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**CITY OF MINNETONKA
PLANNING COMMISSION
SEPTEMBER 20, 2017**

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Planning Commission Agenda

September 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: September 7, 2017**
- 5. Report from Staff**
- 6. Report from Planning Commission Members**
- 7. Public Hearings: Consent Agenda**

(No Items)
- 8. Public Hearings: Non-Consent Agenda Items**
 - A. Conditional use permit for Mercy Hill, a religious institution at 15414 Minnetonka Industrial Road.

Recommendation: Recommend the city council approve the request (4 votes)
 - Recommendation to City Council (Tentative Date: October 9, 2017)
 - Project Planner: Ashley Cauley
- 9. Adjournment**

Notices

1. Please call the planning division at (952) 939-8274 to confirm meeting dates as they are tentative and subject to change.
2. Applications and items scheduled for the October 12, 2017 Planning Commission meeting:

Project Description: Davanni's, 15200 Hwy 7, is proposing to add an outdoor seating area to the existing restaurant. The proposal requires: (1) conditional use permit.

Project No.: 17022.17a

Staff: Drew Ingvalson

Ward/Council Member: 3—Brad Wiersum

Section: 21

Project Description: Hennepin County Department of Emergency Management is proposing to install a weather station at 10500 Cedar Lake Road, generally located on the Hopkins High School Campus. The proposed 30 foot structure and associated ground mounted equipment is permitted by code. However, a variance is required for the specific, unscreened location required for functionality of the station.

Project No.: 17023.17a

Staff: Susan Thomas

Ward/Council Member: 2—Tony Wagner

Section: 12

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**

September 7, 2017

1. Call to Order

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

2. Roll Call

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

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

3. Approval of Agenda

Schack moved, second by Calvert, to approve the agenda as submitted with items provided in the change memo dated September 7, 2017.

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

4. Approval of Minutes: August 24, 2017

Powers moved, second by Knight, to approve the August 24, 2017 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of August 28, 2017:

- Adopted a resolution approving final site and building plans, with expansion permit, and conditional use permit, with variance, for Midwest MasterCraft at 17717 State Highway 7.

- Introduced an ordinance to remove area from floodplain overlay district at 11806 Cedar Lake Road.
- Introduced an ordinance to remove area from floodplain overlay district at 3136 County Road 101.
- Adopted a resolution and ordinance approving items for Mesaba Capital at 17710 and 17724 Old Excelsior Boulevard.
- Adopted a resolution approving items concerning Minnetonka Hills Apartments at 2800 and 2828 Jordan Avenue.

The next planning commission meeting will be Wednesday, September 20, 2017.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. NightOwl Discovery at 1000 Parkers Lake Road is requesting a variance to allow for copy on a monument sign that is smaller than required by city code.

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

Ingvalson reported. He recommended denial of the application based on the findings listed in the staff report.

Petar Poucki, representing NightOwl Discovery, applicant, stated that the business model is one of modesty. The business is a litigation discovery company. Everyone who visits the business is by appointment only. Keeping it low key is in the business' interests.

Powers noted that the fire department needs to be able to read signs. That may be part of the reason for the four-inch text-height minimum.

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

Chair Kirk confirmed with Ingvalson that a sign is not required. The address on the building is required.

Calvert thought that a way-finding sign is needed for the address. The sign is not about advertising, but is about helping first-time clients find the location.

Knight thought that the building number should be at least seven inches in height.

Calvert moved, second by Sewall, to adopt the resolution denying a copy height variance for a monument sign at 1000 Parkers Lake Road.

Knight, Powers, Schack, Sewall, Calvert, and Kirk voted yes. O'Connell was 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.

B. Items concerning construction of a house at 3136 County Road 101.

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

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

In response to Chair Kirk's question, Thomas explained that if the McMansion Policy were applied the maximum FAR for the property would be .26. The .26 FAR would allow a house up to 3,200 square feet with an attached garage. A change in the plan would require approval by the planning commission. The proposed house would take up the buildable area, so it could not be expanded without an additional variance.

Schack asked for the size of the property. Thomas answered 1.4 acres.

Knight asked if there would be a risk that the lake would be drained. Dietrich answered in the negative. The ground water table is several feet below the compensation area.

The applicant was present for questions.

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

Calvert asked if the slope is considered a steep slope. Thomas answered in the negative. The elevation does not go up 25 feet.

Chair Kirk thought that the tree loss would be minimalized. The created floodplain works around most of the trees in the area.

Colleran explained the conservation easement adjacent to the wetland.

Knight moved, second by Calvert, to recommend that the city council adopt the following associated with construction of a house at 3136 County Road 101:

- 1. A resolution approving a floodplain alteration permit and horizontal floodplain setback variance from 20 feet to 7.5 feet and waiving the McMansion policy.***
- 2. An ordinance to remove area from the floodplain overlay district.***

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

C. Items concerning Shady Oak Crossing at 4312 Shady Oak Road.

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

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

Chair Kirk listed comments from the last public hearing.

Mike Waldo, of Ron Clark Construction and Design, stated that the revised site plan works quite well. It would have zero fill along the pipe and it would provide more green space and buffer from the single-family residence. The building was reduced a foot and a half in relationship to the road to make everything work for the grade. He is available for questions.

The public hearing was continued.

Kyle Holm, 4234 Oak Drive Lane, asked what would be the livable space for the buildings and what would be the zoning.

Chris Aanestad, 4255 Oak Drive Lane, stated that:

- He wanted the project scraped because of the location of the retention pond. He asked if Ron Clark would pay for 4292 Oak Drive Lane. The city already discounted 4312 Oak Drive Lane.
- He asked for the plans for 4292 Oak Drive Lane.

- The revised site plan is unacceptable. He wanted the planning commission to deny the proposal.

Stephen Philbrook, 4222 Oak Drive Lane, stated that:

- The road is narrow. If a vehicle is parked on one side, other vehicles can barely pass through.
- He does not want kids playing in four lanes of traffic. He was concerned with safety.
- He would like a stop light and entrance on the adjacent property.

Andy Braun, 4408 Crawford Road, stated that:

- He asked why there would not be a 50-foot setback from a county road.
- The traffic study was not inclusive. It did not incorporate pedestrian traffic crossing the four-lane county road.
- The other high density examples have a larger setback from the road.
- Adjacent property to the south could solve accessibility problems.

Elizabeth Miller, 4408 Crawford, stated that:

- She has not heard back from county staff regarding her questions that asked why the road was built and what was it built for?
- The plan is barely viable for the developers. It is not viable for the neighboring community. She worried for future residents. The rents would go up higher and faster than their wages would.
- The cost of the units would be \$260,000. She thought that would decrease her property value.
- The examples do not look like the proposed site. The street is narrow.
- This is not a good place for high-density.
- There are bus stops, but the buses do not run very often.
- She wants the plan put on hold.
- She thanked staff for having so many meetings.

Jeri Massengill, 4272 Oak Drive Lane, stated that:

- There are three buses in the morning and three buses in the afternoon. There are four other buses that run in the evening. There are 10 buses in the morning for a different route that run again in

the evening. There is a gap in the afternoon when there are no buses.

Sarah Biese, 640 Oakridge Road, Hopkins, stated that:

- She appreciates the neighbors' research.
- She could utilize the proposed affordable housing.
- Affordable housing is an important need in the area.
- This is a long-term fix.
- The proposal is very much needed.

Carol Johnson, 12611 Orchard Road, stated that:

- The proposal would be a good use of the land.
- She has friends who would like to live there.
- The need is very great for affordable housing.
- She heard the same reasons from people who opposed the construction of the ICMA Food Shelf building. Over the years, through mediation and communication, all of the issues have been resolved. She hopes the same could happen with this project because it is needed.

Ms. Miller stated that she supports affordable housing, but she opposes a building taller than one or two stories. She questioned how Minnetonka would provide affordable housing.

Veta Segal, 12830 April Lane, stated that:

- She cannot afford to live in her house anymore. There is very little housing in Minnetonka for seniors in her situation who cannot find affordable housing. She was astounded to find out that she might have to move out of Minnetonka to downsize to an apartment that she can afford. It pains her that she has to look outside of the city for housing. It is a catastrophe.
- She was a social worker for many years. She helped people obtain jobs in Minnetonka, but the workers could not take the jobs because they could not afford to live in Minnetonka or the transportation to Minnetonka.

Ann Annestad, 4255 Oak Drive Lane, stated that:

- She provided written copies of what she is going to say.

- She disagreed with the staff report. She has always been open to commercial and low-density uses.
- The area has many young families. Traffic and safety issues are a concern.
- The holding pond would decrease the size of the yard next door.
- Mr. Johnson is open to negotiation.
- She requested that the planning commission vote “no.”
- She was told that there were no plans, when there were plans.
- The traffic study was inaccurate.
- The size of the property changed. It is 1.2 buildable.
- “Adjacent” is different than sharing the only access road.
- Beacon Hill and The Atrium have multiple accesses.
- Zviago has its own road. Stratford Woods has a huge swamp and creek that separates it from the neighborhood. She provided address of sites for commissioners to visit.
- There is no room for a buffer.
- The cars would face Oak Drive Lane from the parking lot.
- It is not a plan to park on Oak Drive Lane or in commercial parking lots for plowing of parking lots.
- The easement is a sloped hill, not a play area.
- The lights would not be acceptable.
- Traffic and noise would occur at all hours.
- She is o.k. with change, but the proposal would be too big and too much for the parcel.

Kyle Holm, 4234 Oak Drive Lane, questioned where residents would park if the old lines would fracture and be cut off.

Ellen Cousins, 4531 Greenwood Drive, stated that:

- She wants to know where she can build good affordable houses.
- She asked why a different project with two and a half acres and 97 units did not include affordable housing.
- This property needs to be joined with Mr. Johnson’s property so Oak Drive Lane would not have to absorb all of the traffic. She would like proof that staff communicated with Mr. Johnson. She questioned why there were 16 or 17 meetings for this proposal.
- The site is not good for a high-density apartment building. She is against this because she can see what it would do to the neighborhood.

Chris Aanestad, 4255 Oak Drive Lane, stated that:

- He thought it is inappropriate for city officials to be quoted on a developer's website. This is a huge conflict of interest. He did not appreciate it. He thought Wischnack should "be removed" because of that. Councilmember Brad Wiersum was also quoted.

No additional testimony was submitted and the hearing was closed.

Chair Kirk confirmed with Gordon that the documents provided by public hearing speakers would be included in the city council agenda for the next meeting.

Gordon addressed some of the questions:

- All of the examples provided have high-density zoning with R-4, R-5, or PUD. The Atrium has the lowest density with 15 units per acre. The narrowest street is 34th Street which is 19 feet wide. The other streets are 25 to 26 feet in width which is the same as Oak Drive Lane.
- The colored slide illustrated green space, building placement, and sidewalks. It is not intended to be detailed like the civil plans.
- The water retention pond is not meant to hold water for an extended period of time. The water would infiltrate down into the groundwater and would be dry most of the time.
- The pond has always been in its current location. It cannot be located on the site because of the easement and existing contamination. Earlier concepts did show the retention pond in other locations. Grading limits were designed to preserve as many trees as possible.
- The PUD would allow the 16.5-foot setback at the narrowest point to Shady Oak Road.
- The bus routes typically run from 5:15 a.m. to 9:15 a.m. and 4:30 p.m. to 8 p.m. for Route 12 and Route 60 is an express route traveling from downtown to Minnetonka.
- The preliminary plat shows the size of the site to be 1.57 acres. The easement is not excluded for net density purposes.

Gordon stated that he has met with Mr. Johnson, but has not had negotiations with Mr. Johnson since the road project. Wischnack agreed. There were no numbers discussed.

Chair Kirk stated that it was unfortunate timing for Mr. Johnson to bring up the issue of his property at the public hearing. Commissioners agreed.

Wischnack noted that staff is always open to meeting with residents and will continue to do that. If the proposal moves forward, there is a two-year window in the contract with the developer because things can change in that time period. The door is still open to discuss that option.

Gordon explained that the site is currently blighted and contaminated. That is the worst situation to impact property values. The proposal would have a positive impact on property values. Calvert noted studies that have shown that high-density residential properties do not decrease the property values of low-density residential properties.

Wischnack clarified that the quote cited by Ron Clark's website was taken from an interview she conducted with the *Minneapolis Star Tribune*. Calvert added that the website includes the entire article and it cites the *Minneapolis Star Tribune*.

Chair Kirk confirmed with Wischnack that most affordable housing projects need to have an incentive to include affordable housing.

Gordon stated that the traffic study found that the generated vehicle trips would typically not enter the neighborhood, but would travel to Shady Oak Road. Chair Kirk noted that the increase in trips would be a drop in the bucket. Powers visited Oak Drive Lane from 7 a.m. to 8:30 a.m. on two separate occasions and found virtually no traffic from Oak Drive Lane. The gas station attendant said that traffic happens from 6 a.m. to 7 a.m.

Calvert would like to know the snow removal plan to plow the surface lot. Chair Kirk stated that the plan would be to have tenant vehicles parked in the indoor parking structure.

Schack agreed that the additional traffic would be a drop in the bucket compared to the current volume on Shady Oak Road.

Calvert acknowledged that staff made a concerted effort to reach out to commercial as well as residential developers to accommodate the vision that neighbors were looking for because she was part of those discussions. Wischnack added that the information from 2016 is on the website. No new commercial developers would work on the site. Not even for a mixed use. Calvert thought mixed use sounded great at the time, but no developer was interested.

Chair Kirk stated that commissioners receive comments from residents and neighbors. He grew up in the area. He appreciates that the house on 4292 Oak Drive Lane would be preserved to provide a buffer.

Calvert noted that there is a slide and information in the agenda packet that explains the sustainable aspects of the proposal. The proposal would decrease the site's amount of impervious surface by 32 percent. That is a tremendous improvement.

Schack recognized that Minnetonka is considering sustainability in the next comprehensive guide plan.

Mr. Waldo confirmed with the management company that residents are notified of a two-hour window when the lot would be plowed. It would occur during the day when the majority of residents would be at work and the remaining tenants usually chose to run an errand during that time or park on a street.

Knight supports the proposal. He did not think traffic would be an issue. If he lived in the proposed building, he would not travel west. He did not think safety is a concern. Shady Oak Road is a mess right now because of Highway 169 being under construction. It will get better.

Schack does not take the proposal lightly. The concerns of the community, residents, and neighbors are taken seriously. It is a matter of providing affordable housing in as many places as possible. This is a really good start. The environmental benefits are noteworthy. Pervious surface would be added. The contamination would be cleaned up. The green space seems minimal, but a lot of trees would be planted. She trusts that the developer would plant large trees. Minnetonka has more jobs available than places for workers to live. That is a big problem for retail, restaurants, and business owners needing workers. This type of development helps everyone.

Calvert has met with many of the audience members. She lives in the community because it is an American dream community. She feels privileged to live here. She wants to take really good care of the city and the residents. She agreed with Schack. Minnetonka is not business friendly because it does not have adequate workforce housing. That includes employees who work for the city. There is no affordable housing for police officers and teachers. She is not a big fan of the design of the proposal. The landscaping would help a great deal. She is concerned with parking during snow removal and conscious of where the driveway accesses the road across the street from a residence. The developer moved the driveway to the east 25 feet to help alleviate that situation. The advantages include providing workforce housing, a 32 percent increase in pervious surface, toxic cleanup, high-density housing near transit, and the type of housing that would attract young families to the community. There will be a 40 percent increase in residents over 65 years of age in the next 10 years. This

proposal would have 3-bedroom units that a young family would live in. She appreciates the proposed stormwater treatment and buffering of the wetland. She encouraged the developer to include attractive detail on the building. There really is not a comparable development with the same access and egress.

Chair Kirk knew that this site would be guided for residential. He struggled with the access to Shady Oak Road. The proposal would impact neighbors' views across the swamp. Inevitably, the site would be developed. The proposal is missing a buffer to the neighborhood. Tearing down the house at 4292 Oak Drive Lane might be the right thing to do to provide a buffer and tree cover. He did not think the building would need to be stepped back on the east side. He would prefer to push the density to the south, step the building down as it approaches Oak Drive Lane, and move the building back to allow room for a buffer.

Calvert struggled with the lack of transition from high density to residential.

Chair Kirk thought the location is great for affordable housing. He did not support the project. The mass of the building needs to be shifted to allow more of a buffer. One way or another, development is going to happen. He supports moving the drive off of Oak Drive Lane.

Powers found this to be the most difficult project that he has worked on for the planning commission. The neighbors are organized and capable, but attempting to impugn the integrity of staff or commissioners is counterproductive. He loves the affordable housing component. The future residents of the proposal would be the future homeowners on Oak Drive Lane. The area is blighted on that corridor. A commercial use would have to be very large. He wished the building would be two stories which would remove 14 units and 15 feet in height. He supports the proposal. The corridor needs to be developed and the developer needs to be gutsier, more forward thinking, and build more vertical on the south end. The half-acre residential lots in Minnetonka would subdivide into two residential houses and there would be few opportunities for affordable housing in Minnetonka.

Sewall stated that staff are experts who do an excellent job. Commissioners do not always agree with staff, but their opinion is valued and respected as professionals. He appreciates that. He stated that the developer is not out to pull one over on anyone or be deceptive. This is a negotiation process. This situation is not unique. The developer has been working to make progress. He understands that neighbors would prefer lower density, but he knew that would not happen because market conditions would not support it. He supports the comprehensive guide plan amendment, the rezoning, and the subdivision. He is stuck with the direct access to Shady Oak Road. He drove it today and thought

that the stop light would provide the perfect spot. He would support the proposal if the access could be relocated at the stop light.

Calvert saw this as a perfect opportunity for affordable housing. She struggled and is still making up her mind.

Chair Kirk hoped the best for the property and the neighbors.

Powers moved, second by Schack, to recommend that the city council adopt the following with the modifications provided in the change memo dated September 7, 2017:

- 1. A resolution approving a comprehensive guide plan amendment;***
- 2. An ordinance rezoning the property from B-2 to R-1; and***
- 3. A resolution approving final site and building plans and preliminary and final plats.***

Knight, Powers, Schack, and Calvert voted yes. Sewall and Kirk voted no. O'Connell was absent. Motion carried.

The city council is tentatively scheduled to hear this item at its meeting on September 25, 2017.

9. Adjournment

Sewall moved, second by Knight, to adjourn the meeting at 10:48 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

September 20, 2017

Agenda Item 7

**Public Hearing: Consent Agenda
(No Items)**

Minnetonka Planning Commission Meeting

September 20, 2017

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
September 20, 2017

Brief Description	Conditional use permit for Mercy Hill, a religious institution at 15414 Minnetonka Industrial Road.
Recommendation	Recommend the city council adopt the resolution approving the request.

Introduction

Mercy Hill Church is requesting a conditional use permit to operate a religious institution within the existing building at 15414 Minnetonka Industrial Road. The church currently operates out of Hopkins High School and is part of the Aspen Grove network, which has four locations within Minnesota (Delano, Medina, Plymouth and Minnetonka).

The proposal would require some interior remodeling to accommodate the use. As proposed, the tenant space would primarily be used for worship space. The remaining area would be used for office, storage, and classroom space. No exterior modifications are proposed at this time.

Staff Analysis

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

- **Is the proposed use reasonable?**

Yes. The subject property is zoned I-1, Industrial. While this particular zoning district does not contain any provisions for schools, religious institutions, or gathering spaces, the ordinance does allow – as conditionally permitted uses – public buildings and “*other uses similar to those permitted*” within the district. The city has on several occasions and in several zoning districts, reviewed daycares, schools, religious institutions, and gathering spaces under the “*other uses similar to*” provision. The city has found that these types of uses operate similar to public buildings in which large groups gather at specified times for a specific purpose.

The only conditional use permit standard required by ordinance for public buildings is site and building plan approval. The proposal would meet all of the required standards for site and building plan approval. The standards and findings are outlined in the “Supporting Information” section of this report.

- **Is the existing parking adequate?**

Yes. The existing parking lot has 242 stalls. Given the size of the two buildings and the presumed warehousing uses within the building, 219 parking stalls would be required. As such, parking demand could be accommodated onsite. Nonetheless, as a condition of approval, any change to the approved use that would result in an increased parking demand would require additional city review.

Staff Recommendation

Recommend the city council adopt the resolution approving a conditional use permit for a religious institution at 15414 Minnetonka Industrial Road.

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

Supporting Information

Project No.	17021.17a
Property	15414 Minnetonka Industrial Rd
Applicant	Mercy Hill Church
Surrounding Land Uses	Northerly: Industrial buildings, zoned I-1 and guided for industrial. Easterly: Industrial buildings, zoned I-1 and guided for Industrial. Southerly: Single family homes, zoned R-1 and guided for low density residential. Westerly: Single family homes, zoned R-1 and guided for low density residential.
Planning	Guide Plan designation: Industrial Zoning: I-1, Industrial
Site Features	The subject property is improved with two buildings. Each building is occupied by several tenants, most of which use the space for warehousing. The property is located at the end of the Minnetonka Industrial Road cul-de-sac and is improved with a 242-stall parking lot.
Proposed Use	<p>The applicant is proposing to operate a religious facility within a vacant tenant space within one of the buildings onsite. The applicant has submitted a generalized breakdown for how the space would be used:</p> <ul style="list-style-type: none">• Auditorium for worship: 4,960 sf• Office: 154 sf• Warehouse and storage: 1,000 sf• Nursery and classroom space: 2,320 sf <p>According to the applicant's narrative, the congregation is roughly 150 people.</p>
Parking	There are 242 parking stalls available onsite. The multiple tenants within the two buildings are predominately warehouse and storage users. Staff calculated the parking based on the following:

Use	Square footage	Code requirement	Requirement
Southern Building			
Auto repair	13,200 sf	1 stall per 250 sf	53 stalls
Warehouse	9,558 sf	1 stall per 1,000 sf	10 stalls
Religious institution: sanctuary	1 stall per 2.5 seats		64 stalls
Religious Institution: office	154 sf	1 stall per 250 sf	1 stall
Religious institution: warehouse	1,000 sf	1 stall per 1,000 sf	1 stall
Religious institution: classroom	1 stall per 10 children		6 stalls
Northern Building			
Warehouse	52,710 sf	1 stall per 1,000 sf	53 stalls
Total spaces			188 stalls

There is roughly 30,000 square feet of vacant tenant space within the buildings. Following the general use pattern of the building, it is likely the space would be used for warehousing. Given the amount of vacant space, 30 additional parking stalls would be required. The parking demand for the existing uses, proposed religious institution and projected use of the vacant space could all be accommodated onsite.

CUP Standards

The proposal would meet the general conditional use permit standards as outlined in City Code §300.21 Subd.2:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
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.

**Specific CUP
Standards and Site
and Building Plan
Standards**

City Code §300.21 Subd. 3(m) requires that public buildings must meet the site and building plan standards as outlined in City Code §300.27. Staff included the standards and findings for both below:

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

Finding: The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.

2. Consistency with the ordinance;

Finding: The proposal is consistent with the ordinance. The proposal meets all general and specific conditional use permit standards and the anticipated parking demand could be accommodated onsite.

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: No exterior modifications are proposed at this time.

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

Finding: No exterior modifications to the buildings or site are proposed at this time.

5. Creation of 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 site and provisions of a desirable environment for occupants, visitors and the general community;
- b. the amount and location of open space and landscaping;

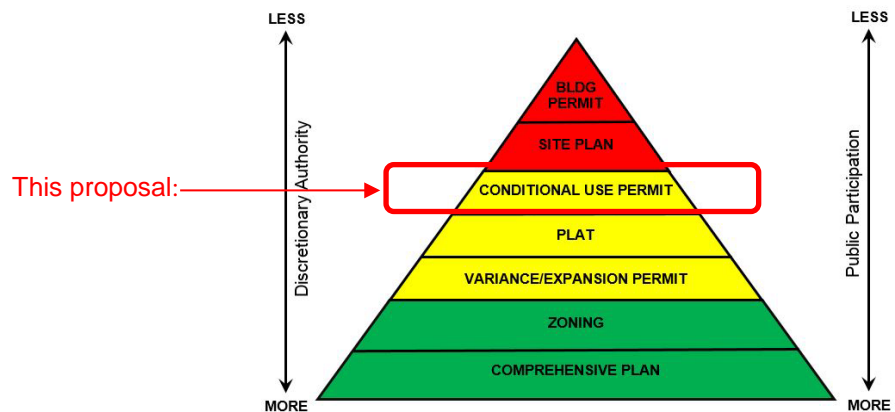
- c. materials, textures, colors and details of construction as an expression of the design concept and with compatibility of the same with the adjacent and neighboring structures and uses; and
- d. vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location 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: No exterior modifications to the building or site are proposed. All changes would be interior to the building.

Neighborhood Comments

The city sent notices to 97 area property owners and received no 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 recommending the city council adopt the resolution approving the conditional use permit.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the permit. 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.

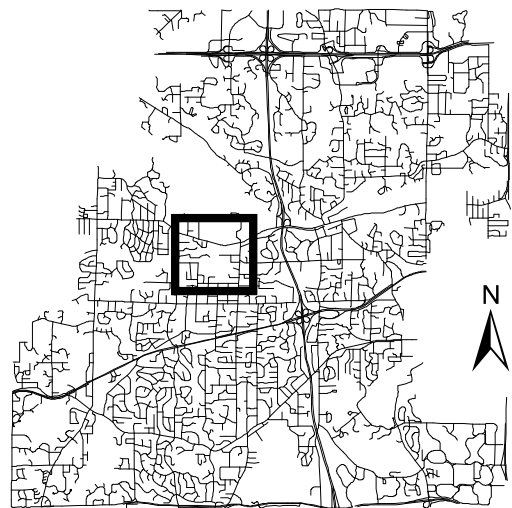
Voting Requirement The planning commission will make a recommendation to the city council. A recommendation to approve the requests requires an affirmative vote of a simple majority. City council approval of the permit requires also requires an affirmative vote of a simple majority.

Deadline for Decision December 15, 2017



Location Map

Project: Mercy Hill Church
Address: 15414 Mtka Industrial Rd
Project No. 17021.17a



This map is for illustrative purposes only.

Context map -
for illustrative purposes
only



Minnetonka Boulevard (CR 5)

Sussex Drive

Northern building

Southern building

Hawthorn Drive

Minneto



MERCY HILL

To Whom It May Concern,

This written statement will describe the intended use of the property commonly referred to as Minco 400, 15414 Minnetonka Industrial Drive by Mercy Hill Church if a Conditional Use Permit is granted by the City of Minnetonka.

Our primary use of the space will be on Sunday mornings. A small number of our community will arrive as early as 7:00a to prepare for our gatherings. The majority of the usage will occur between 8:30-12:30p.

Our previous fiscal year (Oct 2015-Sep 2016) Sunday attendance was 153. The average was 40 kids ages birth-5th grade in 5 rooms based on age and 113 adults in the auditorium/sanctuary space. So far this fiscal year (Oct 2016-Jun 2017) Sunday attendance has been 165. The average was 41 kids ages birth-5th grade in those same 5 rooms and 124 adults in the auditorium/sanctuary space.

Church's typically use a calculation of 1 parking space for every 2.5 people. This would necessitate a total of 66 parking spaces near the building using a calculation of 1 space for every 2.5 people.

If our current meeting schedule holds into the future we will also have an extended meeting time 1 Sunday a month with 70-85% of people remaining until 2:00p.

We will also use the space 4 out of 7 nights of the week (some time between 5:30-9:30p) with groups of 20-40 people.

We will also use the space 1 Friday night a month (some time between 5:30-9:30p) with a group of between 30-75 people.

It is possible that we will use the space with larger groups of kids and students during summer work days but will take up minimal parking spaces for that usage. Additionally, we intend to have staff work and occasional meetings with attenders but that would be fewer than 10 cars.

Finally, one of the communities we are affiliated with uses their facility during the day 2 mornings a week with groups of 15-40 and we may use the facility in a similar manner.

Thank you for your consideration,

Drew Johnson
Pastor
Mercy Hill Church

Survey: Northern Building

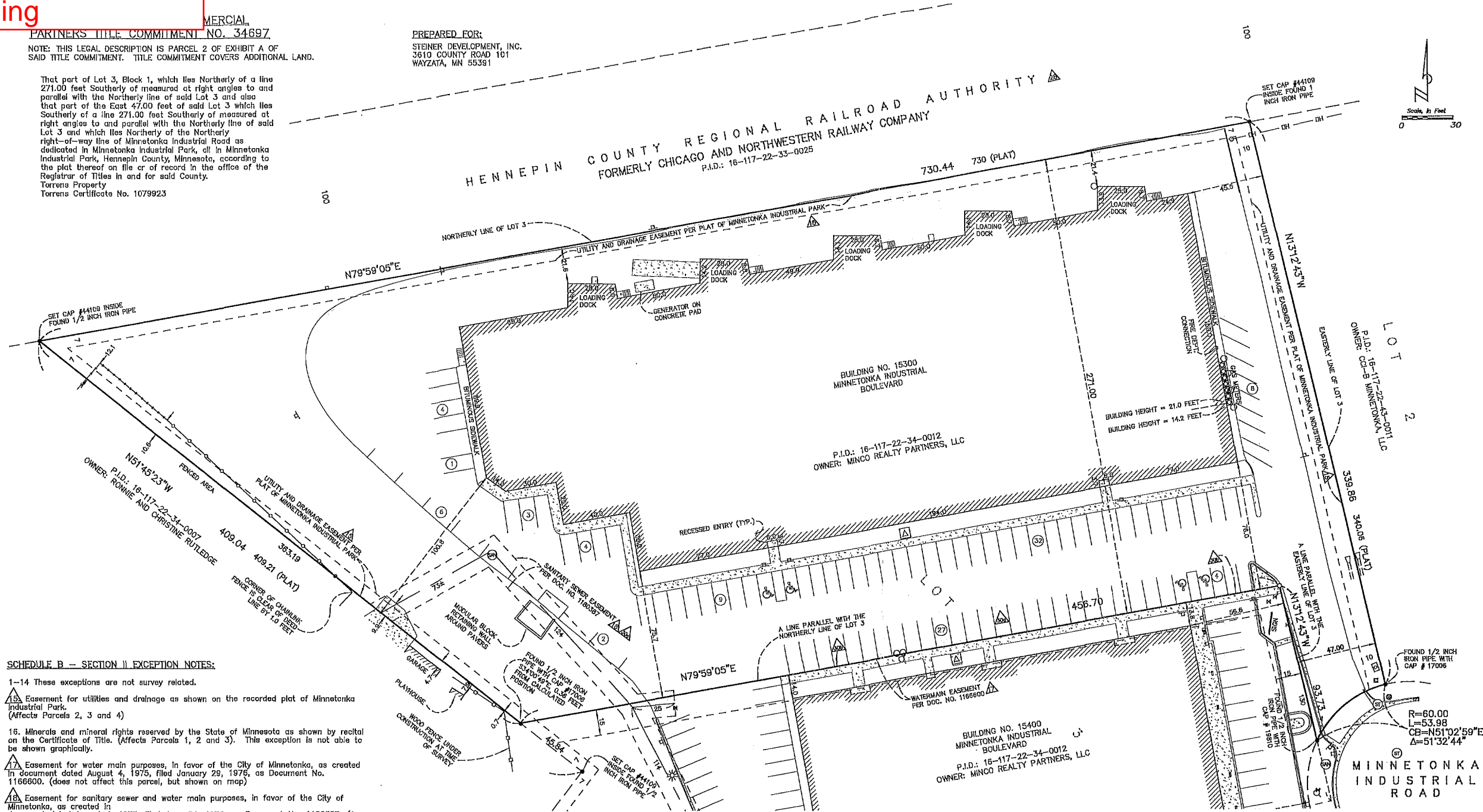
ALTA/ACSM LAND TITLE SURVEY

MERCIAL PARTNERS TITLE COMMITMENT NO. 34697

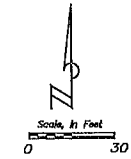
NOTE: THIS LEGAL DESCRIPTION IS PARCEL 2 OF EXHIBIT A OF SAID TITLE COMMITMENT. TITLE COMMITMENT COVERS ADDITIONAL LAND.

PREPARED FOR:
STEINER DEVELOPMENT, INC.
3610 COUNTY ROAD 101
WAYZATA, MN 55391

That part of Lot 3, Block 1, which lies Northerly of a line 271.00 feet Southerly of measured at right angles to and parallel with the Northerly line of said Lot 3 and also that part of the East 47.00 feet of said Lot 3 which lies Southerly of a line 271.00 feet Southerly of measured at right angles to and parallel with the Northerly line of said Lot 3 and which lies Northerly of the Northerly right-of-way line of Minnetonka Industrial Road as dedicated in Minnetonka Industrial Park, all in Minnetonka Industrial Park, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County.
Torrens Property
Torrens Certificate No. 1079923



- LEGEND:**
- FOUND IRON MONUMENT (AS NOTED)
 - SET 1/2" REBAR W/CAP #44109
 - ⊕ POWER POLE (WITH GUY ANCHOR)
 - ⊕ FIRE HYDRANT
 - ⊕ GATE VALVE
 - ⊕ SIGN
 - ⊕ LIGHT POLE
 - ⊕ COMMUNICATIONS PEDESTAL
 - ⊕ COMMUNICATIONS VAULT
 - ⊕ ELECTRIC TRANSFORMER
 - ⊕ GAS SERVICE ENTRANCE
 - ⊕ CATCH BASIN
 - ⊕ STORM SEWER MANHOLE
 - ⊕ SANITARY SEWER MANHOLE
 - ⊕ FLARED END SECTION
 - ⊕ HANDICAPPED PARKING STALL
 - ⊕ BOLLARD
 - ⊕ ELECTRICAL OUTLET ON POST
 - OVERHEAD UTILITY LINE
 - STORM SEWER LINE
 - WOOD FENCE
 - CHAINLINK FENCE
 - WIRE FENCE
 - ⊕ PARKING STALL COUNT
 - ▨ CONCRETE SURFACE
 - ▨ BITUMINOUS SURFACE



SCHEDULE B - SECTION II EXCEPTION NOTES:

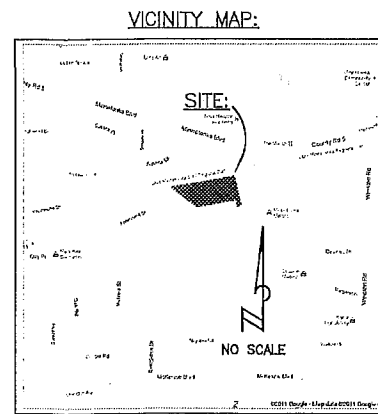
- 1-14 These exceptions are not survey related.
- 15. Easement for utilities and drainage as shown on the recorded plat of Minnetonka Industrial Park. (Affects Parcels 2, 3 and 4)
- 16. Minerals and mineral rights reserved by the State of Minnesota as shown by recital on the Certificate of Title. (Affects Parcels 1, 2 and 3). This exception is not able to be shown graphically.
- 17. Easement for water main purposes, in favor of the City of Minnetonka, as created in document dated August 4, 1975, filed January 29, 1976, as Document No. 1166800. (does not affect this parcel, but shown on map)
- 18. Easement for sanitary sewer and water main purposes, in favor of the City of Minnetonka, as created in document dated August 4, 1975, filed June 24, 1976, as Document No. 1180387. (As shown on map)
- 19-24. (Do not affect this parcel)
- 25. Terms and conditions of and easements contained in Easement for Parking dated December 31, 1996, filed April 2, 1997, as Document No. 6716411 (Abstract), and filed May 13, 1997, as Document No. 2809690 (Torrens). (Reciprocal parking easement - not able to be shown graphically)
- 26-27. (Do not affect this parcel)
- 28. Right of way of the Hennepin County Regional Railroad Authority as depicted on Hennepin County Regional Railroad Authority Property Map No. 1, filed September 14, 2009, as Document No. T4685955. (as shown on map).
- 29. Subject to the following matters shown on a survey of another parcel (does not affect this parcel)
- 30. Subject to the following matters shown on the survey of Parcel 2 prepared by Schoell & Madson, Inc., dated July 19, 1996, last revised January 10, 2002:
 - a. Encroachment of parking stalls over Southerly parking setback line.
 - b. Encroachment of five foot concrete walk onto the land from property adjoining to the South.
 - c. Encroachment of bituminous surfaces into easement created in Document No. 1180387. (As shown on map)
- 31. Subject to the following matters shown on a survey of another parcel (does not affect this parcel)

GENERAL NOTES:

- 1) COMMERCIAL PARTNER'S TITLE COMMITMENT FOR TITLE INSURANCE NO. 34697, EFFECTIVE DATE 25 SEPTEMBER, 2011 AT 7:00 AM WAS RELIED ON FOR ALL MATTERS OF RECORD FOR THIS SURVEY
- 2) DATE OF FIELDWORK: 11-03-2011
- 3) BEARING BASIS IS ASSUMED.
- 4) FEE TITLE TO THE SUBJECT PROPERTY IS VESTED IN MINCO REALTY PARTNERS, LLC., PER ABOVE-REFERENCED TITLE COMMITMENT

TABLE A REQUIREMENTS NOTES:

- NOTES ARE NUMBERED AS THEY APPEAR IN TABLE A OF MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS FOR CLARITY
- 3) SUBJECT PARCEL LIES WITHIN ZONE X (AREA DETERMINED TO BE OUTSIDE THE ANNUAL 0.2% ANNUAL CHANCE FLOODPLAIN) AS INDICATED ON FEMA FLOOD INSURANCE RATE INDEX MAP NO. 270173 0328 E. SUBJECT PARCEL LIES WITHIN FEMA FLOOD INSURANCE RATE MAP NO. 27053C0328E.
 - 4) AREA OF SUBJECT PARCEL: 170,837 SQ. FT. (3.922 ACRES)
 - 6A / 6B) ZONING INFORMATION WAS NOT PROVIDED BY THE INSURER.
 - 9) THERE ARE 100 STRIPED PARKING STALLS WITHIN THE SUBJECT PROPERTY, INCLUDING 2 HANDICAPPED STALLS. ALSO, THERE IS A RECIPROCAL PARKING AGREEMENT WITH ADJACENT PARCELS (SEE SCHEDULE B ITEM #25)



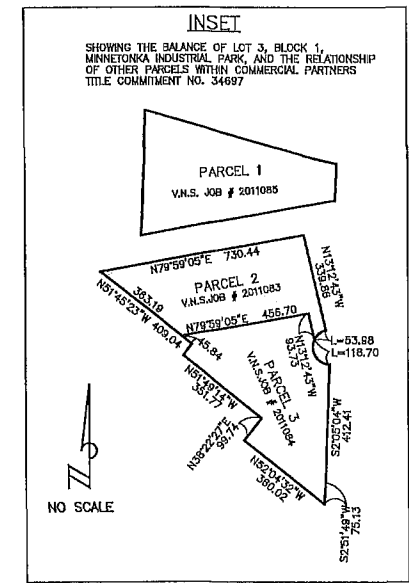
AUG 18 2017

CERTIFICATION:

To: The Union Central Life Insurance Company, Minco Realty Partners, LLC and Commercial Partners Title, LLC

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

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.



SIGNED: *JEANIS W VAN NESTE*
Trade W. Van Neste, Minnesota Professional Surveyor #44109
Michigan Professional Surveyor #4890

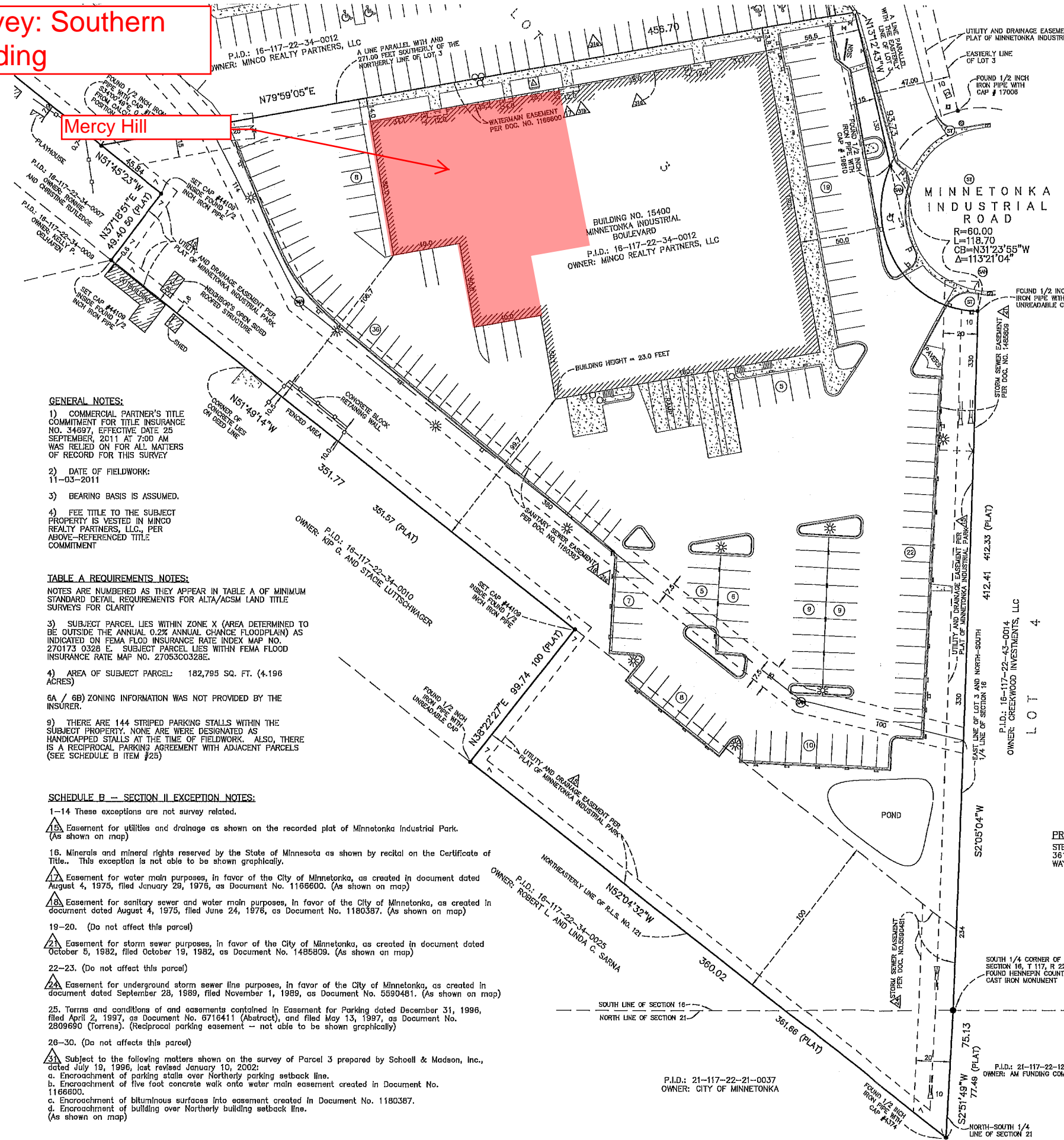
JOB # 2011083	ISSUED: 11-11-2011
DRAWN BY: THWN	REV:
SCALE: 1" = 30 FEET	

VAN NESTE SURVEYING
PROFESSIONAL SURVEYING SERVICES
85 WILDHURST ROAD EXCELSIOR, MN 55331
PHONE (952) 686-3058 TOLL-FREE FAX (800) 473-0120
WWW.VANNESTESURVEYING.COM

SHEET 1 OF 1

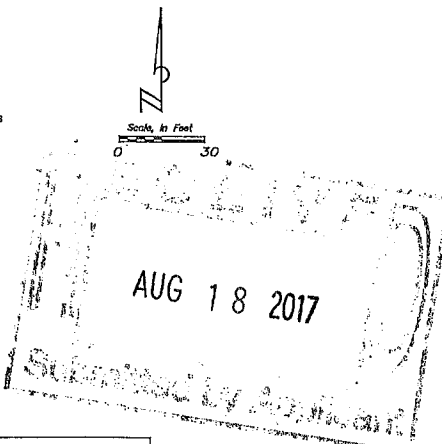
Survey: Southern Building

ALTA/ACSM LAND TITLE SURVEY



LEGAL DESCRIPTION PER COMMERCIAL PARTNERS TITLE COMMITMENT NO. 34697
 NOTE: THIS LEGAL DESCRIPTION IS PARCEL 3 OF EXHIBIT A OF SAID TITLE COMMITMENT.
 TITLE COMMITMENT COVERS ADDITIONAL LAND.

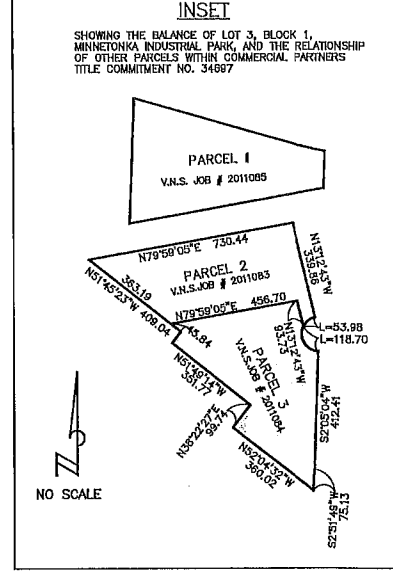
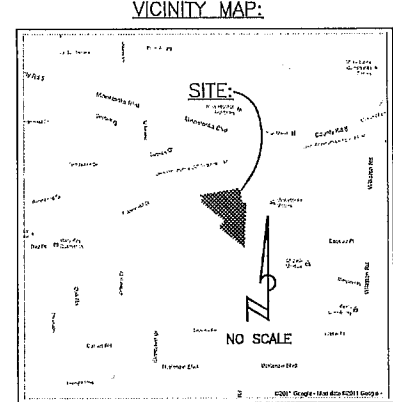
Lot 3, Block 1, except that part thereof lying West of a line drawn parallel to and 100 feet Northeastly at right angles from the Northeastly line of Registered Land Survey No. 121 and except that part which lies Northerly of a line 271.00 feet Southerly of, measured at right angles to and parallel with the Northerly line of said Lot 3 and also except that part of the East 47.00 feet of said Lot 3 which lies Southerly of a line 271.00 feet Southerly of measured at right angles to and parallel with the Northerly line of said Lot 3 and which lies Northerly of the Northerly right of way line of Minnetonka Industrial Road as dedicated in Minnetonka Industrial Park, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County.
 Torrens Property
 Torrens Certificate No. 1079923
 AND
 That part of Lot 3, Block 1, Minnetonka Industrial Park, Hennepin County, Minnesota, which lies Southwestly of a line drawn parallel with and 100.00 feet Northeastly at a right angle from the Northeastly line of Registered Land Survey No. 121, Files of Registrar of Titles, Hennepin County, Minnesota
 Abstract Property



- GENERAL NOTES:**
- 1) COMMERCIAL PARTNER'S TITLE COMMITMENT FOR TITLE INSURANCE NO. 34697, EFFECTIVE DATE 25 SEPTEMBER, 2011 AT 7:00 AM WAS RELIED ON FOR ALL MATTERS OF RECORD FOR THIS SURVEY
 - 2) DATE OF FIELDWORK: 11-03-2011
 - 3) BEARING BASIS IS ASSUMED.
 - 4) FEE TITLE TO THE SUBJECT PROPERTY IS VESTED IN MINCO REALTY PARTNERS, LLC., PER ABOVE-REFERENCED TITLE COMMITMENT

- TABLE A REQUIREMENTS NOTES:**
- NOTES ARE NUMBERED AS THEY APPEAR IN TABLE A OF MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS FOR CLARITY
- 3) SUBJECT PARCEL LIES WITHIN ZONE X (AREA DETERMINED TO BE OUTSIDE THE ANNUAL 0.2% ANNUAL CHANCE FLOODPLAIN) AS INDICATED ON FEMA FLOOD INSURANCE RATE INDEX MAP NO. 270173 0328 E. SUBJECT PARCEL LIES WITHIN FEMA FLOOD INSURANCE RATE MAP NO. 27053C0328E.
 - 4) AREA OF SUBJECT PARCEL: 182,795 SQ. FT. (4.196 ACRES)
 - 6A / 6B) ZONING INFORMATION WAS NOT PROVIDED BY THE INSURER.
 - 9) THERE ARE 144 STRIPED PARKING STALLS WITHIN THE SUBJECT PROPERTY. NONE ARE WERE DESIGNATED AS HANDICAPPED STALLS AT THE TIME OF FIELDWORK. ALSO, THERE IS A RECIPROCAL PARKING AGREEMENT WITH ADJACENT PARCELS (SEE SCHEDULE B ITEM #25)

- SCHEDULE B -- SECTION II EXCEPTION NOTES:**
- 1-14 These exceptions are not survey related.
 - 15) Easement for utilities and drainage as shown on the recorded plat of Minnetonka Industrial Park. (As shown on map)
 16. Minerals and mineral rights reserved by the State of Minnesota as shown by recital on the Certificate of Title. This exception is not able to be shown graphically.
 - 17) Easement for water main purposes, in favor of the City of Minnetonka, as created in document dated August 4, 1975, filed January 29, 1975, as Document No. 1166600. (As shown on map)
 - 18) Easement for sanitary sewer and water main purposes, in favor of the City of Minnetonka, as created in document dated August 4, 1975, filed June 24, 1975, as Document No. 1180387. (As shown on map)
 - 19-20. (Do not affect this parcel)
 - 21) Easement for storm sewer purposes, in favor of the City of Minnetonka, as created in document dated October 5, 1982, filed October 19, 1982, as Document No. 1485809. (As shown on map)
 - 22-23. (Do not affect this parcel)
 - 24) Easement for underground storm sewer line purposes, in favor of the City of Minnetonka, as created in document dated September 28, 1989, filed November 1, 1989, as Document No. 5590481. (As shown on map)
 25. Terms and conditions of and easements contained in Easement for Parking dated December 31, 1996, filed April 2, 1997, as Document No. 6716411 (Abstract), and filed May 13, 1997, as Document No. 2809690 (Torrens). (Reciprocal parking easement - not able to be shown graphically)
 - 26-30. (Do not affect this parcel)
 - 31) Subject to the following matters shown on the survey of Parcel 3 prepared by Schoell & Madson, Inc., dated July 19, 1996, last revised January 10, 2002:
 - a. Encroachment of parking stalls over Northerly parking setback line.
 - b. Encroachment of five foot concrete walk onto water main easement created in Document No. 1166600.
 - c. Encroachment of bituminous surfaces into easement created in Document No. 1180387.
 - d. Encroachment of building over Northerly building setback line. (As shown on map)



- LEGEND:**
- FOUND IRON MONUMENT (AS NOTED)
 - SET 1/2" REBAR W/CAP #44109
 - ⊕ POWER POLE (WITH GUY ANCHOR)
 - ⊕ FIRE HYDRANT
 - ⊕ GATE VALVE
 - ⊕ SIGN
 - ⊕ LIGHT POLE
 - ⊕ COMMUNICATIONS PEDESTAL
 - ⊕ COMMUNICATIONS VAULT
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 - ⊕ FLARED END SECTION
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 - WOOD FENCE
 - CHAINLINK FENCE
 - WIRE FENCE
 - ⊕ PARKING STALL COUNT
 - CONCRETE SURFACE
 - BITUMINOUS SURFACE

PREPARED FOR:
 STEINER DEVELOPMENT, INC.
 3610 COUNTY ROAD 101
 WAYZATA, MN 55391

CERTIFICATION:
 To: The Union Central Life Insurance Company, Minco Realty Partners, LLC and Commercial Partners Title, LLC

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

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.

SIGNED: *Travis W. Van Neste*
 Travis W. Van Neste, Minnesota Professional Surveyor #44109
 Michigan Professional Surveyor #16888

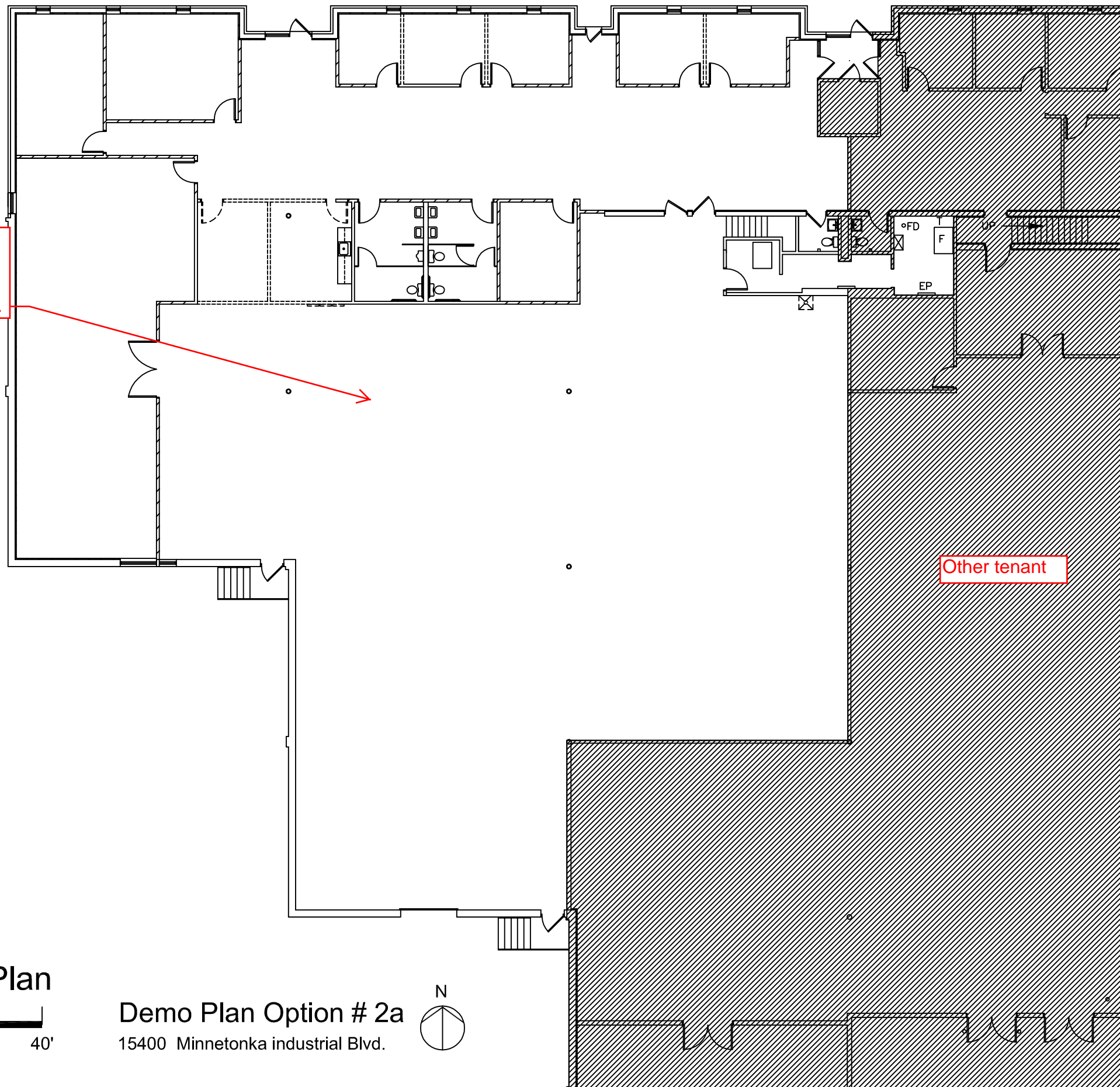
JOB # 2011084	ISSUED: 11-11-2011
DRAWN BY: TWN	REV:
SCALE: 1" = 30 FEET	

VAN NESTE SURVEYING
 PROFESSIONAL SURVEYING SERVICES
 85 WILDHURST ROAD EXCELSIOR, MN 55331
 PHONE (952) 886-3065 TOLL-FREE FAX (866) 473-0120
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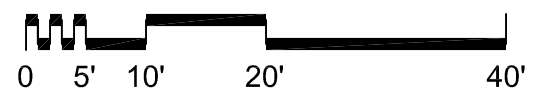
SHEET 1 OF 1

Demo Plan

The applicant has indicated that they intend to remove a majority of the interior walls to accommodate the worship space.



Mercy Hill - Fit Plan



Demo Plan Option # 2a
15400 Minnetonka industrial Blvd.



2c

07.31.17

Resolution No. 2017-

Resolution approving a conditional use permit for a religious institution at 15414 Minnetonka Industrial Road

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

Section 1. Background.

- 1.01 Mercy Hill Church has requested a conditional use permit for a religious institution within the existing building at 15414 Minnetonka Industrial Road.
- 1.02 The property is located at 15414 Minnetonka Industrial Rd. It is legally described as:
- That part of Lot 3, Block 1, which lies Northerly of a line 271.00 feet Southerly of measured at right angles to and parallel with the Northerly line of said Lot 3 and also that part of the East 47.00 feet of said Lot 3 which lies Southerly of a line 271.00 feet Southerly of measured at right angles to and parallel with the Northerly line of said Lot 3 and which lies Northerly right-of-way line of Minnetonka Industrial Road as dedicated in Minnetonka Industrial Park, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Title in and for said County.
Torrens Property
Torrens Certificate No. 1079923
- 1.03 City Code §300.20, Subd. 4 allows public buildings as conditional use within the I-1 zoning district.
- 1.04 City Code §300.20, Subd. 4(l) allows “other uses similar to those permitted within this section, as determine by the city” as conditional uses within the I-1 zoning district.
- 1.05 The proposed religious institution would be similar to a public building, as it is a place where a group of people gather at a specified time for a specific purpose.

1.06 On September 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 §300.21 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 §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:

1. Site and building plan pursuant to section 300.27 of this ordinance.

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

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
2. Consistency with this ordinance;
3. Preservation of the site in its natural site 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 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

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.21Subd.2.

3.02 The proposal meet all but one of the specific conditional use permit standards outlined in City Code 300.21 Subd.3(m).

1. The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.
2. The proposal is consistent with the ordinance. The proposal meets all general and specific conditional use permit standards and the anticipated parking demand could be accommodated onsite.
3. No exterior modifications to the building or site are proposed at this time. All changes would be interior to the building.

Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.
2. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.
3. The city council may reasonably add or revise conditions to address any future unforeseen problems.
4. 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 October 9, 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 October 9, 2017.

David E. Maeda, City Clerk