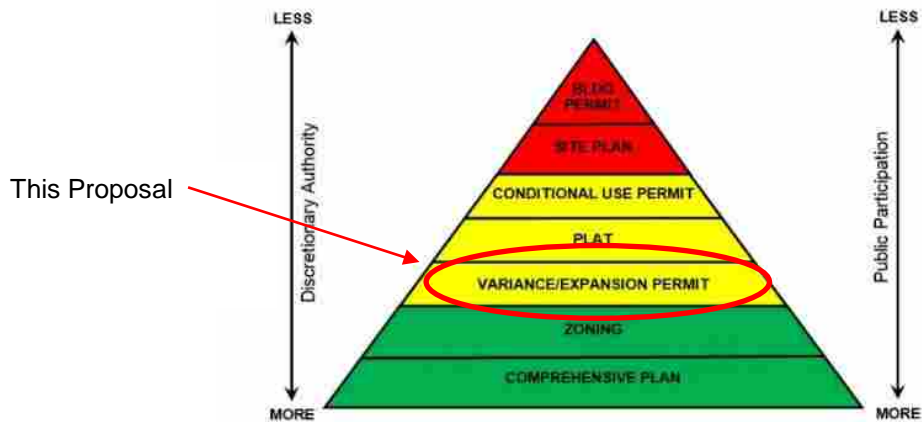
1. The proposed expansion is reasonable use of the property, considering such things as:
  - Functional and aesthetic justifications for the expansions;
  - Adequacy of off-street parking for the expansion;
  - Absence of adverse off-site impacts from such things as traffic, noise, dust odors, and parking;
  - Improvement to the appearance and stability of the property and neighborhood.
2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner’s convenience, and are not solely because of economic considerations; and

3. The expansion would not adversely affect or alter the essential character of the neighborhood.

**Neighborhood Comments**

The city has sent notice to 57 area property owners and has received no written comments to date.

**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 adopting the resolution approving the expansion permit.
2. Disagree with staff's recommendation. In this case, a motion should be made to deny the expansion permit. This motion must include a statement as to why the request is denied.
3. Table the request. In this case, a motion should be made to table the items. The motion should include a statement as to why the requests are being tabled with direction to staff, the applicant, or both.

**Voting Requirement**

The planning commission action will be final, subject to appeal. Approval of the request requires an affirmative vote of a five commission members.

**Appeals**

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

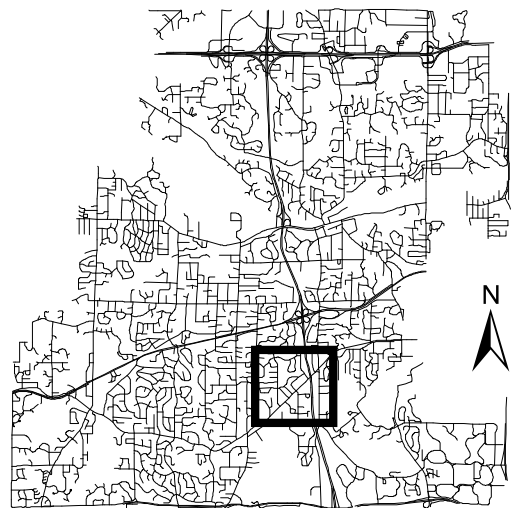
**Deadline for Action**

October 9, 2017



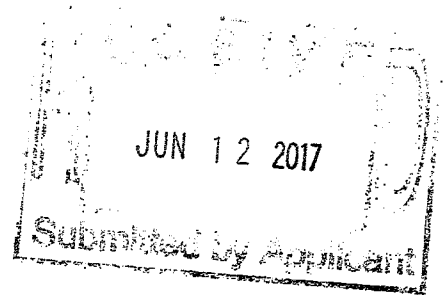
### Location Map

Project: Kurachek Residence  
 Applicant: Innovative Building & Design  
 Address: 5017 Mayview Rd  
 Project No. 17014.17a



This map is for illustrative purposes only.

# Proposed Addition



**LEGAL DESCRIPTION:**

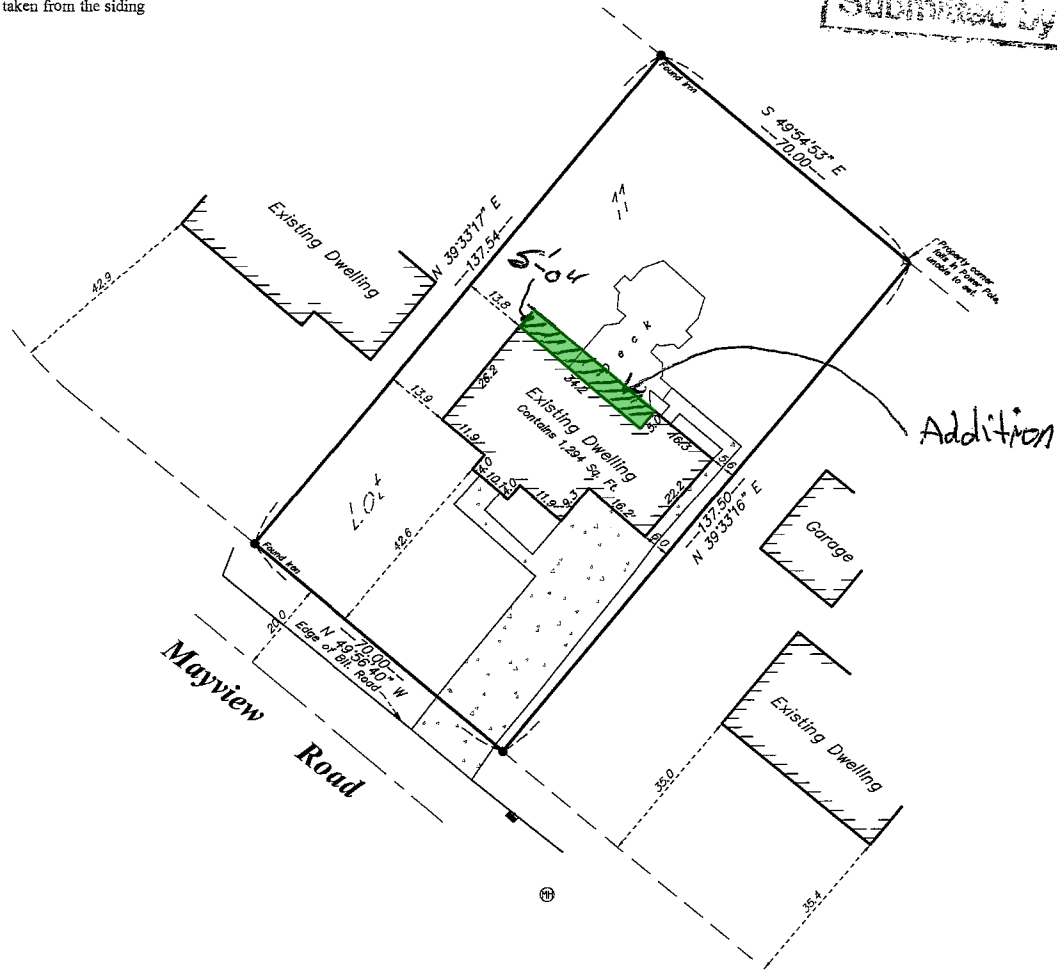
Lot 11, AUDITOR'S SUBDIVISION NO. 370, Hennepin County, Minnesota.

**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. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

**STANDARD SYMBOLS & CONVENTIONS:**

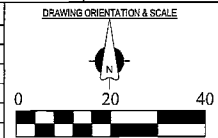
"●" Denotes iron survey marker, set, unless otherwise noted.



**LEGEND**

- = CATCH BASIN
- = FIRE HYDRANT
- = POWER POLE
- = MANHOLE
- = TELEPHONE PED.
- = ELEC. TRANSFORMER
- = WELL
- = GATE VALVE
- = LIGHT POLE
- = TREE
- = FENCE LINE
- = SANITARY SEWER LINE
- = WATER LINE
- = GAS LINE
- = STORM DRAIN LINE
- = OVERHEAD UTILITY LINE
- = CONCRETE SURFACE

DATE	REVISION DESCRIPTION



CLIENT NAME / JOB ADDRESS  
**STEVEN C. KURACHEK**  
 6017 MAYVIEW ROAD  
 MINNETONKA, MN

**Advance**  
 Surveying & Engineering, Co.  
 17917 Highway 7  
 Minnetonka, Minnesota 55345  
 Phone (952) 474-7984  
 Web: www.advance.com

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.  
  
 Thomas M. Kozum  
 #42375  
 LICENSE NO.  
 APRIL 24, 2017  
 DATE

DATE SURVEYED: APRIL 24, 2017  
 DATE DRAFTED: APRIL 24, 2017

SHEET TITLE  
**EXISTING CONDITIONS SURVEY**  
 DRAWING NUMBER  
 170293 TB

SHEET NO.  
**S1**  
 SHEET 1 OF 1

**LEGAL DESCRIPTION:**

Lot 11, AUDITOR'S SUBDIVISION NO. 370, Hennepin County, Minnesota.

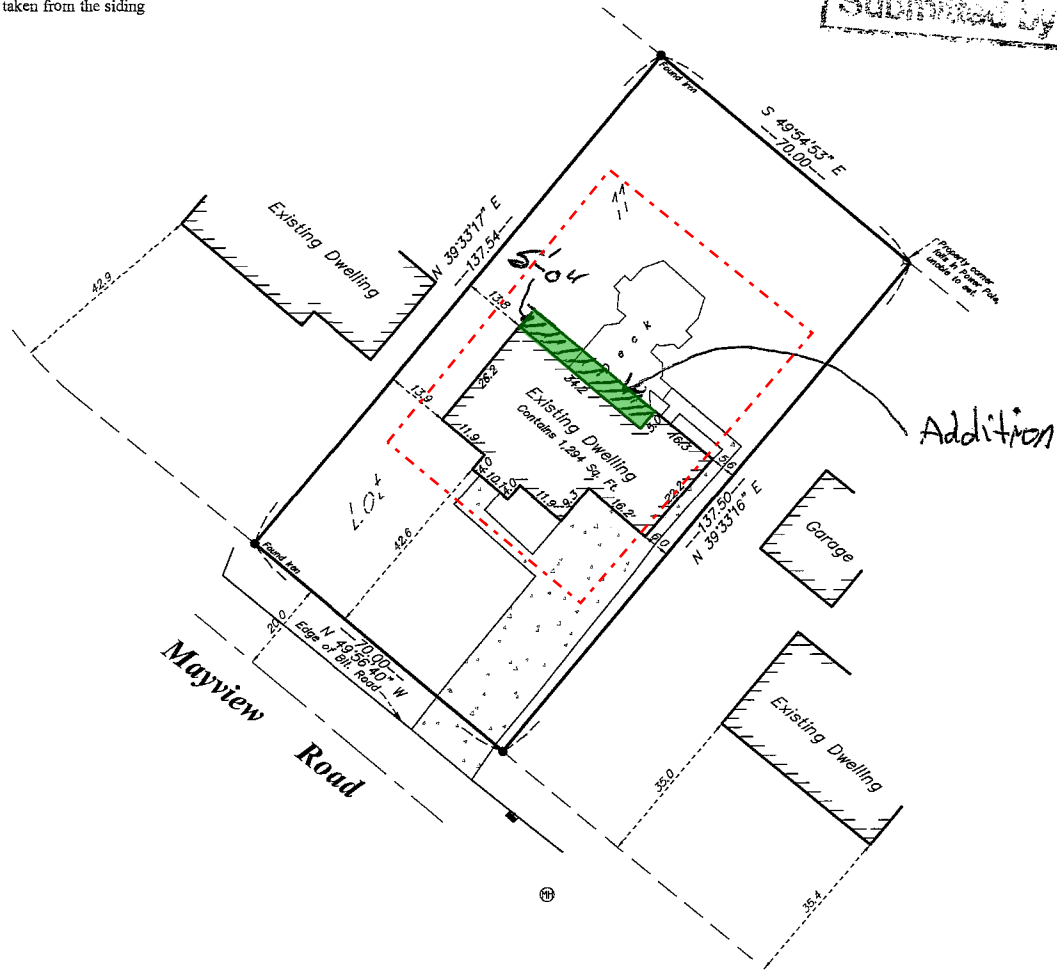
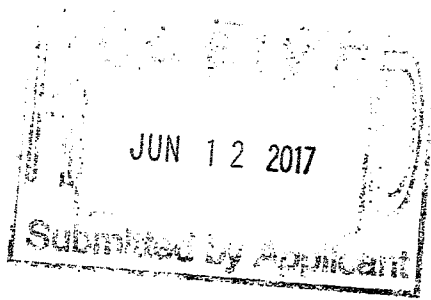
**SCOPE OF WORK & LIMITATIONS:**

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. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

**STANDARD SYMBOLS & CONVENTIONS:**

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

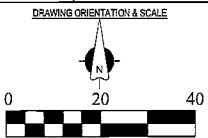
**Proposed Addition with  
"Small Lot" Setbacks**



**LEGEND**

- = CATCH BASIN
- = FIRE HYDRANT
- = POWER POLE
- = MANHOLE
- = TELEPHONE PED.
- = ELEC. TRANSFORMER
- = WELL
- = GATE VALVE
- = LIGHT POLE
- = TREE
- = FENCE LINE
- = SANITARY SEWER LINE
- = WATER LINE
- = GAS LINE
- = STORM DRAIN LINE
- = OVERHEAD UTILITY LINE
- = CONCRETE SURFACE

DATE	REVISION DESCRIPTION



CLIENT NAME / JOB ADDRESS

**STEVEN C. KURACHEK**  
6017 MAYVIEW ROAD  
MINNETONKA, MN

**Advance**  
Surveying & Engineering, Co.

17917 Highway 7  
Minnetonka, Minnesota 55345  
Phone (952) 474-7984  
Web: www.advance.com

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.

*Thomas M. Kozum*  
#42375  
LICENSER NO.  
APRIL 24, 2017  
DATE

DATE SURVEYED: APRIL 24, 2017

DATE DRAFTED: APRIL 24, 2017

SHEET TITLE  
**EXISTING CONDITIONS SURVEY**

DRAWING NUMBER  
170293 TB

SHEET NO.  
**S1**

SHEET 1 OF 1

**LEGAL DESCRIPTION:**

Lot 11, AUDITOR'S SUBDIVISION NO. 370, Hennepin County, Minnesota.

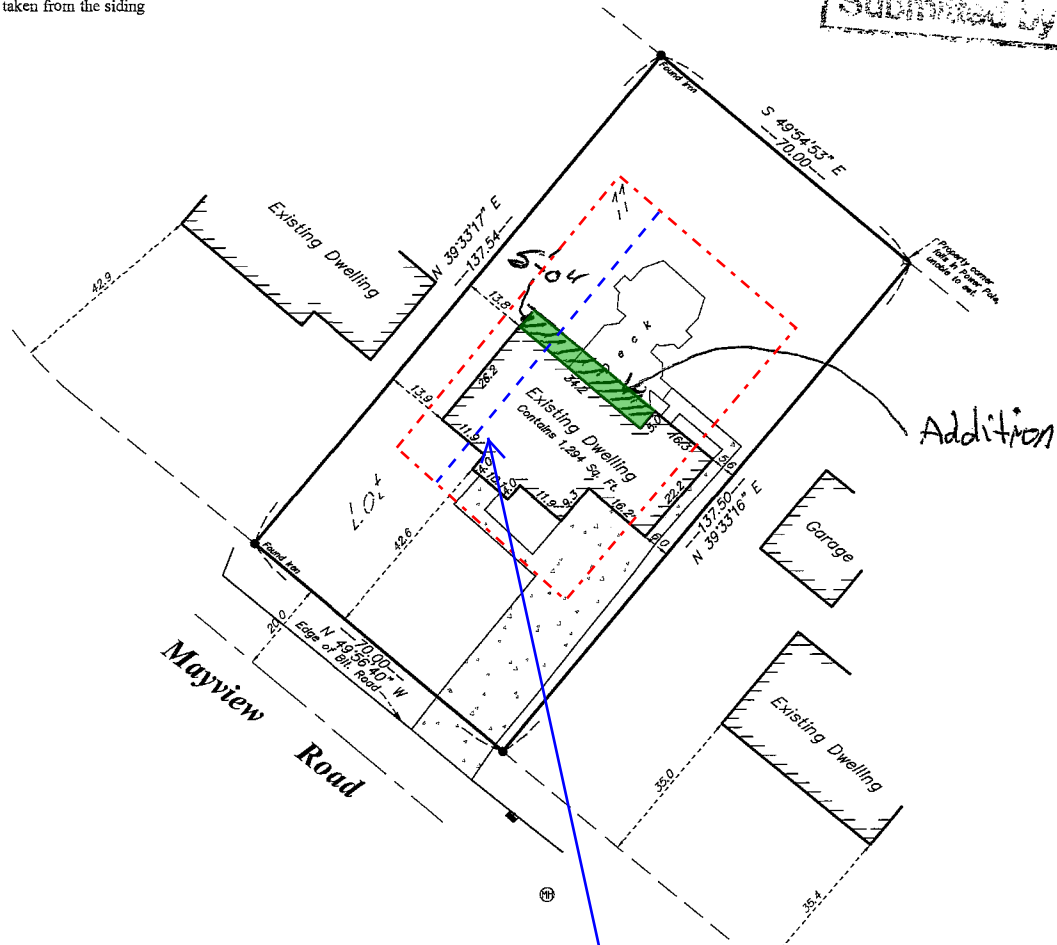
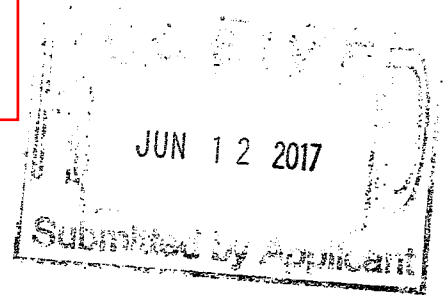
**SCOPE OF WORK & LIMITATIONS:**

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. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

**STANDARD SYMBOLS & CONVENTIONS:**

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

# Proposed Addition with Required Setbacks

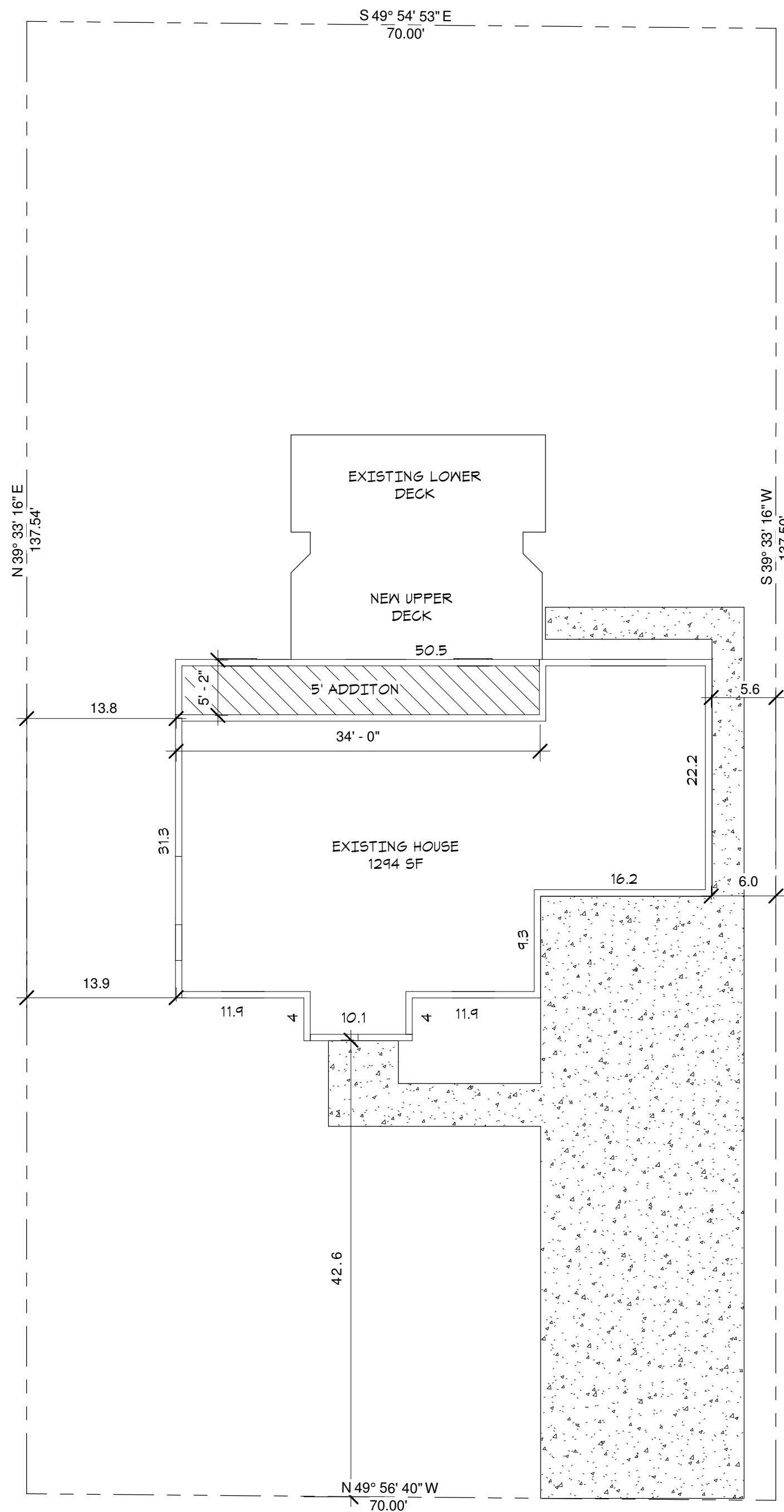


**LEGEND**

- = CATCH BASIN
- = FIRE HYDRANT
- = POWER POLE
- = MANHOLE
- = TELEPHONE PED.
- = ELEC. TRANSFORMER
- = WELL
- = GATE VALVE
- = LIGHT POLE
- = TREE
- = FENCE LINE
- = SANITARY SEWER LINE
- = WATER LINE
- = GAS LINE
- = STORM DRAIN LINE
- = OVERHEAD UTILITY LINE
- = CONCRETE SURFACE

Structure and proposed addition do not meet aggregate side yard setback

<b>DATE</b>	<b>REVISION DESCRIPTION</b>	<b>DRAWING ORIENTATION &amp; SCALE</b>	<b>CLIENT NAME / JOB ADDRESS</b>	<b>Advance</b> Surveying & Engineering, Co.	<b>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.</b>	<b>SHEET TITLE</b>	<b>SHEET NO.</b>
			<b>STEVEN C. KURACHEK</b> 6017 MAYVIEW ROAD MINNETONKA, MN	17917 Highway 7 Minnetonka, Minnesota 55345 Phone (952) 474-7984 Web: www.advance.com	Thomas M. Kosom #42375 LICENSE NO. APRIL 24, 2017 DATE	DATE SURVEYED: APRIL 24, 2017 DATE DRAFTED: APRIL 24, 2017 EXISTING CONDITIONS SURVEY DRAWING NUMBER 170293 TB	S1
						SHEET 1 OF 1	



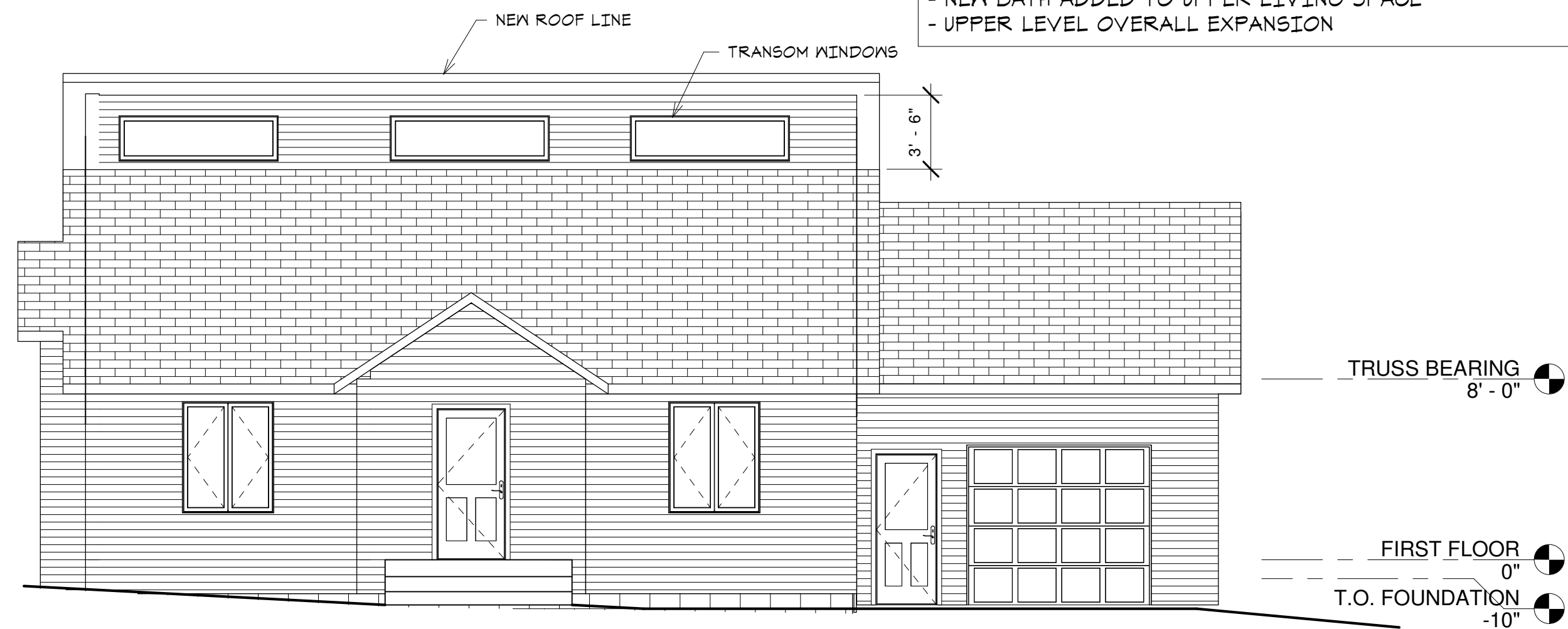
**SITE PLAN NOTES:**

- ALL DIMENSIONS SHOWN HAVE BEEN UPDATED TO INCLUDE THE NEW ADDITION OFF THE BACK
- DECK DESIGN/ADDITION TO BE VERIFIED BUT WILL NOT BE LARGER THEN EXISTING AS THE LOWER DECK WILL REMAIN

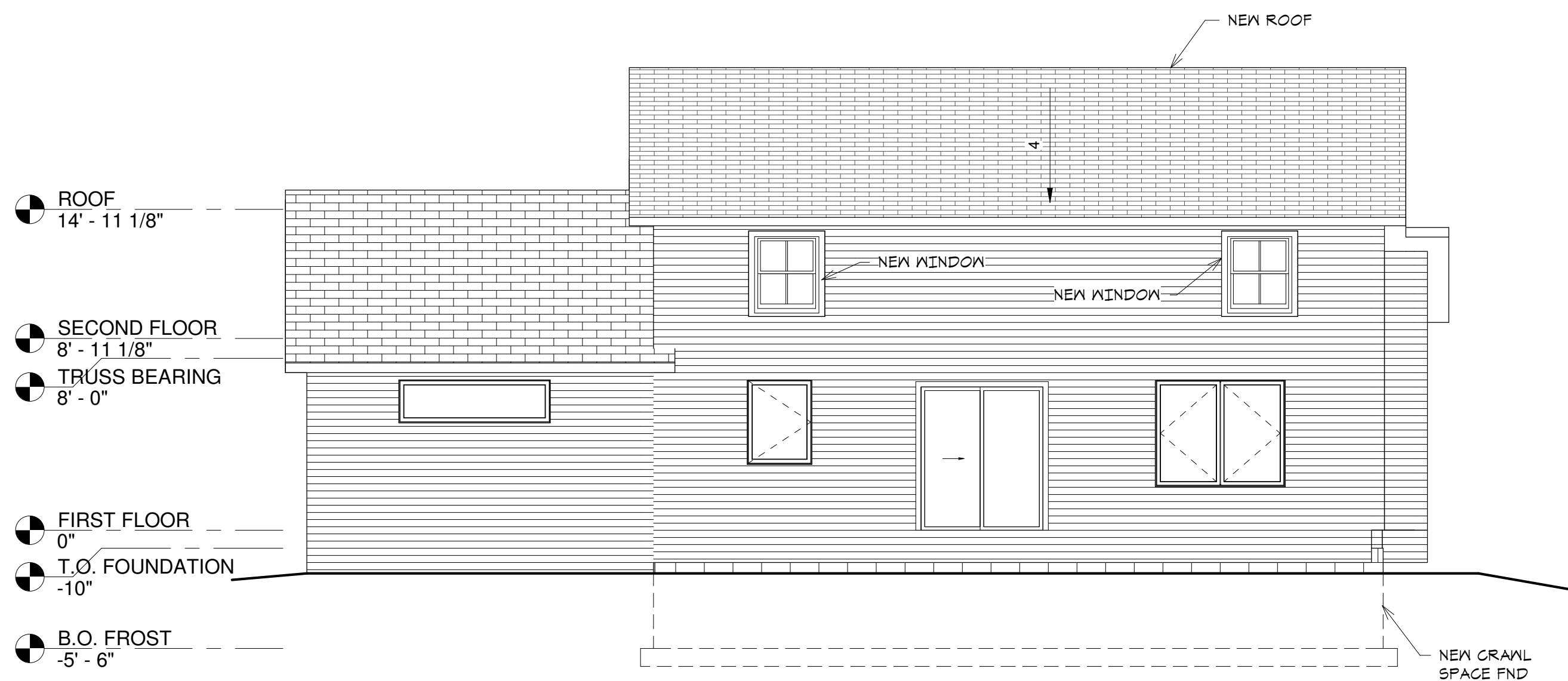
1 Site Plan  
1" = 10'-0"

**PROPOSED CHANGES/ADDITIONS TO EXISTING HOUSE:**

- 5'-2" EXPANSIONS OFF BACK (SHOWN ON SITE PLAN)
- KITCHEN EXPANSION (PART OF 5' EXPANSION)
- BEDROOM/BATHROOM EXPANSION (PART OF 5' EXPANSION)
- UPPER LEVEL TO BE FINISH LIVING SPACE
- NEW BATH ADDED TO UPPER LIVING SPACE
- UPPER LEVEL OVERALL EXPANSION



2 LEFT  
3/16" = 1'-0"



3 RIGHT  
3/16" = 1'-0"

**REAR ADDITION**

**STEPHEN KIRACHECK**

PROJ. NO: 050

PROJ. ADDRESS:  
5017 MAYVIEW RD,  
MINNETONKA, MN 55345

THIS DRAWING HAS BEEN DESIGNED BY AN EXPERIENCED DRAFTER, NOT AN ARCHITECT. IT HAS BEEN PREPARED USING INFORMATION THAT WAS PROVIDED BY YOU THE CUSTOMER. CONSULT WITH YOUR CONTRACTOR AND LOCAL BUILDING OFFICIAL TO DETERMINE IF THESE DRAWINGS MEET STATE AND LOCAL BUILDING CODES. THE FLOORS, BEARING AND ENGINEERED TRUSSES SHOULD BE MANUFACTURED BY QUALIFIED INDIVIDUALS TO DETERMINE IF STRUCTURAL REQUIREMENTS WERE MET IN THIS PROJECT. WE ASSUME NO RESPONSIBILITY FOR ANY PROBLEMS THAT MAY ARISE FROM CONSTRUCTION ERRORS OR DEFECTIVE PRODUCTS. USE THE WINDOW SCHEDULE PROVIDED BY THE COMPANY FOR EXACT ROUGH OPENINGS.

REVISIONS	
DESC.	DATE
1.	
2.	
3.	
4.	
5.	

DATE: 6/6/2017

DRAWN BY: CDG

CHECKED BY: Checker

Site Plan

**C1**

SCALE: As indicated



5017





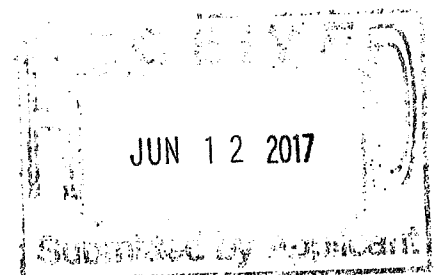
## Improvements on Mayview Rd.

My wife and I have lived in Minnetonka for the last 30 years. We raised our three children here and now have local grandchildren we attend to. Our spiritual community is in Minnetonka and we expect to retire here. Our home on Kinsel Rd. is too large for our purposes and we purchased the home on Mayview as part of a larger plan. My son plans to start his family in the Mayview home and I suspect he will reside on Mayview for the next 5 – 10 years. After that time, we plan to retire in the home.

I'm hoping to make improvements for a variety of reasons. Inspection on purchase found the following deficiencies: stairway to the attic beneath code ("widow walk"), cracked and broken shingles (original roof), warped siding (original), stoop-basement wall with rodent droppings, attic bedroom without egress, attic with inadequate heat and air conditioning, drive way with cracked sunken cement sloping to the house, aged and limited insulation, and a defective fireplace.

We felt the home ought to be upgraded in light of these maintenance requirements. Multiple houses on the street have extension dormers on the rear of their homes. This limited extension provides for a livable and safe upstairs bedroom and sitting area. By extending 5-7 feet out the back of the house the galley kitchen can be enlarged, washer and dryer moved to the main floor (retirement amenity), and most importantly the downstairs bathroom can be enlarged. Presently, this bathroom is tiny and a priority upgrade.

The upgrades proposed will improve the living space of the home without encroaching on either neighbors property or sight lines. The value of the home will obviously increase as well. To the extent any of us can predict what the future holds, we hope these changes will ultimately provide a convenient retirement home for our future.



**Planning Commission Resolution No. 2017-**

**Resolution approving an expansion permit for an addition to  
the existing home at 5017 Mayview Road**

---

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

Section 1. Background.

1.01 The subject property located at 5017 Mayview Road. The property is legally described as: LOT 11, AUDITOR’S SUBDIVISION NO. 370.

1.02 The home does not meet the aggregate side yard set setback requirements as follows:

	Required	Existing
Aggregate Side Yard Setback	30 feet	19.4 feet

1.03 As the existing home was constructed in 1952 prior to adoption of the city’s first zoning ordinance, the existing aggregate side yard setback is considered legal non-conforming.

1.04 David Stenson, on behalf of the property owners, is proposing a 5-foot addition to the rear of the existing home. The addition would meet the side yard setback requirement and would maintain the existing, non-conforming aggregate side setback.

1.05 Minnesota Statute §462.357 Subd. 1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.

1.06 City Code §300.29 Subd. 3(g) allows expansion of a nonconformity only by variance or expansion permit.

1.07 City Code §300.29 Subd. 7(c) authorizes the planning commission to grant expansion permits.

Section 2. Standards.

2.01 City Code §300.29 Subd. 7(c) states that an expansion permit may be granted, but is not mandated, when an applicant meets the burden of proving that:

1. The proposed expansion is a reasonable use of the property, considering such things as: functional and aesthetic justifications for the expansion; adequacy of off-site parking for the expansion; absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and improvement to the appearance and stability of the property and neighborhood.
2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowners convenience, and are not solely because of economic considerations; and
3. The expansion would not adversely affect or alter the essential character of the neighborhood.

Section 3. Findings.

3.01 The application for the expansion permit is reasonable and would meet the required standards outlined in City Code §300.29 Subd. 7(c):

1. Reasonableness. The addition's proposed 19.4-foot aggregate side yard setback is reasonable. The addition would:
  - a) Not encroach further into the required setbacks than the existing structure;
  - b) Be located 20 feet from the closest neighboring home; and
  - c) Allow for an expansion of a modestly sized home.
2. Unique Circumstance: The existing property is just 9,625 square feet in size, less than half the city's minimum lot size. However, it is not classified as a "small lot" by city code definition. Were it a "small lot":
  - a) The home would be subject to a minimum 7-foot setback from both side property lines and would not be subject to an aggregate side yard setback. If property was considered a

small lot, the proposed addition would not encroach within the required setbacks and would not require an expansion permit.

- b) Roughly, 56% of the property would be encumbered by required setbacks. Because it is not a “small lot,” nearly 70% of the property is encumbered.

Though the size of the property is not unique in the immediately surrounding area, small lots are not common to every R-1 zoned neighborhood in the community.

- 3. Neighborhood Character: The proposed remodeling and additions resulting from the requested expansion permit would not make a significant visual impact to the property and immediate area as the addition is to the rear of the property and the total height of the structure would only increase 3.5 feet.

Section 4. Planning Commission Action.

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

- 1. Subject to staff approval, the property must be developed in substantial conformance with the following plans, except as modified by conditions below.
  - Plan elevations submitted June 12, 2017.
  - Survey submitted June 12, 2017.
- 2. Prior to issuance of a building permit:
  - a) This resolution must be recorded with Hennepin County.
  - b) Install temporary erosion control and tree protection fencing for staff inspection. These items must be maintained throughout the course of construction.
- 3. This expansion permit approval will end on December 31, 2018, unless the city has issued a building permit for the project covered by this expansion permit approval or approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on July 20, 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 City Council of the City of Minnetonka, Minnesota, at a meeting held on July 20, 2017.

---

Kathy Leervig, Deputy City Clerk

**MINNETONKA PLANNING COMMISSION**  
**July 20, 2017**

<b>Brief Description</b>	Conditional use permit to allow accessory structures with an aggregate gross floor area of 1,455 square feet at 13330 North Street.
<b>Recommendation</b>	Recommend the city council adopt the resolution approving the request.

---

**Proposal**

The subject property is currently improved with an existing home and a two-car, 675 square foot, detached garage. The applicant is proposing to construct a second, two-car, detached garage. The garage would be built into the “hill” on the west side of the property. The topography, coupled with the proposed landscaping around the perimeter of the new garage, would provide screening. Additionally, the garage has been structurally designed to accommodate a future green roof. The applicant indicates that, while the green roof would not be installed initially due to the weather conditions, installation would occur early next spring.

By ordinance, a conditional use permit is required when a property will exceed an aggregate gross floor area – the total sum of the gross area of all accessory structures on the property – of 1,000 square feet. If approved, the conditional use permit would allow two detached accessory structures with an aggregate total of 1,455 square feet.

**Staff Analysis**

Staff finds that the applicant’s proposal is reasonable.

- The proposal would meet all the general and specific conditional use permit standards for accessory structures exceeding 1,000 square feet.
- The proposed detached garage would meet all setback requirements. Further, though the property is technically located adjacent to public right-of-way, that right-of-way is not improved. As such, the proposed garage would not be visible from an improved public street.
- The proposed garage would be initially screened from adjacent properties by topography and landscaping. Additional screening would be added in the future following the construction of a green roof.

**Staff Recommendation**

Recommend the city council adopt the attached resolution, which approves a conditional use permit allowing accessory structures with a gross floor area of 1,455 square feet at 13330 North Street.

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

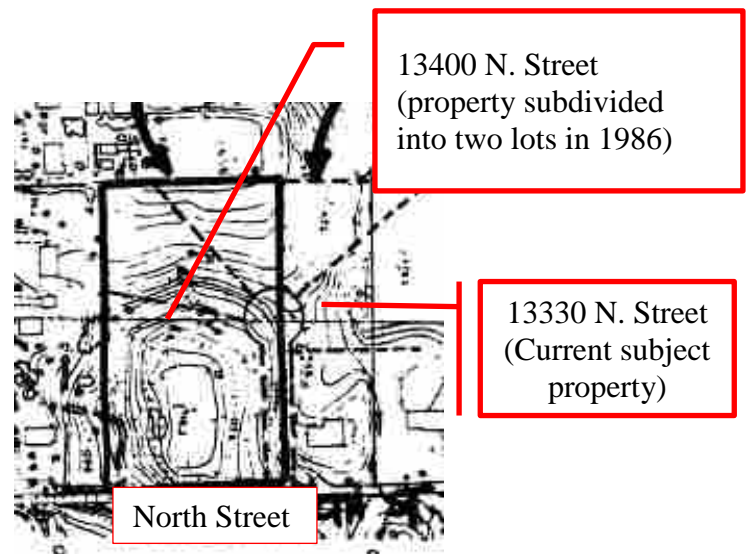


### Supporting Information

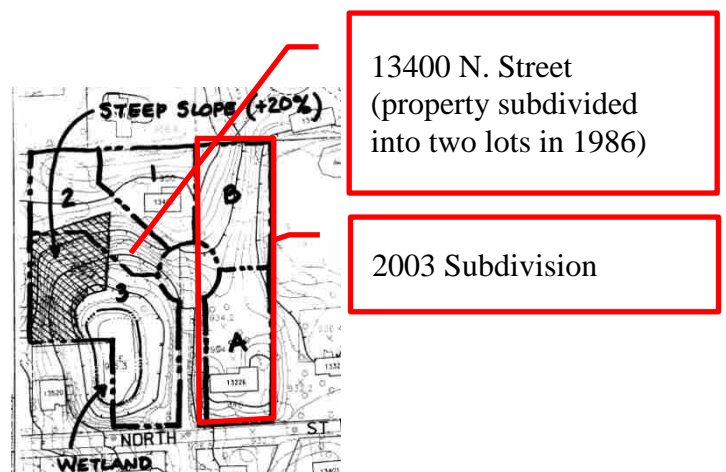
<b>Project No.</b>	05079.17a
<b>Property</b>	13330 North Street
<b>Applicant</b>	Greg Elsner of Shelter Architecture
<b>Surrounding Land Uses</b>	All properties to the north, south, east and west are improved with single family residential homes, zoned R-1 and guided for Low Density residential
<b>Planning</b>	Guide Plan designation: Low density residential Zoning: R-1

### Background

In 1986, the city approved a subdivision of the property immediately to the west of the subject property. As part of that subdivision, 30' of right-of-way was dedicated along the east property line. This was to allow for access to future lots as the area continued to develop.



In 2003, the city council approved a two-lot subdivision creating the subject property. At this time, the remaining 20' of right-of-way was dedicated. It was determined that the construction of the cul-de-sac was not immediately necessary to serve the new lot (subject property) but rather would be required as part of any future development.



In 2005, the planning commission approved a front setback variance to allow the construction of the existing garage. This variance reduced the required setback by 5-feet to allow for a 40-square foot point intrusion.

**Lot-behind-lot**

By ordinance, a lot-behind-lot is a lot that has substandard or not frontage on a public road right-of-way. Despite the property's visual appearance as a lot-behind-lot, the property has frontage onto unimproved, public right-of-way.

**Setbacks**

As a standard R-1 lot, the setbacks for accessory structures on the property are as follows:

	<b>Required</b>	<b>Proposed</b>
<i>Front yard setback</i>	35 ft	51 ft
<i>Side and rear yard setback</i>	15 ft for conditionally permitted structures	Side yard: 15 ft Rear yard: 63 ft

**Building height**

By ordinance, building height is measured from the midpoint for the highest peak to grade. Using this definition, the proposed building height for the garage is 12 feet.

**CUP Standards**

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

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

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.3(f):

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;

**Finding:** The proposed garage would have a code-defined building height of 12 feet. The proposed setback would be 15 feet. As such, the proposal meets this requirement.

2. No additional curb cuts to be permitted;

**Finding:** The proposed garage would share a driveway with the existing garage. No additional curb cuts are proposed.

3. Not to be used for commercial activities;

**Finding:** The proposed garage would be used for additional vehicular storage. No commercial activities are proposed. Nonetheless, this has been included as a condition of approval.

4. Structure to be architecturally consistent with the principal structure;

**Finding:** The proposed garage would be architecturally consistent with the modern design of both the existing home and garage.

5. Landscaping to be required to buffer views when the structure is highly visible from adjacent properties; and

**Finding:** Topography and proposed landscaping would screen the proposed garage initially. Additional screening would be provided by a future green roof.

6. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

**Finding:** The proposed garage would meet the site and building plan standards as noted below.

### **SBP Standards**

The proposal would comply with all site and building standards as outlined in City Code 300.27 Subd.5

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

**Finding:** Staff from the city's community development, engineering, finance, fire and public works department have reviewed the proposal and found that it is consistent with the

city's comprehensive guide plan and water resource management plan.

2. Consistency with this ordinance;

**Finding:** The proposal meets all 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:** In order to construct the pergola and deck, four aspen trees would be removed. However, the proposal includes a green roof and an increased amount of landscaping onsite.

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

**Finding:** The proposed location of the garage would provide for reasonable screening from adjacent properties and would increase the amount of onsite landscaping.

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:** Since the property is visually a lot-behind-lot, the proposed garage would not be visible from any adjacent roadways. The structure would be architecturally consistent with existing structures on the property.

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

**Finding:** While it is unlikely that the green roof would be installed this year, the garage would be structurally constructed to accommodate a green roof.

- 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 garage would only be visible from the properties to the south and west. To screen views of the proposed garage, the applicant is using existing topography and proposing to increase the landscaping onsite.

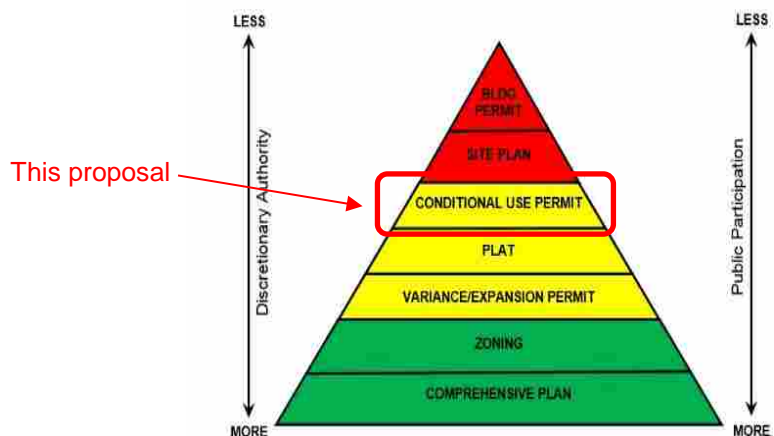
**Approving Body**

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)

**Natural Resources**

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

**Pyramid of Discretion**

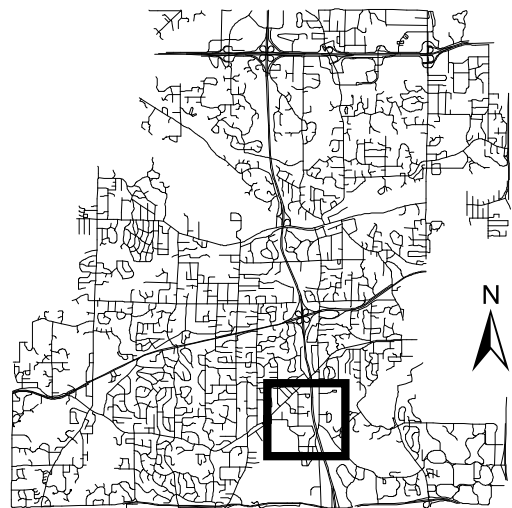


- Motion Options**      The planning commission has the following motion options:
1. Concur with staff's recommendation. In this case, a motion should be made recommending the city council approve the proposal based on the findings outlined in the staff-drafted resolution.
  2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny 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 will make a recommendation to the city council. A recommendation requires an affirmative vote of a simple majority. The city council's final approval requires an affirmative vote of a simple majority
- Neighborhood Comments**      The city sent notices to 57 area property owners and received one comment to date. (See attached.)
- Deadline for Action**      **September 25, 2017**



### Location Map

Project: Mike & Lisa Ostenson  
Applicant: AIA Shelter Architecture  
Address: 13330 North St  
Project No. 05079.17a



This map is for illustrative purposes only.

To whom it may concern:

Thank you for reviewing our request for a conditional use permit at 13330 North Street. We're excited about the opportunity to build a new garage for our home that will house 2 additional cars. We've reviewed the requirements for the permit and feel we have met them accordingly (including set backs, height restrictions, and fit/finish with current structures). Additionally, we've met with our nearest neighbors and have discussed our plans/intentions and both are agreeable to the new structure. We also want you to know that we are being mindful of our neighbor to the west and plan to screen the roof immediately with native landscaping and have future plans of installing a green roof with a tray system (likely next spring when the weather conditions will be more suitable). If you have any questions or comments, we'd be happy to address them at the July 20th meeting.

Regards,

Mike and Lisa Ostenson



# Ostenson Garage and Patio

## Sheet Index

- T-0.0 Title / Index / Contacts
- C-1.0 Site Survey
- A-1.2 Floor Plans
- A-1.3 Roof Plan
- A-2.3 Exterior Elevations - House
- A-2.6 Exterior Elevations - New Garage
- A-3.0 Building Sections

## Project Information / Code Summary

### Property Address:

13330 North Street  
Minnetonka, MN 55345

- International Residential Code 2015 + MN Amendments + City of Minnetonka

<b>County</b> Hennepin	<b>Parcel ID</b> 27-117-22-43-0067	<b>School District</b> 270
<b>Zoning District</b> R1	<b>Municipality</b> Minnetonka	<b>Watershed</b> 1

### Property Area Info:

<b>Areas</b>	
New Garage:	692 Sq Ft
New Deck:	599 Sq Ft

## Contact Information

### Owner:

**Contact:** Mike & Lisa Ostenson  
Phone: 612.321.1086  
Email: mikeostenson@gmail.com

### Architect:

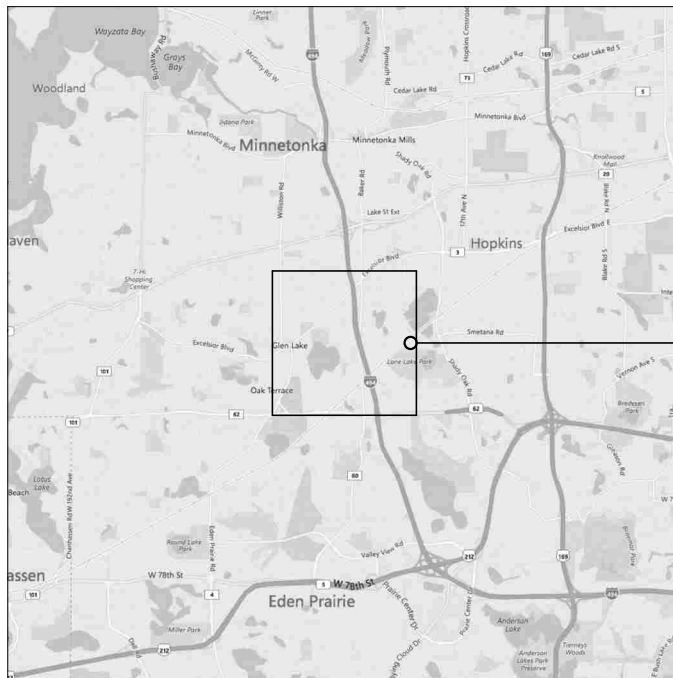
**Shelter Architecture LLC.**  
1229 Tyler Street NE #202  
Minneapolis, MN 55413

**Contact:** Greg Elsner, AIA  
Phone: 612-870-4081  
Fax: 612-870-4084  
Email: gelsner@shelterarchitecture.com



## Project Location Map

13330 North Street  
Minnetonka, MN 55345



Drawn by BH/GE  
Checked by GE

These documents are an offering of services and architectural, engineering, landscape architecture, interior design, and construction management services by SHELTER ARCHITECTURE.

1/2 SIZE NOT FOR CONSTRUCTION

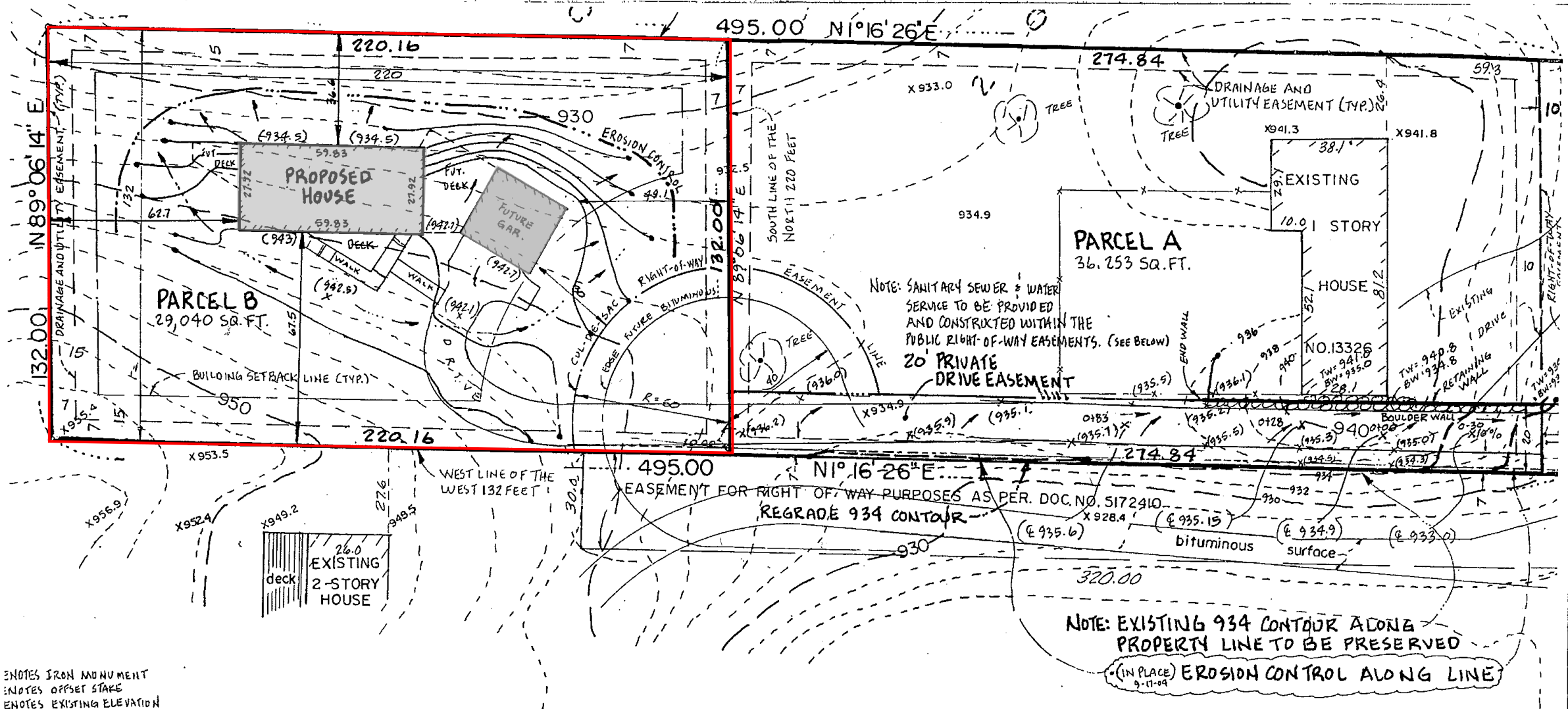
Ostenson  
Project number 17036  
13330 North Street  
Minnetonka, MN 55345  
Mike & Lisa Ostenson



Revisions			Phase		Issue Date
No.	Description	Issue Date	CUP Issue		06/05/17

T-0.0

Existing Structures



ENOTES IRON MONUMENT  
 ENOTES OFFSET STAKE  
 ENOTES EXISTING ELEVATION  
 ENOTES PROPOSED ELEVATION  
 ENOTES SURFACE DRAINAGE  
 ENOTES EXISTING CONTOUR  
 ENOTES PROPOSED CONTOUR

GD GARAGE FLOOR ELEV. = 942.75  
 GD TOP OF FOUNDATION ELEV. = 943.33  
 GD LOWEST FLOOR ELEV. = 934.62

MARK TO OF OFFSET STAKE MARKED  
 "BM" ELEVATION =

AREAS

DECK = 230 SQ. FT.  
 WALK = 154 SQ. FT.  
 DECK = 40 SQ. FT.  
 4548 SQ. FT. HARDCOVER  
 15.7%

PARCEL A (13326 NORTH ST.)

**LEGAL DESCRIPTION**  
 That part of the west 132.00 feet of Lot 20 "AUDITORS SUBDIVISION NUMBER 321, HENNEPIN COUNTY, MINNESOTA", according to the recorded plat thereof, lying south of the north 220.00 feet thereof.

**DRAINAGE AND UTILITY EASEMENT**  
 A drainage and utility easement over, under, and across the northerly, easterly and westerly 7.00 feet and the northerly 10.00 feet of the southerly 20.00 feet of the following described property:

That part of the west 132.00 feet of Lot 20 "AUDITORS SUBDIVISION NUMBER 321, HENNEPIN COUNTY, MINNESOTA", according to the recorded plat thereof, lying south of the north 220.00 feet thereof.

**DRIVEWAY EASEMENT**  
 A driveway easement over, under, and across the westerly 20.00 feet of the following described property:

**PUBLIC RIGHT-OF-WAY EASEMENTS**  
 A public right-of-way easement over, under and across the southerly 10.00 feet, and the westerly 20.00 feet of the following described property:

That part of the west 132.00 feet of Lot 20 "AUDITORS SUBDIVISION NUMBER 321, HENNEPIN COUNTY, MINNESOTA", according to the recorded plat thereof, lying south of the north 220.00 feet thereof.  
 also  
 over, under and across that part of the above described property lying within the circumference of a circle having a 50.00 foot radius, said radius point is a point on the south line of the north 220.00 feet, distant 10.00 feet easterly of the west line of the west 132.00 feet thereof.

PARCEL B (13330 NORTH ST.)

**LEGAL DESCRIPTION**  
 The north 220.00 feet of the west 132.00 feet of Lot 20 "AUDITORS SUBDIVISION NUMBER 321, HENNEPIN COUNTY, MINNESOTA", according to the recorded plat thereof.

**DRAINAGE AND UTILITY EASEMENT**  
 A drainage and utility easement over, under, and across the southerly 10.00 feet and the westerly 20.00 feet of the following described property:

The north 220.00 feet of the west 132.00 feet of Lot 20 "AUDITORS SUBDIVISION NUMBER 321, HENNEPIN COUNTY, MINNESOTA", according to the recorded plat thereof.

**PUBLIC RIGHT-OF-WAY EASEMENT**  
 A public right-of-way easement over, under and across the southerly 10.00 feet and the westerly 20.00 feet of the following described property:

1 EXISTING SURVEY  
 1" = 20'-0"

1/2 SIZE NOT FOR CONSTRUCTION



1229 Tyler Street NE Studio 202  
 Minneapolis, MN 55413  
 612.870.4081

Revisions		
No.	Description	Issue Date

Phase		Issue Date
CUP Issue		06/05/17

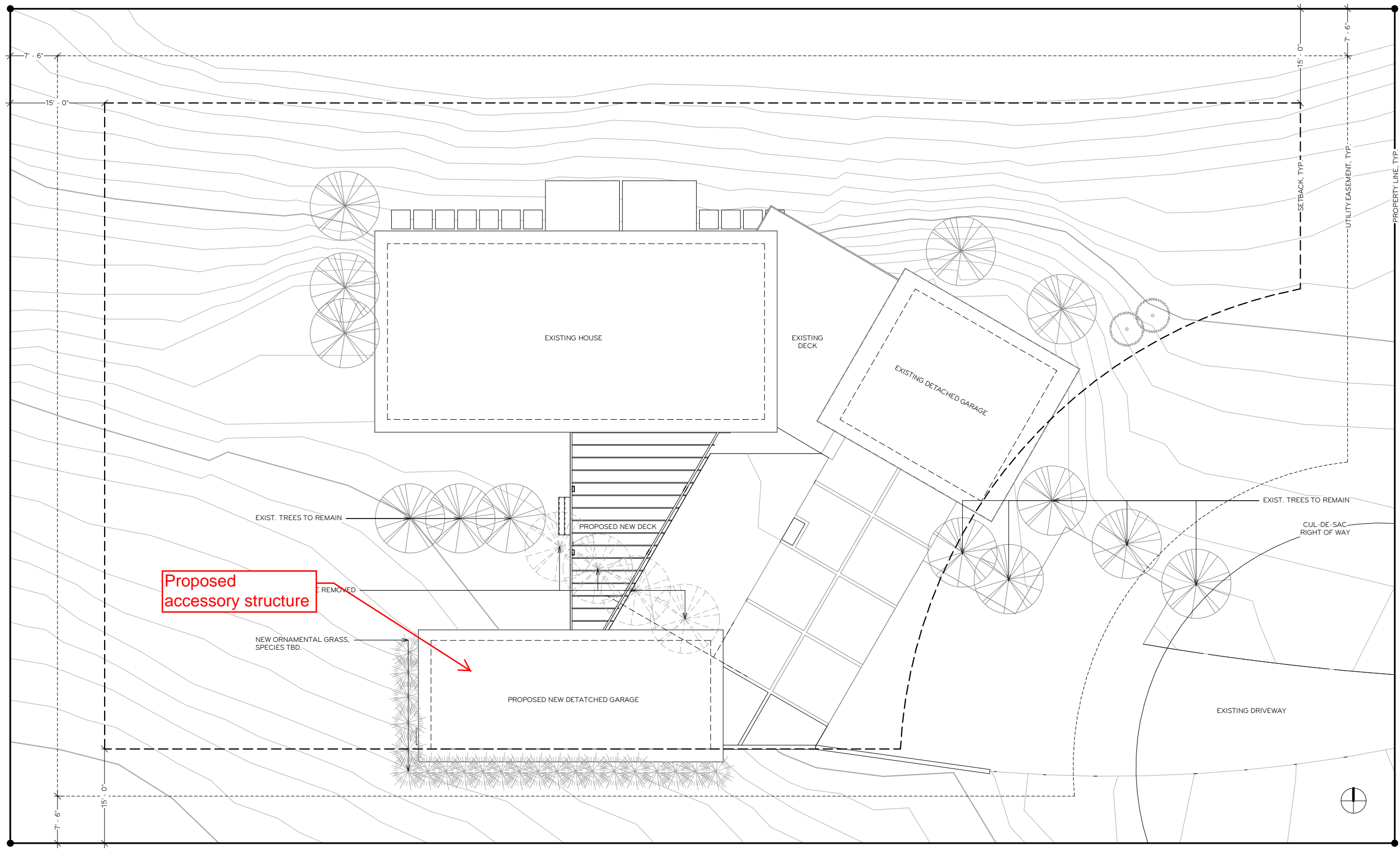
Drawn by BH/GE  
 Checked by GE

Ostenson

Project number 17036  
 13330 North Street  
 Minnetonka, MN 55345  
 Mike & Liso Ostenson

Site Survey

C-1.0



**Proposed  
accessory structure**

1 Site  
1/8" = 1'-0"

1/2 SIZE NOT FOR CONSTRUCTION

Site Plan

**SHELTER**  
1229 Tyler Street NE Studio 202  
Minneapolis, MN 55413  
612.870.4081

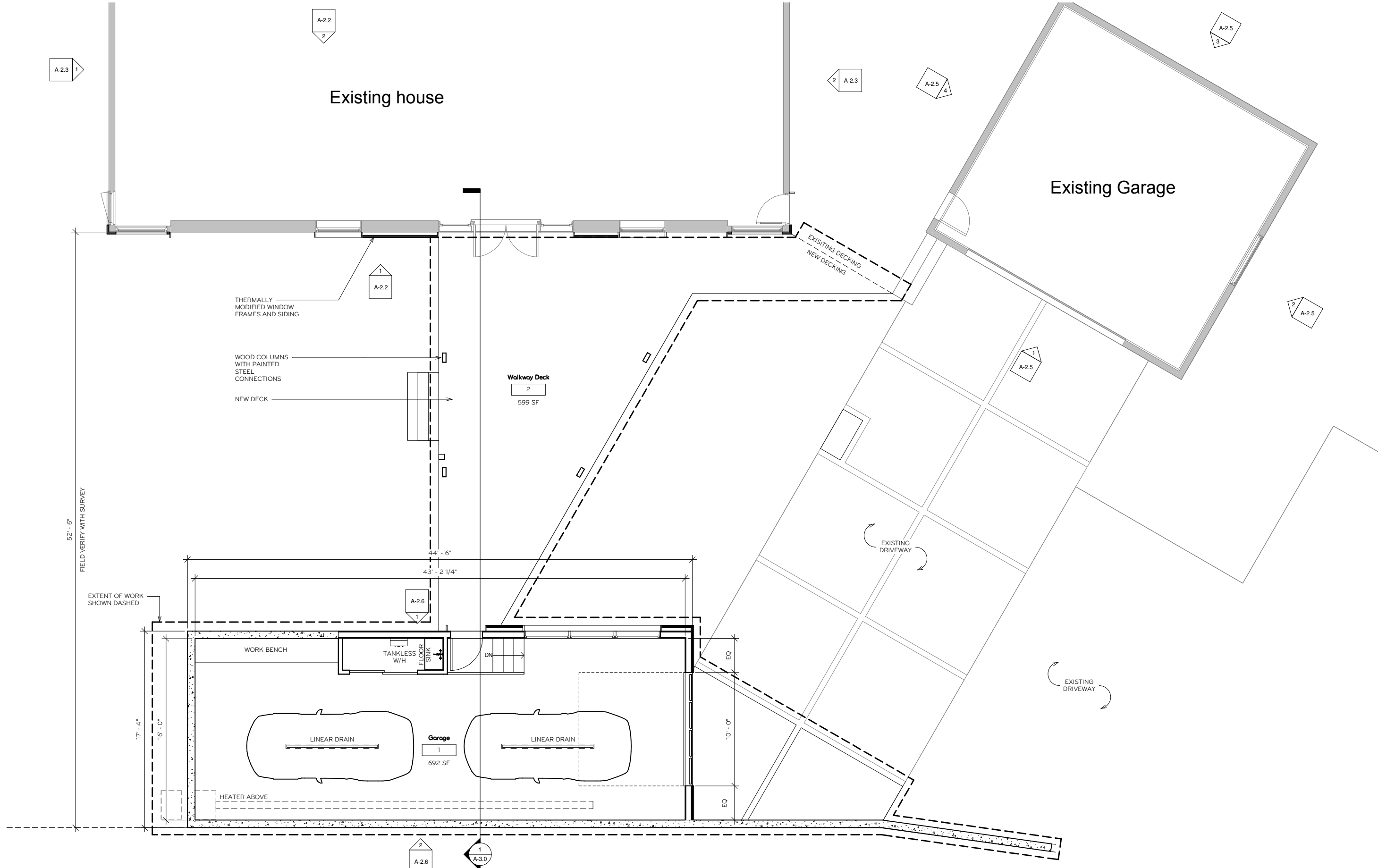
Revisions		
No.	Description	Issue Date

Phase		Issue Date
CUP Issue		06/05/17

Drawn by BH/GE  
Checked by GE

**Ostenson**  
Project number 17036  
13330 North Street  
Minnetonka, MN 55345  
Mike & Liso Ostenson

These documents are instruments of service and as such remain the property of SHELTER ARCHITECTURE. Use or publication requires written approval from SHELTER ARCHITECTURE.



① Level 1  
1/4" = 1'-0"

1/2 SIZE NOT FOR CONSTRUCTION



1229 Tyler Street NE Studio 202  
Minneapolis, MN 55413  
612.870.4081

Revisions			Phase		Issue Date
No.	Description	Issue Date	CUP Issue		06/05/17

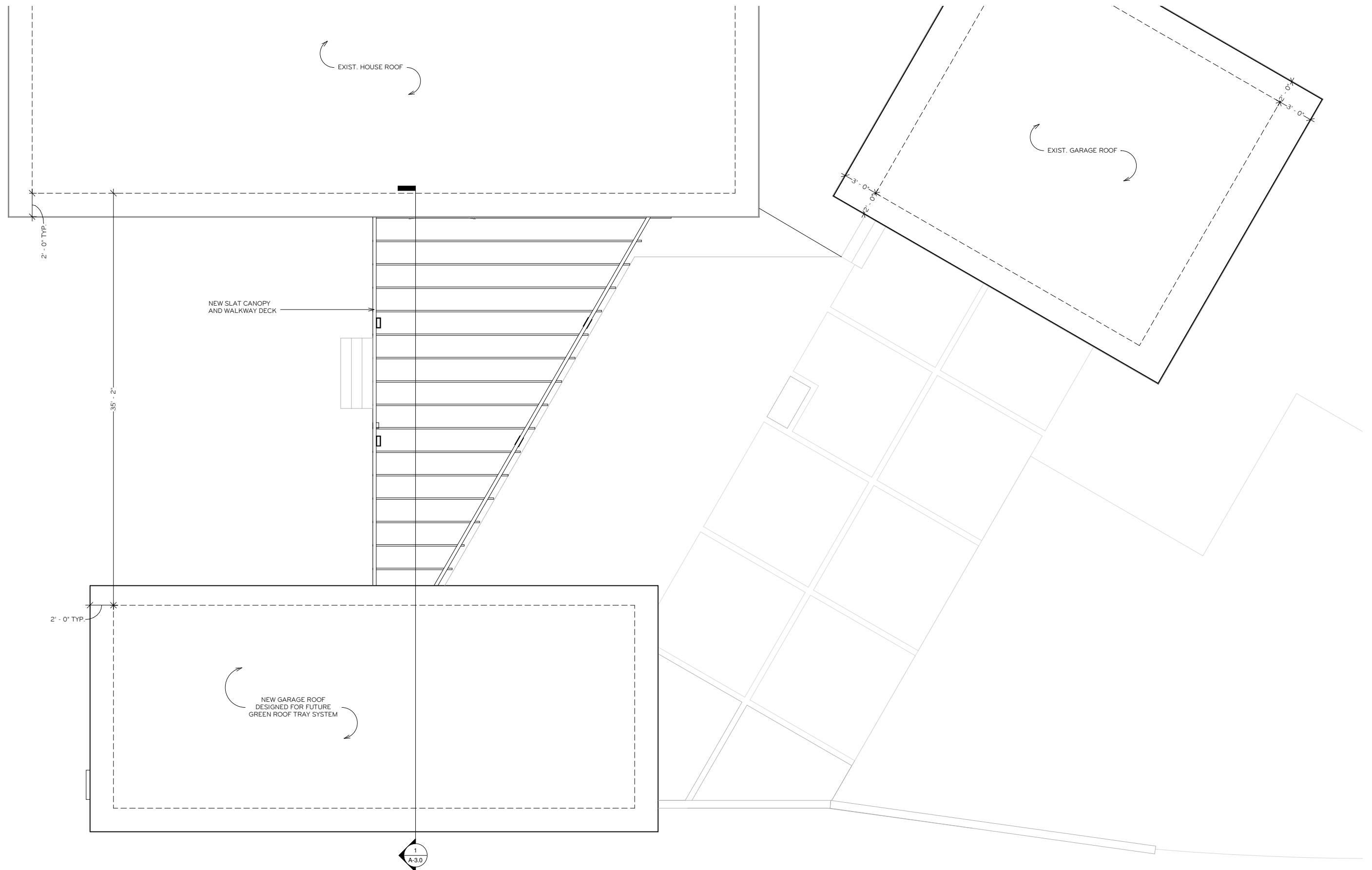
Drawn by BH/GE  
Checked by GE

**Ostenson**  
Project number 17036  
13330 North Street  
Minnetonka, MN 55345  
Mike & Liso Ostenson

Floor Plans

A-1.2

These documents are instruments of service and as such remain the property of SHELTER ARCHITECTURE. Use or publication requires written approval from SHELTER ARCHITECTURE.



1 Roof  
1/4" = 1'-0"

1/2 SIZE NOT FOR CONSTRUCTION

**SHELTER**  
 1229 Tyler Street NE Studio 202  
 Minneapolis, MN 55413  
 612.870.4081

Revisions		
No.	Description	Issue Date

Phase		Issue Date
CUP Issue		06/05/17

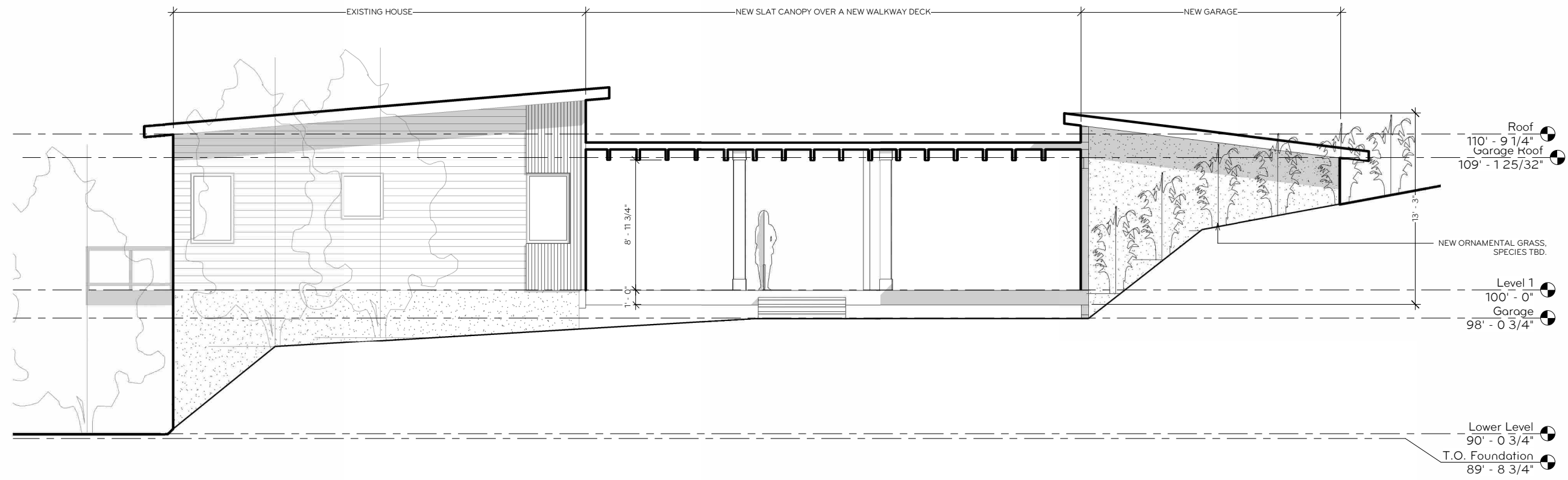
Drawn by BH/GE  
 Checked by GE

**Ostenson**  
 Project number 17036  
 13330 North Street  
 Minnetonka, MN 55345  
 Mike & Liso Ostenson

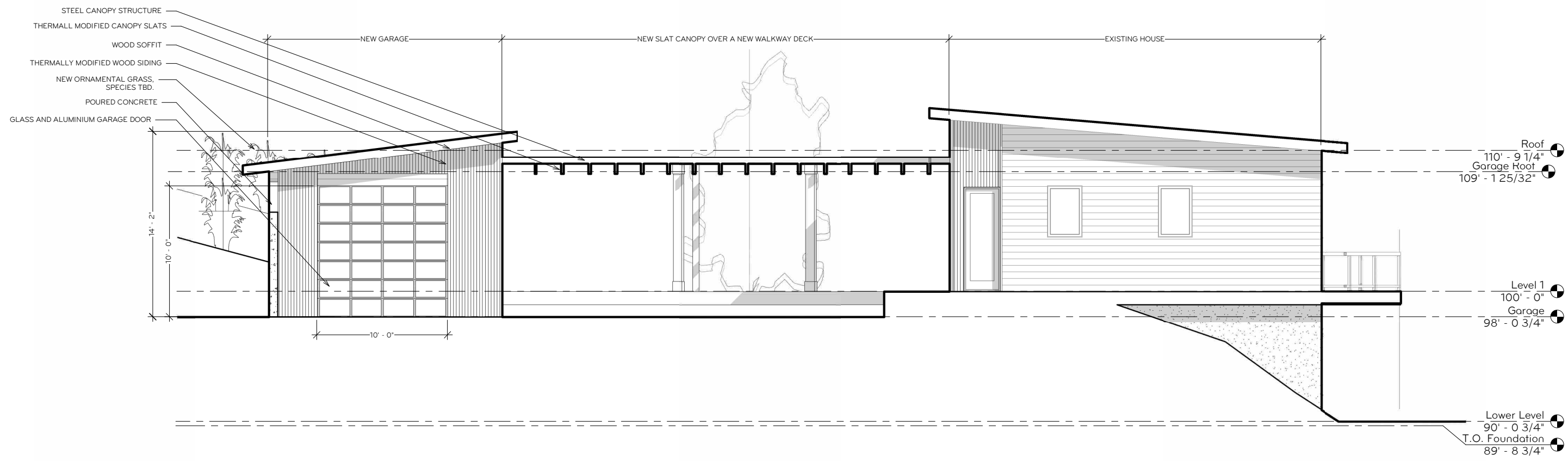
These documents are instruments of service and as such remain the property of SHELTER ARCHITECTURE. Use or publication requires written approval from SHELTER ARCHITECTURE.

Roof Plan

A-1.3



① West - House  
1/4" = 1'-0"



② East - House  
1/4" = 1'-0"

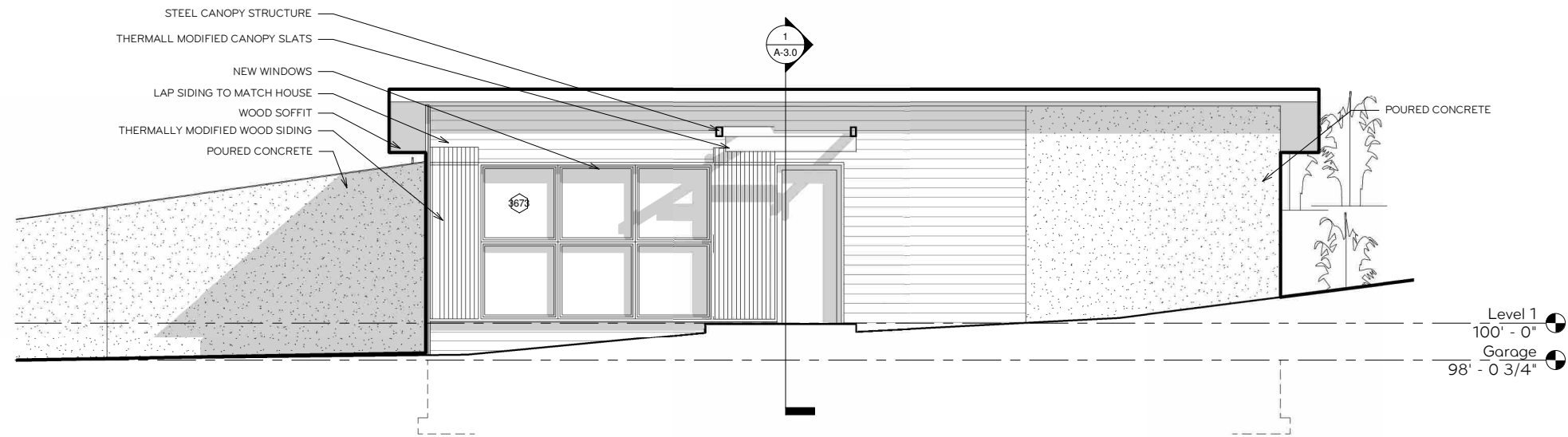
1/2 SIZE NOT FOR CONSTRUCTION  
Exterior Elevations - House

Revisions			Phase		Issue Date
No.	Description	Issue Date	CUP Issue		06/05/17

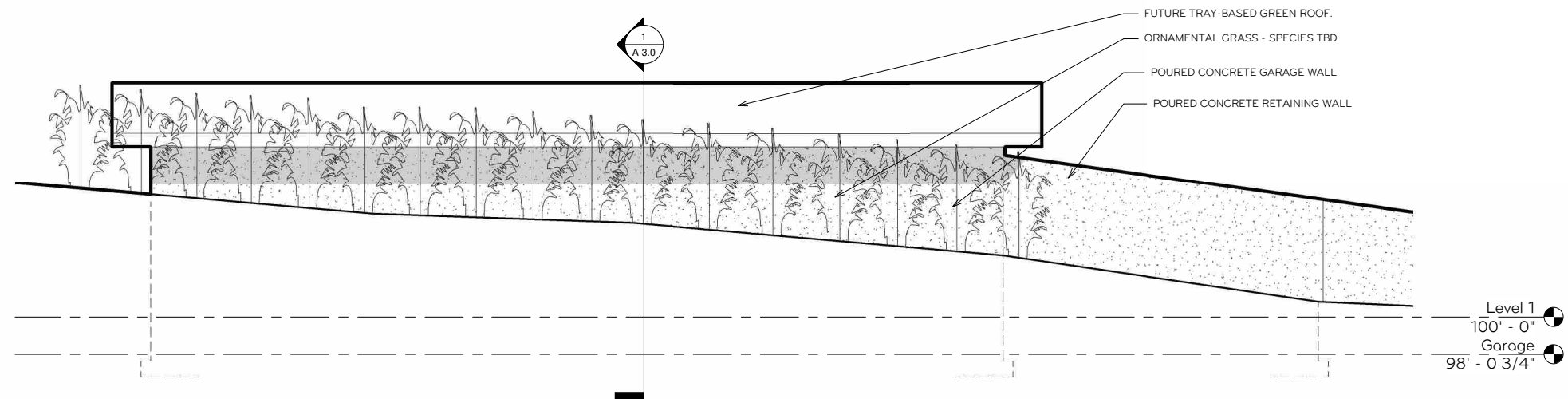
Drawn by BH/GE  
Checked by GE

**Ostenson**  
Project number 17036  
13330 North Street  
Minnetonka, MN 55345  
Mike & Liso Ostenson

These documents are instruments of service and as such remain the property of SHELTER ARCHITECTURE. Use or publication requires written approval from SHELTER ARCHITECTURE.



① North - New Garage  
1/4" = 1'-0"



② South - New Garage  
1/4" = 1'-0"

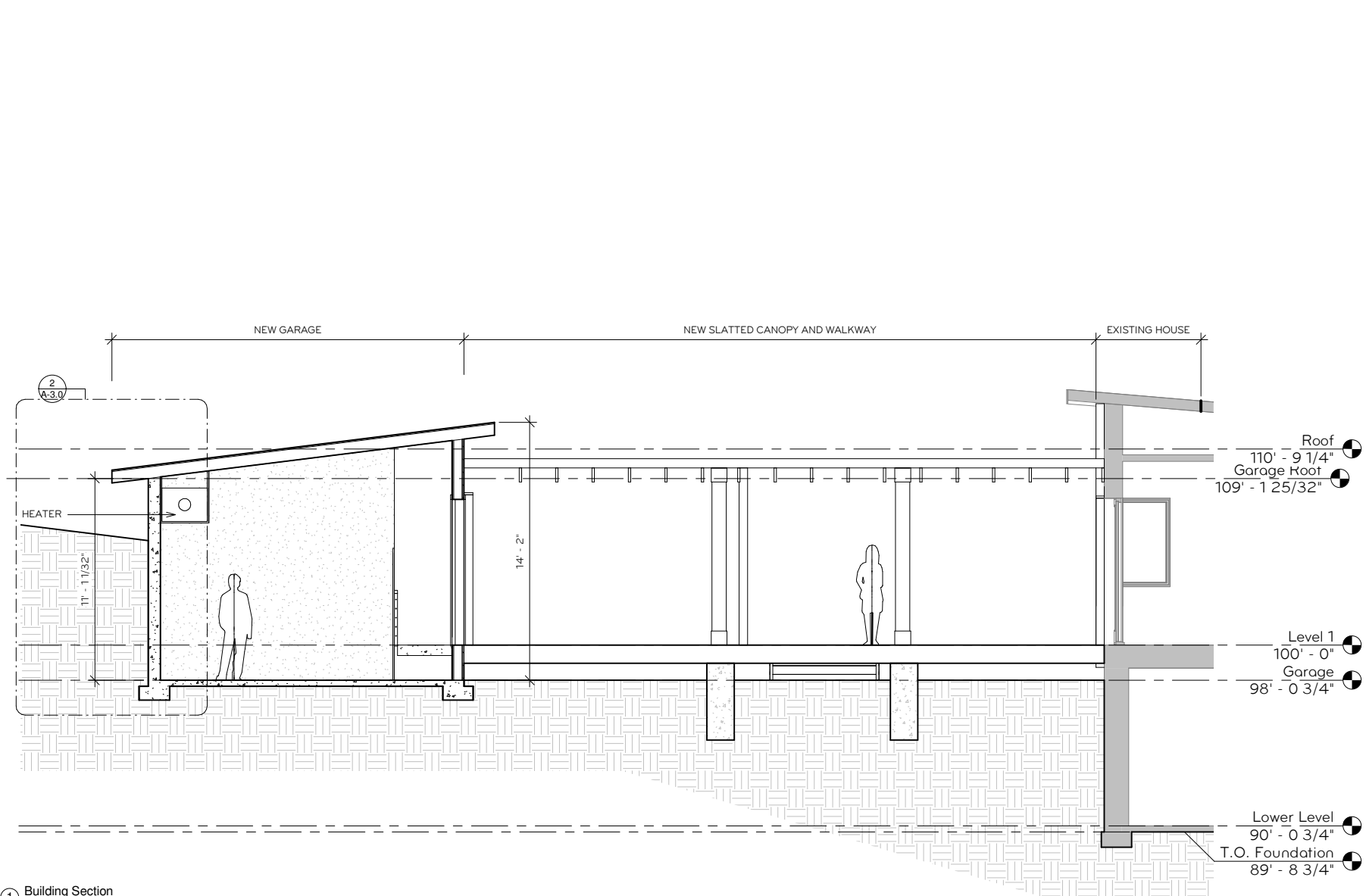
Revisions			Phase		Issue Date
No.	Description	Issue Date	CUP Issue		06/05/17

Drawn by BH/GE  
Checked by GE

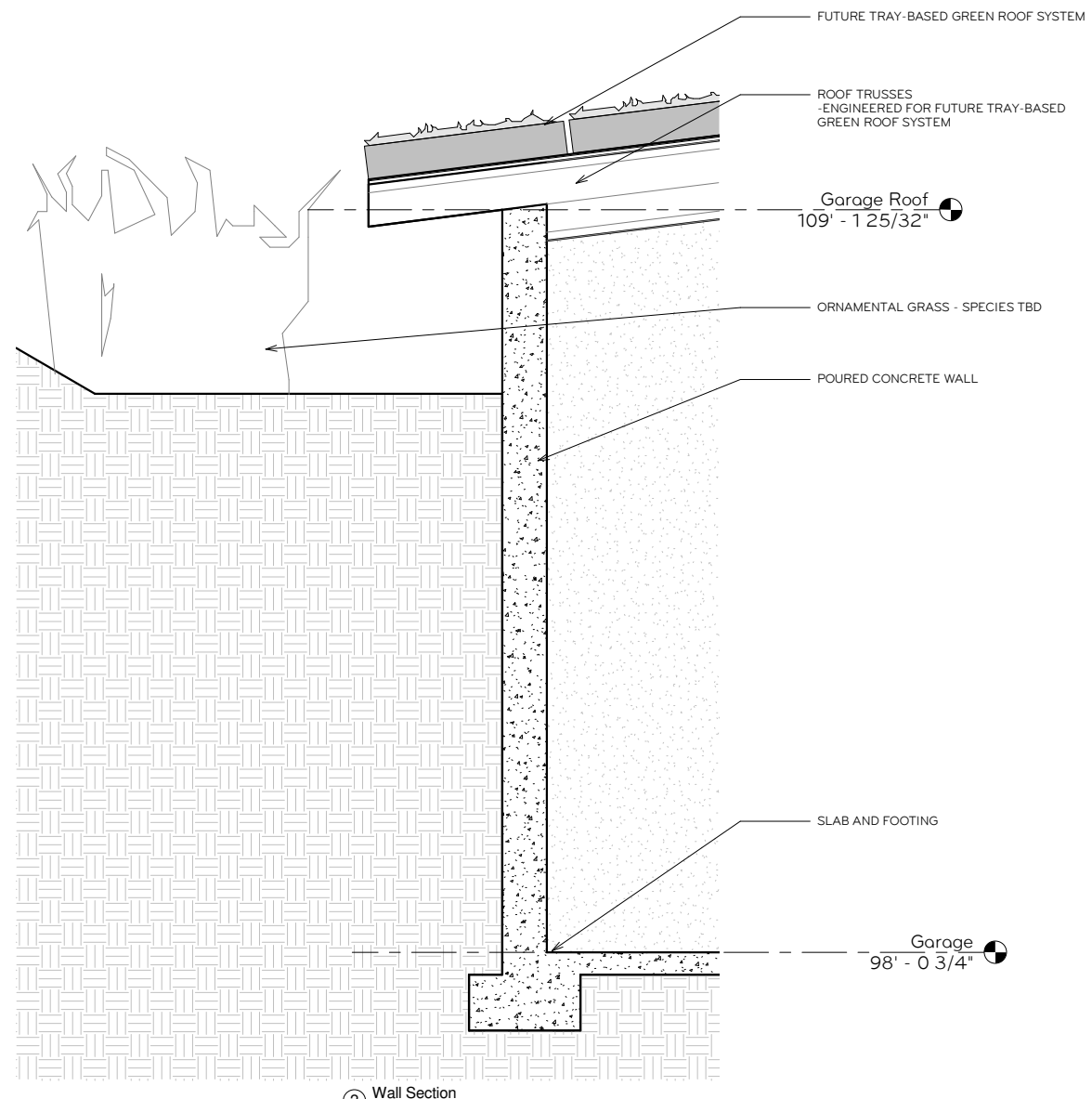
These documents are instruments of service and as such remain the property of SHELTER ARCHITECTURE. Use or publication requires written approval from SHELTER ARCHITECTURE.

**Ostenson**  
Project number 17036  
13330 North Street  
Minnetonka, MN 55345  
Mike & Liso Ostenson

1/2 SIZE NOT FOR CONSTRUCTION  
Exterior Elevations - New Garage



1 Building Section  
1/4" = 1'-0"



2 Wall Section  
3/4" = 1'-0"

1/2 SIZE NOT FOR CONSTRUCTION  
Building Sections



1229 Tyler Street NE Studio 202  
Minneapolis, MN 55413  
612.870.4081

Revisions		
No.	Description	Issue Date

Phase		Issue Date
CUP Issue		06/05/17

Drawn by BH/GE  
Checked by GE

Ostenson  
Project number 17036  
13330 North Street  
Minnetonka, MN 55345  
Mike & Liso Ostenson

These documents are instruments of service and as such remain the property of SHELTER ARCHITECTURE. Use or publication requires written approval from SHELTER ARCHITECTURE.



## Susan Thomas

---

**From:** Ashley Cauley  
**Sent:** Tuesday, July 11, 2017 8:52 AM  
**To:** Susan Thomas  
**Subject:** FW: 13330 North St. comment

---

**From:** Dewey Hassig [ ]  
**Sent:** Tuesday, July 11, 2017 5:26 AM  
**To:** Ashley Cauley  
**Subject:** 13330 North St. comment

Ashley,

In regards to an application for an **additional** accessory structure of 690 sq. ft. at 13330 North Street, why is the city even considering it? It exceeds city zoning code in several respects, and it is certainly not a hardship to have less than 1000 sq. ft. of accessory buildings for anyone. What's the point of having zoning regulations if you are to allow variations for a matter of convenience?

Dewey Hassig 4624 Church Lane, Minnetonka, formerly of 5342 Mayview Rd. Minnetonka.

## **Resolution No. 2017-**

### **Resolution approving a conditional use permit to allow accessory structures with a gross floor area of 1,455 square feet at 13330 North Street**

---

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

#### Section 1. Background.

- 1.01 Greg Elsner, on behalf of the property owners, has requested a conditional use permit to construct a second detached garage on the subject property. The proposed garage, combined with an existing detached garage, would result in an aggregate 1,455 square feet of detached structures.
- 1.02 The property is located at 13330 North Street. It is legally described as follows:  
  
The North 220 feet of the West 123 feet of Lot 20, Auditors Subdivision Number 321, Hennepin County, Minnesota
- 1.03 On July 20, 2017, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

#### Section 2. Standards.

- 2.01 City Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.
- 2.02 City Code §300.16 Subd. 3(f) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:
1. Side and rear setbacks equal to the height of the structure or 15 feet,

whichever is greater;

2. No additional curb cuts to be permitted;
3. Not to be used for commercial activities;
4. Structure to be architecturally consistent with the principal structure;
5. Landscaping to be required to buffer views when the structure is highly visible from adjacent properties; and
6. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

### Section 3. Findings.

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

3.02 The proposal would meet all of the specific conditional use permit standards outlined in City Code 300.16 Subd.3(f).

1. The proposed garage would have a code-defined building height of 12 feet. The proposed setback would be 15 feet.
2. The proposed garage would share a driveway with the existing garage. No additional curb cuts are proposed.
3. The proposed garage would be used for additional vehicular storage. No commercial activities are proposed.
4. The proposed garage would be architecturally consistent with the modern design of both the existing home and garage.
5. Topography and proposed landscaping would screen the proposed garage initially. Additional screening would be provided by a future green roof.
6. The proposed garage would meet the site and building plan standards as outlined in City Code Section 300.27 Subd. 5.

### Section 4. City Council Action.

4.01 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 following plans:
  - Site survey with issue date June 5, 2017
  - Site plan dated June 5, 2017
  - Floor and plans dated June 5, 2017
  - Sections and elevations dated June 5, 2017
2. Prior to issuance of a building permit, this resolution must be recorded with Hennepin County.
3. No additional curb cuts are allowed on the property.
4. The accessory structure may not be used for commercial activities.
5. The accessory structure may not be converted into living space unless operating in conformance with City Code Section 300.10.
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 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 August 14, 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 meeting held on August 14, 2017.

---

David E. Maeda, City Clerk

# **Minnetonka Planning Commission Meeting**

**July 20, 2017**

**Agenda Item 8**

**Public Hearing: Non-Consent Agenda**

**MINNETONKA PLANNING COMMISSION**  
**July 20, 2017**

<b>Brief Description</b>	Preliminary and final plats, with lot area and front yard setback variance, and waiving the McMansion Policy, for GRENIER ROAD ADDITION at 5717 Eden Prairie Road.
<b>Recommendation</b>	Recommend the city council adopt the resolution approving the requests.

---

**Background**

The 1.08-acre subject property is located at the northeast corner of the Eden Prairie/Grenier Road intersection. It is improved with a single-family home and detached garage.

In 2006, the property owners submitted an application to subdivide the property into two lots. The existing home and garage would remain, with a new home to be constructed on the newly created lot. During the subdivision review process, it was determined that right-of-way on both Eden Prairie Road and Grenier Road was substandard adjacent to the property. An additional 7 feet was required along the county road and 10 feet along the local street. The dedication of this right-of-way significantly impacted the subdivision request. Prior to right-of-way dedication, the proposed subdivision met all minimum subdivision and zoning ordinance standards. However, with the required dedication, two variances were necessary: (1) lot area variance for the easterly lot; and (2) front yard setback variance for the existing home.

Understanding that the variances were based on the right-of-way dedication, the city approved the preliminary plat with variances. However, the owners were opposed to the right-of-way dedication and never submitted a final plat application. The preliminary plat approval expired in 2007.

**Proposal**

The property owners are now proposing the identical subdivision as was approved eleven years ago. However, unlike 2006, the owners are now amenable to the right-of-way dedication.

**Primary Questions and Analysis**

The following outlines the primary questions associated with the proposed subdivision and staff's findings.

**1. Are the proposed lots reasonable?**

Yes. The proposed lots, including the lot area variance, are reasonable for two reasons.

- Right-of-Way. But for the dedication of right-of-way along Grenier Road, the subject property could be divided into two lots meeting all minimum subdivision and zoning ordinances. (See attached.)
- Lot Area Variance. Lot sizes vary considerably in the immediate area. In fact, there are three existing, substandard lots along Grenier Road and several more in the surrounding neighborhood. The lot size variance would not impact neighborhood character.

**2. Is the requested front yard setback variance reasonable?**

Yes. The existing home is located 25 feet from the south property line adjacent to Grenier Road; this setback meets the code requirement for a corner lot. With the dedication of right-of-way, the setback to the existing home would be reduced to 15 feet. In other words, it is the city's action – rather than any action or request of the property owner – that creates the front yard setback variance situation.

**3. Would the proposal meet the tree protection ordinance?**

Yes. There are nine high-priority trees located on the subject property or within the required right-of-way. The general grading plan submitted suggests that two of these trees – or 22% – would be removed or significantly impacted by new home construction. This would be less than 35% removal/impact allowed under the tree protection ordinance.

- **Should the McMansion Policy be waived?**

Yes. Under the McMansion Policy, the city may restrict the size of homes when: (1) the lot on which the home will be built requires a variance; or (2) a home itself requires a variance. The policy is not applied on lots that meet minimum size and dimension standards or to homes that meet minimum setback standards. In case of the proposed subdivision, the lot area and setback variances are necessary *because of the required dedication of right-of-way*. In staff's opinion, it would not be reasonable for the city to restrict house size based on variances that the city itself "created."



**Staff Recommendation**

Recommend the city council adopt the resolution approving preliminary and final plats, with lot area and front yard setback variances, and waiving the McMansion Policy, for GRENIER ROAD ADDITION at 5717 Eden Prairie Road.

Originator: Susan Thomas, Assistant City Planner

Through: Loren Gordon, AICP, City Planner

### Supporting Information

**Surrounding Land Uses** All properties to the north, east, south and west are single family residential homes, zoned R-1 and guided for low density residential homes.

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

**Proposed Lots** With the right-of-way dedication one variance is required from minimum standards of the subdivision ordinance, a lot area variance for proposed Lot 2.

	<b>REQUIRED</b>	<b>LOT 1</b>	<b>LOT 2</b>
Lot Area	22,000 sf	23,640 sf	19,040**
Buildable Area	3,500 sq.ft	8,500 sf	8,600 sf
At ROW	80 ft	140 ft	140 ft
At Setback	110 ft	135 ft	125 ft
Depth	125 ft	165 ft	145 ft

\*All numbers rounded down to the nearest 5 sf or 5 ft  
\*\*variance required

The sizes of the proposed lots could, technically, be “evened out.” However, this would result in less intuitive lots lines. (See attached.)

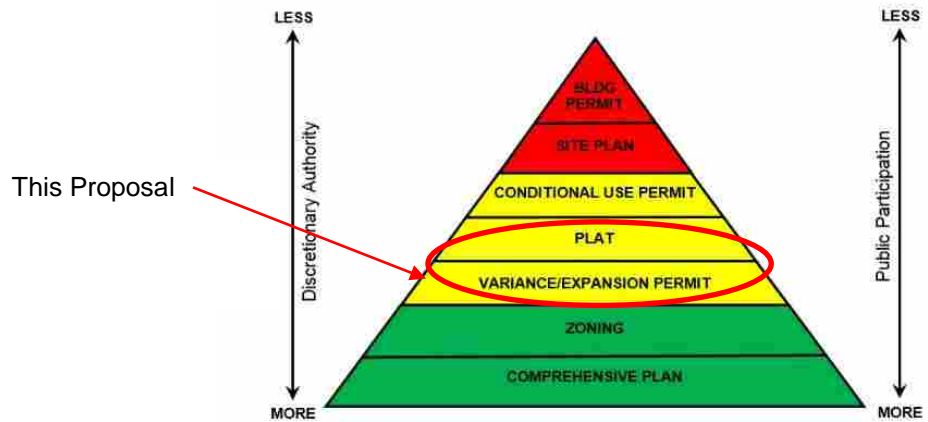
**Grading** As required by the subdivision application process, a generalized home footprint, location, and grading plan have been submitted by the applicant. A specific plan would be submitted and reviewed by staff at the time of the building permit for the vacant lot.

**Stormwater** The proposal does not trigger the city’s stormwater rule.

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

**Neighborhood Comments** The city sent notices to 52 area property owners and received no comments to date.

## Pyramid of Discretion



## Motion Options

The planning commission has three options:

1. Concur with staff's recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the subdivision.
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 request. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant or both.

## Voting Requirement

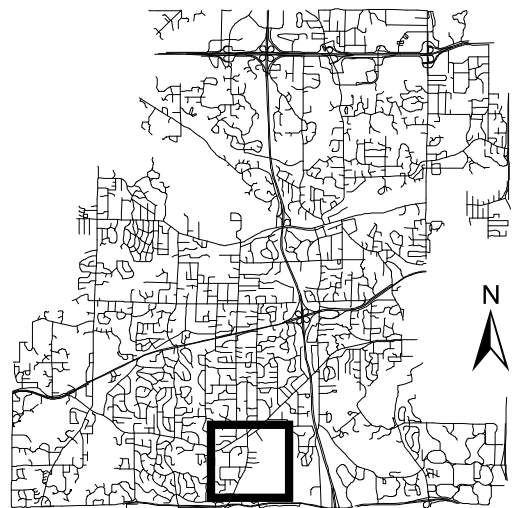
The planning commission will make a recommendation to the city council on the applicant's proposal. A recommendation for approval requires an affirmative vote of a simple majority. The city council's final approval requires affirmative votes of five members, due to the variances.

**Deadline for Action**    October 9, 2017



### Location Map

Project: Grenier Road Addition  
Applicant: Duane & Shirley Shultz  
Address: 5717 Eden Prairie Rd  
Project No. 06018.17a



This map is for illustrative purposes only.

# EXHIBIT: COMPLIANT PLAN PRIOR TO DEDICATION

**EDEN PRAIRE ROAD**  
(HCSAH NO. 4, PLAT 35)

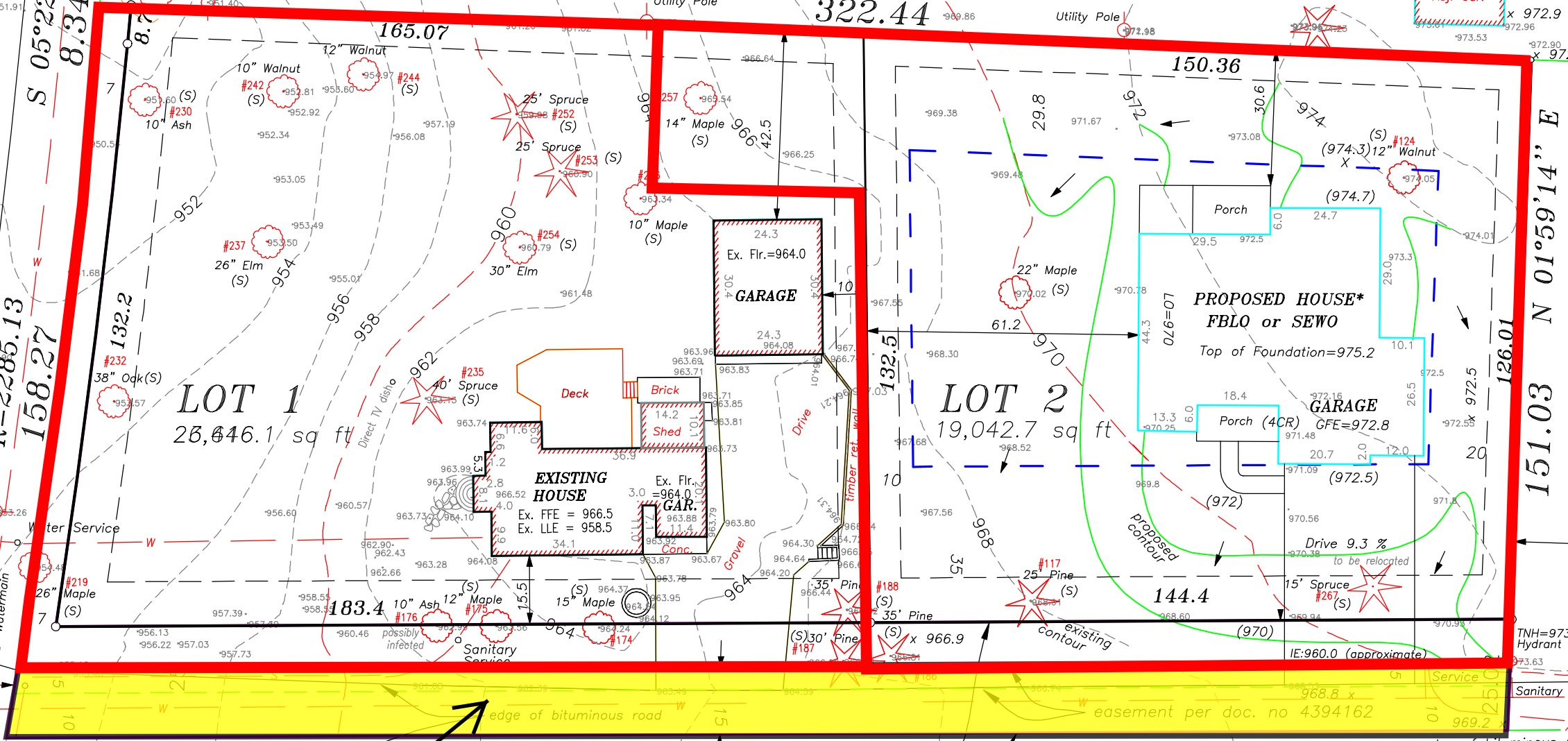
S 05°22'06" W  
8.34

R=2285.13  
158.27

132.2  
183.4

PREVIOUSLY DEDICATED 337.99 N 89°42'37" E

N 87°45'51" W  
322.44



PROPOSED HARDCOVER  
LOT 1:

Buildings: 2,075 sq ft

Buildings: 3,217 sq ft

**GRENIER ROAD**

Road Easement (to be dedicated in final plat)

## PROPERTY DESCRIPTION

That part of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117 North, Range 22 West of the 5th principal meridian described as follows: Commencing on the east line of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117, Range 22; at a point 751.9 feet south of the south line of GLEN LAKE PARK; thence west parallel with the south line of said Addition, to east line of Eden Prairie Road; thence southerly along said easterly line 166.2 feet to a point 276.8 feet north at right angles

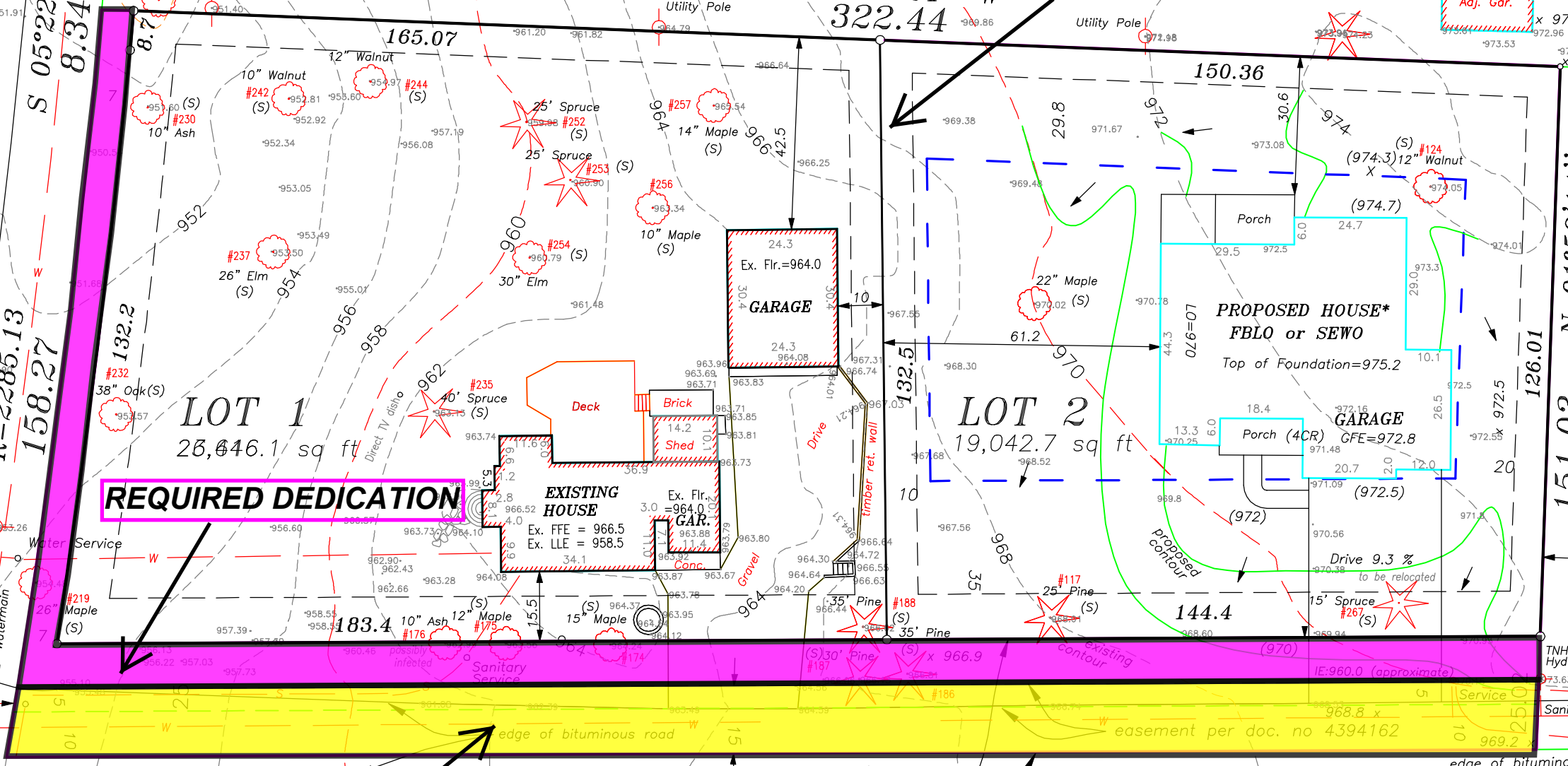
**EXHIBIT: APPROVED 2006, PROPOSED 2017**

**EDEN PRAIRE ROAD**  
(HCSAH NO. 4, PLAT 35)

**REQUIRED DEDICATION**

**PREVIOUSLY DEDICATED**

**MORE INTUITIVE LOT LINE**  
N 87°45'51" W  
322.44



LOT 1: PROPOSED HARDCOVER

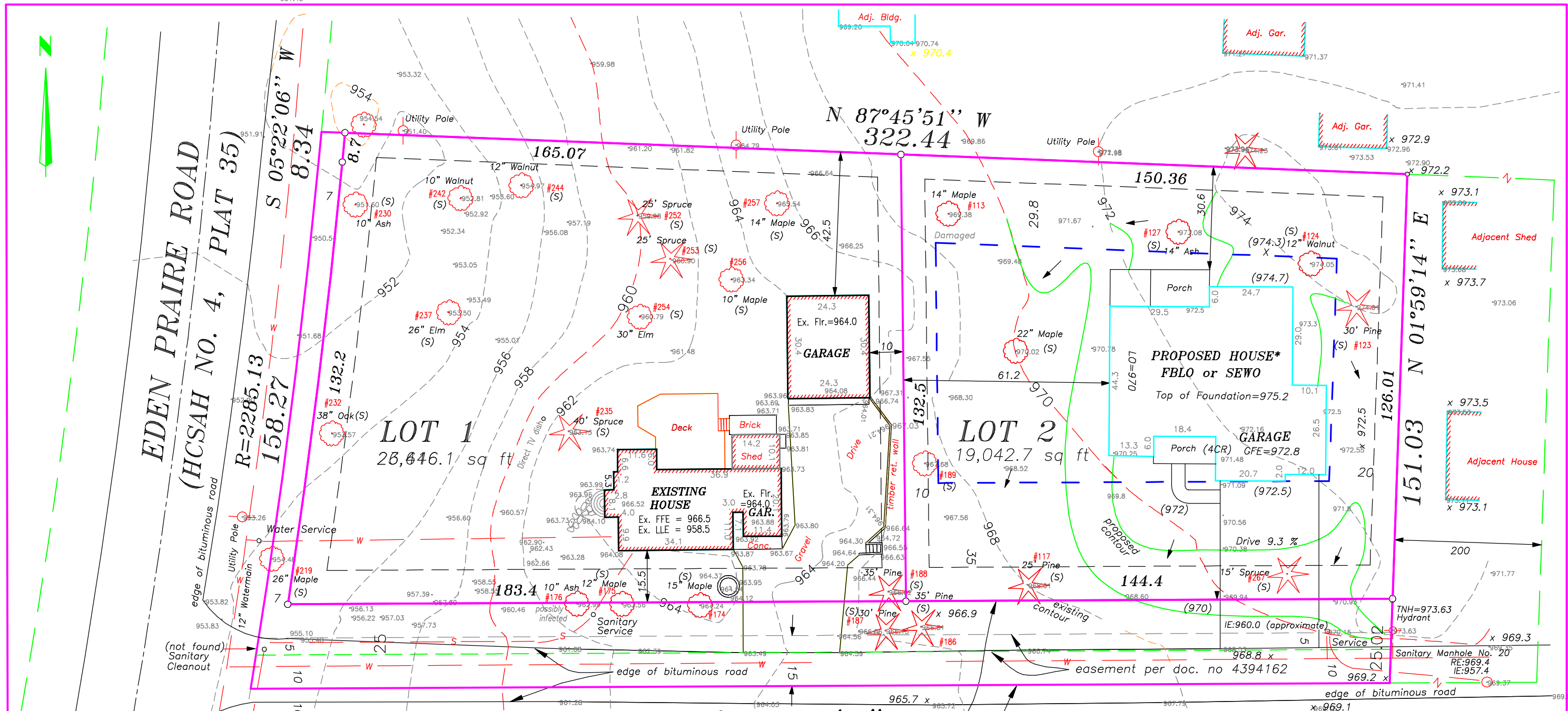
**GRENIER ROAD**

Road Easement (to be dedicated in final plat)

Buildings: 2,075 sq ft

Buildings: 3,217 sq ft

**PROPERTY DESCRIPTION**  
That part of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117 North, Range 22 West of the 5th principal meridian described as follows: Commencing on the east line of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117, Range 22; at a point 751.9 feet south of the south line of GLEN LAKE PARK; thence west parallel with the south line of said Addition, to east line of Eden Prairie Road; thence southerly along said easterly line 166.2 feet to a point 276.8 feet north at right angles



**EDEN PRAIRE ROAD**  
(HCSAH NO. 4, PLAT 35)

**GRENIER ROAD**

LOT 1: PROPOSED HARDCOVER		LOT 2: PROPOSED HARDCOVER	
Buildings: 2,075 sq ft	Buildings: 3,217 sq ft	Buildings: 3,217 sq ft	Buildings: 3,217 sq ft
Walks & Stoops: 217 sq ft	Walks & Stoops: 90 sq ft	Walks & Stoops: 90 sq ft	Walks & Stoops: 90 sq ft
Driveway: 2,054 sq ft	Driveway: 1,370 sq ft	Driveway: 1,370 sq ft	Driveway: 1,370 sq ft
Total: 4,346 sq ft	Total: 4,677 sq ft	Total: 4,677 sq ft	Total: 4,677 sq ft
Parcel Area: 23,646.1 sq ft	Parcel Area: 19,042.7 sq ft	Parcel Area: 19,042.7 sq ft	Parcel Area: 19,042.7 sq ft
18.4%	24.6%	24.6%	24.6%

Drainage & Utility Easements are shown thus:  
Being 7 feet in width adjoining lot lines, unless otherwise indicated, and 10 feet in width adjoining right-of-way lines, as shown on the plat.

**PROPERTY DESCRIPTION**  
That part of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117 North, Range 22 West of the 5th principal meridian described as follows: Commencing on the east line of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117, Range 22; at a point 751.9 feet south of the south line of GLEN LAKE PARK; thence west parallel with the south line of said Addition, to east line of Eden Prairie Road; thence southerly along said easterly line 166.2 feet to a point 276.8 feet north at right angles from south line of Northeast Quarter of said Section; thence East 82 degrees 30 minutes with east line of said road to east line of said Southeast Quarter of the Northeast Quarter; thence north to beginning, EXCEPT the east 200 feet thereof.

\*Gross Area = 52,086.9 sq ft  
\*Proposed Areas: Lot 1 = 23,646.1 sq ft  
Lot 2 = 19,042.7 sq ft  
Right of Way Dedication = 9,398.1 sq ft

o Denotes iron monument  
(S) Denotes significant tree  
(other tree notations on drawing)

**DEMARS-GABRIEL**  
**LAND SURVEYORS, INC.**  
3030 Harbor Lane No.  
Plymouth, MN 55447  
Phone: (763) 559-0908  
Fax : (763) 559-0479

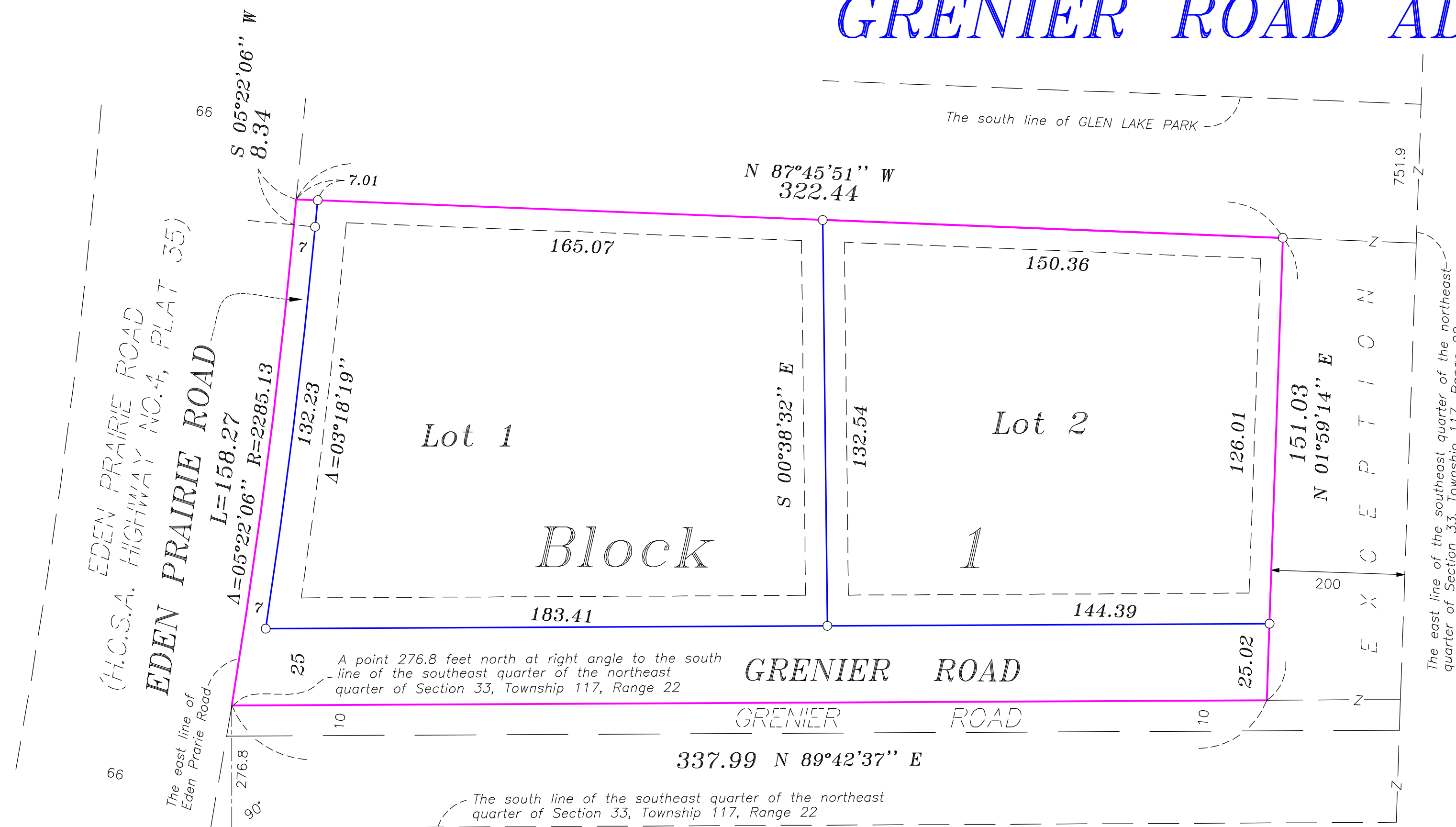
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the Laws of the State of Minnesota.  
*David E. Crook*  
David E. Crook  
Date: June 15, 2017  
Minn. Reg. No. 22414

File No.  
12827  
Book-Page  
426-59  
Scale  
1"=30'

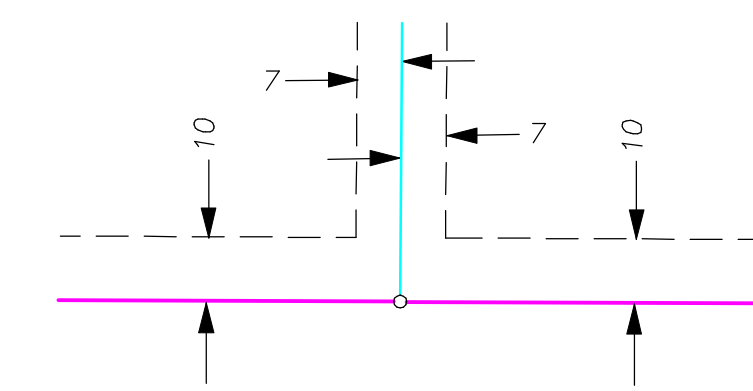
**PRELIMINARY PLAT OF**  
**GRENIER ROAD ADDITION**

PREPARED FOR:  
**Duane A. Shultz**  
5717 Eden Prairie Road  
Minnetonka, Minnesota 55345

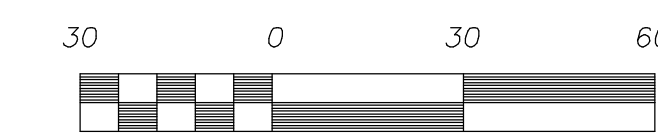
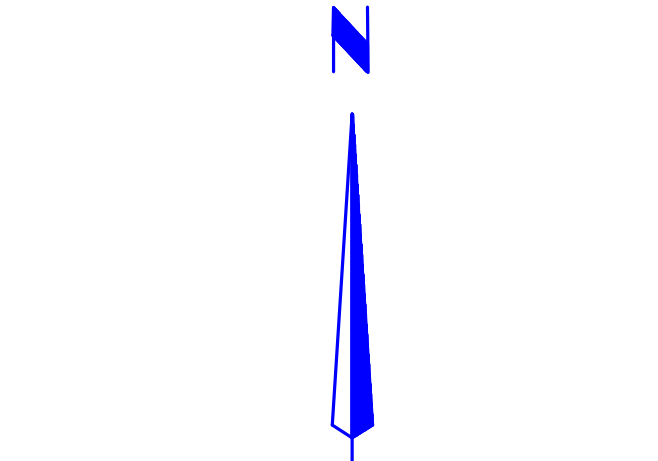
# GRENIER ROAD ADDITION



Drainage and Utility Easements are shown thus:



Being 7 feet in width adjoining lot lines, unless otherwise indicated, and 10 feet in width adjoining right-of-way lines, unless otherwise indicated as shown on the plat.



SCALE IN FEET  
ALL BEARINGS ARE ASSUMED

- - DENOTES 1/2-INCH X 14 INCH SET IRON PIPE MARKED BY LICENSE NO. 22414
- ⊙ - DENOTES FOUND IRON PIPE

KNOW BY ALL MEN BY THESE PRESENTS: That Duane A. Shultz and Shirley J. Shultz, husband and wife fee owners of the following described property:

*That part of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117 North, Range 22 West of the 5th principal meridian described as follows: Commencing on the east line of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117, Range 22; at a point 751.9 feet south of the south line of GLEN LAKE PARK; thence west parallel with the south line of said Addition, to east line of Eden Prairie Road; thence southerly along said easterly line 166.2 feet to a point 276.8 feet north at right angles from south line of Northeast Quarter of said Section; thence East 82 degrees 30 minutes with east line of said road to east line of said Southeast Quarter of the Northeast Quarter; thence north to beginning, EXCEPT the east 200 feet thereof.*

Have caused the same to be surveyed and platted as GRENIER ROAD ADDITION, and do hereby donate and dedicate to the public for public use forever the roads and drainage and utility easements as shown on the plat.

In witness whereof said Duane A. Shultz and Shirley J. Shultz, husband and wife, have hereunto set their hands this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

SIGNED: \_\_\_\_\_ Duane A. Shultz  
SIGNED: \_\_\_\_\_ Shirley J. Shultz

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Duane A. Shultz and Shirley J. Shultz, husband and wife.

Notary Public \_\_\_\_\_ County, Minnesota  
My Commission expires \_\_\_\_\_

I hereby certify that I have surveyed and platted the property described on this plat as GRENIER ROAD ADDITION; that the plat is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown or will be placed as required by the local governmental unit; that the outside boundary lines are correctly designated on the plat; and that there are no wetlands as defined in Minnesota Statutes, 505.02 Subd. 1 to be designated on the plat.

David E. Crook, Land Surveyor  
Minnesota License Number 22414

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

The foregoing surveyors certificate was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by David E. Crook, Land Surveyor.

Notary Public \_\_\_\_\_ County, Minnesota  
My Commission expires \_\_\_\_\_

MINNETONKA, MINNESOTA

This plat of GRENIER ROAD ADDITION was approved and accepted by the City Council of Minnetonka, Minnesota, at a regular meeting thereof held this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. If applicable, the written comments and recommendations of the Commissioner Transportation and the County Highway Engineer have been received by the City or the prescribed 30 day period has elapsed without receipt of such comments and recommendations as provided by Minnesota Statutes Section 505.03, Subdivision 2.

CITY COUNCIL OF MINNETONKA, MINNESOTA

By: \_\_\_\_\_ Mayor  
By: \_\_\_\_\_ Clerk

TAXPAYER SERVICES DEPARTMENT, HENNEPIN COUNTY, MINNESOTA

I hereby certify that taxes payable in \_\_\_\_\_ and prior years have been paid for land described on this plat. Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mark V. Chapin, Hennepin County Auditor  
By: \_\_\_\_\_, Deputy

SURVEY DIVISION, HENNEPIN COUNTY, MINNESOTA

Pursuant to MINN STAT. Sec. 383B.565 (1969), this plat has been approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chris F. Mavis, Hennepin County Surveyor  
By: \_\_\_\_\_

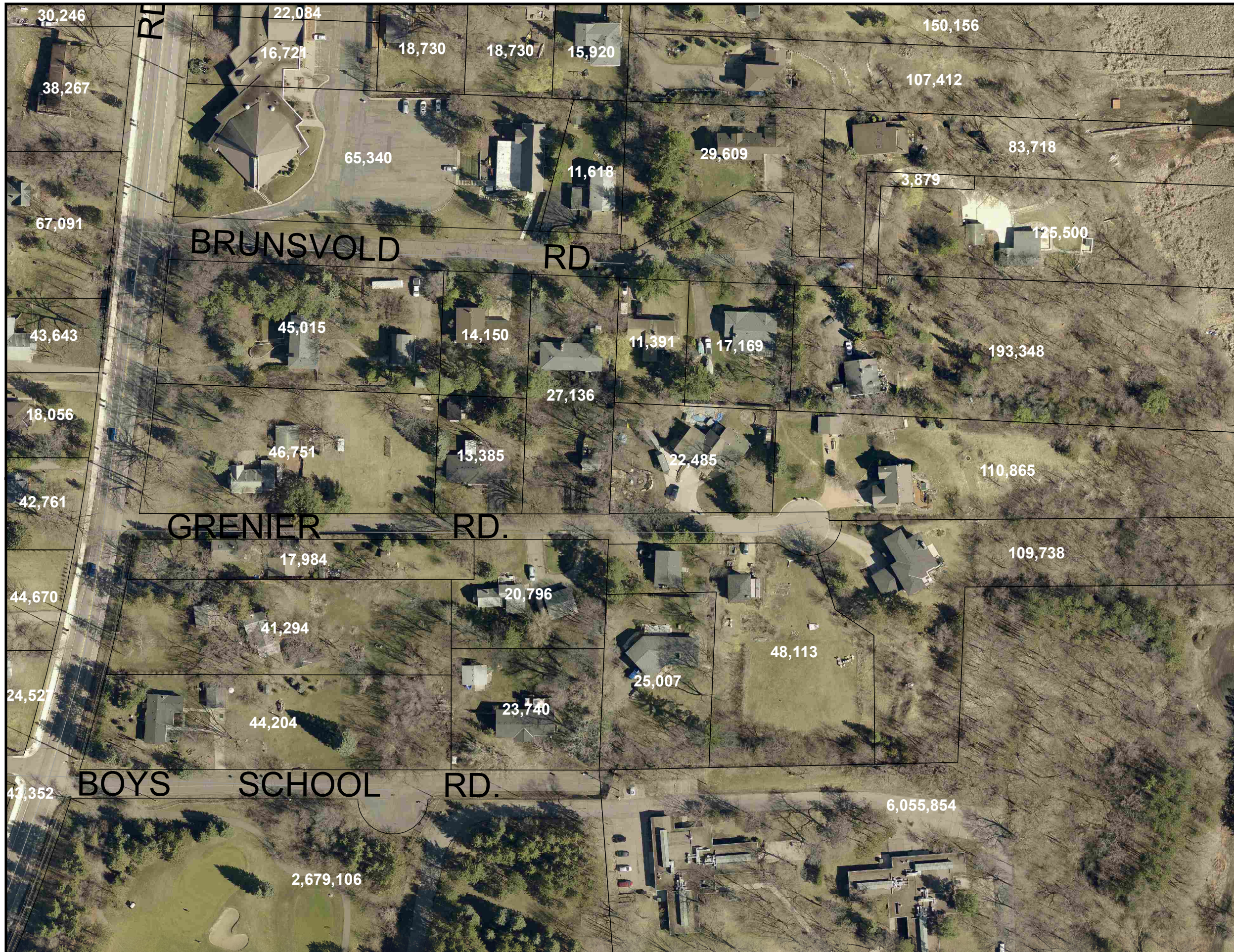
COUNTY RECORDER, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the within plat of GRENIER ROAD ADDITION was filed in this office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_ M.

Martin McCormick, County Recorder  
By: \_\_\_\_\_, Deputy

DEMARS-GABRIEL  
LAND SURVEYORS, INC.





EXISTING LOT SIZES

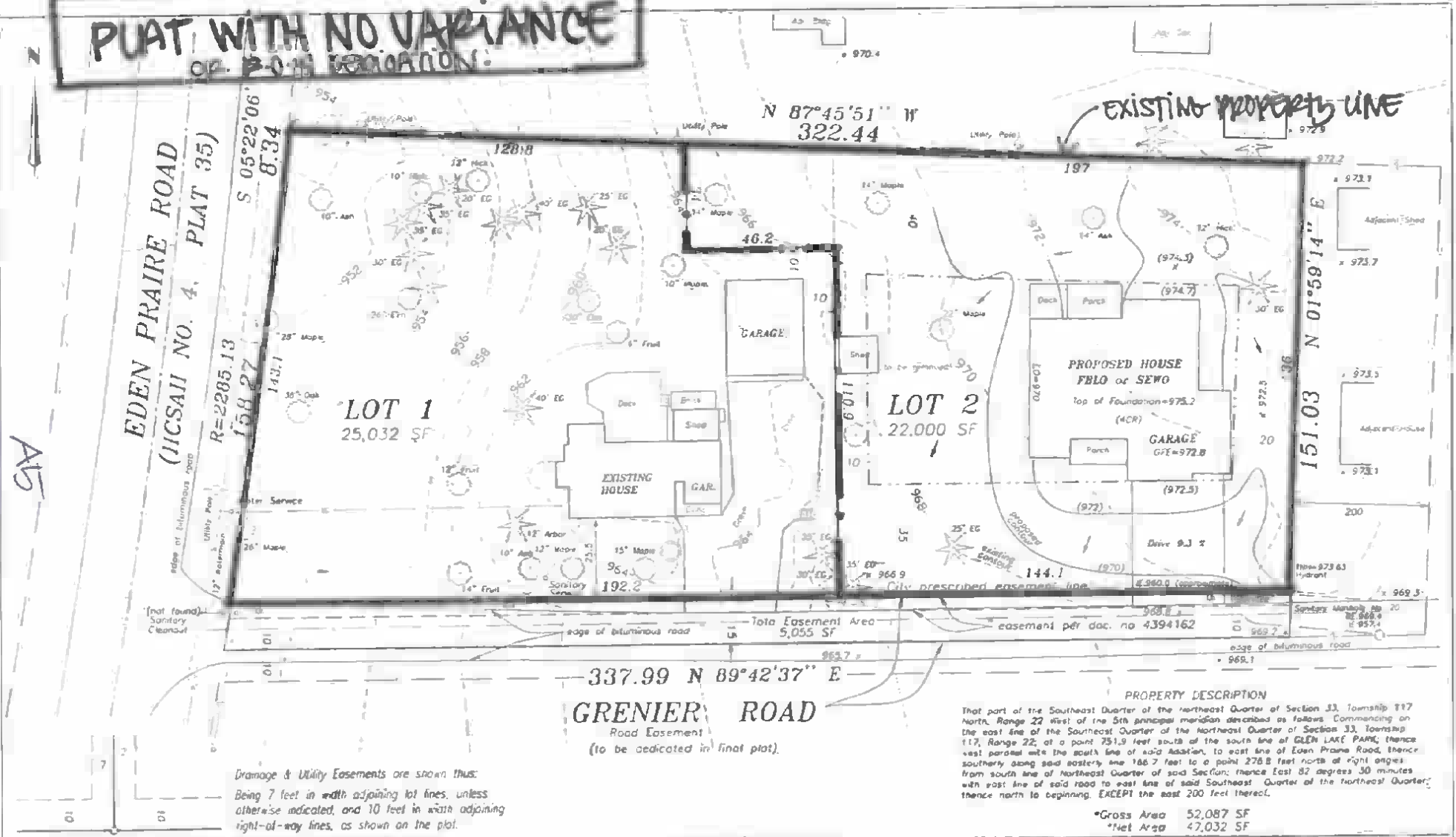
- - - - - City Boundary  
 ——— Streets  
 □ Parcels

1 INCH = 30 FEET

5717 EDEN PRAIRIE RD

2006 APPROVAL

**PLAT WITH NO VARIANCE**  
OF 2014 REGULATION



**DEMARS-GABRIEL**  
**LAND SURVEYORS, INC.**  
3030 Harbor Lane NW  
Plymouth, MN 55447  
Phone: (763) 559-0908  
Fax: (763) 559-0479

I hereby certify that this survey, plan 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.

*David E. Draak*

David E. Draak  
Date: April 10, 2006

File No.  
12827

Book-Page  
426-59

Scale  
1"=30'

**PRELIMINARY PLAT OF**  
**GRENIER ROAD ADDITION**

PREPARED FOR:  
**Duane A. Shultz**  
5717 Eden Prairie Road  
Minnetonka, MN 55345

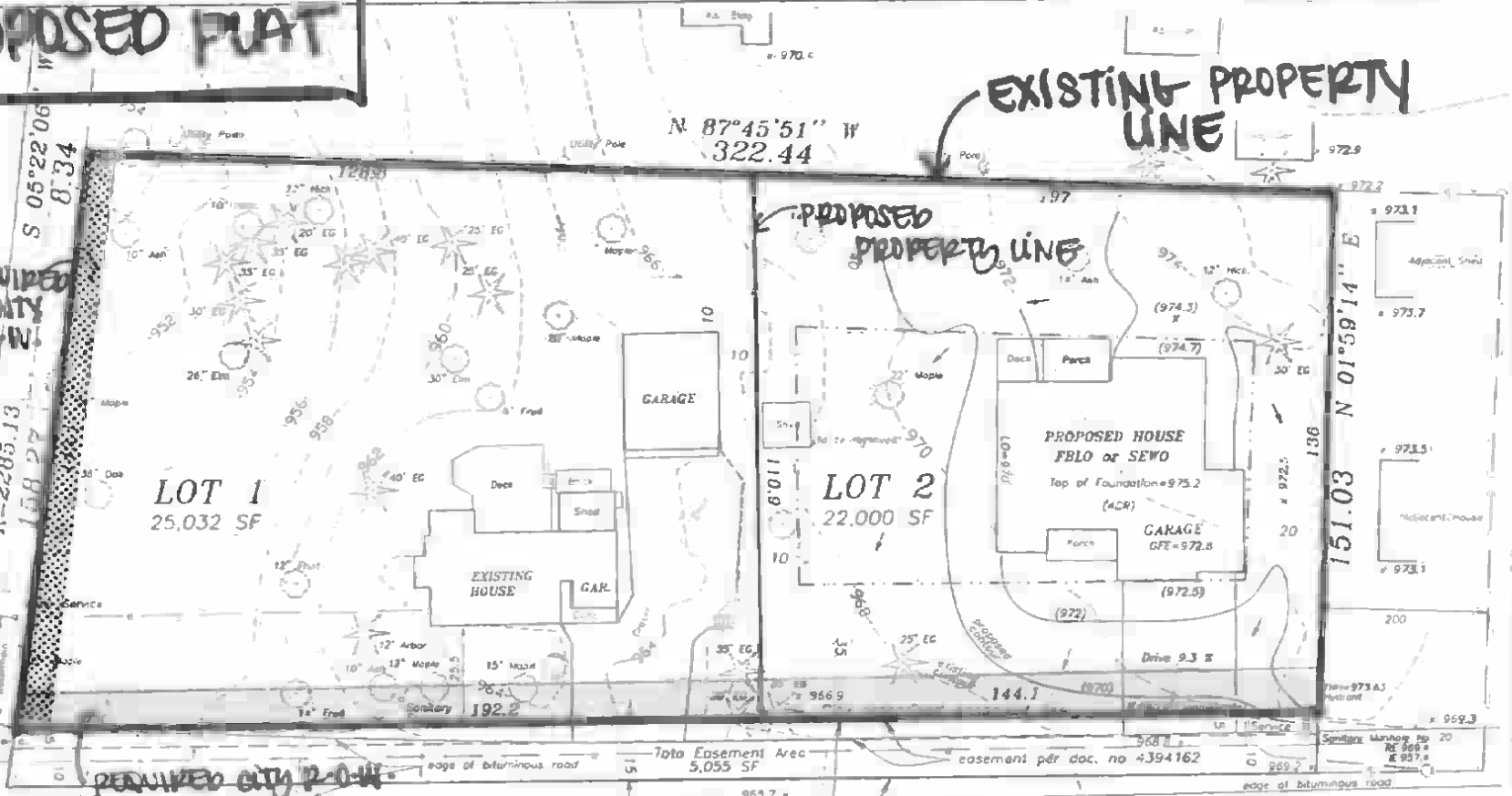
APR 11 2006  
SUBMITTED BY APPLICANT  
CITY OF MINNETONKA

**PROPOSED PLAT**

**EXISTING PROPERTY LINE**

**EDEN PRAIRIE ROAD  
(HCSAII NO. 158 27)**

**REQUIRED COUNTY P-O-W**



N 87°45'51" W  
322.44

**LOT 1**  
25,032 SF

**LOT 2**  
22,000 SF

**337.99 N 89°42'37" E**  
**GRENIER ROAD**  
Road Easement  
(to be dedicated in final plat)

Drainage & Utility Easements are shown thus:  
Being 7 feet in width adjoining lot lines, unless  
otherwise indicated, and 10 feet in width adjoining  
right-of-way lines, as shown on the plat.

**PROPERTY DESCRIPTION**  
That part of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117 North, Range 22 west of the 5th principal meridian described as follows: Commencing on the east line of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117, Range 22, at a point 751.9 feet south of the south line of GLEN LAKE PARK; thence west parallel with the south line of said Addition, to east line of Eden Prairie Road, thence south along said easterly line 165.2 feet to a point 276.8 feet north at right angles from south line of Northeast Quarter of said Section; thence East 82 degrees 30 minutes with east line of said road to east line of said Southeast Quarter of the Northeast Quarter, thence north to beginning, EXCEPT the east 200 feet thereof.

\*Gross Area 52,087 SF  
\*Net Area 47,032 SF

**DEMARS-GABRIEL  
LAND SURVEYORS, INC.**  
3030 Harbor Lane NW  
Plymouth, MN 55447  
Phone: (763) 559-0905  
Fax: (763) 559-0479

I hereby certify that this survey, plan 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.  
**David E. Crook**  
Date: April 10, 2006  
Minn. Reg. No. 22414

File No.  
12827  
Book-Page  
26-59  
Scale  
1"=30'

**PRELIMINARY PLAT OF  
GRENIER ROAD ADDITION**

PREPARED FOR:  
**Duane A. Shultz**  
5717 Eden Prairie Road  
Minnetonka, MN 55345

**APR 11 2006  
SUBMITTED BY APPLICANT  
CITY OF MINNETONKA**

- 4) The property owner is responsible for replacing any required landscaping that dies.
- 5) All rooftop and ground-mounted mechanical equipment and exterior trash and recycling storage areas must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.
- 6) Approval does not include the signs shown on the drawings. Separate permits are required from staff.
- 7) With the exception of security lighting, lights within the buildings and skyway must be turned off by 11:00 p.m. unless there is an emergency situation or a room is being cleaned.
- 8) Spaces shown as proof-of-parking may not be paved unless approved by the city upon showing of a demonstrated need for these spaces. If proof-of-parking is required, additional screening of the new parking lot may be required if city staff deems it necessary.
- 9) An encroachment agreement to allow the skyway within the city right-of-way, subject to review and approval of the city attorney.
- 10) Phase II would require site and building plan review.
- 11) Construction must begin by December 31, 2007, unless the planning commission grants a time extension. The above plans are hereby adopted as the master development plan and as final site and building plans.
- 12) Sign the employee parking lot to prohibit exiting onto Green Circle Drive.

All voted "yes." Motion carried.

**B. Preliminary plat, with lot area variances, for a two-lot subdivision at 5717 Eden Prairie Road for Duane Shultz.**

Olson provided an overview of the proposed subdivision.

Allendorf asked if there is a fallback position if the 10-foot right-of-way is not agreed to.

Olson responded the applicant previously provided 5 feet of additional right-of-way. With the existing 10 feet, and the new 10 feet, there are 25 feet from the center to his property. He explained 25 feet on each side meets the normal 50-foot right-of-way requirement, which is the Code-required right-of-way. He noted

there have been some times when the city has reduced a right-of-way in an effort to save trees or on a minorly used cul-de-sac.

Duane Shultz, 5717 Eden Prairie Road, stated he has lived in Minnetonka for 40 years. He asked Olson to repeat the information regarding the current right-of-way and the current road.

Olson pointed out the property line of the applicant on an overhead projection of the proposed plat. He explained there is the historic 10-foot easement for Grenier Road, and then some time ago, an additional 5 feet was acquired. He pointed out the additional 10 feet that is being asked for tonight. He explained the city would be looking for the remaining 25 feet from the south side.

Callison asked if the road is on the existing right-of-way or if it is south of that border.

Olson pointed out where the pavement is on the plat. He stated some of that 15 feet is paved.

Schultz stated when he acquired this property many years ago, it was 60,000 square feet. Through time and adjacent road projects, he is down to 39,000 square feet for the entire property. The survey just completed of the lot would indicate the property line is actually across Grenier Road, and at the east end of the property it is two-thirds of the way across the road. That is where much of the land has gone. For the past number of years, he has paid taxes on the 60,000 square feet. In 2004 and 2005 the County adjusted the size of the lot down to 1.07 acres. He understands both lots 1 and 2 require a variance for being under the 22,000 square feet level.

Callison responded only one lot requires a variance.

Schultz continued the trees are important to him. He was involved with the Glen Lake Mighty Mites many years ago. At that time he obtained 16 trees to be planted at the Mighty Mites fields. Each team planted a tree and many of those trees are still there today; he is concerned that these trees will go away.

Callison explained she understands his concern, and noted if there were a project to put a road in here, there would be another procedure to go through. This decision tonight does not dictate what will happen to those trees.

Schultz stated he would not like to see the 10 feet taken. He asked if it would be possible to reduce that right-of-way to 5 feet, which would guarantee the trees would stay.

Callison stated she cannot speculate that the trees would necessarily be saved if the road were 5 feet further away. She does not know at what point an impact will be seen.

Peterson stated reducing the right-of-way to 5 feet does not mean it would legally protect the trees, because the city might need a construction easement that would have the trees go down. Giving the city the easement to those 10 feet does not give the city unlimited right to cut those trees down. The only right the city has is to construct a public street. Absent the need to do that, those trees will remain Mr. Schultz's. The city can only take those trees down if it is needed for the street.

Schultz stated there are eight houses on Grenier Road today, and assuming this lot is simplified, there would be nine. He questioned the need for a 50-foot street with so few houses at any point in time.

Callison stated the street would not be 50 feet; the standard is 26 feet. However, width is needed on either side of the street for construction.

Schultz stated he feels very passionate about the trees.

Callison reiterated there would be a second process to go through if ever the city felt it needed to widen the street.

Schneider stated if this had adequate right-of-way on the south side of the road, this road would be a good candidate for a 40-foot right-of-way because of the tree impact. He noted if the road is rebuilt, the city would have to decide what to do with acquiring more right-of-way, or the area to the south may redevelop. With that unknown in place, he is inclined to stay with the city standards for now with the idea that the city has no plans to redo the street, and in all likelihood it would only be rebuilt if it fell apart or the area to the south develops.

Schultz noted that property to the south just sold recently.

Callison thanked the applicant for his comments.

Wiersum asked where Grenier Road fits into the city's plans for street reconstruction. He sympathized with Mr. Schultz's concern because when the right-of-way is lost, there are no guarantees.

Gustafson stated the city currently has no plans to reconstruct the street. It is not scheduled for anything within the next 10 years. He pointed out that any time the city does a reconstruction project, every effort is made to save as many trees as possible. He stated the city would do everything possible to protect the trees.

Allendorf recalled when he asked his earlier question about a fallback right-of-way amount, he was trying to grab on to some sort of principle or rule. Because there are only nine houses on the street does not mean it will not be reconstructed because it may deteriorate. He stated he will follow staff's recommendation, knowing the applicant's feelings, but also knowing that this council or the council 10 years from now will be very attuned to what the natural resources are.

Wiersum stated he will also go along with the staff recommendation because there are not great alternatives on the north or south side of the road. He noted this situation arises out of the applicant's desire to subdivide his property. He believes staff will be compassionate regarding the trees. The applicant will be able to divide his property, and the city is able to obtain the right-of-way. Even though it is not a perfect solution, both parties are gaining something.

Ellingson stated he was inclined to go along with a smaller easement as suggested by Allendorf. He noted there is almost no traffic on this street because there are only nine houses. He stated the other people who live on the street except for the new houses have not had to give up this 10 feet.

Olson stated when the Sheely's subdivided their lot, they did dedicate 25 feet on the south half of the road and the right-of-way for a turnaround cul-de-sac.

Ellingson restated that other than the two new houses, he is not sure the city has acquired that 10-foot easement from other houses on the street. His understanding is the city would have to buy an easement from those other houses like it bought the 5 feet from the Schultz's a while ago. He does not think it is likely the street will be widened for a long time, so it does not seem necessary to take the full 10 feet.



Peterson stated the reason the city is able to get additional right-of-way from the applicant is that he is getting an advantage and a benefit of being able to subdivide his property. The law gives the city the right at that point to request the right-of-way because his property will add more traffic onto that public road and will create an additional burden on that road. Therefore the city does have the right to ask for an additional right-of-way. If the properties on the south side did not subdivide, the city would not have had the opportunity to ask for the additional right-of-way.

Callison stated she will support the staff recommendation on this. It is difficult to do that, but it is prudent as a city to request the right-of-way and not to pay for it down the road. She is comfortable that if the road is widened at some point, every effort will be made to avoid those trees. She also understands that Schultz wants to subdivide his lot, and that is the reason this is transpiring. This is a good decision for future planning.

Schneider moved, Wiersum seconded a motion to give preliminary approval to the Grenier Road Addition plat, date stamped April 11, 2006, with lot area variances. Approval is based on the following findings:

- 1) Except for the requested variances, the proposal meets the required standards and ordinance for a preliminary plat.
  - a. The variances are reasonable. The variances are necessary due to required dedication of street right-of-way. If the additional right-of-way were not needed along Grenier Road, the property could be divided without variance.
  - b. The proposed lot sizes would be consistent with existing substandard lots in the area.
  - c. The existing property is a large, corner lot located on a substandard right-of-way. This is a unique circumstance not common to every R-1 property.
  - d. The variances would not alter the character of the neighborhood.

Approval is subject to the following conditions:

- 1) Complete the following before final plat approval:
  - a. Show the following on the final plat:
    - (1) Dedicate 10-feet of additional right-of-way along Grenier Road.
    - (2) Dedicate 7 feet of additional right-of-way along Eden Prairie Road.
    - (3) At least ten-foot-wide drainage and utility easements along the front property lines and at

- least seven-foot-wide drainage and utility easements along all other lot lines.
- b. Pay the city a park dedication fee of \$2,375.
  - c. Submit final utility plans
- 2) The following items must be submitted to the city before the city releases the final plat:
- a. An electronic CAD file of the final plat in microstation or DXF on a CD disk.
  - b. The following documents for the city attorney's approval:
    - (1) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.
    - (2) Provide restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the plat. These covenants must first be submitted for the city attorney's approval.

These documents must be recorded with the final plat, and a drawing of any easement must be attached to the easement deed.
  - c. Any other requirements included with final plat approval.
- 3) The following must be completed before the city issues a building permit:
- a. city approval of a grading and tree preservation plan for each lot. The plans must be in substantial compliance with the building pad shown on the preliminary plat and must preserve trees designated for preservation at the time of preliminary plat approval. The city may require adjustments in the house pad location to maximize tree preservation. The sewer and water services must be shown to minimize impact to any significant trees.
  - b. city approval of the installation of a temporary rock driveway, erosion control, and tree protection fencing for each lot.
  - c. Submit a copy of the recorded plat and any easement or covenants required to be recorded.
  - d. Pay a hookup fee for sanitary sewer and water.
  - e. Submit a letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance. If the grading for proposed streets has not been completed, the planning director may approve a time extension to this requirement.

- 4) During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
- 5) Trees must be planted to compensate for significant trees removed from each site that would be outside of the building pad and driveway area. The trees must be primarily species native to the area. They must be at least 2 ½ inches in diameter for deciduous trees and 6 feet tall for coniferous trees. The property owner or original developer must replace the required trees if they die within one year after installation.
- 6) The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

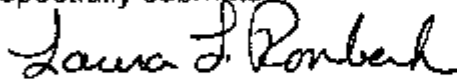
Wiersum, Thomas, Allendorf, Schneider and Callison voted "yes."  
Ellingson voted "no." Motion carried.

15. **APPOINTMENTS and REAPPOINTMENTS:** None.

16. **ADJOURNMENT.**

Thomas moved, Wiersum seconded a motion to adjourn the meeting at 8:29 p.m. All voted "yes." Motion carried.

Respectfully submitted



Laura Ronbeck,  
Acting City Clerk

## **Resolution No. 2017-**

### **Resolution approving the preliminary and final plats, with lot area and front yard setback variances, and waiving the McMansion Policy, for GRENIER ROAD ADDITION at 5717 Eden Prairie Road**

---

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

#### Section 1. Background.

- 1.01 Duane and Shirley Shultz own the property at 5717 Eden Prairie Road. The property is legally described on Exhibit A of this resolution.
- 1.02 In 2006, the property owners proposed to divide the property into two lots. During review of the subdivision, Hennepin County requested addition right-of-way adjacent to Eden Prairie Road and the city noted the need for additional right-of-way adjacent to Grenier Road. The dedication of this right-of-way impacted the subdivision request. Prior to right-of-way dedication the proposed subdivision met all minimum subdivision and zoning ordinance standards. However, with the required dedication, two variances were necessary: (1) lot area variance for the newly created lot; and (2) front yard setback variance for the existing home.
- 1.03 On June 5, 2006, the city council approved the preliminary plat, with variances. At the time of approval, the property owners indicated their opposition to the right-of-way dedication.
- 1.04 The preliminary plat approval expired on June 5, 2007, without a final plat application being submitted.

- 1.05 Duane and Shirley Shultz are again proposing to divide the property into two lots as approved in 2006. However, the submitted plans now specifically include dedication of the county and city rights-of-way.
- 1.06 The proposed plats include the following variances:
- Lot area variance for proposed Lot 2 from 22,000 square feet to 19,042 square feet.
  - Front yard setback variance for the existing home from 25 feet to 15 feet.
- 1.07 On July 20, 2017, the planning commission held a hearing on the proposed subdivision. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the preliminary and final plats, with lot area and front yard setback variances, and waive the McMansion Policy.
- Section 2. General Standards.
- 2.01 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the city to grant variances.
- 2.02 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.
- 2.03 By City Code §400.055, a variance may be granted from the provisions of the subdivision ordinance when an applicant meets the burden of proving that:
1. The proposed variance is a reasonable use of the property, considering such things as:
    - a) functional and aesthetic justifications for the variance; and
    - b) improvement to the appearance and stability of the property and neighborhood.
  2. The circumstances justifying the variance are unique to the property, are not caused by the landowner, are not solely for the landowner's

convenience, and are not solely because of economic considerations; and

3. The variance would not adversely affect or alter the essential character of the neighborhood.

2.04 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.

2.05 The McMansion Policy is a tool the city can use to ensure that homes constructed on lots requiring variance from the subdivision ordinance, or homes that require variances to zoning standards, have a visual mass similar to that of existing homes within a neighborhood. Under the policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.

### Section 3. Findings.

3.01 The proposed preliminary and final plats would meet all but one design requirements as outlined in City Code §400.030. Specifically, a lot area variance is required for proposed Lot 2. The lot area variance would meet the variance standard as outlined in City Code §400.055:

- a) Reasonableness and Unique Circumstance. The lot area variance is reasonable given the unique circumstances associated with the site, but for the dedication of right-of-way along Grenier Road, the subject property could be divided into two lots meeting all minimum subdivision ordinance requirements.
- b) Neighborhood Character. Lot sizes vary considerably in immediate area. In fact, there are three existing, substandard lots along Grenier Road and several more in the surrounding neighborhood. The lot size variance would not impact neighborhood character.

3.02 The front yard setback variance to the existing house would meet the

variance standard outlined in City Code §300.07 Subd. 1(a):

1. Purpose and Intent. The intent of the front yard setback requirement is twofold: (1) to ensure adequate separation between structures and the traveled portion of streets; and (2) to establish consistent building lines with a neighborhood. The proposed setback would meet this intent. There is no change currently proposed to the location of the traveled portion of Grenier Road or to the location of the existing home. The variance is purely technical in nature.
2. Comprehensive Plan. The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The setback variance is not contrary to these principles. Rather, it would allow the existing home to remain in its current location and configuration while as the same time allowing the city to acquire right-of-way.
3. Practical Difficulties.
  - a) Reasonableness and Unique Circumstance. The setback variance is reasonable due to a unique circumstance. The existing home is located 25 feet from the south property line adjacent to Grenier Road; this setback meets the code requirement for a corner lot. With the dedication of right-of-way, the setback to the existing home would be reduced to 15 feet. In other words, it is the city's action that creates the front yard setback variance situation.
  - b) Neighborhood Character. The setback variance for the existing home would have no visual impact on the surrounding area. There is no change currently proposed to the location of the traveled portion of Grenier Road or to the location of the existing home. The variance is purely technical in nature.

3.03 The intent of the McMansion Policy is to ensure that homes constructed on lots requiring variance from the subdivision ordinance, or homes that require variances to zoning standards, have a visual mass similar to that of existing homes within a neighborhood. The policy is not applied on lots that meet minimum size and dimension standards or to homes that meet minimum setback standards. In case of the proposed subdivision, the lot area and setback variances are necessary because of the required dedication of right-of-way. It would not be reasonable for the city to restrict house size based on variances that the city itself "created."

Section 4. Council Action.

- 4.01 The above-described preliminary and final plat, with lot area and front yard setback variances, are hereby approved. Approval is based on the findings outlined in Section 3 of this resolution.
- 4.02 The McMansion Policy related to the requested setback variances is hereby waived. This waiver is based on the findings outlined in Section 3 of this resolution.
- 4.03 Approval and waiver are subject to the following conditions:
1. Prior to release of the final plat for recording, submit the following:
    - a) Documents for the city attorney's review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
      - 1) Title evidence that is current within thirty days before release of the final plat.
      - 2) An encroachment agreement for an existing retaining wall located within newly established drainage and utility easements.
    - b) Two sets of mylars for city signatures.
    - c) An electronic CAD file of the plat in microstation or DXF.
    - d) Park dedication fee of \$5,000.
  2. Subject to staff approval, GRENIER ROAD ADDITION must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
    - Preliminary Plat, with revised date June 19, 2017
  3. Prior to issuance of a building permit for any new home:
    - a) Submit the following items for staff review and approval:
      - 1) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance



- 2) Final grading and tree preservation plan for the lot. The plan must be in substantial conformance with: (1) grading shown on Preliminary Plat, revised date June 19, 2017; and (2) the following conditions:
    - a. No more than three (3) high-priority trees may be removed from the combined site.
    - b. High-priority trees shown to be preserved must be protected during all grading and construction activity.
    - c. Final grading must be adjusted relative to the 29-inch sugar maple located west of the new home. There must be less than 30 percent impact to the tree's critical root zone.
    - d. Final design of the new home must minimize grading east and north of the home to minimize impact to trees on adjacent lots.
    - e. Grading must direct runoff toward the southwest corner of home and lot prior to discharging to street.
  - 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.
- b) Install a temporary rock driveway, erosion control and tree protection fencing and any other measures as required for

staff inspection. These items must be maintained throughout the course of construction.

- d) Submit all required hook-up fees.
- e) Unless specifically authorized by city staff, no site work or tree removal may occur until issuance of a building permit.

4. Any new homes constructed on Lots 1 and 2 are subject to the following:

a) Principal structure minimum setbacks are required as follows:

<b>Setback</b>	<b>Lot 1</b>	<b>Lot 2</b>
Front Yard	35 feet south property line* 50 feet west property line*	35 feet
Side Yard	10 feet	60 feet west property line 10 feet east property line
Aggregate Side Yard	30 feet	70 feet
Rear Yard	35 feet east property line is defined as rear line by code	26 feet
*One front yard setback may be reduced by 10 feet without variance, so long as other front yard setback is met.		

b) If a new home cannot be encompassed by 150 feet of fire hose coverage, either: (1) the home must be protected by a 13D automatic fire sprinkler system or an approved alternative system; or (2) the driveway must be 20 feet wide of paved surface at less than 10% grade.

- 5. During construction, the streets must be kept free of debris and sediment.
- 6. Permits may be required from other outside agencies including Nine-Mile Creek Watershed District. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
- 7. Any work within Hennepin County right-of-way will require a specific permit from the County. Proof of such permit must be submitted to the city prior to work in the right-of-way.

8. This approval will be void on August 14, 2018 if: (1) the final plat has not been recorded with the county; and (2) the city has not received and approved a written application for a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 14, 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 August 14, 2017.

---

David E. Maeda, City Clerk

**EXHIBIT A**

*That part of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117 North, Range 22 West of the 5th principal meridian described as follows: Commencing on the east line of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117, Range 22; at a point 751.9 feet south of the south line of GLEN LAKE PARK; thence west parallel with the south line of said Addition, to east line of Eden Prairie Road; thence southerly along said easterly line 166.2 feet to a point 276.8 feet north at right angles from south line of Northeast Quarter of said Section; thence East 82 degrees 30 minutes with east line of said road to east line of said Southeast Quarter of the Northeast Quarter; thence north to beginning, EXCEPT the east 200 feet thereof.*

**MINNETONKA PLANNING COMMISSION**  
**July 20, 2017**

<b>Brief Description</b>	Conditional use permit and site and building plan review for a storage building at Hopkins High School, 10901 Hillside Lane West
<b>Recommendation</b>	Adopt the resolution approving the conditional use permit and final site and building plans

---

**Proposal**

Kevin Neuman, on behalf of the Hopkins School District, is proposing to construct a storage building on the Hopkins High School campus at 10901 Hillside Lane West. The proposed building would be located northeast of the existing football field and directly south of the tennis courts. The storage building would be 1,964 square feet in area and 14.5 feet in height. The building would be neutral color, mirroring the existing storage building northwest of the football field. (See attached).

**Staff analysis**

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

1. Is the request reasonable?

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

- Meet the required standards and ordinances for the conditional use permit and site and building plan review.
- Comply with all required setbacks.
- Not result in a significant increase in impervious surface on the site.

2. Would the proposal negatively impact surrounding land uses?

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

- The proposed building would be appropriately buffered from surrounding residential properties. There are existing tennis courts between the proposed structure location and the nearest residential homes.
- The proposed structure would be located over 250 feet from the nearest school property line and over 300 feet from the nearest residential property.

**Staff Recommendation**

Adopt the resolution approving a conditional use permit and final site and building plans for a storage building at Hopkins High School, 10901 Hillside Lane West.

Originator: Drew Ingvalson, Planner

Through: Loren Gordon, AICP, City Planner

### Supporting Information

**Project No.** 96079.17b

**Property** 10901 Hillside Lane West

**Applicant** Kevin Neuman, on behalf of the Hopkins School District

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

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

**Building Architecture** The storage building would be just under 2,000 square feet in size and would be comprised of beige colored siding, a brick base, and beige metal roof materials. (See attached).

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

	Required by ordinance	Proposed
<i>Northerly</i>	50 ft.	± 250 ft.
<i>Easterly</i>	50 ft.	± 1,100 ft.
<i>Southerly</i>	50 ft.	± 1,050 ft.
<i>Westerly</i>	50 ft.	± 750 ft.

**Screening** The proposed building would be located adjacent to the existing tennis court on the site. This would put the proposed structure approximately 250 feet (across the tennis courts) from Hillside Lane West and over 300 feet from the nearest residential property. The significant distance and existing tennis courts will serve as screening for the structure from public view and residential properties.

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

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

**Finding:** The proposal has been reviewed by planning, engineering, building, natural resources, fire, and public

works. Staff finds the proposal to be generally consistent with the city's development guides.

2. Consistency with the ordinance;

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

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

**Finding:** The proposed building would only slightly increase the amount of impervious surface on the site and no trees would be removed.

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

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

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

- a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

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

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

**Finding:** The proposed building would be partially on an existing concrete surface and would only slightly reduce the amount of existing open space on the site.

- c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility



of the same with the adjacent and neighboring structures and uses; and

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

- d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

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

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

**Finding:** The shed is proposed for an area that would only slightly reduce the amount of open space on site and would require only minimal grading.

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:** Distance and existing tennis courts would provide adequate screening.

**CUP General Standards**

The proposed building would comply with the general conditional use permit standards.

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

4. The use does not have an undue adverse impact on the public health, safety or welfare of the community.

**CUP Specific Standards**

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

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

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

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

**Finding:** The Hopkins High School Campus has access to Cedar Lake Road, an arterial roadway. However, the proposed storage building itself would not generate traffic.

3. Buildings setback 50 feet from all property lines;

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

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

**Finding:** Parking on the subject property will be unchanged with the proposed improvement.

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

**Finding:** A significant amount of the proposed building would be located on an existing impervious surface and would only minimally increase the impervious surface on the property.

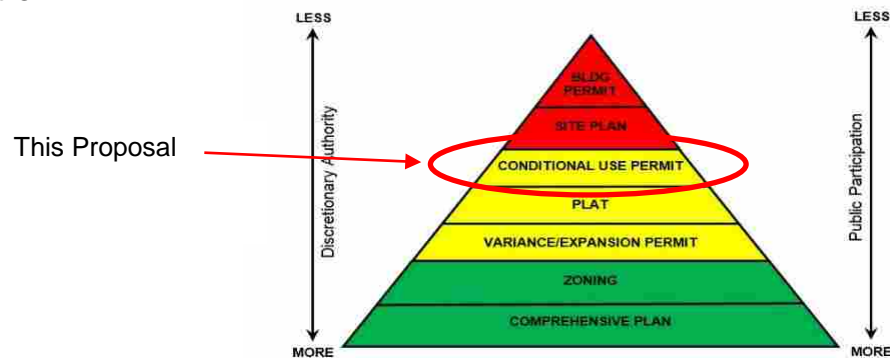
6. Stand-alone utility buildings, such as lift stations, are only subject to site and building plan review.

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

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

**Neighborhood Comments** The city sent notices to 945 area property owners and has not received any written comments.

### Pyramid of Discretion



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

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

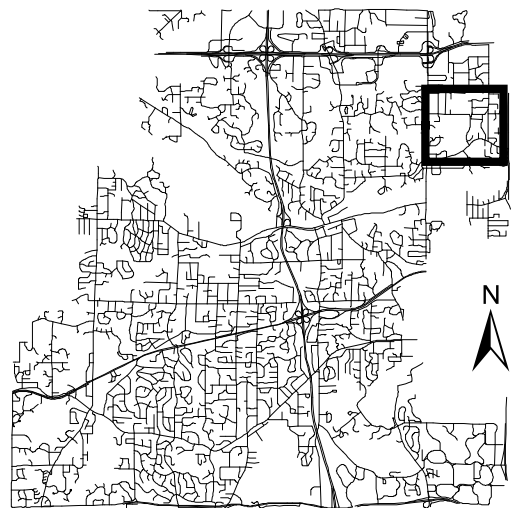
**Voting Requirement** The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council's final approval requires an affirmative vote of a simple majority.

**Deadline for Action**    September 28, 2017



### Location Map

Project: Hopkins HS Garage  
 Address: 2400 Lindberg Dr  
 Project No. 96079.17b



This map is for illustrative purposes only.

# New Storage Building

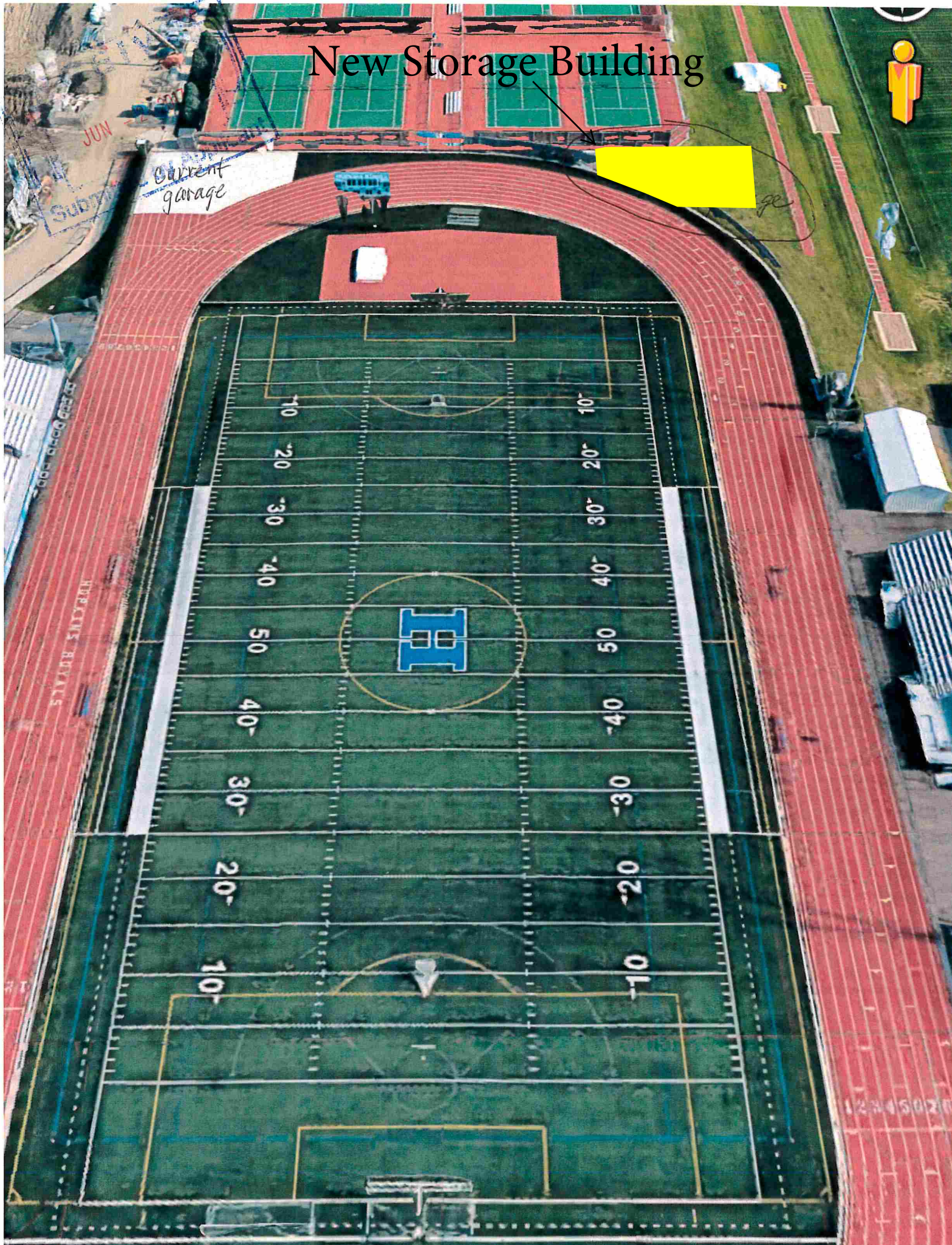
Current garage



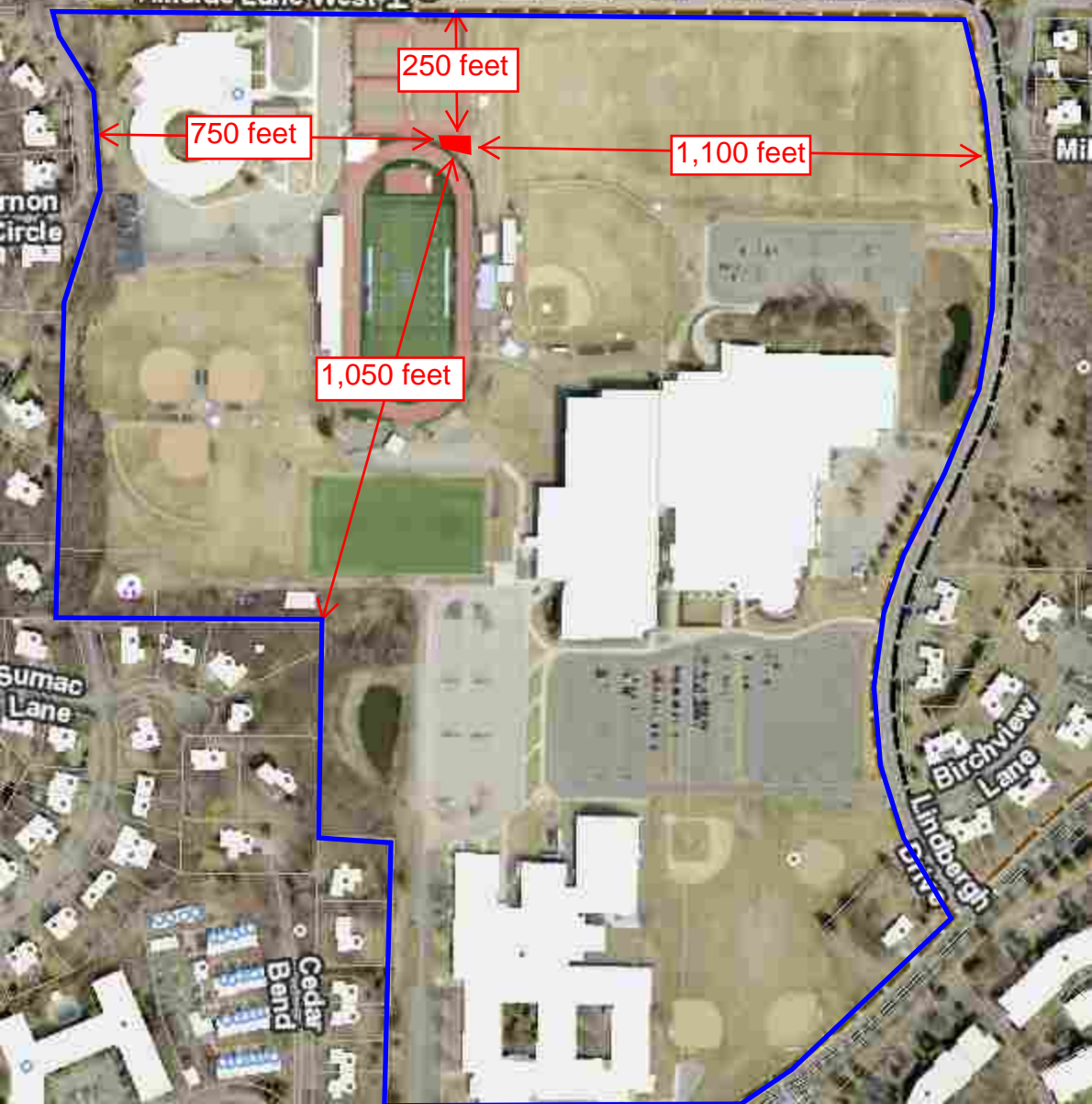
JUN

SUB

HERRICKS ROYALS



# Property Setback Distances from Structure



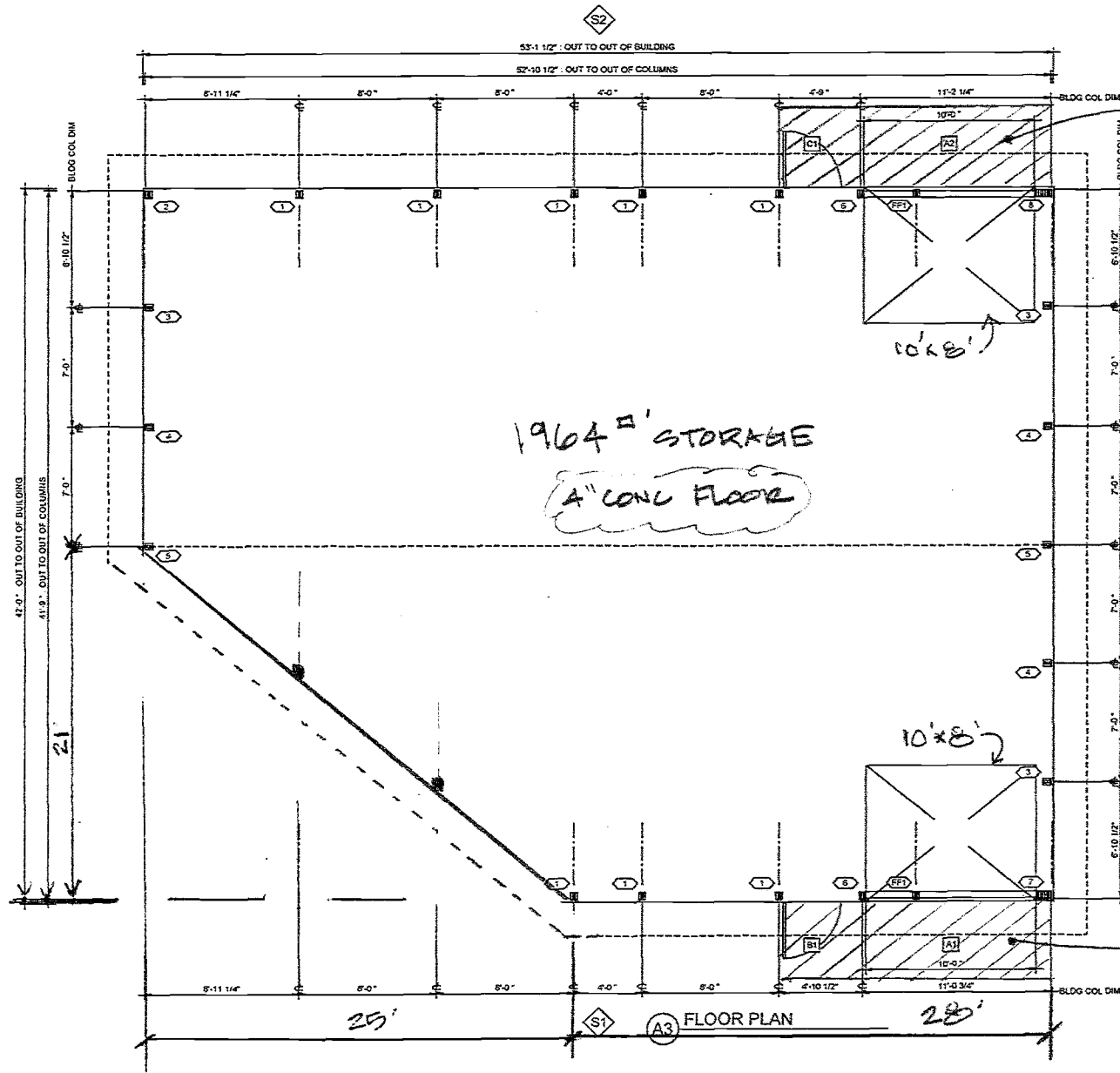
# Existing Structure





# Proposed Structure Location from Hillside Lane West





JUN - 2 2017
   
 Submitted by Applicant

COLUMN SCHEDULE

ID	PART	SHAPE	LENGTH	BASE	SIZE	TYPE	YR/BSG	DET	TYPE	BS/RTS	DET
1	891188	FS866	18-00-00	-64	8x20	POURED	10.1212	EP203	BLOCK	1	EP211
2	182218	FE256	18-00-00	-64	8x18	POURED	10.0438	EP203	BLOCK	1	EP211
3	182220	FE666	20-00-00	-64	8x18	POURED	10.0438	EP203	BLOCK	1	EP211
4	CO05	FE666	22-00-00	-64	8x18	POURED	10.0438	EP203	BLOCK	1	EP211
5	CO04	FE586	24-00-00	-64	8x18	POURED	10.0438	EP203	BLOCK	1	EP211
6	CO05	FS866	18-00-00	-64	8x24	POURED	10.0776	EP203	BLOCK	1	EP211
7	CO06	SP866/FE666	18-00-00	-64	8x24	POURED	10.0776	EP203	BLOCK	1	EP211
8	CO07	FE666/FE666	18-00-00	-64	8x24	POURED	10.0776	EP203	BLOCK	1	EP211
REF	FLOOR	FS666	2-01-11	158.75	-	HEADER	10.0776	EP203	1G1	PHD3A	1F0354

OPENING SCHEDULE

ID	MODEL	COLOR	NOMINAL	ROUGH	FRAME DET	FINISH DET	
A1	1200 PREMIUM SHORT INSULATED	C	DESE	EX866	12096	7	101675
A2	1200 PREMIUM SHORT INSULATED	C	DESE	EX866	12096	7	101675
B1	EX-FLOOR PLAIN SOLID	1W	SND	36x4	40.5x96.25	KC432 KC430	102035
B2	EX-FLOOR PLAIN SOLID	1W	SND	36x4	40.5x96.25	KC432 KC430	102035

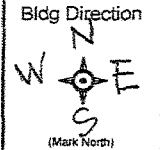


**DEALER INFO.**  
 Ron Foust  
 PO Box 417  
 Lester Prairie, MN 55354

**CUSTOMER INFO.**  
 Hopkins Public Schools  
 1001 Highway 7, Suite 103  
 Hopkins, MN 55305

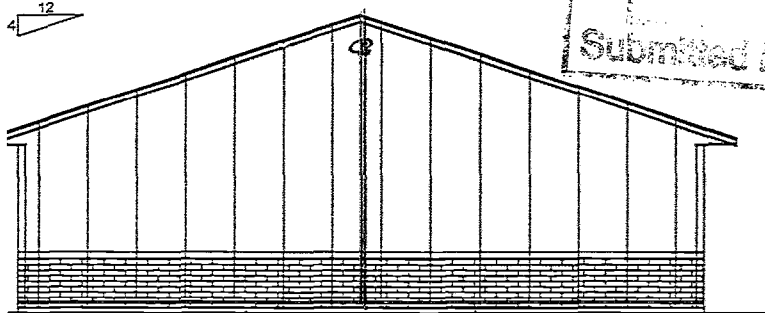
**BUILDING DESCRIPTION**  
 42'-0" x 53'-1" x 10'-0"  
 Uni-Frame Embedded  
 QP051817

**Customer Approval**  
 \_\_\_\_\_  
 (Initials)  
 DATE: 5/26/2017

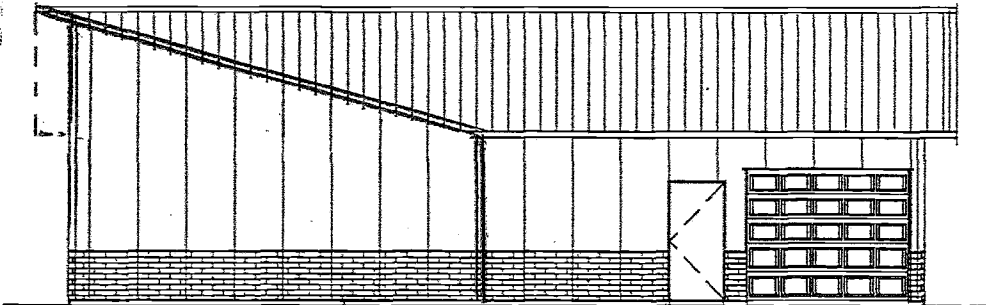


**PROJ: 031A-15941-00-00**  
**PROPOSAL DRAWINGS ONLY**  
 Not Intended for Construction Purposes  
 The information presented in this drawing is based on a preliminary design using the input provided. The final design is subject to Lester Engineering review.  
 \* NOT TO SCALE \*

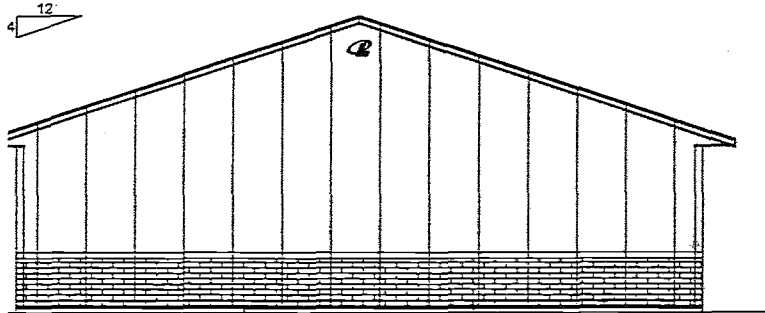
JUN - 2 2017  
Submitted by Applicant



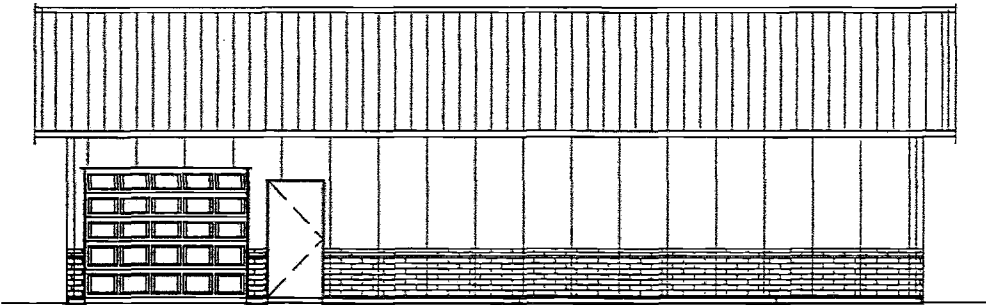
ENDWALL 1



SIDEWALL 1



ENDWALL 2



SIDEWALL 2



DEALER INFO.  
Ron Foust  
PO Box 417  
Lester Prairie, MN 55354

CUSTOMER INFO.  
Hopkins Public Schools  
1001 Highway 7, Suite 103  
Hopkins, MN 55305

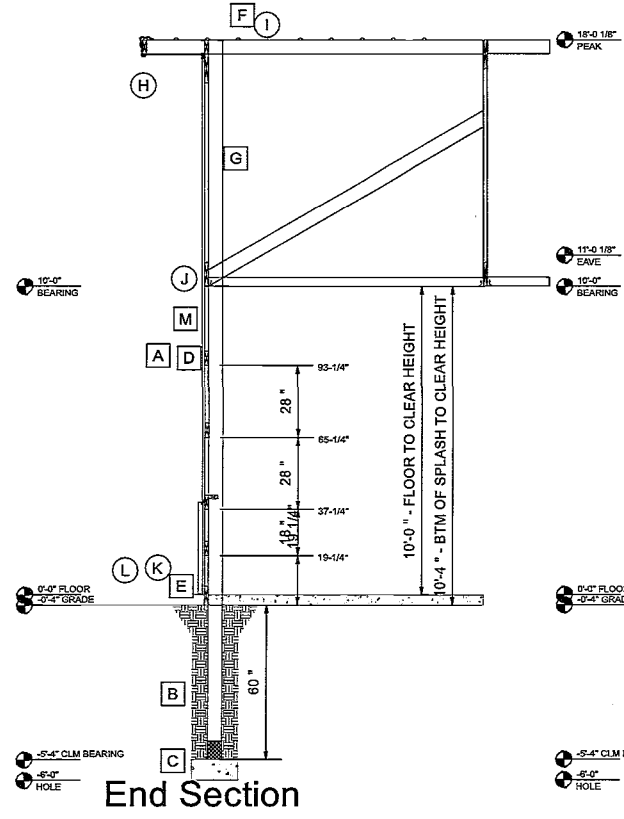
BUILDING DESCRIPTION  
42'-0"x53'-1"x10'-0"  
Uni-Frame Embedded  
QP051817

Customer Approval  
  
(Initials)  
DATE: 5/26/2017

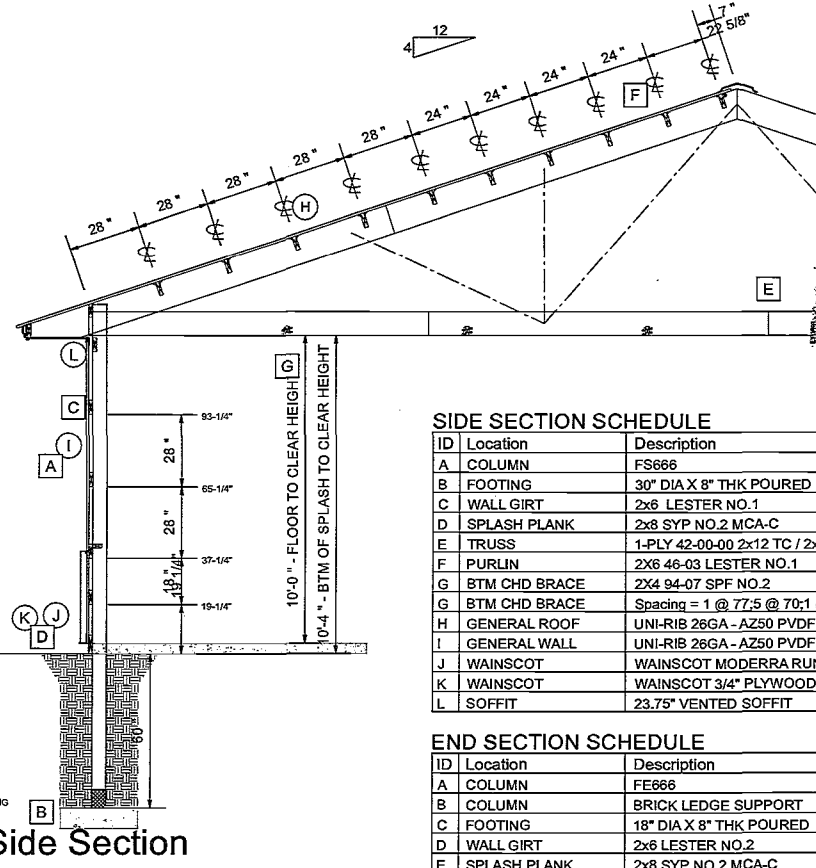
PROJ: 031A-15941-00-00  
PROPOSAL DRAWINGS ONLY  
Not Intended for Construction Purposes  
  
The information presented in this drawing is based on a preliminary design using the input provided. The final design is subject to Lester Engineering review  
\* Not To Scale \*

JUN - 2 2017

Submitted by Applicant



End Section



Side Section

**SIDE SECTION SCHEDULE**

ID	Location	Description
A	COLUMN	FS666
B	FOOTING	30" DIA X 8" THK POURED
C	WALL GIRT	2x6 LESTER NO.1
D	SPLASH PLANK	2x8 SYP NO.2 MCA-C
E	TRUSS	1-PLY 42-00-00 2x12 TC / 2x10 BC
F	PURLIN	2X6 46-03 LESTER NO.1
G	BTM CHD BRACE	2X4 94-07 SPF NO.2
G	BTM CHD BRACE	Spacing = 1 @ 77;5 @ 70;1 @ 77
H	GENERAL ROOF	UNI-RIB 26GA - AZ50 PVDF
I	GENERAL WALL	UNI-RIB 26GA - AZ50 PVDF
J	WAINSCOT	WAINSCOT MODERRA RUN BOND - 4" NO SCORE
K	WAINSCOT	WAINSCOT 3/4" PLYWOOD
L	SOFFIT	23.75" VENTED SOFFIT

**END SECTION SCHEDULE**

ID	Location	Description
A	COLUMN	FE666
B	COLUMN	BRICK LEDGE SUPPORT
C	FOOTING	18" DIA X 8" THK POURED
D	WALL GIRT	2x6 LESTER NO.2
E	SPLASH PLANK	2x8 SYP NO.2 MCA-C
F	PURLIN	2X6 130-05 LESTER PREMIUM
G	GABLE TRUSS	1-PLY 42-0" TRUSS 2x12 TC / 2x10 BC
H	SOFFIT	23.75" VENTED SOFFIT
I	GENERAL ROOF	UNI-RIB 26GA - AZ50 PVDF
J	GENERAL WALL	UNI-RIB 26GA - AZ50 PVDF
K	WAINSCOT	WAINSCOT MODERRA RUN BOND - 4" NO SCORE
L	WAINSCOT	WAINSCOT 3/4" PLYWOOD
M	BTM CHD BRACE	2X4 106-07 SPF NO.2



**DEALER INFO.**  
 Ron Foust  
 PO Box 417  
 Lester Prairie, MN 55354

**CUSTOMER INFO.**  
 Hopkins Public Schools  
 1001 Highway 7, Suite 103  
 Hopkins, MN 55305

**BUILDING DESCRIPTION**  
 42'-0"x53'-1"x10'-0"  
 Uni-Frame Embedded  
 QP051817

**Customer Approval**  
 \_\_\_\_\_  
 (Initials)  
 DATE: 5/26/2017

**PROJ:031A-15941-00-00**  
**PROPOSAL DRAWINGS ONLY**  
 Not Intended for Construction Purposes  
 The information presented in this drawing is based on a preliminary design using the input provided. The final design is subject to Lester Engineering review.  
 \* Not To Scale \*

## **Planning Commission Resolution No. 2017-**

### **Resolution approving a conditional use permit and final site and building plans for a storage building at Hopkins High School, 10901 Hillside Lane West**

---

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

#### Section 1. Background.

- 1.01 Kevin Neuman, on behalf of the Hopkins School District, has requested approval of final site and building plans and conditional use permit for a storage building. (Project 96079.17b).
- 1.02 The property is located at 10901 Hillside Lane West. The subject property is described in Exhibit "A".
- 1.03 By City Code §300.10 Subd.4, educational institutions and facilities are conditionally-permitted land uses. The proposed recreational fields, scoreboards, and light fixtures would increase the potential use of the Hopkins High School campus.
- 1.04 On July 20, 2017, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the amendment.

#### Section 2. General Standards.

- 2.01 City Code §300.16, Subd. 2, states no conditional use permit shall be granted unless the city council determines that all of the following standards will be met:
  - 1. The use is consistent with the intent of this ordinance;

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

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

1. Site and building plans subject to review pursuant to section 300.27 of the ordinance.
2. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
3. Buildings set back 50 feet from all property lines;
4. Parking spaces and parking setbacks subject to section 300.28 of this ordinance;
5. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and
6. Stand-alone utility buildings, such as lift stations, are only subject to site and building plan review.

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

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

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
  - a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
  - b) the amount and location of open space and landscaping;
  - c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
  - d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and
7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Section 3. Findings.

3.01 The proposal would meet the general conditional use permit standards

outlined in the City Code §300.16, Subd. 2.

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

3.02 The proposal would meet the specific conditional use permit standards outlined in the City Code §300.16, Subd. 3.

1. The proposal would meet site and building plan standards as outlined the following section of this resolution.
2. The Hopkins High School Campus has access to Cedar Lake Road, an arterial roadway. However, the proposed storage building would not generate traffic.
3. The proposed building would have setbacks to the exterior property lines of the Hopkins School campus that are greater than 50 feet.
4. Parking on the subject property would be unchanged with the proposed improvement.
5. A significant amount of the proposed building would be located on an existing impervious surface and would only minimally increase the impervious surface on the property.
6. The proposal is for a storage building and it is subject to the conditional use permit.

3.03 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, engineering, building, natural resources, fire and public works and found to be generally consistent with the city's development standards.



2. The proposal meets all minimum ordinance standards.
3. The proposed building would only slightly increase the amount of impervious surface on the site and no trees will be removed.
4. The proposed building would maintain a consistent relationship with the other storage buildings and elements of the property.
5. The proposed storage building would have a functional and harmonious design with existing structures and site features.
  - a) The proposed storage building would be located in a desirable location. It would be located adjacent to the existing tennis courts and various athletic fields, and near an existing storage building.
  - b) The proposed building would be partially on an existing concrete surface and would only slightly reduce the amount of existing open space on the site.
  - c) Materials would be complementary to the adjacent structures, including the existing storage building to the west.
  - d) No vehicular or pedestrian circulation changes are proposed at this time.
  - e) The structure is proposed for an area that would only slightly reduce the amount of open space on site and would require only minimal grading.
  - f) Distance and existing tennis courts would provide adequate screening.

Section 4. City Council Action.

4.01 The final conditional use permit and final site and building plans for a storage building at 10901 Hillside Lane West are hereby approved. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
  - Site plan date stamped June 2, 2017

- Building elevations dated June 2, 2017
  - Floor plans June 2, 2017
2. Prior to issuance of a building permit, submit the following items for staff review and approval:
    - 1) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
      - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
      - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
  3. The property owner is responsible for replacing any required landscaping that dies.
  4. The applicant must prohibit heavy machinery or truck traffic from use of Hillside Lane. Access must come from eastern parking lot or from the parking lot south of the track.
  5. Inlet protection of storm drains is required as directed by staff.
  6. Construction must begin by December 31, 2018, unless the planning commission grants a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 17, 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 meeting held on August 17, 2017.

---

David E. Maeda, City Clerk

## Exhibit "A"

OUTLOT A OF TANGLEN WOODS ALSO THE WEST 711.74 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12 TOWNSHIP 117 RANGE 22 AND THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12 TOWNSHIP 117 RANGE 22 DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER THEREOF THENCE WEST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER TO A POINT 755.2 FEET EAST OF THE NORTHWEST CORNER THEREOF THENCE DEFLECTING TO THE LEFT 94 DEGREES 20 MINUTES A DISTANCE OF 439 FEET THENCE SOUTHERLY TO A POINT IN A LINE DRAWN PARALLEL TO AND 660 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER DISTANT 726 FEET EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER THENCE SOUTH PARALLEL TO SAID WEST LINE TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER THENCE EAST TO THE SOUTHEAST CORNER THEREOF THENCE NORTH TO THE POINT OF BEGINNING EXCEPT THE WEST 210 FEET OF THE MOST SOUTHERLY 150 FEET THEREOF ALSO THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12 TOWNSHIP 117 RANGE 22 LYING NORTH OF COUNTY ROAD NO 16 AND WEST OF REGISTERED LAND SURVEY NUMBER 1194 EXCEPT THAT PART THEREOF LYING WEST OF THE EAST 165 FEET OF THE WEST 1/4 OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND SOUTH OF THE NORTH 460 FEET OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER WHICH LIES NORTHWESTERLY OF A LINE DRAWN PARALLEL WITH AND DISTANT 33.00 FEET NORTHWESTERLY OF THE FOLLOWING DESCRIBED LINE COMMENCING AT THE SOUTHWEST CORNER OF SECTION 12 TOWNSHIP 117 RANGE 22 THENCE NORTHERLY 978.40 FEET ALONG THE WEST LINE OF SAID SECTION 12 TO THE ACTUAL POINT OF BEGINNING OF THE LINE TO BE HEREIN DESCRIBED THENCE DEFLECTING RIGHT 86 DEGREES 25 MINUTES AS MEASURED NORTH TO EAST A DISTANCE OF 306.61 FEET THENCE EASTERLY 360.61 FEET ALONG A TANGENTIAL CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 1432.39 FEET AND A CENTRAL ANGLE OF 14 DEGREES 25 MINUTES 27.8 SECONDS THENCE NORTHEASTERLY TANGENT TO SAID CURVE A DISTANCE OF 1185.74 FEET THENCE NORTHEASTERLY 1000.19 FEET ALONG A TANGENTIAL CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1909.86 FEET AND A CENTRAL ANGLE OF 30 DEGREES 00 MINUTES 21 SECONDS THENCE NORTHEASTERLY TANGENT TO SAID LAST DESCRIBED CURVE A DISTANCE OF 376.92 FEET AND SAID LINE THERE TERMINATING.

**MINNETONKA PLANNING COMMISSION**  
**July 20, 2017**

<b>Brief Description</b>	Conditional use permit for a restaurant with outdoor seating area at Ridgedale Corner Shoppes, 1801/1805 Plymouth Road.
<b>Recommendation</b>	Recommend the city council adopt the resolution approving the request.

---

**Background**

In October 2016, the city approved redevelopment of the existing TCF Bank property at 1801 Plymouth Road. As approved, the existing, two-story bank building will be removed and a new, one-story, 10,200 square foot building will be constructed on the site. TCF Bank will occupy the westerly 2,200 square feet of the new building. This area is currently under construction. Upon completion of the new space, the existing bank building will be removed and 7,800 square feet of new retail space added to the east.

**Current Proposal**

Ridgedale Retail, LLC., on behalf of Starbucks Coffee, is proposing to operate a coffee shop within the easternmost tenant space of the new building. The coffee shop would include both indoor and outdoor seating, but no drive-thru. By city code, a coffee shop is considered a fast food restaurant and is a conditionally-permitted use within the Planned I-394 (PID) zoning district.

**Staff Analysis**

The primary issue associated with the proposed coffee shop is parking. A parking study was completed in conjunction with the 2016 development review concluded:

- The number of parking stalls provided on site would meet city code and Institute of Transportation Engineers (ITE) average parking demand requirements for a 10,200 square foot retail/bank building.
- Depending on the type of tenants in the retail portion of the building, potential parking demand may exceed parking supply. Therefore, specific tenants and parking demand should be monitored.
- If a coffee shop/restaurant use were to occupy a tenant space, the parking supply would not meet city code and additional parking and pedestrian accommodations would likely need to be considered.

With these findings already in place, an updated parking study was completed taking the now proposed coffee shop into consideration. This study concluded that, with a roughly 2,100 square foot coffee shop:

- The 47 parking stalls that will ultimately be constructed on site would not meet the minimum city code parking requirement.
- ITE suggests an average parking demand of 38 spaces in the a.m. and 47 spaces in the p.m.
- ITE suggests an 85th percentile parking demand of 50 spaces in the a.m. and 57 spaces in the p.m. For more information on 85<sup>th</sup> percentile, see the “Supporting Information” section of this report.

		<b>Parking Spaces</b>
<b>Parking Available</b>		47 spaces
<b>Parking with Coffee Shop</b>	City Code Requirement	68 spaces
	ITE Average Demand	38 a.m. spaces 47 p.m. spaces
	ITE 85 <sup>th</sup> Percentile	50 a.m. spaces 57 p.m. spaces

In the past, the city has approved proposals that do not meet city code parking requirements when either: (1) a parking study suggests that actual parking demand – based on ITE demand information – can be met with available on-site parking; or (2) off-site parking is secured such that anticipated parking demand can be met. City code specifically allows off-site parking, located within 400 feet, to be “used” to meet parking requirements.

Since publication of the parking study, the applicant has provided a parking exhibit illustrating how 11 additional parking spaces could be added to the site. These spaces would bring total on-site parking to 58 spaces, meeting both the ITE average and 85th percentile demand. The applicant indicates a willingness to construct six of these 11 stalls now, with five stalls remaining as proof-of-parking. With this parking exhibit – and with the significant amount of off-site parking that may be available in the Ridgedale area – staff is comfortable recommending approval of the request. Staff recommendation includes a condition that, in the event additional parking is required due to observed, recurrent demand, one of the following must occur: (1) proof-of-parking must be paved; or (2) an off-site parking agreement must be obtained.

**Staff Recommendation**

Recommend the city council adopt the resolution approving a conditional use permit for a restaurant with outdoor seating area at Ridgedale Corner Shoppes, 1801/1805

Plymouth Road.

Originator: Susan Thomas, AICP, Assistant City Planner

Through: Loren Gordon, AICP, City Planner

### Supporting Information

**Surrounding Uses** The subject property is surrounded by commercial and service commercial uses.

**Planning** Guide Plan designation: mixed use  
 Existing Zoning: PID, planned I-394 development

**85<sup>th</sup> Percentile** The Institute of Transportation Engineers (ITE) provides parking demand data based on field observed parking data. ITE expresses parking demand in a variety of ways.

- Average Demand. Average demand is generally expressed as a ratio of total occupied parking stalls to some independent variable, such as building square footage or number of employees.
- Range of Demand. Range provides the lowest and highest peak parking demand ratio at a study site.
- 85<sup>th</sup> Percentile. The 85<sup>th</sup> percentile indicates the number below which 85% of the peak demand observations fall.
- 33<sup>rd</sup> Percentile. The 33<sup>rd</sup> percentile indicates the number below which 33% of the peak demand observations fall.
- 95 Percent Confidence Interval. 95% confidence indicates the range within which there is a 95% likelihood that the average parking demand will fall. ITE gives this number only when there is reliable data for 20 or more study sites.

The following is example ITE information for a general office building.

<b>Land Use: 701 Office Building</b>	
<b>Average Peak Period Parking Demand vs: 1,000 sq. ft. GFA On a: Weekday Location: Suburban</b>	
Statistic	Peak Period Demand
Peak Period	9:00 a.m.–12:00 p.m.; 2:00–4:00 p.m.
Number of Study Sites	173
Average Size of Study Sites	136,000 sq. ft. GFA
Average Peak Period Parking Demand	2.84 vehicles per 1,000 sq. ft. GFA
Standard Deviation	0.72
Coefficient of Variation	25%
95% Confidence Interval	2.73–2.95 vehicles per 1,000 sq. ft. GFA
Range	0.86–5.58 vehicles per 1,000 sq. ft. GFA
85th Percentile	3.44 vehicles per 1,000 sq. ft. GFA
33rd Percentile	2.57 vehicles per 1,000 sq. ft. GFA



**CUP Standards**

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

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

**Finding:** The proposed coffee shop would be located within the Ridgedale Corner Shoppes. The façade of the entire building has been attractively designed and proposed coffee shop would not change the approved design

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

**Finding:** Staff does not anticipate that the proposed coffee shop, in and of itself, would significantly impact levels of service at surrounding roadway systems. Parking can be provided consistent with Institute of Transportation Engineer (ITE) Average and 85th Percentile Demand estimates.

3. Outdoor seating areas will be approved only subject to the following:

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

**Finding:** The size and raised elevation would provide for a controlled area.

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

**Finding:** The proposed coffee shop would be located roughly 300 feet from the closest residential property, which is located in the 1700 Plymouth Road building on the west side of Plymouth Road. That property is guided for mixed use and already contains a coffee shop with outdoor seating area.

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

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

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

**Finding:** This condition is met.

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

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

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

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

- g) Must meet building setback requirements.

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

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

- a) public address systems must not be audible from any residential parcel; and

- b) stacking for a minimum of six cars per aisle must be provided subject to applicable parking lot setbacks.

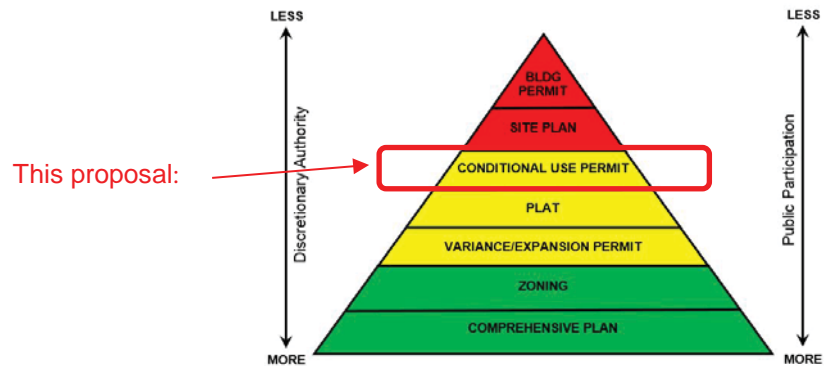
- c) must be set back at least 100 feet and screened from any adjacent property designated in the comprehensive plan for residential use.

**Finding:** No drive-up window is proposed.

- 5. Restaurants or fast-food restaurants with less than 1,200 square feet gross floor area, designed seating capacity not exceeding 25, having no drive-up window and located in retail multiple tenant centers are exempt from the requirements of

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

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

**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 354 area property owners. No written comments have been received.

**Deadline for Action**

September 11, 2017



**Subject Property**

**LOCATION MAP**

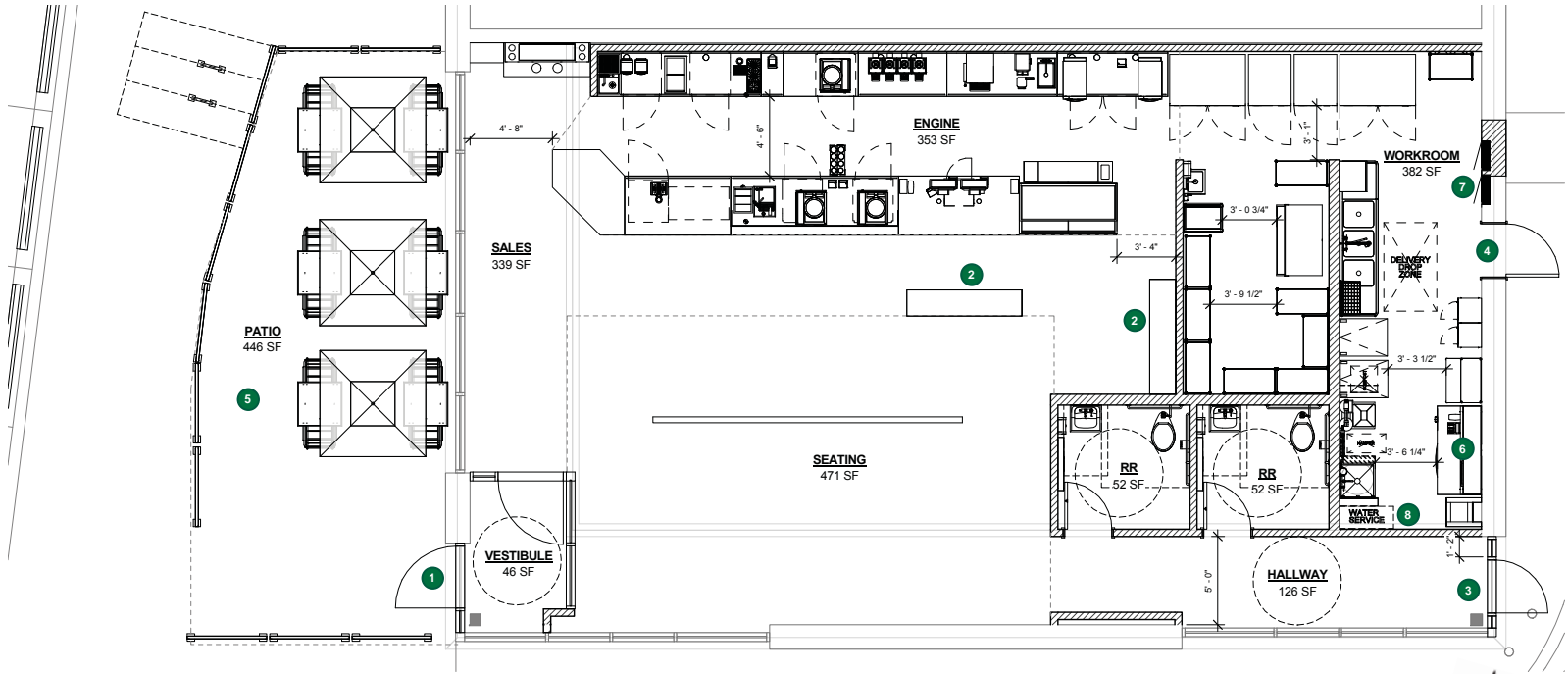
*City of*  
**minnetonka**  
*Where quality is our nature*

Project: Ridgedale Corner Shoppes  
Applicant: Ridgedale Retail, LLC  
Address: 1801 Plymouth Road  
Project #16020.17c

TEST FIT - NOT FOR CONSTRUCTION

SCOPE OF WORK		
1	STOREFRONT ENTRY	5
2	MERCHANDISE BAYS (2 QTY)	6
3	PROPOSED EXIT DOOR	7
4	SERVICE DOOR	8

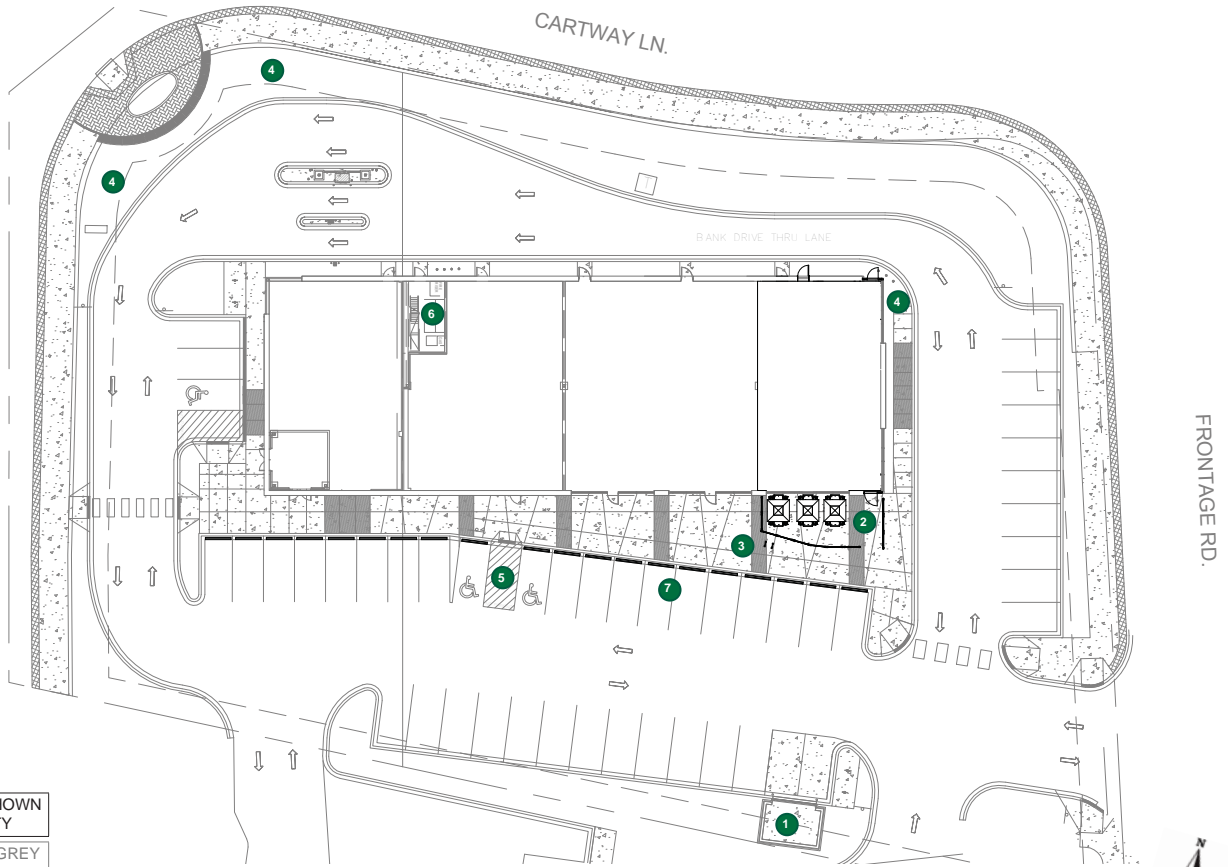
PRELIMINARY OCCUPANT LOAD		
SALES AREA	336 SF ± 60	6
SEATING AREA	469 SF ± 15	32
ENGINE AREA	353 SF ± 200	2
BOH AREA	382 SF ± 300	2
<b>TOTAL</b>		<b>42</b>



**SCOPE OF WORK**

1	SHARED TRASH ENCLOSURE (LL) STARBUCKS REQUIRES EQUIVALENT OF 12' X 20' DEDICATED TRASH ENCLOSURE
2	OUTDOOR PATIO (LL)
3	BIKE RACKS (LL)
4	LANDSCAPING (LL)
5	(LL) TO PROVIDE STRIPING & CURB CUT FOR CUSTOMER ACCESS
6	SHARED UTILITIES ROOM
7	PARKING STOPS ALONG SIDEWALK, TYP. (LL)

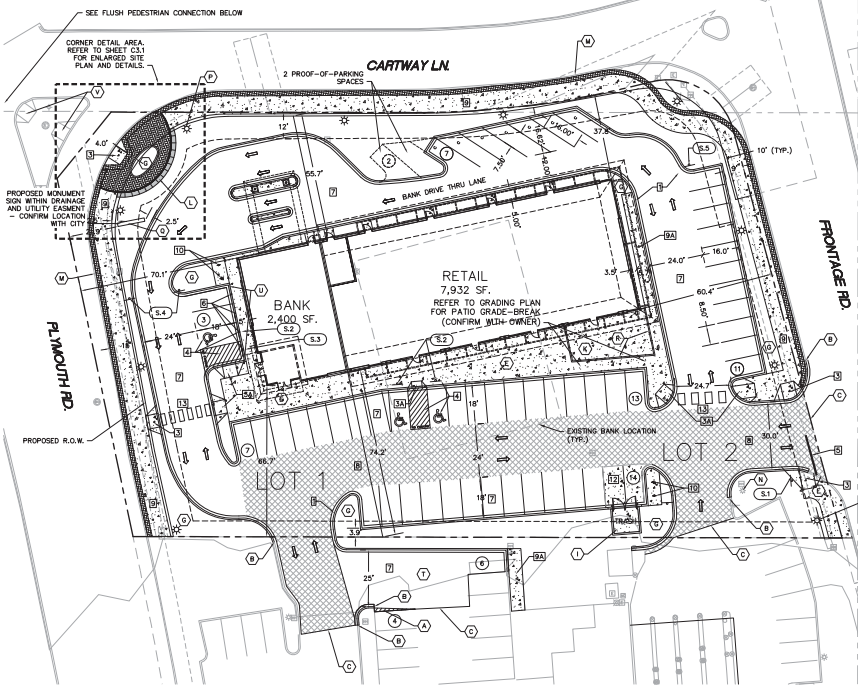
TEST FIT - NOT FOR CONSTRUCTION



PROPOSED SITE PLAN SHOWN IN BLACK FOR CLARITY

LL SITE PLAN SHOWN IN GREY FOR REFERENCE





**Site Legend**

EXISTING	PROPOSED	PROPERTY LINE
---	---	LOT LINE
---	---	SETBACK LINE
---	---	EASEMENT LINE
---	---	CURB AND GUTTER
---	---	POND NORMAL WATER LEVEL
---	---	RETAINING WALL
---	---	FENCE
---	---	CONCRETE PAVEMENT
---	---	CONCRETE SIDEWALK
---	---	HEAVY DUTY BITUMINOUS PAVEMENT
---	---	STANDARD DUTY BITUMINOUS PAVEMENT
---	---	NUMBER OF PARKING SPACES
---	---	TRANSFORMER
---	---	SITE LIGHTING
---	---	TRAFFIC SIGN
---	---	POWER POLE
---	---	BOLLARD / POST
---	---	COMPACT PARKING STALL

**Site Notes**

- A. 4" YELLOW DIAGONAL STRIPE
- B. MATCH EXISTING CURB & GUTTER
- C. MATCH EXISTING PAVEMENT
- D. MATCH EXISTING CONCRETE (WALK OR DRIVE)
- E. CONCRETE SIDEWALK AND JOINTING (SEE ARCH. PLANS)
- F. STEPS AND HANDRAIL (SEE ARCH. PLANS)
- G. PLANTED AREA
- H. RAISED PLANTED AREA
- I. TRASH ENCLOSURE (SEE ARCH. PLANS)
- J. TRANSFORMER PAD
- K. PATIO
- L. DECORATIVE KNEE HIGH WALL (REFER TO SHEET C3.1)
- M. EXISTING CONCRETE CURB
- N. EXISTING LIGHT POLE
- O. EXISTING SIDEWALK
- P. NEW LIGHTS (SPECIFIC LOCATIONS TBD BY CITY)
- Q. MONUMENT SIGN
- R. FENCE W/ GATE (SEE ARCH. PLANS)
- S. RELOCATED LIGHT POLE LOCATION
- T. REDCONSTRUCT PARKING AREA WITH WESTERN FACING ENTRANCE
- U. BITUMINOUS FLUSH WITH SIDEWALK/ZERO CURB
- V. EXISTING PEDESTRIAN RAMPS

**MSD Sign Legend**

REFERENCE	SIZE	MSDOT DESIGNATION
S.1	30" x 30"	R1-1
S.2	12" x 18"	R7-9M
S.3	12" x 12"	R8-9B
S.4	24" x 24"	R5-1
S.5	24" x 24"	R6-X1

**Site Details**

- 1 BR12 CURB & GUTTER
- 2 INTERNAL CURB & WALK
- 3 ACCESSIBLE PUBLIC PEDESTRIAN RAMP
- 3A PRIVATE PEDESTRIAN CURB RAMP
- 4 ACCESSIBLE PARKING LOOZ, STRIPING, & SIGNAGE
- 5 PAINTED STOP BAR & STOP SIGN POST BASE
- 6 6" BOLLARD
- 7 STANDARD DUTY BITUMINOUS PAVEMENT
- 8 HEAVY DUTY BITUMINOUS PAVEMENT
- 9 10' SIDEWALK (REFER TO SHEET C3.1)
- 9A CONCRETE SIDEWALK
- 10 BIKE RACKS - ACTUAL TO BE FIELD LOCATED
- 11 BENCH (SEE ARCH. PLANS)
- 12 HEAVY DUTY CONCRETE PAVEMENT
- 13 CROSS WALK STRIPING

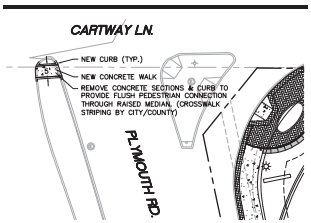
**General Site Notes**

1. BACKGROUND INFORMATION FOR THIS PROJECT PROVIDED BY WESTWOOD PROFESSIONAL SERVICES, INC. EDEN PRairie, MINNESOTA, JULY 24, 2016.
2. LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO EXCAVATION/CONSTRUCTION. IF ANY DISCREPANCIES ARE FOUND, THE ENGINEER SHOULD BE NOTIFIED IMMEDIATELY.
3. REFER TO BOUNDARY SURVEY FOR LOT BEARINGS, DIMENSIONS AND AREAS.
4. ALL DIMENSIONS ARE TO FACE OF CURB OR EXTERIOR FACE OF BUILDING UNLESS OTHERWISE NOTED.
5. REFER TO ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS AND LOCATIONS OF EXITS, RAMPS, AND TRUCK DOCKS.
6. ALL CURB RADI SHALL BE 3.0 FEET (TO FACE OF CURB) UNLESS OTHERWISE NOTED.
7. ALL CURB AND GUTTER SHALL BE BR12 UNLESS OTHERWISE NOTED.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGGERS AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE CITY AND ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL CONFORM TO APPROPRIATE MS DOT STANDARDS.
9. BITUMINOUS PAVEMENT AND CONCRETE SECTIONS TO BE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER.
10. CONTRACTOR SHALL MAINTAIN FULL ACCESS TO ADJACENT PROPERTIES DURING CONSTRUCTION AND TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES.
11. SITE LIGHTING SHOWN ON PLAN IS FOR REFERENCE ONLY. REFER TO LIGHTING PLAN PREPARED BY OTHERS FOR SITE LIGHTING DETAILS AND PHOTOMETRICS. SITE LIGHTS TO MATCH CITY'S STREETLIGHTS SELECTED FOR PLYMOUTH ROAD. CONTRACTOR TO VERIFY LOCATION AND PLACEMENT OF STREET LIGHTS PRIOR TO SITE INSTALLATION.

**Site Development Summary**

EXISTING ZONING:	PLANNED I-384 DISTRICT
PROPOSED ZONING:	PLANNED I-384 DISTRICT
PARCEL DESCRIPTION:	Lot 1, Block 1, Ridgedale Center Fourth Addition.
PROPERTY AREAS:	LOT 1, BLOCK 1: 16,082 SF (0.37 AC.) LOT 2, BLOCK 1: 27,157 SF (0.65 AC.) PLYMOUTH RD. R.O.W.: 4,790 SF (0.11 AC.)
BUILDING GROSS SIZE:	10,332 SF
BANK:	2,400 SF
RETAIL:	7,932 SF
PARKING SPACE/DRIVE ASILE:	8.5/1' WIDE X 16/18' LONG, 24' ASILE
PARKING RATIO REQUIREMENT - CITY OF MINNETONKA:	1 SPACE / 250 SF OF FLOOR AREA
BANK:	1 SPACE / 250 SF OF FLOOR AREA
RETAIL:	1 SPACE / 250 SF OF FLOOR AREA
BANK (2,400/250):	9.6 SPACES
RETAIL (7,932/250):	31.7 SPACES
TOTAL SPACES REQUIRED:	41.3 SPACES
PARKING PROVIDED:	55 + 2 PROOF-OF-PARKING SPACES

**Flush Pedestrian Connection**



**Westwood**  
Professional Services, Inc.  
1000 Westwood Blvd  
Eden Prairie, MN 55324  
Phone: 952.935.1000  
Fax: 952.935.1001  
www.westwoodps.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Minnesota.  
**Donald M. Kiefer**  
Date: 07/13/17 License No. 19939

Revisions	Checked	Drawn
1. TRACK CHANGES	---	---
2. TRACK CHANGES	---	---
3. TRACK CHANGES	---	---
4. TRACK CHANGES	---	---
5. TRACK CHANGES	---	---
6. TRACK CHANGES	---	---
7. TRACK CHANGES	---	---
8. TRACK CHANGES	---	---
9. TRACK CHANGES	---	---
10. TRACK CHANGES	---	---
11. TRACK CHANGES	---	---
12. TRACK CHANGES	---	---
13. TRACK CHANGES	---	---
14. TRACK CHANGES	---	---
15. TRACK CHANGES	---	---
16. TRACK CHANGES	---	---
17. TRACK CHANGES	---	---
18. TRACK CHANGES	---	---
19. TRACK CHANGES	---	---
20. TRACK CHANGES	---	---
21. TRACK CHANGES	---	---
22. TRACK CHANGES	---	---
23. TRACK CHANGES	---	---
24. TRACK CHANGES	---	---
25. TRACK CHANGES	---	---
26. TRACK CHANGES	---	---
27. TRACK CHANGES	---	---
28. TRACK CHANGES	---	---
29. TRACK CHANGES	---	---
30. TRACK CHANGES	---	---
31. TRACK CHANGES	---	---
32. TRACK CHANGES	---	---
33. TRACK CHANGES	---	---
34. TRACK CHANGES	---	---
35. TRACK CHANGES	---	---
36. TRACK CHANGES	---	---
37. TRACK CHANGES	---	---
38. TRACK CHANGES	---	---
39. TRACK CHANGES	---	---
40. TRACK CHANGES	---	---
41. TRACK CHANGES	---	---
42. TRACK CHANGES	---	---
43. TRACK CHANGES	---	---
44. TRACK CHANGES	---	---
45. TRACK CHANGES	---	---
46. TRACK CHANGES	---	---
47. TRACK CHANGES	---	---
48. TRACK CHANGES	---	---
49. TRACK CHANGES	---	---
50. TRACK CHANGES	---	---
51. TRACK CHANGES	---	---
52. TRACK CHANGES	---	---
53. TRACK CHANGES	---	---
54. TRACK CHANGES	---	---
55. TRACK CHANGES	---	---
56. TRACK CHANGES	---	---
57. TRACK CHANGES	---	---
58. TRACK CHANGES	---	---
59. TRACK CHANGES	---	---
60. TRACK CHANGES	---	---
61. TRACK CHANGES	---	---
62. TRACK CHANGES	---	---
63. TRACK CHANGES	---	---
64. TRACK CHANGES	---	---
65. TRACK CHANGES	---	---
66. TRACK CHANGES	---	---
67. TRACK CHANGES	---	---
68. TRACK CHANGES	---	---
69. TRACK CHANGES	---	---
70. TRACK CHANGES	---	---
71. TRACK CHANGES	---	---
72. TRACK CHANGES	---	---
73. TRACK CHANGES	---	---
74. TRACK CHANGES	---	---
75. TRACK CHANGES	---	---
76. TRACK CHANGES	---	---
77. TRACK CHANGES	---	---
78. TRACK CHANGES	---	---
79. TRACK CHANGES	---	---
80. TRACK CHANGES	---	---
81. TRACK CHANGES	---	---
82. TRACK CHANGES	---	---
83. TRACK CHANGES	---	---
84. TRACK CHANGES	---	---
85. TRACK CHANGES	---	---
86. TRACK CHANGES	---	---
87. TRACK CHANGES	---	---
88. TRACK CHANGES	---	---
89. TRACK CHANGES	---	---
90. TRACK CHANGES	---	---
91. TRACK CHANGES	---	---
92. TRACK CHANGES	---	---
93. TRACK CHANGES	---	---
94. TRACK CHANGES	---	---
95. TRACK CHANGES	---	---
96. TRACK CHANGES	---	---
97. TRACK CHANGES	---	---
98. TRACK CHANGES	---	---
99. TRACK CHANGES	---	---
100. TRACK CHANGES	---	---

Prepared for:  
**Ridgedale Retail, LLC**  
188 Westland Avenue  
Minnetonka, Minnesota 55305

**Ridgedale Corner Shoppes**  
Minnetonka, Minnesota

Date: 11/04/16  
Sheet: C3 of 11  
00045459701.dwg  
Civil Site Plan

**To:** Susan Thomas, AICP, Assistant City Planner  
City of Minnetonka

**From:** Tom Sachi, PE, Senior Engineer  
Matt Pacyna, PE, Senior Associate

**Date:** June 15, 2017

**Subject:** Ridgedale Corner Shoppes Parking Study Update

## Introduction

SRF has completed an updated parking study for the proposed Ridgedale Corner Shoppes development in the southeast quadrant of the Plymouth Road/Cartway Lane intersection in the City of Minnetonka (see Figure 1: Project Location). This study updates the parking section from the *TCF Bank Redevelopment Traffic Study*, dated September 15, 2016, given the proposed land use change. The main objectives of the study are to determine if the proposed parking supply is sufficient to meet the demand for the newly proposed land uses and to identify potential parking opportunities, if necessary. The following information provides the assumptions, analysis, and recommendations offered for consideration.

## Proposed Development

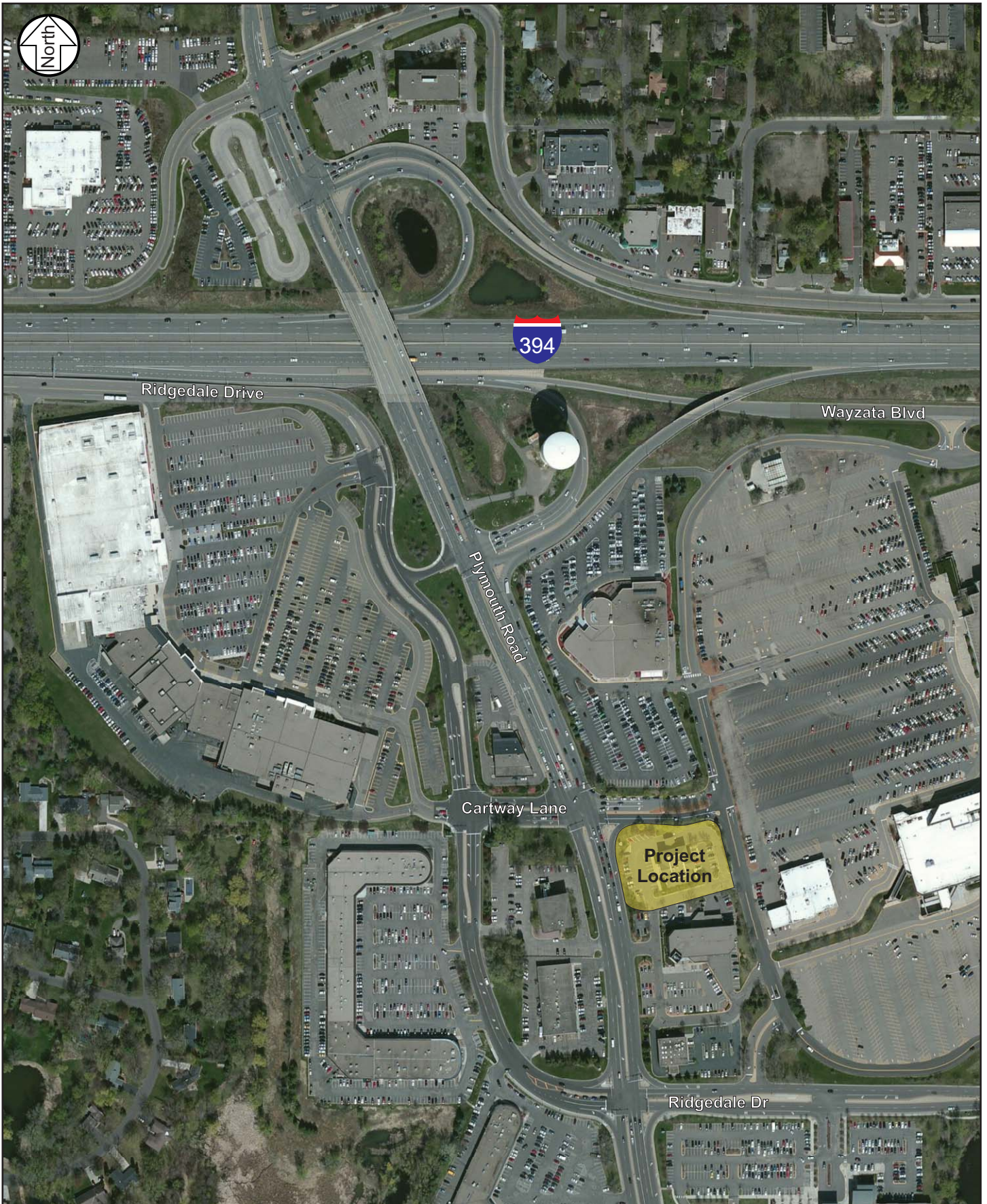
The proposed development shown in Figure 2, which is under construction, consists of a 2,200 square foot TCF Bank, 5,900 square foot general retail space, and 2,100 square foot coffee shop. The previous traffic study assumed a 2,400 square foot TCF Bank and 7,800 square foot general retail space, but noted that if a change in land use was proposed (such as a coffee shop or restaurant), that parking would need to be reassessed.

## Parking Review

The proposed development will have a total of 45\* parking spaces on site. To determine if the proposed parking supply will meet demand for the site, a detailed parking review was completed using both the Minnetonka City Code as well as the *ITE Parking Generation Manual, Fourth Edition*. The following information summarizes the updated parking demand review.

- 1) The minimum parking requirement based on Minnetonka City Code (Chapter 3, Section 300.28) states that for both a bank and retail store, the minimum number of parking spaces required is one space per 250 square feet of gross floor area and for a coffee shop, one space per 60 square feet of gross floor area is required.

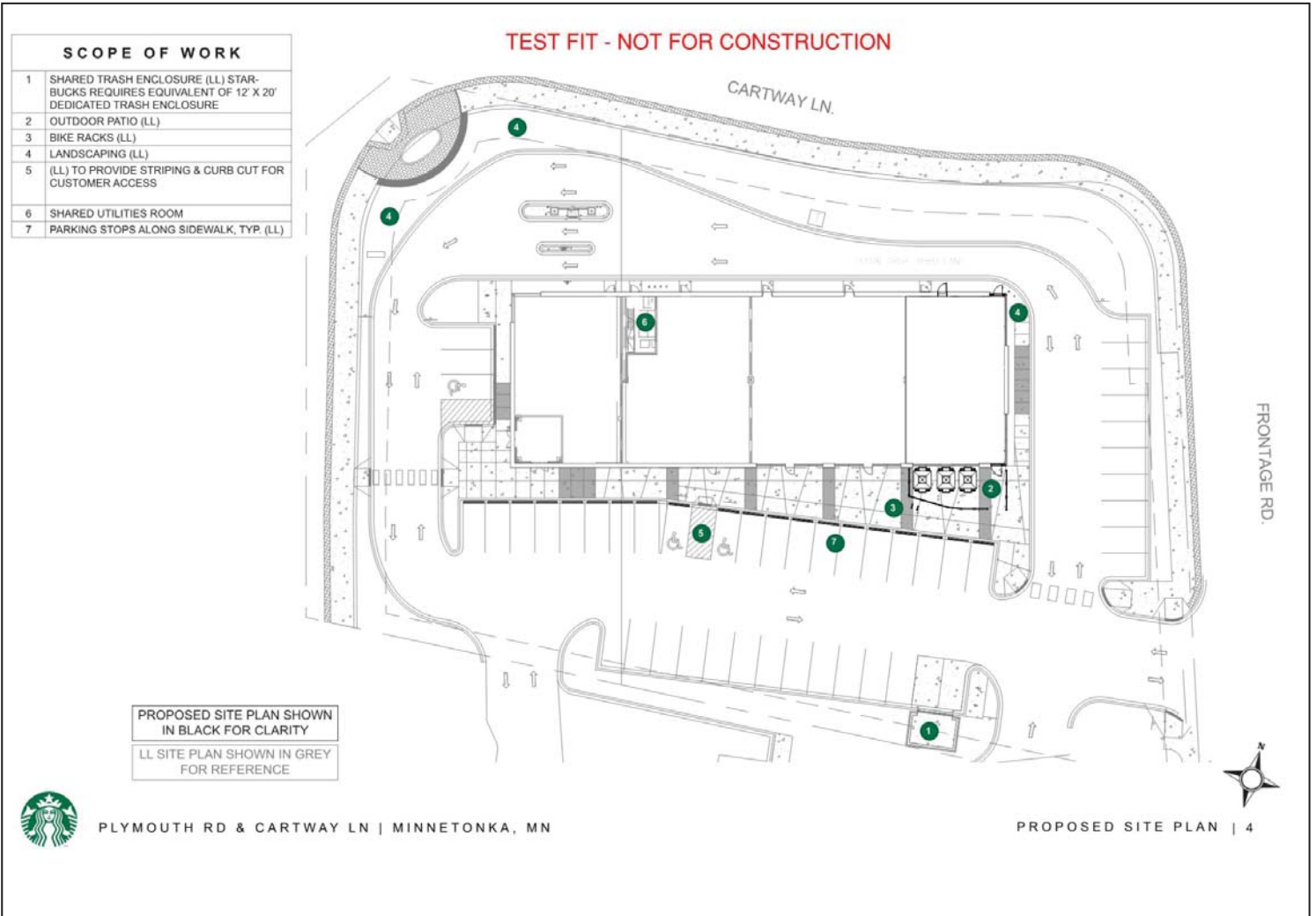




### Project Location

Ridgedale Corner Shoppes Parking Study  
City of Minnetonka

H:\Projects\010000\10734\TS\Figures\Fig02\_Site Plan.pdf



### Site Plan

Ridgedale Corner Shoppes Parking Study  
City of Minnetonka

00169368  
August 2016

Figure 2

- 2) Given that the proposed development includes 8,100 square feet of bank/retail space and a 2,100 square foot coffee shop, a total of 68 parking spaces are required based on City code, which results in 23 space deficit.
- 3) Both the ITE average and 85th percentile parking demand rates were reviewed to develop a parking demand range. Due to the varying times of day in which the land uses are expected to reach their peak parking demand (i.e. coffee shop peaks during the morning, while retail and bank uses peak in the afternoon), a parking demand range was developed. The average parking demand for the proposed development is expected to range from 38 spaces in the morning to 47 spaces in the afternoon. The 85th percentile parking demand for the proposed development is expected to range from 50 spaces in the morning to 57 spaces in the afternoon. This represents a parking deficit between five (5) and 12 spaces.

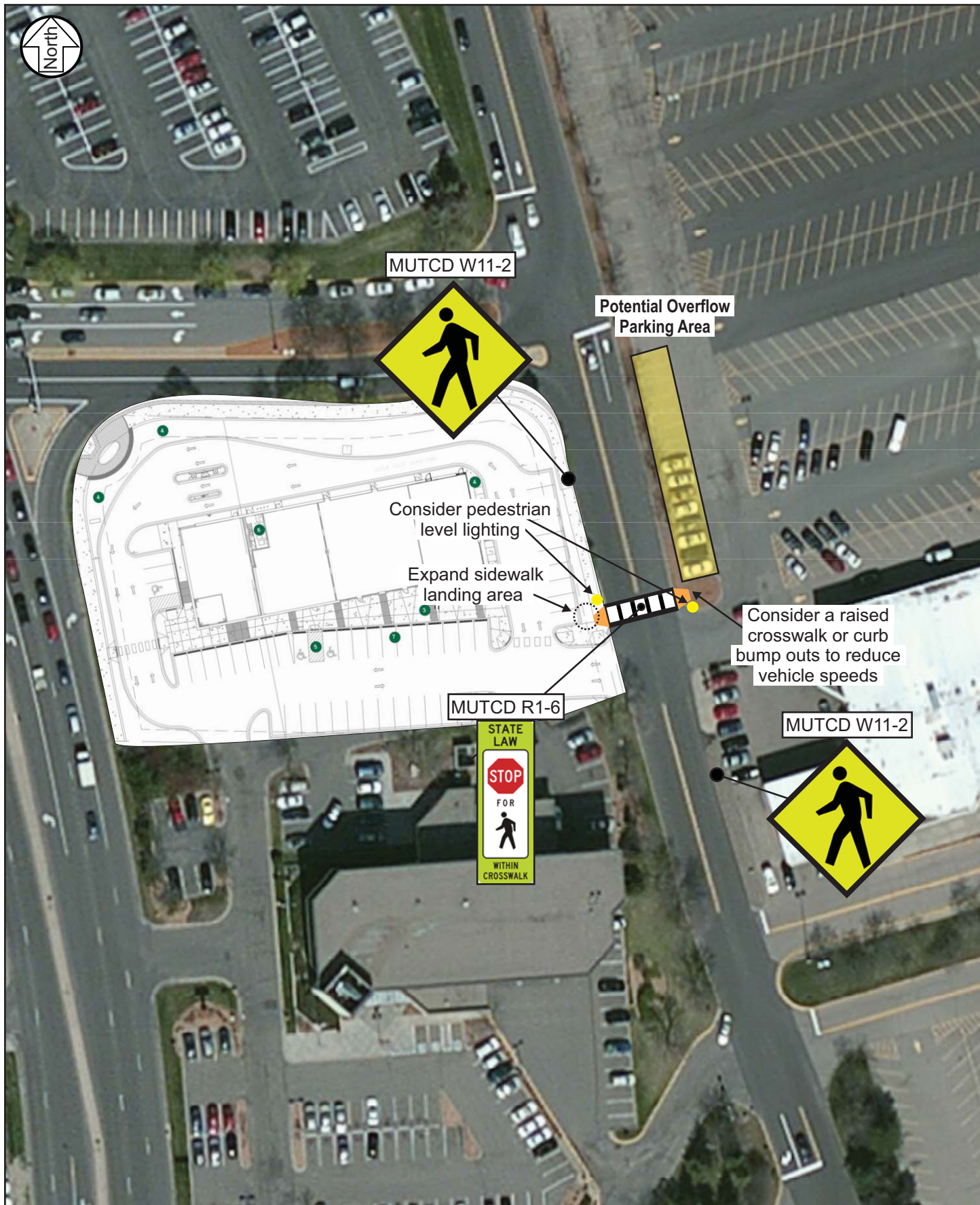
The proposed development parking does not meet the Minnetonka City Code or the ITE 85th percentile parking demand requirements. Therefore, a mutual parking agreement should be considered with surrounding property owners to utilize alternative parking adjacent to the site. This agreement should cover a minimum of 12 spaces.

## Other Considerations

A cursory review of the area indicates that the adjacent Ridgedale Mall has sufficient parking to accommodate the overflow demand from the proposed developed. However, these patrons would need to cross the internal mall roadway. Therefore, the following pedestrian enhancements, as illustrated in Figure 3, could be included:

- Advanced Pedestrian Warning Signs
- Painted Crosswalk
- Raised and Painted Crosswalk
- Upgraded pedestrian level lighting
- Curb bump outs to reduce crossing distance
- Rectangular Rapid Flashing Beacon (RRFB)
- Stop for Pedestrian knock down Roadway Signs (installed on the center line, not applicable during the winter)

If a parking agreement is reached, employees should be encouraged to park in the spaces across the internal mall roadway to provide customers more convenient parking, as well as to limit pedestrian crossing.



## **Resolution No. 2017-**

### **Resolution approving a conditional use permit for a restaurant with an outdoor seating area in the Ridgedale Corner Shoppes at 1801/1805 Plymouth Road**

---

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

#### Section 1. Background.

- 1.01 Ridgedale Retail, LLC., on behalf of Starbucks Coffee, is proposing to operate a coffee shop within the easternmost tenant space of the Ridgedale Corner Shoppes building. The coffee shop would include both indoor and outdoor seating, but no drive-thru. By city code, a coffee shop is considered a fast food restaurant and is a conditionally-permitted use within the Planned I-394 (PID) zoning district.
- 1.02 The property is located at 1801/1805 Plymouth Road. It is legally described as: Lots 1 and 2, Block 1, Ridgedale Center Ninth Addition.
- 1.03 On July 20, 2017 the planning commission held a public hearing on the proposed restaurant. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the conditional use permit.

#### Section 2. Standards.

- 2.01 City Code §300.21 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.

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

1. Must be in retail multiple tenant centers only and conform to the architecture of a specific center;
2. Will not be permitted when traffic studies indicate significant impacts on the levels of service as defined by the Institute of Traffic Engineers on the roadway system;
3. Outdoor seating areas will be approved only subject to the following:
  - a) must be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access must be only through the principal building;
  - b) must be set back at least 200 feet and screened from any adjacent property designated in the comprehensive plan for residential use;
  - c) must be located and designed so as not to interfere with pedestrian and vehicular circulation;
  - d) must be located next to an entrance to the main use;
  - e) must be equipped with refuse containers and periodically patrolled for litter pick-up;
  - f) must not have speakers or audio equipment that is audible

- from adjacent residential parcels; and
- g) must meet building setback requirements.
4. Drive-up windows and related stacking spaces will be approved only subject to the following:
- a) public address systems must not be audible from any residential parcel; and
  - b) stacking for a minimum of six cars per aisle must be provided subject to applicable parking lot setbacks.
  - c) must be set back at least 100 feet and screened from any adjacent property designated in the comprehensive plan for residential use.
5. Restaurants or fast-food restaurants with less than 1,200 square feet gross floor area, designed seating capacity not exceeding 25, having no drive-up window and located in retail multiple tenant centers are exempt from the requirements of this section and are considered to be a standard retail use. For tenants with accessory fast-food restaurants, the 1,200-square-foot calculation will include the total gross area of all restaurants and fast-food restaurants within the tenant space.

### Section 3. Findings.

- 3.01 The proposed restaurant would meet the general conditional use permit standards as outlined in City Code §300.21 Subd. 2.
- 3.02 The proposed restaurant would meet the specific conditional use permit standards as outlined in City Code §300.31 Subd. 4(b)2(o).
- 1. The proposed coffee shop would be located within the Ridgedale Corner Shoppes. The façade of the entire building has been attractively designed and the proposed coffee shop would not alter this design.
  - 2. The city does not anticipate that the proposed coffee shop, in and of itself, would significantly impact levels of service at surrounding roadway systems. Parking can be provided consistent with Institute of Transportation Engineer (ITE) 85th Percentile Demand estimates.

3. The outdoor seating area would:
  - a) Be located in a large, paved patio area. The size and raised elevation of the patio would provide for a controlled area.
  - b) Be located roughly 300 feet from the closest residential property, which is the 1700 Plymouth Road building on the west side of Plymouth Road. That property is zoned for mixed use and already contains a coffee shop with outdoor seating area.
  - c) Not impact on-site circulation.
  - d) Be equipped with refuse containers and periodically patrolled for litter pick-up;
  - e) Not have speakers or audio equipment that is audible from residential parcels.
  - f) Exceed all minimum building setback requirements.
4. No drive-up window is proposed.

Section 4. Council Action.

4.01 The above-described conditional use permit and final site and building plans are approved, subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the plans included in the staff report associated with the conditional use permit request, including:
  - Proposed Floor Plan, dated May 16, 2017
  - Proposed Site Plan, dated May 16, 2017
  - Parking Exhibit, dated July 14, 2017
2. Prior to issuance of building permit for tenant finish, this resolution must be recorded with Hennepin County.
3. Prior to final parking lot paving, the applicant must obtain stormwater management approval from city engineering staff and the Basset Creek Watershed Management Commission.



4. The outdoor seating area must be equipped with refuse containers and periodically patrolled for litter pick-up.
5. Speakers or audio equipment that is audible from adjacent residential parcels is not allowed.
6. In the event that the city observes recurrent parking demand exceeding on-site parking supply, one of the following must occur within a reasonable and mutually agreeable timeframe:
  - a) Proof-of-parking spaces must be constructed. The property owner will be responsible for all cost associated with this construction and with any costs associated with required stormwater management facilities; or
  - b) An off-site parking agreement must be obtained and a copy of the agreement provided to the city.
7. The city council may reasonably add or revise conditions to address any future unforeseen problems.
8. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 14, 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 meeting held on August 14, 2017.

---

David E. Maeda, City Clerk