

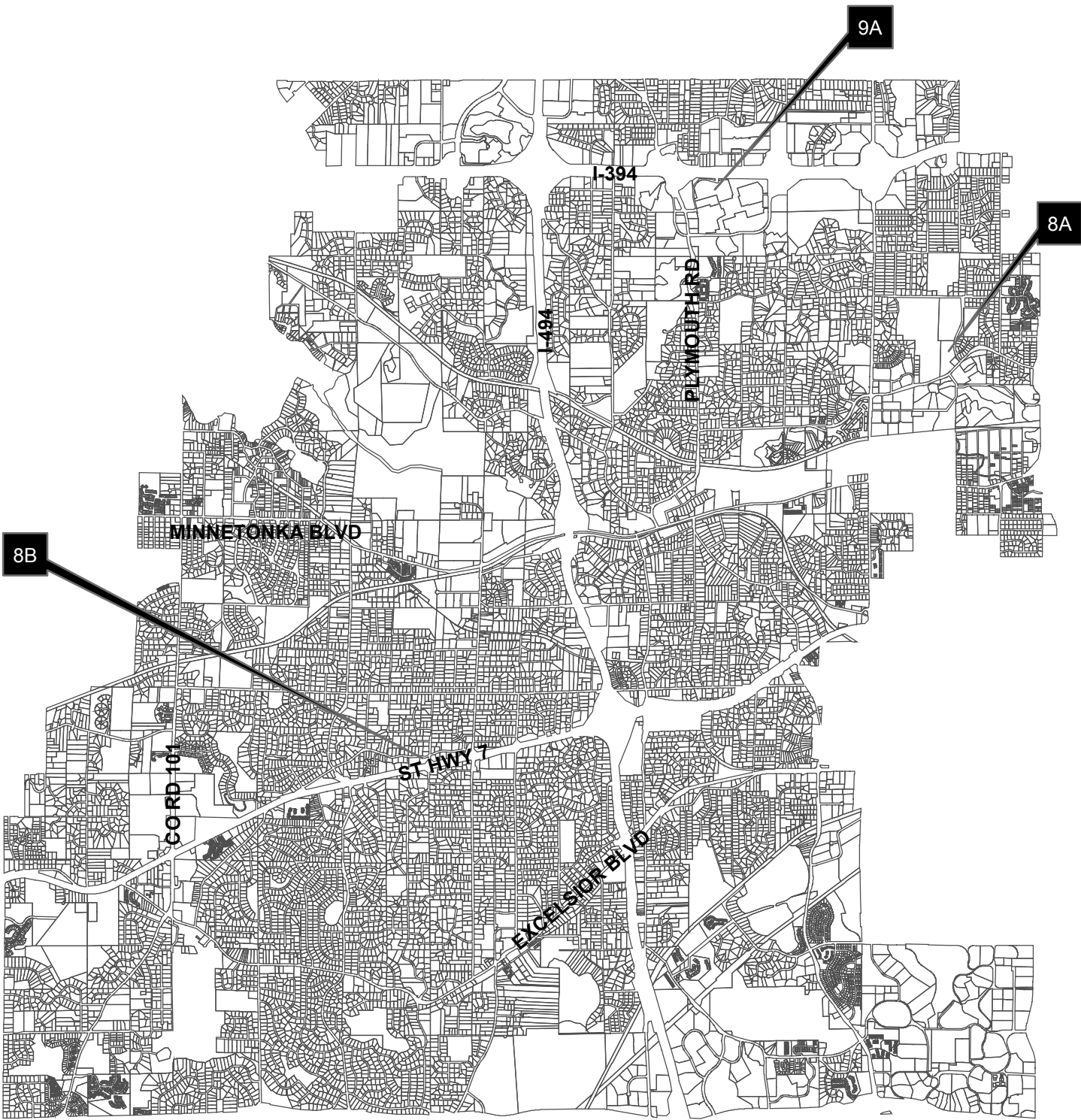


City of  
**minnetonka**

*Where quality is our nature*

**CITY OF MINNETONKA  
PLANNING COMMISSION  
OCTOBER 12, 2017**

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





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## **Planning Commission Agenda**

**October 12, 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 20, 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. Locational and screening variances for a weather station at 10500 Cedar Lake Road.

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

Final Decision Subject to Appeal  
Project Planner: Susan Thomas

- B. Conditional use permit, with a variance, for an outdoor seating area at 15200 State Highway 7.

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

- Recommendation to City Council (Tentative Date: October 23, 2017)
- Project Planner: Drew Ingvalson

## **9. Other Business**

A. Concept plan review for iFLY at 12415 Wayzata Boulevard.

Recommendation: Discussion only. No formal action required.

- Recommendation to City Council (Tentative Date: October 23, 2017)
- Project Planner: Ashley Cauley

## **10. 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 26, 2017 Planning Commission meeting:

Project Description: Scenic Heights Elementary has submitted plans to construct two additions onto the existing building: (1) a 7,700 square foot gymnasium addition onto the northwest side of the existing building; and (2) a 1,000 square foot classroom additions onto the northeast side of the existing building. The proposal requires site and building plan approval.

Project No.: 92014.17a

Staff: Ashley Cauley

Ward/Council Member: 4—Tim Bergstedt

Section: 32

Project Description: Dominion is proposing to redevelop the Digi International Headquarters site located at 11001 Bren Road East into new high-quality affordable multifamily housing. The current proposal envisions redeveloping the roughly 10-acre site into approximately 475 housing units in three multi-story buildings. All of the units would be affordable at the 60% Area Median Income (AMI) limit. The proposal is a concept plan review.

Project No.: TBD

Staff: Loren Gordon

Ward/Council Member: 1—Bob Ellingson

Section: 36

## 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 20, 2017**

**1. Call to Order**

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

**2. Roll Call**

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

Staff members present: City Planner Loren Gordon.

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

**4. Approval of Minutes:** September 7, 2017

***Sewall moved, second by Schack, to approve the September 7, 2017 meeting minutes as submitted.***

***Powers, Schack, Sewall, Calvert, Knight, 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 September 11, 2017:

- Adopted a resolution approving a conditional use permit for a microdistillery at 6020 Culligan Way.
- Adopted a resolution approving a 12-month extension of the Oakhaven Acres Second Addition at 13929 Spring Lake Road.
- Adopted a resolution approving a floodplain alteration permit, horizontal floodplain setback variance from 20 feet to 7.5 feet, and waiving the McMansion policy and approving an ordinance to remove area from a floodplain overlay district at 3136 County Road 101.
- Adopted a resolution approving floodplain alteration and conditional use permits, an ordinance approving removing areas from the floodplain overlay zoning district, and a resolution approving preliminary and final plats at 11806 Cedar Lake Road.

- Adopted a resolution approving vacation of a drainage and utility easement for 1580 Oakways Lane.
- Adopted a resolution vacating drainage and utility easements at 2800 Jordan Avenue and an adjacent unaddressed parcel for Minnetonka Apartments.

The next planning commission meeting will be October 12, 2017.

**6. Report from Planning Commission Members**

Schack stated that she attended a 2040 Minnetonka Comprehensive Guide Plan meeting. Items discussed include zoning, land use, and forecasts for 2040. Calvert also attended and encouraged everyone to attend the public meetings. Chair Kirk noted that affordable housing and higher density will be important issues for the next 10 to 20 years. It is good to be engaged at this point in the discussion.

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

**8. Public Hearings**

**A. Conditional use permit for Mercy Hill, a religious institution at 15414 Minnetonka Industrial 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 asked if the facility would have vacant space. Gordon answered affirmatively. The site would have 23 parking stalls more than required by the minimum parking requirement.

Powers asked if the use would be used for large gatherings. Gordon referred the question to the applicant.

Drew Johnson, representing the applicant, stated that the congregation would be approximately 160 people. This group is affiliated with a larger church in Medina with a congregation of 1,200 people. Weddings and funerals would typically be performed off site. The main use would be on Sunday mornings, three nights a week, and occasionally during the day. He anticipated a vacation bible school for kids one week in the summer. This feels like the right next step. The site is a great fit for them. The current name on the outside of the building would be

replaced. He would explore sign ordinance requirements. Sandwich-board signs would be set up to direct traffic.

Powers asked if the industrial building would be suited for children. Gordon explained that the building's kitchen would be regularly inspected by the city. Mr. Johnson stated that gatherings with food are catered right now. The classroom spaces would be permanently designed for students.

Knight asked if the other tenant would occupy the space at the same time. He was concerned with noise being an issue.

Joe Smith, leasing agent for the landlord, stated that the other two tenants in the building, Check Engine Express and Opportunity Distributing, operate Monday through Friday with hours close to 9 a.m. to 5 p.m. Noise and parking would not be issues.

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

***Calvert moved, second by Powers, to recommend that the city council adopt the resolution approving a conditional use permit for a religious institution at 15414 Minnetonka Industrial Road.***

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

The city council is tentatively scheduled to review this item October 9, 2017.

## 9. Adjournment

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

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



# **Minnetonka Planning Commission Meeting**

**October 12, 2017**

**Agenda Item 7**

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

# **Minnetonka Planning Commission Meeting**

**October 12, 2017**

**Agenda Item 8**

**Public Hearing: Non-Consent Agenda**

**MINNETONKA PLANNING COMMISSION**  
**October 12, 2017**

|                          |   |
|--------------------------|---|
| <b>Brief Description</b> | Locational and screening variances for a weather station at 10500 Cedar Lake Road |
| <b>Recommendation</b>    | Adopt the resolution approving the variance                                       |

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**Proposal**

The Hennepin County Department of Emergency Management is proposing to install a weather station at 10500 Cedar Lake Road. The station would include a 30-foot structure on which several sensors – monitoring wind speed, direction, temperature, humidity, and barometric pressure – would be mounted. In addition, rain and soil gauges would be located on the ground near the lattice structure. Data collected by the sensors and gauges would be wireless relayed to a central database. The proposed station would be part of the larger HennepinWest Mesonet network. The network monitors weather conditions in the county in order to provide real-time data use in providing public weather warnings.

**Variance**

City code does not contain any specific standards for weather station uses. However, within the R-1 zoning district – which is the zoning classification of the subject property – antenna devices up to 60 feet in height are considered accessory uses. City code includes a variety of standards that such antenna structures must meet; these standards are outlined in the “Supporting Information” section of this report. Two of these standards require that the structures:

- Not be located between a principal structure and a front property line;
- Be screened to the greatest extent practicable to minimize visual impacts on surrounding properties.

Staff acknowledges that the proposed weather station is not antenna device. However, it is visually similar to the antenna device. As such, staff finds that it should be reviewed under the same standards as an antenna device. The proposed station would technically be located between the Hopkins North Junior High and a front property line and between Hopkins High School and a front property line. (See attached maps.) In addition, the weather station would not be screened from public view. As such, variance to these standards are required.

**Staff Analysis**

Staff finds that the applicant’s request meets the variance standard as outlined in city code:

- **Reasonableness:**

The location and lack of screening are reasonable given the purpose of the proposed weather station. For it to function effectively, the station must be located in a relatively “open” area. Screening would significantly affect the accuracy of the sensors and gauges.

- **Unique Circumstance:**

The Hopkins School Campus is bordered by three streets. As such, the campus technically has three front property lines. This situation – coupled with the existing development on the campus and the necessity for locating the weather station in an “open” area – presents a unique circumstance.

- **Neighborhood Character:**

The area surrounding the proposed weather station includes school buildings, outdoor sports facilities and accessory buildings/equipment, a city water tower, twin homes, and single-family homes. The proposed weather station would not negatively impact the character of the area. Rather, it would simply add another use to the mix of uses already in the neighborhood.

### **Staff Recommendation**

Adopt the resolution approving the locational and screening variances for a weather station at 10500 Cedar Lake Road.

Originator: Susan Thomas, AICP, Assistant City Planner

Through: Loren Gordon, AICP, City Planner

### Supporting Information

**Surrounding Land Uses**

Northerly: Hopkins High School  
Easterly: single-family homes  
Southerly: single-family homes  
Westerly: Hopkins North Junior High

**Planning**

Guide Plan designation: Institutional  
Zoning: R-1

**Telecommunications**

The proposed station is not subject to the telecommunications ordinance. That ordinance generally regulates antennas and equipment associated with wireless communication systems

**Standards**

By City Code 300.15 Subd. 4(c), receive only satellite dishes and other antenna devices are subject to the following requirements:

1. Shall be in compliance with all city building and electrical code requirements;
2. Verification that the structural design has been approved by a professional engineer;
3. Verification that the mounting system and installation have been approved by a professional engineer;
4. One per building or, if more than one antenna is proposed, the antennas shall be clustered in a single, screened location;
5. Submission of written authorization from the property owner;
6. No advertising message shall be on the antenna structure;
7. Shall comply with setback requirements for accessory structures and in no event shall be located between the principal structure and the front lot line;
8. Shall be screened to the greatest extent practicable to minimize visual impacts on surrounding properties. Screening shall include landscape materials for ground mounted antennas and materials compatible with those utilized on the exterior of the building for roof mounted antennas;

9. Antennas located closer to a property line than the height of the antenna shall be designed and engineered to collapse progressively within the distance between the antenna and the property line;
10. Shall be in compliance with all applicable federal communications commission (FCC) requirements; and
11. Antenna height shall be no more than 60 feet as measured from the ground upon which it is located.

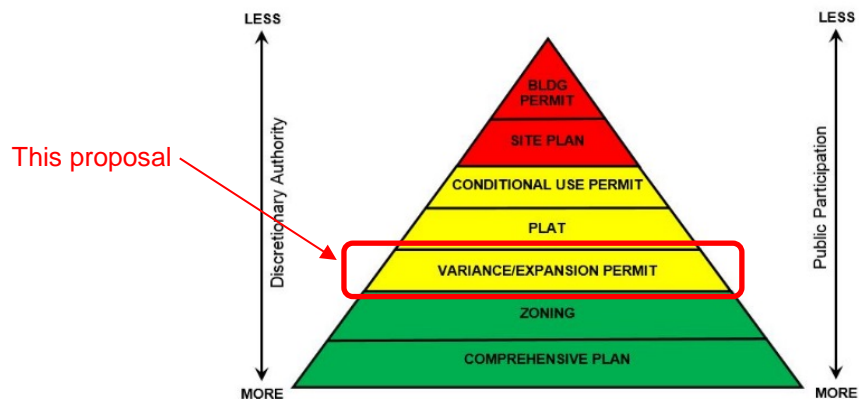
**Variance Standard**

A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)

**Neighborhood Comments**

The city sent notices to 564 area property owners and received no comments to date.

**Pyramid of Discretion**



**Motion options**

The planning commission has the following motion options:

1. Concur with staff’s recommendation. In this case, a motion should be made adopting the resolution approving the variances.

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

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

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

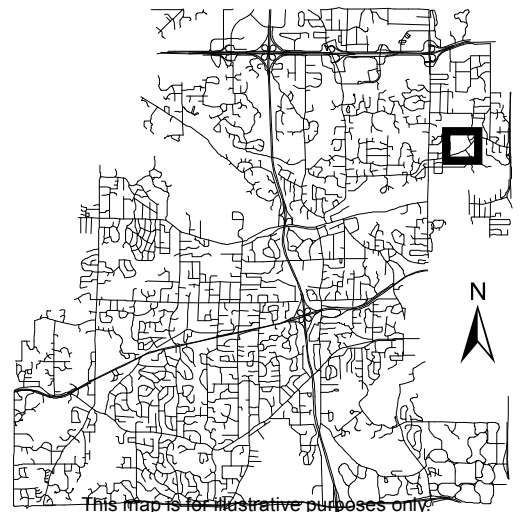
**Deadline for Action** **December 18, 2017**



### Location Map

Applicant: Hennepin County  
Address: 10500 Cedar Lake Rd

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



This map is for illustrative purposes only.





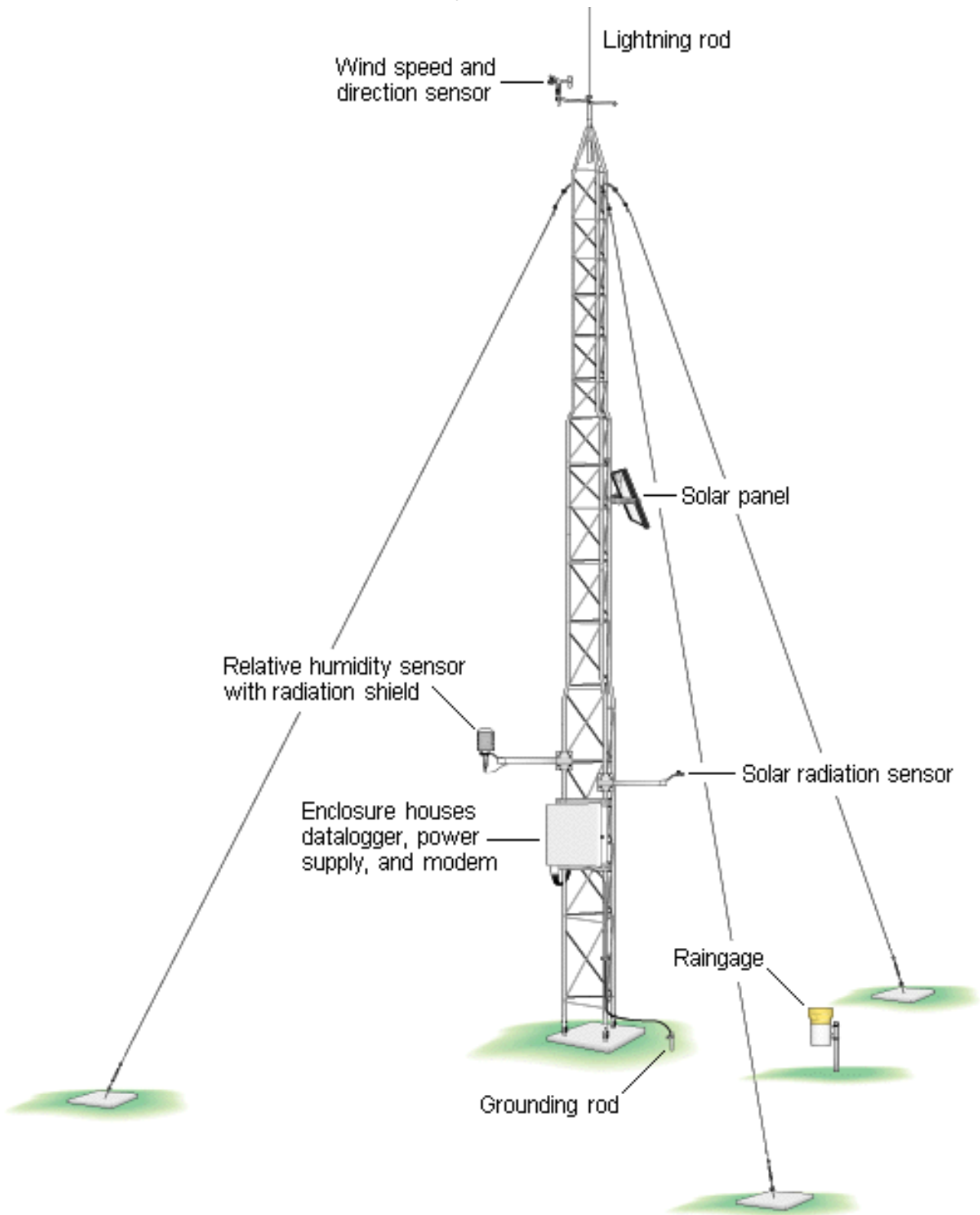
## Fact Sheet

**Description:** The HennepinWest Mesonet is a network of remote sensors which provide highly-accurate, near real-time measurements of weather, soil and water conditions. This data is immediately sent to a central database where software automatically develop graphic products to show what is happening across Hennepin County and surrounding areas for emergency leaders to use in critical situations. Information is also archived for future analysis.

**Purpose of the mesonet network:** The HennepinWest Mesonet is a life-safety tool designed to gather and synthesize vital data on weather, soils and water to help emergency leaders make critical public warning and tactical decisions. Recent experiences across the Twin Cities metro area reveal a long-standing vulnerability to dangerous weather or human-caused conditions that form very quickly without clear advance indications. Fatal tornadoes in Rogers, MN (2006) and in North Minneapolis, MN (2011) both point to a need for more complete and rapid surface observations from a network of sensors spread across the area. A fatal landslide in Saint Paul, MN (2013) also shows that near real time soil temperature and saturation data across the metro could be useful in providing alerts for evolving dangerous conditions. Other vulnerabilities exist in our area to rapid-onset flash flooding, straight-line winds or hazardous materials releases which require many sensors with quick detection capability to provide useful public warning or evacuation decision-making.

**Purpose of individual stations:** One of the most important features of the HennepinWest Mesonet is having sensor stations located across a wide area in order to be able to see threats develop in real time to trigger key warning decisions earlier. A station located at an airport 25 miles away is poorly located to provide useful warning indications across a whole region. Also, if these stations do not report data that is in real-time, their use for warning is negligible. Each Mesonet station represents the small area where it is located and helps protect the residents and infrastructure located there by providing high-quality immediate data.

**Description of individual stations:** Stations are located on a small patch of ground about 40 feet square of natural grass, which is surrounded by an area free from any wind obstructions out to about 90 feet from the center. A 30 foot aluminum structure holds most of the sensors that detect wind speed, direction, temperature, humidity and barometric pressure. Rain gauges and soil sensors are placed on or in the ground nearby. Stations use solar energy and require no external power. Data is sent via cellular phone or radio to the network data base. Depending on circumstances, a small perimeter fence may be installed to protect the equipment at the station.





## Frequently Asked Questions

### **Q: Who operates the HennepinWest Mesonet?**

A: Hennepin County Emergency Management, with the guidance of an advisory board made up of many other departments and agencies

### **Q: Why are existing weather stations not adequate?**

A: The overall number of surface stations in the Metro area today is too small to provide the fine detail optimal for many public warning decisions. The locations of most existing stations are at public airports or along interstate highways so data is not relevant for people and facilities located away from these stations. Many stations were set up to report climate information that is old (up to one hour) rather than up to the minute real-time data, which makes them nearly useless in warning and evacuation situations. Networked private stations are often located poorly and can get erroneous readings for winds or temperatures. Few of these stations are ever calibrated or maintained using strict operational accuracy standards which may also lead to unreliable measurements.

### **Q: Can't other tools, such as Doppler radar, do the same job?**

A: No. Doppler radar is a fantastic tool, and has been made even more useful after recent upgrades made by the National Weather Service, however there are some things that radar cannot do at all, cannot do as well, or cannot do as quickly. Some of these shortfalls relate to the length of time that Doppler needs for a single scan – five minutes. Another is that the radar beam cannot see the surface due to the curvature of the Earth, so a Doppler radar picture actually shows what is taking place a thousand or more feet in the air. Hazardous material incidents require surface wind measurements to accurately model. Finally, when areas are very close to the radar site, ground clutter or other radar beam characteristics can degrade performance near the surface. Mesonet stations and radar complement each other and can be used together to develop accurate real-time situational awareness.

### **Q: Is the Mesonet station structure an antenna?**

A: No. An antenna is defined as a conductor or system of conductors used for either radiating electromagnetic energy into the atmosphere or for collecting electromagnetic energy from the atmosphere. The station structure itself does not collect or broadcast any electromagnetic energy. However, when cell phone signals are used to convey data from sensors to the database a tiny cell phone antenna no larger than one on a personal cell phone is used.



## Frequently Asked Questions

### **Q: How much does a station cost?**

A: Stations are located on lands which are owned by Hennepin County, or on lands of other public jurisdictions or corporate partners by agreement. Station equipment costs around \$9,000 to obtain. Mesonet technicians install and maintain the equipment and the site. Site study and installation costs are variable depending on the requirements for the location. Cell data transmission from each station cost about \$300 dollars a year.

### **Q: What standards are used to set-up and maintain the HennepinWest Mesonet?**

A: The standards used to select station sites and set-up sensor instruments are from the World Meteorological Organization (WMO) and the United States National Weather Service (NWS). The calibration, maintenance and sensor replacement standards are those used by the Oklahoma Mesonet, the pioneering first Mesonet established in the nation.

### **Q: Is the data available to the public?**

A: Yes. The HennepinWest website has a lot of useful data and graphics. It can be found at <http://hennepinwestmesonet.org>

### **Q: Is the Mesonet just used for natural hazards like extreme weather?**

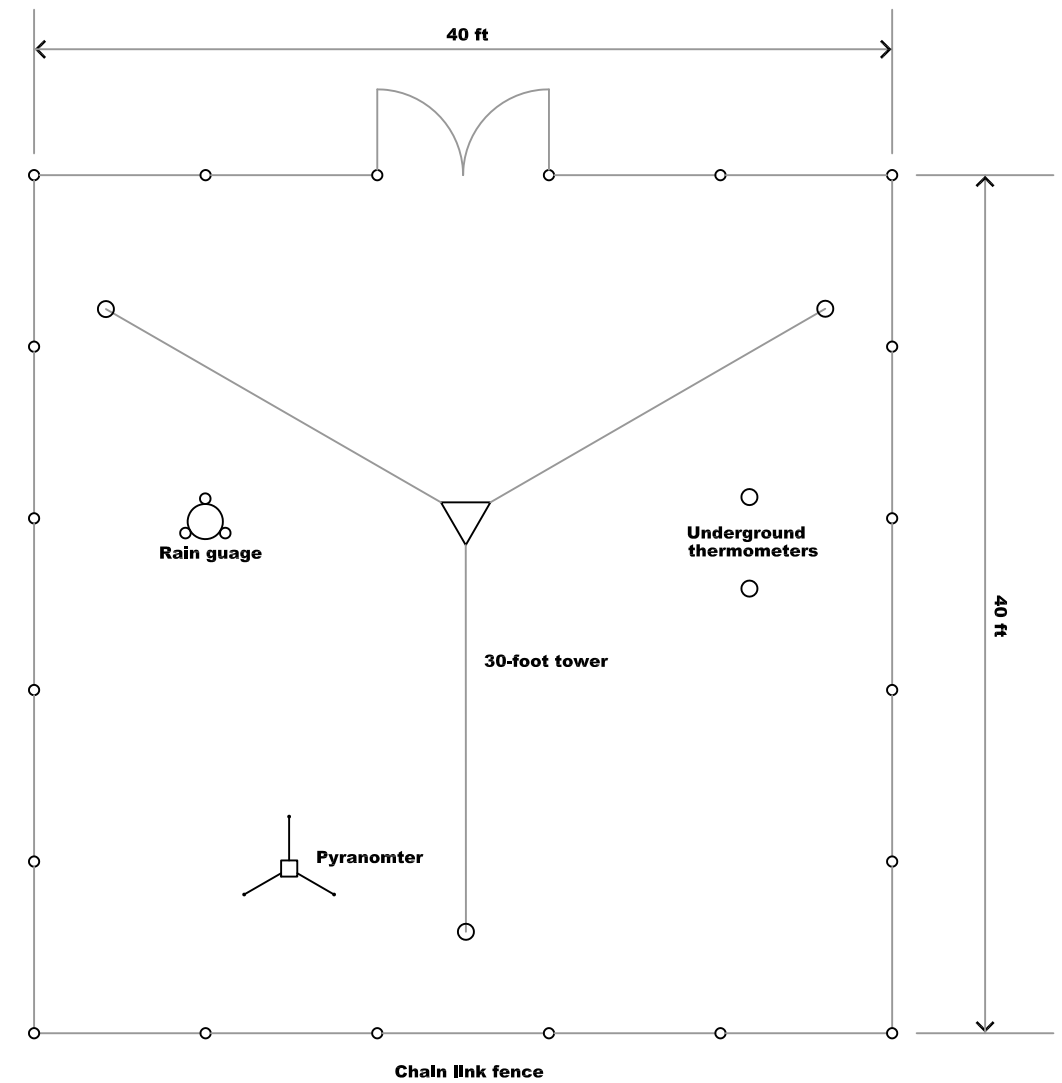
A: No. Accurate and up-to-the-minute weather data from a nearby sensor station is crucial for emergency response leaders to take actions and make quick evacuation decisions for accidents where toxic chemicals are spilled. Reliable local weather data is also vital for fighting fires. The data is also critical to respond to a terrorist attack where chemical, radiological or biological agents are dispersed.

### **Q: Are there other uses for the Mesonet besides public safety?**

A: Yes. Anyone needing very accurate, locally specific weather data can use the HennepinWest Mesonet. Sectors that should consult this data include agriculture, transportation, construction, building heating/cooling engineers, turf grass and landscape managers, environmental monitors, and others. Residents who just want to keep up on the weather should also consult the Mesonet.



**LATITUDE: 44.955672**  
**LONGITUDE: - 93.411389**



**PROPOSED WEATHER STATION COMPOUND (NTS)**

EXISTING STATION IN ST. BONIFACIUS



## Planning Commission Resolution No. 2017-

### Resolution approving location and screening variances for a weather station at 10500 Cedar Lake Road

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

Section 1. Background.

1.01 The subject property is located at 10500 Cedar Lake Road. It is legally described as:

That part of Registered Land Survey No. 1194 Tract F lying westerly of Lindburgh Drive

1.02 The subject property is zoned R-1, low-density residential.

1.03 The Hennepin County Department of Emergency Management is proposing to install a weather station on the subject property. The station would include a 30-foot structure on which several sensors – monitoring wind speed, direction, temperature, humidity, and barometric pressure – would be mounted. In addition, rain and soil gauges would be located on the ground near the lattice structure. The proposed station would be part of the larger HennepinWest Mesonet network.

1.04 By City Code §300.10 Subd.3, receive only satellite dish antennas and other antenna devices up to a maximum height of 60 feet are accessory uses within the R-1 zoning district.

1.05 The proposed weather station is not antenna device. However, it is visually similar to the antenna device. As such, the city finds that it should be subject to the same standards as an antenna device.

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**Section 2. Standards.**

- 2.01 City Code §300.15 Subd.4(c), outlines the requirements for accessory antenna devices. The requirements are inserted into this resolution by reference.
- 2.02 The proposed weather station would not meet two of the City Code §300.15 Subd.4(c) requirements. Specifically, the station would be located between the school buildings and front property lines and the station would not be screened. As such, variances are required.
- 2.03 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the planning commission to grant variances.
- 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.

**Section 3. Findings.**

- 3.01 The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):
1. **PURPOSE AND INTENT OF THE ZONING ORDINANCE:** The purpose and intent of locational and screening requirements is to minimize visual impact of tall antenna structures on surrounding areas. The proposed weather station would not be erected contrary to this purpose and intent.
    - a. The largest component of the station would be 30 feet in height, under the maximum height allowed in the R-1 zoning district and well under the height of other structures on the school campus.
    - b. Existing vegetation on nearby residential lots would provide some visual screening of the station.



2. **CONSISTENT WITH COMPREHENSIVE PLAN:** One of the stated policies within the comprehensive plan is collaborate with other governmental agencies to facilitate information exchange. The requested variances are consistent with this policy.
3. **PRACTICAL DIFFICULTIES:** There are practical difficulties in complying with the ordinance:
  - a) **REASONABLENESS:** The location and lack of on-site screening are reasonable given the purpose of the proposed weather station. For it to function effectively, the station must be located in a relatively “open” area. Screening would significantly affect the accuracy of the sensors and gauges.
  - b) **UNIQUE CIRCUMSTANCE:** The Hopkins School Campus is bordered by three streets. As such, the campus technically has three front property lines. This situation – coupled with the existing development on the campus and the necessity for located in the weather station in an “open” area – presents a unique circumstance.
  - c) **CHARACTER OF LOCALITY:** The area surrounding the proposed weather station includes school buildings, outdoor sports facilities and accessory buildings/equipment, a water tower, twin homes, and single-family homes. The proposed weather station would not negatively impact the character of the area. Rather, it would simply add another use to the mix of uses already in the neighborhood.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described variances 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:
  - Hopkins Weather Station Installation Plan, dated May 4, 2017
2. Prior to issuance of a building or electrical permits:
  - a) A copy of this resolution must be recorded with Hennepin County.

- b) Install construction fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
- 3. These variances 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 October 12, 2017.

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Brian Kirk, Chairperson

Attest:

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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 October 12, 2017.

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Kathy Leervig, Deputy City Clerk

**MINNETONKA PLANNING COMMISSION**  
**October 12, 2017**

- Brief Description**      Conditional use permit, with a variance, for an outdoor eating area at 15200 State Highway 7.
- Recommendation**      Recommend the city council adopt the resolution approving the conditional use permit, with variance.
- 

**Proposal**

Davanni's Pizza and Hoagies is currently undergoing remodeling of the building at 15200 State Highway 7. As part of their remodeling project, Davanni's is proposing to expand their business to include an outdoor eating area. The proposal requires a conditional use permit, with variance. A variance is required, as the outdoor eating area would not meet the minimum setback from residential properties.

**Proposal requirements:**

This proposal requires:

- Conditional Use Permit (CUP): Outdoor eating areas are conditionally-permitted uses in the B-3 zoning district. (See the Supporting Information: CUP Standards Section of this report.)
- Variance: One of the conditional use permit standards for an outdoor eating area is a minimum setback between the eating area and residentially zoned properties. As proposed, the eating area would not meet this setback. As such, a variance is necessary.

|                                      | <b>City Code</b> | <b>Proposed</b> |
|--------------------------------------|------------------|-----------------|
| Distance from Residential Properties | 200 ft.          | 178 ft.*        |

\*variance required

**Staff Analysis**

The proposal meets the general and specific conditional use permit standards outlined in city code, with the exception of the minimum setback from residential properties. (See Supporting Information Section).

In addition, staff reviewed the variance request and found that the proposal would meet the variance standards outlined in city code. Staff has come to this conclusion as:

- The proposal would be in harmony with the intent of the zoning ordinance and consistent with the comprehensive plan.
- The existing building is located between the outdoor eating area and the residential properties, blocking the view of the outdoor eating area from the residential properties.
- The proposed location for the outdoor eating area is the most appropriate location based on the layout and positioning of the existing building.
- The proposed variance request is reasonable and would not alter the essential character of the neighborhood.

### **Staff Recommendation**

Recommend the city council adopt the resolution approving a conditional use permit, with variance, for an outdoor eating area at 15200 State Highway 7.

Originator: Drew Ingvalson, Planner

Through: Loren Gordon, AICP, City Planner

### Supporting Information

**Surrounding  
Land Uses**

Northerly: single-family homes  
Easterly: Highland Road, Lucky's Gas Station across the street  
Southerly: State Highway 7  
Westerly: North Memorial Clinic

**Planning**

Guide Plan designation: Commercial  
Existing Zoning: B-3, General Business

**General CUP  
Standards**

No conditional use permit shall be granted unless the city council determines that all of the general CUP standards from City Code §300.21 Subd.2 will be met:

1. The use is consistent with the intent of this ordinance;

**Finding:** The proposed outdoor eating area meets all ordinance requirements, with the exception of the minimum residential property setback.

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

**Finding:** The proposed outdoor eating area 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;

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

4. The use is consistent with the city's water resources management plan;

**Finding:** The proposal is consistent with the city's water resources management plan.

5. The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and

**Finding:** The proposal complies with the performance standards specified in section 300.28 of this ordinance.

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

**Finding:** The proposal has been reviewed by the city's building, engineering, planning, natural resource, and fire staff. It is not anticipated to have an undue adverse impact on the public health, safety or welfare of the community.

**Specific CUP Standards**

The proposed outdoor eating area would meet all of the specific CUP standards found in City Code §300.21 Subd.4(p), with the exception of the requirement prohibiting additional curb cuts, as:

1. Shall 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 shall be only through the principal building;

**Finding:** The proposed outdoor eating area would be located near the main entrance to the building. The applicant has proposed to expand their liquor license to include the outdoor eating area. As such, the area would be enclosed with a fence and landscaping. Additionally, as a condition of approval, signage must be provided that states that no alcohol may leave the patio area.

2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;

**Finding:** The outdoor seating area would be located 178 feet from the closest residential property, which is located across Highwood Drive to the north. The area would be located over 210 feet from the closest residential building. A variance is required. See the variance section of this report.

3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;

**Finding:** The area would be appropriately located, so as not to interfere with onsite circulation.

4. Shall not be located to obstruct parking spaces. Parking spaces may be removed for the use only if parking requirements specified in section 300.28 are met;

**Finding:** No parking spaces would be removed or need to be relocated with the proposal.

5. Shall be located adjacent to an entrance to the principal use;

**Finding:** The area would be appropriately located near the principal entrance to the business.

6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up;

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

7. Shall not have speakers or audio equipment which is audible from adjacent parcels; and

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

8. Shall be located in compliance with building setback requirements.

**Finding:** The area would meet all minimum building setbacks.

**Variance Standard**

The proposal requires a variance from the specific conditional use permit standards for outdoor eating area. Staff finds that the proposal meets the variance standards outlined in City Code §300.07 Subd.1(a) as:

1. The variance is in harmony with the general purposes and intent of this ordinance

**Finding:** The intent of the ordinance as it pertains to outdoor seating area setbacks is to ensure appropriate separation between these areas and residential land uses, so as to minimize real and perceived nuisance impacts. The proposed outdoor seating area setback and screening would meet this intent:

- The seating area would be setback 178 feet from the nearest residential property (200 feet required) and over 210 feet from the home located on that property.

This residential property and home are located across Highwood Drive.

- The existing Davanni's building would be located between the outdoor eating area and the nearest residential property.
- There is existing vegetation and a fence on the north side of the property that provides a buffer between the commercial and residential properties.

2. The variance is consistent with the comprehensive plan

**Finding:** The subject property is guided for commercial land use. Allowing the outdoor eating area on this property would be consistent with other restaurants within similarly guided properties.

3. When the applicant establishes that there are practical difficulties in complying with the ordinance:

**Finding:** There are practical difficulties in meeting the required ordinance as:

- **Unique Circumstance.** The existing layout and positioning of the building creates a practical difficulty in complying with the ordinance. The proposed location for the outdoor eating area creates a logical route for guests moving through the main portion of the building to the outdoor eating area. To meet the residential property setback, the applicant would need to make significant alterations to the layout of the restaurant. However, such alterations would not further screen the outdoor eating area from the neighboring residential area.
- **Reasonableness and Character of the Neighborhood.** The proposed variance request is reasonable and would not alter the essential character of the neighborhood. It is reasonable to request an outdoor eating area outside the main entrance of a restaurant. Additionally, the outdoor eating area would be screened from the residential neighborhood to the north and would keep in harmony with other adjacent commercial properties.

### Liquor License

As part of Davanni's proposal, the owner is requesting an expansion of their liquor license to include the outdoor eating



area. The city council has the authority to approve or deny liquor licenses; such licenses are not the purview of the planning commission. The commission must consider the proposal's conformance with the requirements and the intent of conditional use permit and variance standards

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

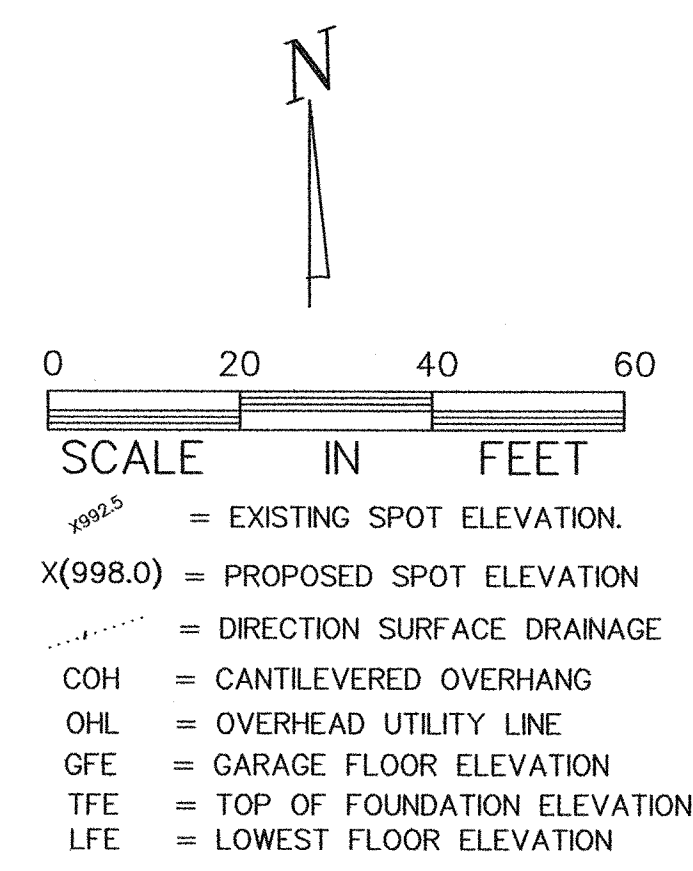
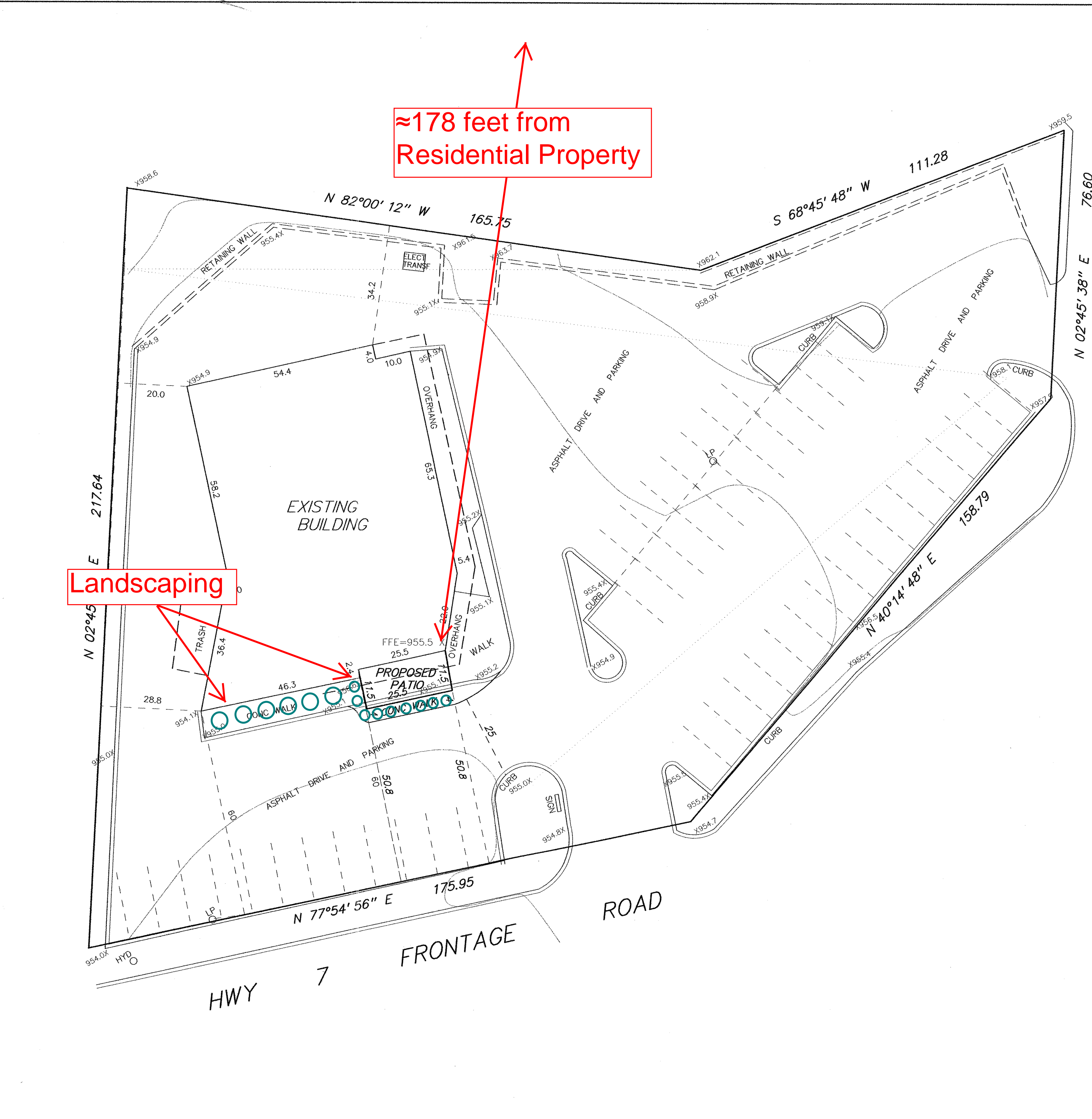
**Neighborhood  
Comments**

The city sent notices to 36 property owners and has received no comments to date.

**Deadline for Action**

December 20, 2017





LEGAL DESCRIPTION:  
 PART OF LOT 1, BLOCK 3, TONKAWOOD FARMS, HENNEPIN CO., MN.

ADDRESS - 15200 STATE HIGHWAY NO. 7  
 PID#21-117-22-34-0011

LOT AREA = 43250 SF/ 1.0 AC

Land Surveyor  
**Frank R. Cardarelle**  
 6440 FLYING CLOUD DRIVE  
 EDEN PRAIRIE, MN 55344  
 952-941-3031

**BUILDING PERMIT SURVEY**  
 for **DAVANI'S**  
**15200 ST HWY NO. 7**

PROJECT NO. \_\_\_\_\_ BOOK \_\_\_\_\_  
 DATE **APR 22, 2012** PAGE \_\_\_\_\_  
 REVISIONS \_\_\_\_\_  
 I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 FRANK R. CARDARELLE, REG. NO. 6508

Proposed Patio Area

DAVANNI'S

DAVANNI'S



Welcome To  
DAVANNI'S  
15200



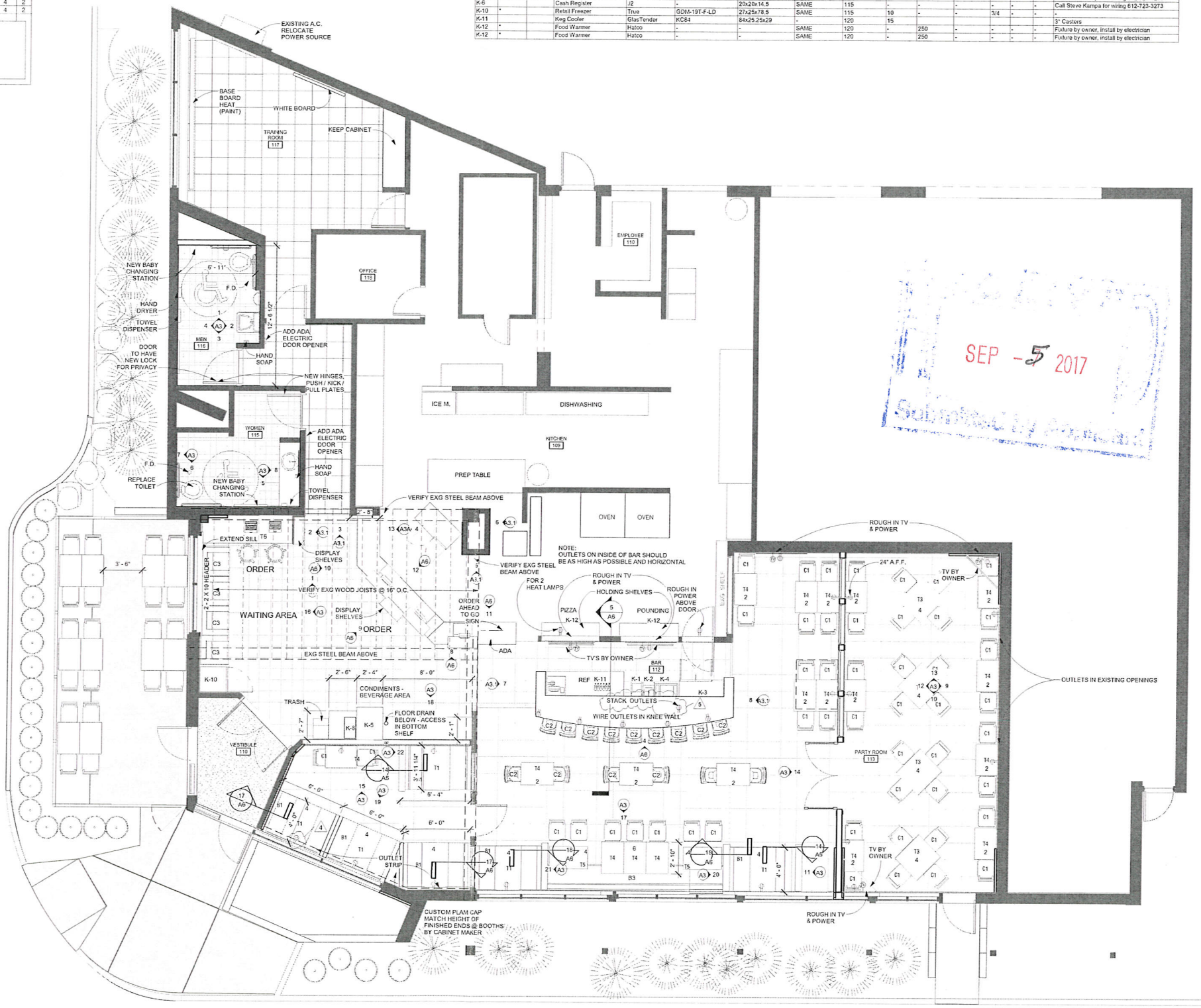


| FURNITURE/ EQUIPMENT SCHEDULE |                                 |            |              |   |           |
|-------------------------------|---------------------------------|------------|--------------|---|-----------|
| TYPE                          | FURNITURE/EQUIPMENT DESCRIPTION | MANUF.     | MODEL        | VINYL   | NOTES QTY |
| B1                            | BOOTH DINING                    |            |              | BOOTH - CRE 69 COLOR. OUTBACK BANQUETTE - PREMIER COLOR. 768022 | 1 6       |
| B3                            | BANQUETTE                       |            |              |   | 1 1       |
| C1                            | DINING CHAIR                    | HOLSAG     | 9556 VS SIDE |   | 4 49      |
| C2                            | BAR STOOL                       | HOLSAG     | 9556 VS BAR  |   | 4 15      |
| C3                            | WAITING AREA CHAIR              |            |              |   | 4 4       |
| T1                            | 28" X 48" BOOTH TABLE           | WOOD GOODS | 1-1/2" THICK |   | 4 6       |
| T3                            | 34" SQUARE DINING TABLE         | WOOD GOODS | 1-1/2" THICK |   | 4 4       |
| T4                            | 24" X 36" DINING TABLE          | WOOD GOODS | 1-1/2" THICK |   | 4 19      |
| T5                            | 24" X 42" DINING TABLE          | WOOD GOODS | 1-1/2" THICK |   | 4 2       |
| T6                            | 60" X 30" WAITING COUNTER       | WOOD GOODS | 1-1/2" THICK |   | 4 2       |
|                               | VERIF                           |            |              |   |           |
|                               | Y SIDE                          |            |              |   |           |

NOTES:  
BY OWNER

- FURNITURE/ EQUIPMENT PLAN NOTES**
- ALL DINING AREA BOOTHS BUILT IN CABINETRY. BOOTHS AND TABLE TOPS IN THE BAR DINING AREA, CASEWORK AND BAR BY MILLWORKER. FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO FABRICATION. SEE INTERIOR ELEVATIONS AND DETAILS FOR DESIGN OF MILLWORK. SEE SPECIFICATIONS FOR SHOP DRAWING SUBMITTAL REQUIREMENT.
  - BY OWNER
  - SEE KITCHEN DRAWINGS FOR BAR AND KITCHEN EQUIPMENT INFORMATION
  - NEW BATH TOWEL DISPENSERS
  - NEW AUTO URINAL
  - NEW FAUCETS
  - NEW MIRRORS
  - DOOR HOOK ON VENS DOOR
  - REPLACE HVAC GRILLES
  - LADIES RELOCATE SOAP

| KITCHEN EQUIPMENT SCHEDULE |           |             |                     |              |              |             |             |       |      |       |     |    |     |    |  |
|----------------------------|-----------|-------------|---------------------|--------------|--------------|-------------|-------------|-------|------|-------|-----|----|-----|----|--|
| K#                         | Cut Sheet | Used Equip. | RESTAURANT USE      | Manufacture  | Model        | DIM WxDxH   | CLEAR DIM.  | VOLTS | AMPS | WATTS | BTU | HP | H2O | NE | SPECIAL NOTES                            |
| K-1                        |           |             | Ice Bin             | Glass Tender | IBA12        | 12x19x37    |             |       |      |       |     |    |     |    |  |
| K-2                        |           |             | Hand Sink           | LaCrosse     | CH2HS-B      | 12x24x36    |             |       |      |       |     |    |     |    | H & C                                    |
| K-3                        |           |             | Beer Bottle Storage | Bev-Air      | BB4HG        | 48x24x35    | SAME        | 115   | 5    |       |     |    |     |    | 3 Casters                                |
| K-3                        |           |             | Beer Bottle Storage | Bev-Air      | BB4HG        | 48x24x35    | SAME        | 115   | 5    |       |     |    |     |    | 3 Casters                                |
| K-4                        |           |             | Glassrack           | Glass Tender | GRA-24       | 24x19x37    |             |       |      |       |     |    |     |    |  |
| K-5                        |           |             | Cash Frontstyle     | Cole         | -            | 29.25x39x72 | 29.25x39x72 | 115   | -    |       |     |    |     |    | C  |
| K-6                        |           |             | Cash Register       | J2           | -            | 29x20x14.5  | SAME        | 115   | -    |       |     |    |     |    |  |
| K-6                        |           |             | Cash Register       | J2           | -            | 29x20x14.5  | SAME        | 115   | -    |       |     |    |     |    | Call Steve Kampa for wiring 612-723-3273 |
| K-6                        |           |             | Cash Register       | J2           | -            | 29x20x14.5  | SAME        | 115   | -    |       |     |    |     |    | Call Steve Kampa for wiring 612-723-3273 |
| K-6                        |           |             | Cash Register       | J2           | -            | 29x20x14.5  | SAME        | 115   | -    |       |     |    |     |    | Call Steve Kampa for wiring 612-723-3273 |
| K-10                       |           |             | Refr. Freezer       | True         | GDM-19T-F-LD | 27x25x78.5  | SAME        | 115   | 10   |       |     |    |     |    | Call Steve Kampa for wiring 612-723-3273 |
| K-11                       |           |             | King Cooler         | Glass Tender | KC84         | 84x25x29.29 |             | 120   | 15   |       |     |    |     |    | 3' Casters                               |
| K-12                       |           |             | Food Warmer         | Hatco        | -            | -           | SAME        | 120   | -    | 250   |     |    |     |    | Fixture by owner, install by electrician |
| K-12                       |           |             | Food Warmer         | Hatco        | -            | -           | SAME        | 120   | -    | 250   |     |    |     |    | Fixture by owner, install by electrician |



SEP - 5 2017  
Submitted by [Signature]

1 FF & E PLAN  
1/4" = 1'-0"

DATE: 2-22-1

REVISIONS:

|                 |         |
|-----------------|---------|
| FOR REVIEW:     | 2-22-15 |
| FOR REVIEW:     | 5-5-16  |
| FOR REVIEW:     | 5-24-16 |
| FOR REVIEW:     | 6-9-16  |
| FOR REVIEW:     | 6-15-16 |
| FOR REVIEW:     | 6-20-16 |
| ISSUED FOR BID: | 6-20-16 |

1 ADDENDA 1  
6-27-16

2 ADDENDA 2  
7-15-16

3 ADDENDA 3  
8-12-16

4 ADDENDA 4  
8-16-16

5 ADDENDA 5  
9-23-16

**BRUCE Knutson**  
Architect  
8100 14TH AVE. SOUTH, SUITE 100  
BLOOMINGTON, MINNESOTA, 55425  
WWW.KNUTSON-ARCHITECTS.COM

DATE: 11-18-16  
I HEREBY CERTIFY THAT THIS PART WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A REGISTERED ARCHITECT IN THE STATE OF MINNESOTA.  
[Signature]  
REGISTRATION NO. 17789

MINNETONKA  
15200 HWY 7 MINNETONKA, MN 55345

JOB NO: 1530

SHEET NO:  
**A5**  
FF&E

## **Resolution No. 2017-**

### **Resolution approving a conditional use permit, with variance, for an outdoor eating area at 15200 State Highway 7**

---

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

#### Section 1. Background.

1.01 Davanni's Pizza and Hoagies is currently undergoing remodeling of the building at 15200 State Highway 7. As part of their remodeling project, Davanni's is proposing to expand their business to include an outdoor eating area. The request requires a conditional use permit, with the following variance:

- Setback variance from residential property from 200 feet to 178 feet for an outdoor eating area.

1.02 The property is located at 15200 State Highway 7. It is legally described as:  
  
BLOCK 3, THAT PART OF LOT 1 LYING NLY OF HWY NO 7,  
TONKAWOOD FARMS, HENNEPIN COUNTY, MINNESOTA

1.03 On October 12, 2017, the planning commission held a hearing on the request. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve the conditional use permit, with variance.

#### Section 2. Standards.

2.01 City Code § 300.21 Subd.2 lists the following general conditional use permit standards:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
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 section 300.28 of this ordinance; and
6. The use does not have an undue adverse impact on the public health, safety or welfare.

2.02 City Code §300.21 Subd.4(p) lists the following specific standards for accessory sidewalk cafes and outdoor eating/seating areas:

1. Shall 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 shall be only through the principal building;
2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;
3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;
4. Shall not be located to obstruct parking spaces. Parking spaces may be removed for the use only if parking requirements specified in section 300.28 are met;
5. Shall be located adjacent to an entrance to the principal use;
6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up;
7. Shall not have speakers or audio equipment which is audible from adjacent parcels; and



8. Shall be located in compliance with building setback requirements.

2.03 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 general conditional use permit standards as outlined in City Code §300.21 Subd.2:

1. The proposed outdoor eating area meets all ordinance requirements, with the exception of the minimum residential property setback.
2. The proposed outdoor eating area is consistent with the goals, policies and objectives of the comprehensive plan.
3. The proposal has been reviewed by the city's building, engineering, planning, natural resource, and fire staff. It is not anticipated to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.
4. The proposal is consistent with the city's water resources management plan.
5. The proposal complies with the performance standards specified in section 300.28 of this ordinance.
6. The proposal has been reviewed by the city's building, engineering, planning, natural resource, and fire staff. It is not anticipated to have an undue adverse impact on the public health, safety or welfare of the community.

3.02 The proposal would meet the specific conditional use permit standards as outlined in City Code §300.21 Subd.4(p):

1. The proposed outdoor eating area would be located near the main entrance to the building. The applicant has proposed to expand their liquor license to include the outdoor eating area. As such, the area would be enclosed with a fence and landscaping. Additionally, as condition of this resolution, signage must be provided that states that no alcohol may leave the patio area.
2. The outdoor seating area would be located 178 feet from the closest residential property, which is located across Highwood Drive to the north. The area would be located over 210 feet from the closest residential building. A variance is required. See the variance section of this report.
3. The area would be appropriately located, so as not to interfere with onsite circulation.
4. No parking spaces would be removed or need to be relocated with the proposal.
5. The area would be appropriately located near the principal entrance to the business.
6. As a condition of this resolution, the area must be patrolled for litter pick-up.
7. As a condition of this resolution, any speakers or audio equipment in the area may not be audible from adjacent properties.
8. The area would meet all minimum building setbacks.

## 3.03

The proposal would meet the variance standard as outlined in City Code §300.07 Subd. 1:

1. Intent of the Ordinance. The intent of the ordinance as it pertains to outdoor seating area setbacks is to ensure appropriate separation between these areas and residential land uses, so as to minimize real and perceived nuisance impacts. The proposed outdoor seating area setback and screening would meet this intent:
  - a) The seating area would be setback 178 feet from the nearest residential property (200 feet required) and over 210 feet from the home located on that property. This residential property and home are located across Highwood Drive.

- b) The existing Davanni's building would be located between the outdoor eating area and the nearest residential property.
  - c) There is existing vegetation and a fence on the north side of the property that provides a buffer between the commercial and residential properties.
2. Consistent with Comprehensive Plan. The subject property is guided for commercial land use. Allowing the outdoor eating area on this property would be consistent with other restaurants within similarly guided properties.
  3. Practical Difficulties. There are practical difficulties in complying with the ordinance:
    - a) Unique Circumstance. The existing layout and positioning of the building creates a practical difficulty in complying with the ordinance. The proposed location for the outdoor eating area creates a logical route for guests moving through the main portion of the building to the outdoor eating area. To meet the residential property setback, the applicant would need to make significant alterations to the layout of the restaurant. However, such alterations would not further screen the outdoor eating area from the neighboring residential area.
    - b) Reasonableness and Character of the Neighborhood. The proposed variance request is reasonable and would not alter the essential character of the neighborhood. It is reasonable to request an outdoor eating area outside the main entrance of a restaurant. Additionally, the outdoor eating area would be screened from the residential neighborhood to the north and would keep in harmony with other adjacent commercial properties.

#### Section 4. City Council Action.

4.01 The above-described conditional use permit and variance are 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, unless modified by the conditions below:
  - Survey, dated September 5, 2017

- Patio plan, dated September 5, 2017
2. Prior to issuance of a building permit.
    - a) This resolution must be recorded with Hennepin County.
    - b) Cash escrow, in an amount to be determined by city staff, must be submitted. 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:
      - 1) 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
      - 2) If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
    - c) Erosion control and tree protection must be installed and inspected prior to final inspection.
  3. The outdoor eating area must:
    - a) Be controlled and cordoned off with an uninterrupted enclosure;
    - b) Have signage stating that no alcohol may leave the patio area;
    - c) Must maintain a 50-foot setback from the southern property line;
    - d) Be equipped with refuse containers and regularly patrolled for litter pick-up; and
    - e) Must be closed by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. Friday and Saturday.
  4. Speakers or audio equipment that is audible from adjacent parcels is not allowed.
  5. The new pedestrian ramp must be reviewed by city staff for ADA

compliance.

6. Landscaping that is being removed must be replaced to comply with landscaping requirements. A landscaping plan must be submitted to city staff for review to ensure compliance with city code.
7. The fence along the northern property line must be repaired to condition consistent with all public nuisance ordinances.
8. The outdoor eating area must conform to all aspects of the City Code Chapter 8, Public Health and Public Nuisance Ordinances.
9. This resolution does not approve any signs. Sign permits are required.
10. The city council may reasonably add or revise conditions to address any future unforeseen problems.
11. Any change to the approved use that results in a significant increase in traffic or a significant change in character will require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 23, 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 October 23, 2017.

---

David E. Maeda, City Clerk

SEAL

# **Minnetonka Planning Commission Meeting**

**October 12, 2017**

**Agenda Item 9**

**Other Business**

**MINNETONKA PLANNING COMMISSION**  
**October 12, 2017**

|                          |   |
|--------------------------|---|
| <b>Brief Description</b> | Concept plan review for iFLY at 12415 Wayzata Boulevard             |
| <b>Action Requested</b>  | Discuss concept plan with the applicant. No formal action required. |

---

## **Background**

In May 2017, the city council approved site plans for Ridgedale Restaurants in the northwestern portion of the Ridgedale Mall parking lot. The approved plans converted the parking area along the “ring road” into the development area for three pad sites. At that meeting, the council also approved the building plans and a conditional use permit for a restaurant with an outdoor patio on one of the pad sites. Shell construction of that restaurant is currently underway.

Pad sites 2 and 3 were not included in the approval. Review of the applicable building plans would occur at future date when the tenants were identified.

## **Proposal**

SkyGroup Investments, LLC (“iFly”) invented the modern indoor skydiving experience. Originating in 1998, there are over 65 iFly locations throughout the world. Recently, iFly submitted a concept plan contemplating a building for indoor skydiving on the second restaurant pad site. Conceptually, the building would be roughly 5,000 square feet in area and 56-feet tall. The building comprised of the occupied “building” space and its surrounding “flowpath” which houses the wind tunnel machine parts.

If a formal application were submitted it would likely include site and building plan review.

## **Review Process**

Staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted.

- **Neighborhood Meeting.** The developer will hold a neighborhood meeting on October 12<sup>th</sup> immediately prior to the planning commission meeting.
- **Planning Commission Concept Plan Review.** The planning commission Concept Plan Review is intended as a follow-up to the neighborhood meeting. The objective of this meeting is to identify major issues and challenges in order to inform the subsequent review and discussion. The meeting will include a presentation by the developer of conceptual sketches and ideas, but not detailed engineering or architectural drawings. No staff recommendations are provided, the public is invited to offer comments, and planning commissioners are afforded the



opportunity to ask questions and provide feedback without any formal motions or votes.

### **Staff Recommendation**

During review of a formal application, commissioners may ask questions – and receive answers – regarding the details of a proposal. Commissioners may also debate points of the proposal with each other and the applicant.

Concept plan review should be approached differently than the formal development application review process. To provide the most useful feedback to the applicant, rather than asking questions, the commission should spend a majority of the concept review engaged in discussion as a commission. After discussion, it would be appropriate to provide specific comments to the applicant. The applicant may consider the commission's comments in the preparation of more detailed development plans and formal review application.

For the iFly concept, it would be useful if commissioners would provide their reaction and general comments related to:

1. Building scale,
2. Building design, and
3. Use of the site

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

## ADDITIONAL INFORMATION

### Next Steps

- **Formal Application.** If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city's website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can "follow" projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) and staff can review resident comments.
- **Planning Commission Review.** The planning commission would hold an official public hearing for the development review and make a final decision.

### City Roles and Responsibilities

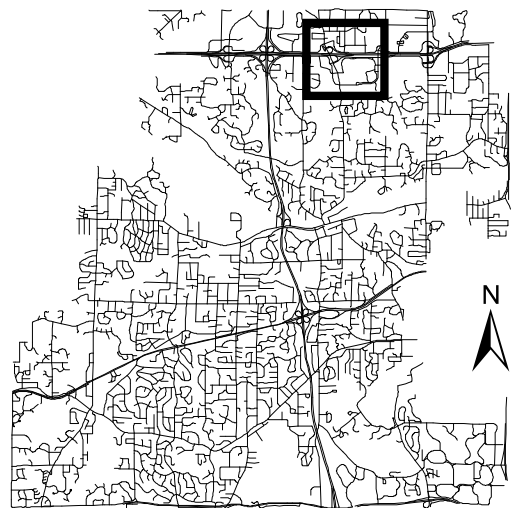
- **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to effectively participate in the process.
- **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council's consideration by carefully balancing the interests of applicants, neighbors, and the general public.
- **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.



**Location Map**

Ifly  
 Address: 12415 Wayzata Blvd  
 Project No. 17004.17b

City of  
**minnetonka**



This map is for illustrative purposes only.

## **Project Narrative iFLY Ridgedale**

SkyGroup Investments, LLC (“iFLY”) has prepared these supplementary materials to include in our development application for review by the Minnetonka Planning Commission and City Council.

### iFLY Project Overview:

iFLY plans to build a new indoor skydiving facility on the Ridgedale Center Ring Road near the Southeast corner of I-394 and Plymouth Road. The new building will be approximately 5,000 square feet and serve over 150,000 customers annually, many of whom will travel from well outside the community to experience indoor skydiving at iFLY. Once operational, iFLY will employ and estimated 26 people (18 Full-Time, 8 Part-Time).

### iFLY Company Overview:

iFLY is the experiential entertainment company that invented modern indoor skydiving, the simulation of true freefall conditions in a vertical wind tunnel. It’s where the dream of flight becomes a reality. We are the World’s largest designer, builder and operator of vertical wind tunnels and have been the undisputed industry leader since creating this market in 1997. We are committed to innovation, performance, safety, reliability and absolute customer satisfaction. We’re vertically integrated — designing, fabricating, installing and operating skydiving wind tunnels.

With over 65 operating facilities globally, the company has safely flown millions of customers. Our patented technology allows us to fly people of nearly all ages and abilities on a smooth, air conditioned column of air. The airflow is completely enclosed, and is not audible from the outside of our modern facilities. There’s no parachute, no jumping, no falling and nothing attaching you to Earth. Children as young as three, to adults of any age can fly with us. It’s safe for kids, challenging for adults and realistic for skydivers. We provide all the gear and a personal instructor will guide you through your flight.

At iFLY, we draw on our extensive history of having flown over 7 million customers worldwide to help deliver an unforgettable experience. Whether you're looking for a team building activity, team outings or sales events, we have what you need to achieve your goals, including conferencing facilities and available catering. Our events are safe, challenging, thrilling, and suitable for almost everyone, regardless of gender, age or physical condition.

iFLY is headquartered in Austin, Texas, and has been in business since 1998. For more information, please visit:

<https://www.iflyworld.com/>

<https://www.facebook.com/iFLYAustin/>

<https://www.linkedin.com/company/3258354/>

<https://www.youtube.com/user/iflytunnelvision>

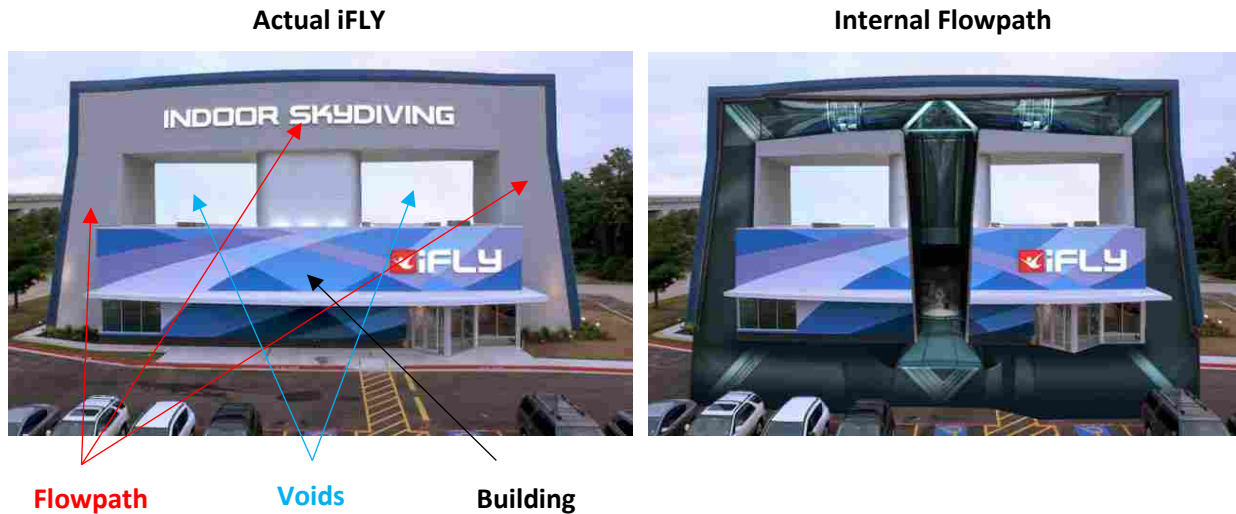
iFLY in the Community:

Our STEM (Science, Technology, Engineering, Math) program uses our state-of-the-art vertical wind tunnel to inspire and educate students. Trained and reviewed STEM educators guide students through an interactive presentation, demos in the wind tunnel and lab activities. The experience includes a physics of flight presentation on the real-world application of STEM, vertical wind tunnel ball flight testing, hands-on student experiments and in-depth flight training and flight experience.

All Abilities Night at iFLY is a unique event that makes the dream of flight a reality for those in the special needs community. This program has been custom designed for those with physical and cognitive challenges to create an environment of support and inclusion, while focusing on making what seems impossible, possible.

How iFLY Works:

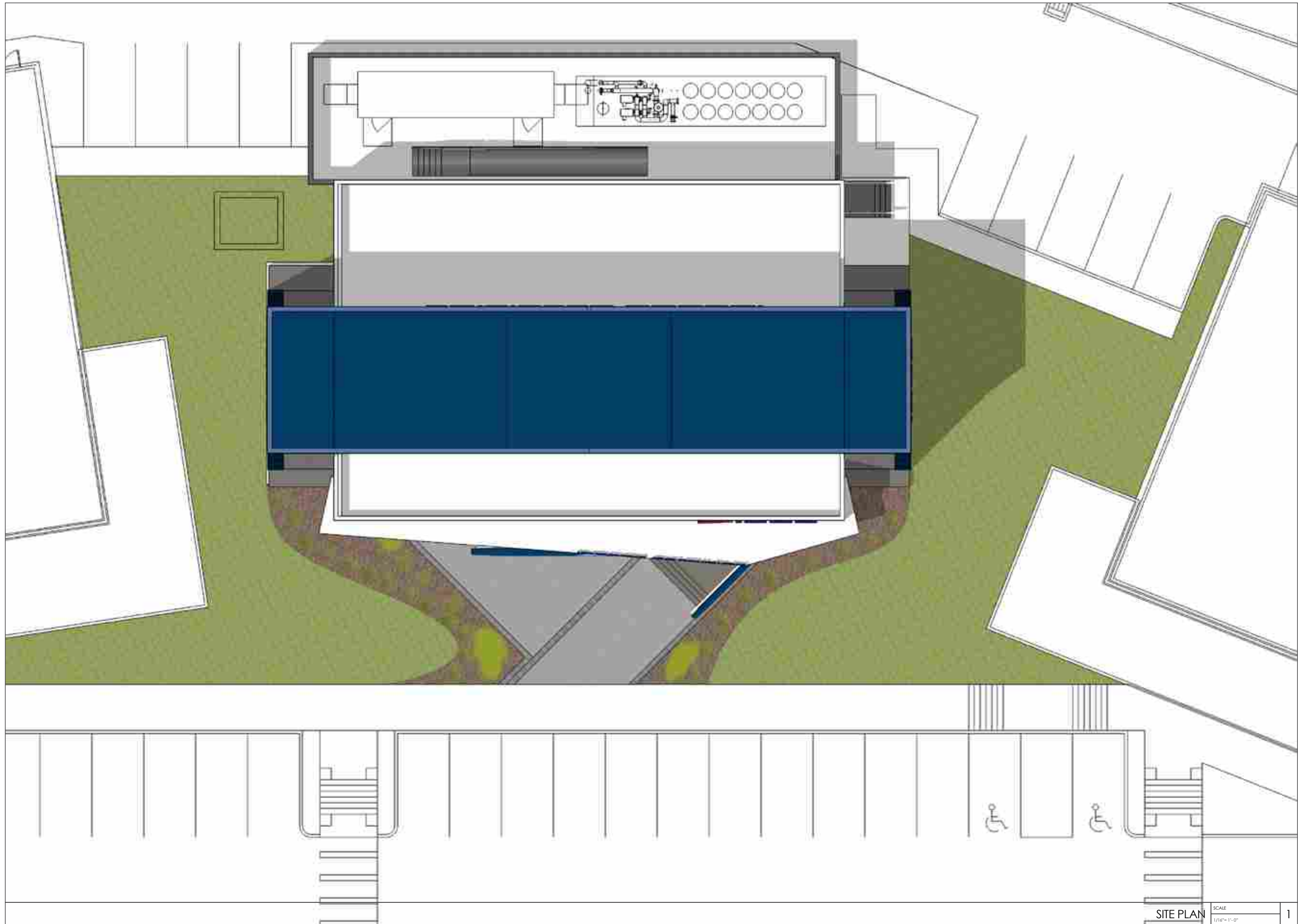
The images below show an actual constructed iFLY (Woodlands, Texas), as well as the same image, overlaid to show the iFLY machine which makes flight possible. The machine becomes part of our structure, and the main occupied space (“**Building**”) becomes surrounded by wind tunnel machine parts, collectively comprising the air flow path (“**Flowpath**”). The space created between the Flowpath and the Building creates empty air space through the building, or a “**Void**”.



Please do not hesitate to contact us with your questions or comments. Contact information below.

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iFLY Holdings  
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Austin, Texas 78730  
Main: 512.647.9200 x157  
Direct: 512.201.8896  
Mobile: 262.957.6339  
Email: [mglee@iflyworld.com](mailto:mglee@iflyworld.com)





SITE PLAN SCALE 1/16" = 1'-0" 1

Prepared by:



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Original: 2017 SEPTEMBER 07

Revisions:

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iFLY Prototype

PROJECT

SkyGroup Investments, LLC

OWNER

LW, CC, SE, JB, JW, KH

TEAM

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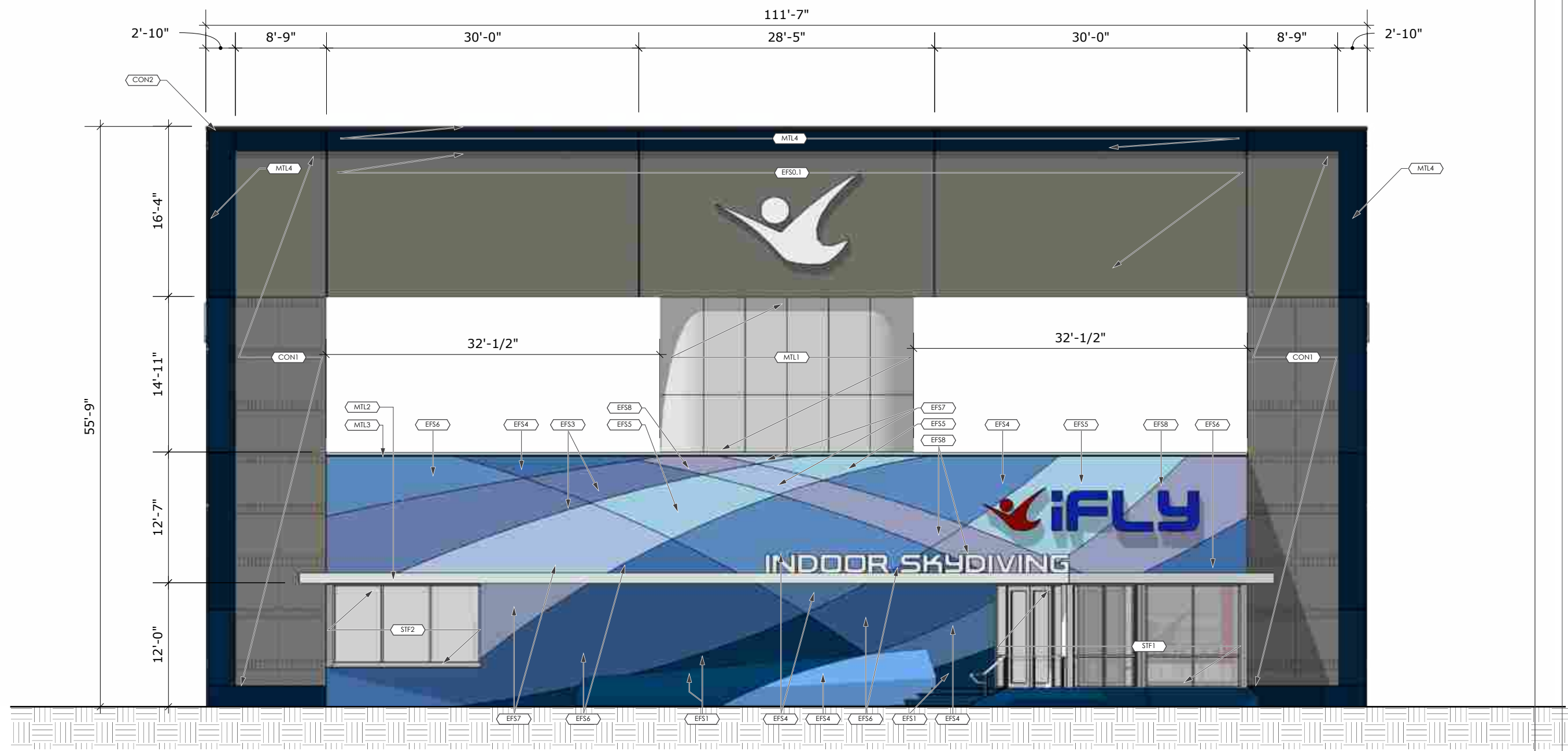
iFLY Prototype  
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EXTERIOR FINISHES



EXTERIOR ELEVATION - FRONT SCALE 3/32" = 1'-0" 1



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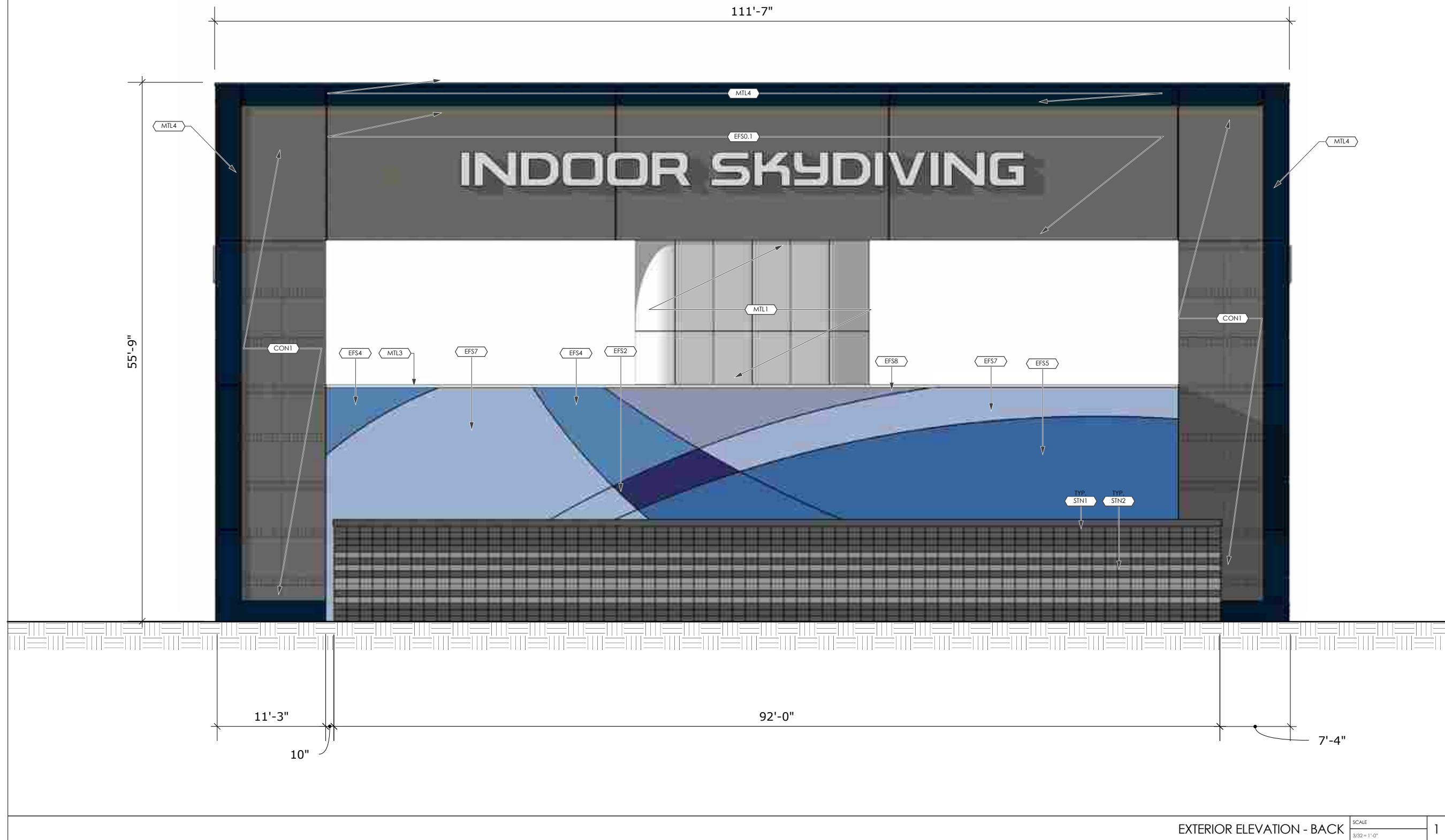
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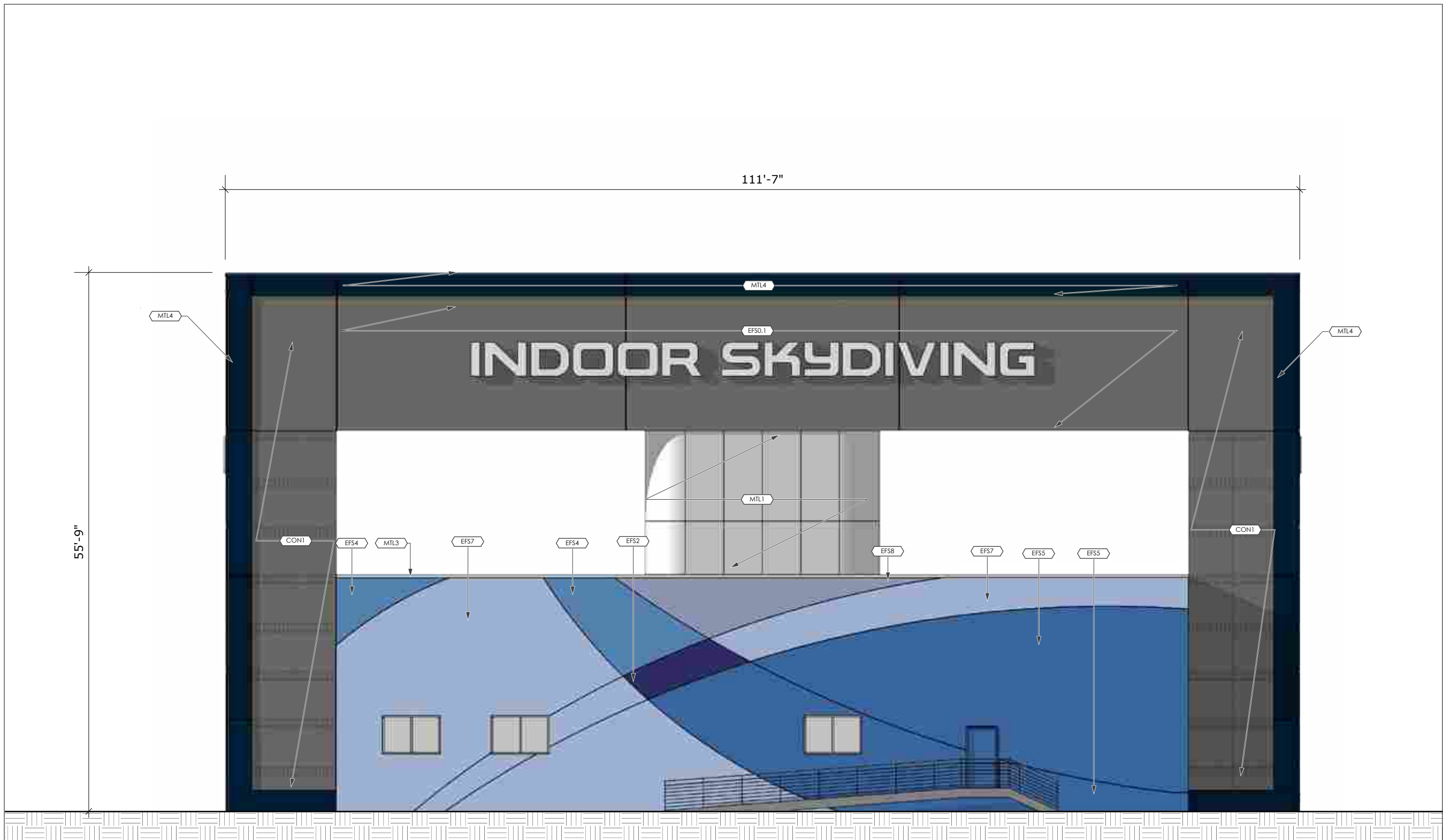
EXTERIOR FINISHES



EXTERIOR ELEVATION - BACK

SCALE  
 3/32" = 1'-0"

1



EXTERIOR ELEVATION - BACK

SCALE  
3/32" = 1'-0"

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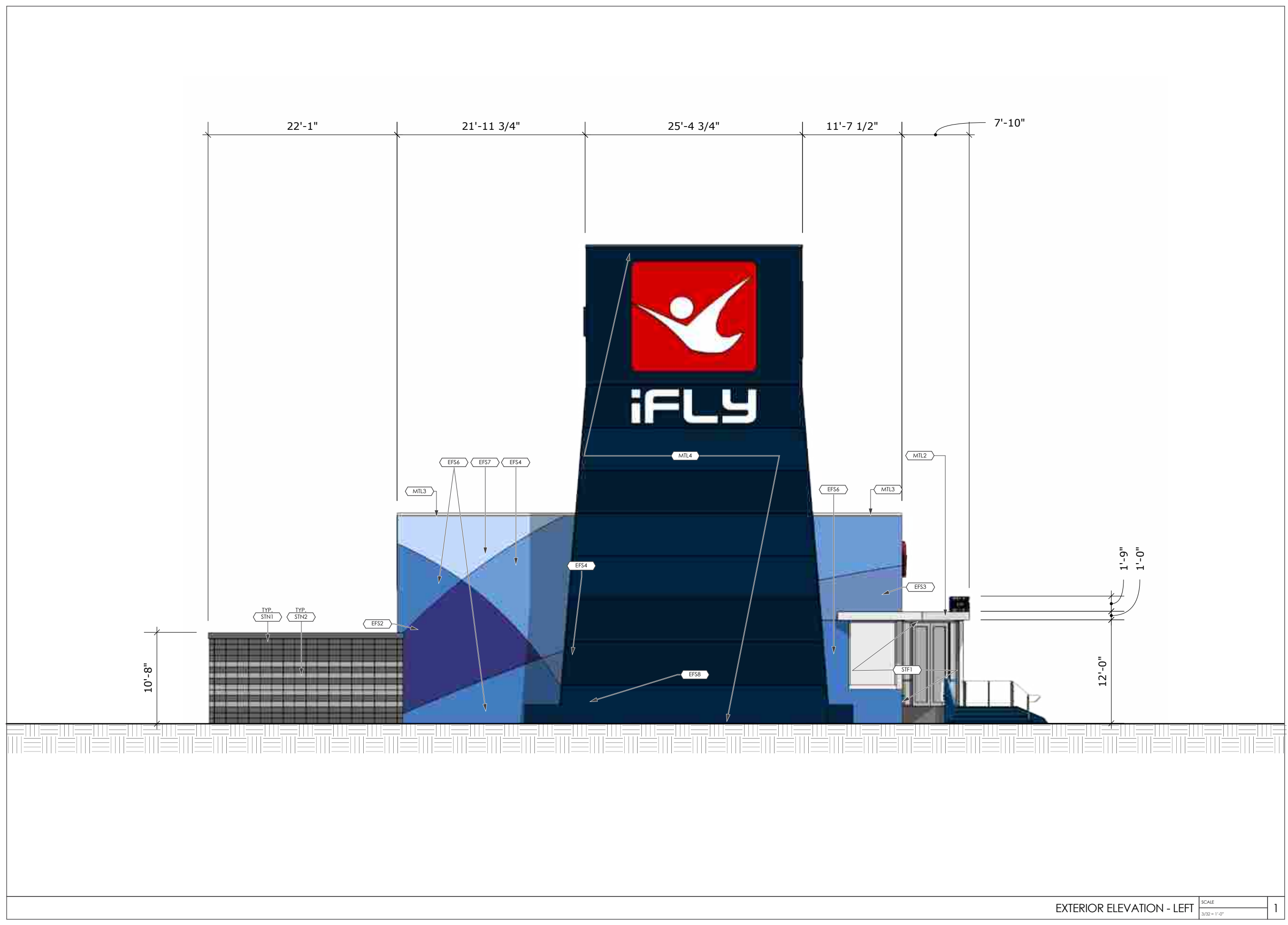
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EXTERIOR FINISHES



EXTERIOR ELEVATION - LEFT SCALE 3/32" = 1'-0" 1

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iFLY Prototype

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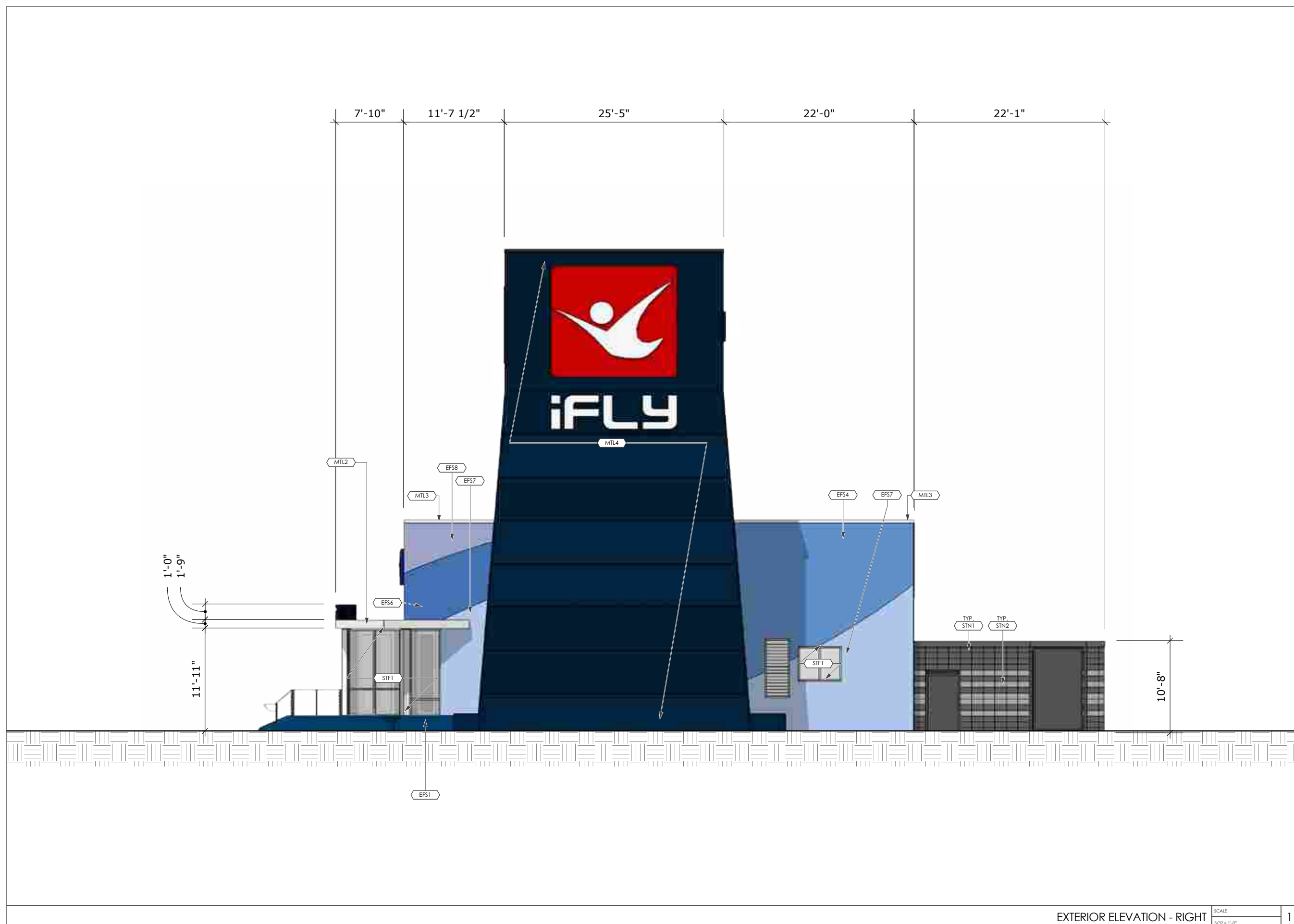
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EXTERIOR ELEVATION - RIGHT

SCALE  
3/32" = 1'-0"

1

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Rendering  
 Front Facade



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Rendering  
 Front Facade



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Rendering  
 Mechanical Yard

GENERAL NOTES:

- ALL EIFS, STUCCO, AND CONCRETE COLOR SELECTIONS REFERENCE SHERWIN-WILLIAMS (SW) STANDARD COLOR DECK. ANY COLOR MATCHING SHALL REQUIRE PHYSICAL SAMPLES TO BE PRODUCED AND APPROVED BY STANTEC AND CLIENT.

| FINISH SCHEDULE - BUILDING EXTERIOR |                            |  |  |  |  |   |
|-------------------------------------|----------------------------|--|--|--|--|---|
| TAG                                 | DESCRIPTION                | PRODUCT  | COLOR/FINISH                               | MFR / VENDOR                                   | CONTACT  | NOTES                                       |
| <b>[EFS] EIFS / STUCCO</b>          |                            |  |  |  |  |   |
| EPS0.1                              | EIFS @ MECH. STRUCTURE     | BY ARCH./GC  | SW 7066 - GRAY MATTERS                     |  |  | MATCH PRECAST CONCRETE PANEL [CON1]         |
| EPS0.2                              | EIFS @ MECH. STRUCTURE     | BY ARCH./GC  | SW 6510 - LOYAL BLUE                       |  |  | MATCH PRECAST CONCRETE PANEL [CON2]         |
| EPS1                                | EIFS @ BLDG. FACADE        | BY ARCH./GC  | SW 6510 - LOYAL BLUE                       |  |  | SEE EXTERIOR ELEVATIONS FOR COLOR LOCATIONS |
| EPS2                                | EIFS @ BLDG. FACADE        | BY ARCH./GC  | SW6530 - REVEL BLUE                        |  |  |   |
| EPS3                                | EIFS @ BLDG. FACADE        | BY ARCH./GC  | SW6816 DHALLIA                             |  |  |   |
| EPS4                                | EIFS @ BLDG. FACADE        | BY ARCH./GC  | SW6802 JACARANDA                           |  |  |   |
| EPS5                                | EIFS @ BLDG. FACADE        | BY ARCH./GC  | SW6792 BLUE BELL                           |  |  |   |
| EPS6                                | EIFS @ BLDG. FACADE        | BY ARCH./GC  | SW6803 DANUBE                              |  |  |   |
| EPS7                                | EIFS @ BLDG. FACADE        | BY ARCH./GC  | SW6814 BREATHTAKING                        |  |  |   |
| EPS8                                | EIFS @ BLDG. FACADE        | BY ARCH./GC  | SW69669 INDULGENT                          |  |  |   |
| <b>[MTL] METAL</b>                  |                            |  |  |  |  |   |
| MTL1                                | METAL PANELS @ FAN TOWER   | OMEGA-LITE, 4'X12'                                 | SILVER METALLIC, SMOOTH                    | OMEGA PANEL PRODUCTS LAMINATORS, INC.          | PAUL RIDDELL<br>OFFICE: 303-773-8071<br>CELL: 303-906-9463 |   |
| MTL2                                | METAL PANELS @ CANOPY      | OMEGA-LITE, FIELD-CUT SIZES PER CANOPY REQUIRMENTS | SILVER METALLIC, SMOOTH                    |  |  |   |
| MTL3                                | EIFS COPING                | BY ARCH.   | MATCH CANOPY [MTL2]                        |  |  |   |
| MTL4                                | ARCHITECTURAL METAL PANELS | ACM PANELS   | MATCH RIDGEDALE TOWER                      |  |  |   |
| <b>[STF] STOREFRONT SYSTEM</b>      |                            |  |  |  |  |   |
| STF1                                | STOREFRONT                 | BY ARCH.   | FRAME: ANODIZED ALUMINUM<br>GLAZING: CLEAR | FRAME: BY ARCH.<br>GLAZING: BENHEIM OR SIMILAR |  |   |
| <b>[STN] STONE / MASONRY</b>        |                            |  |  |  |  |   |
| STN1                                | DARK CMU @ MECH YARD       | SMOOTH FACE BLOCKS OR SIMILAR, 8X8X16              | DK 19 / SMOOTH FACE                        | A. JANDRIS & SONS                              | TEL. 978-632-0089  |   |
| STN2                                | LIGHT CMU @ MECH YARD      | SMOOTH FACE BLOCKS OR SIMILAR, 8X8X16              | LT 17 / SMOOTH FACE                        | A. JANDRIS & SONS                              | TEL. 978-632-0089  |   |

END

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iFLY Prototype

**PROJECT**

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**OWNER**

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**TEAM**

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EXTERIOR FINISHES



iFLY

GEN 8 RIDGEDALE

RENDERING

Stantec VBE Context Massing 09.14.2017



GOOGLE EARTH SNAPSHOT



Untitled Placema



GEN 8 RIDGEDALE

RENDERING

Stantec VBE Context Massing 09.14.2017



GOOGLE EARTH SNAPSHOT



iFLY

GEN 8 RIDGEDALE

RENDERING

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GOOGLE EARTH SNAPSHOT





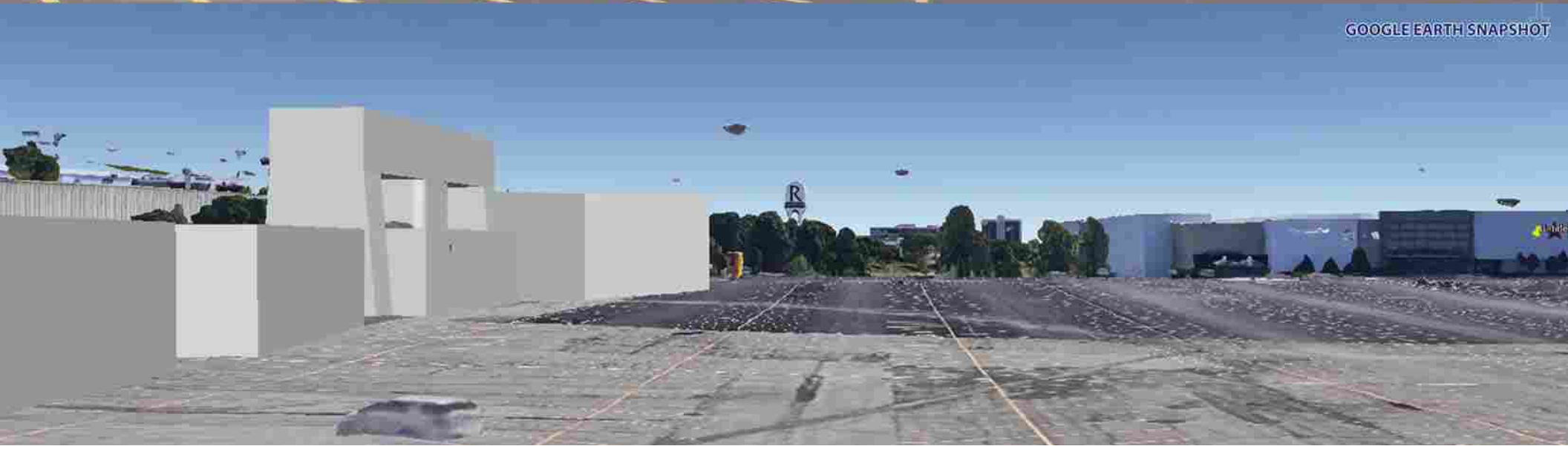
GEN 8 RIDGEDALE

RENDERING

Stantec VBE Context Massing 09.14.2017



GOOGLE EARTH SNAPSHOT





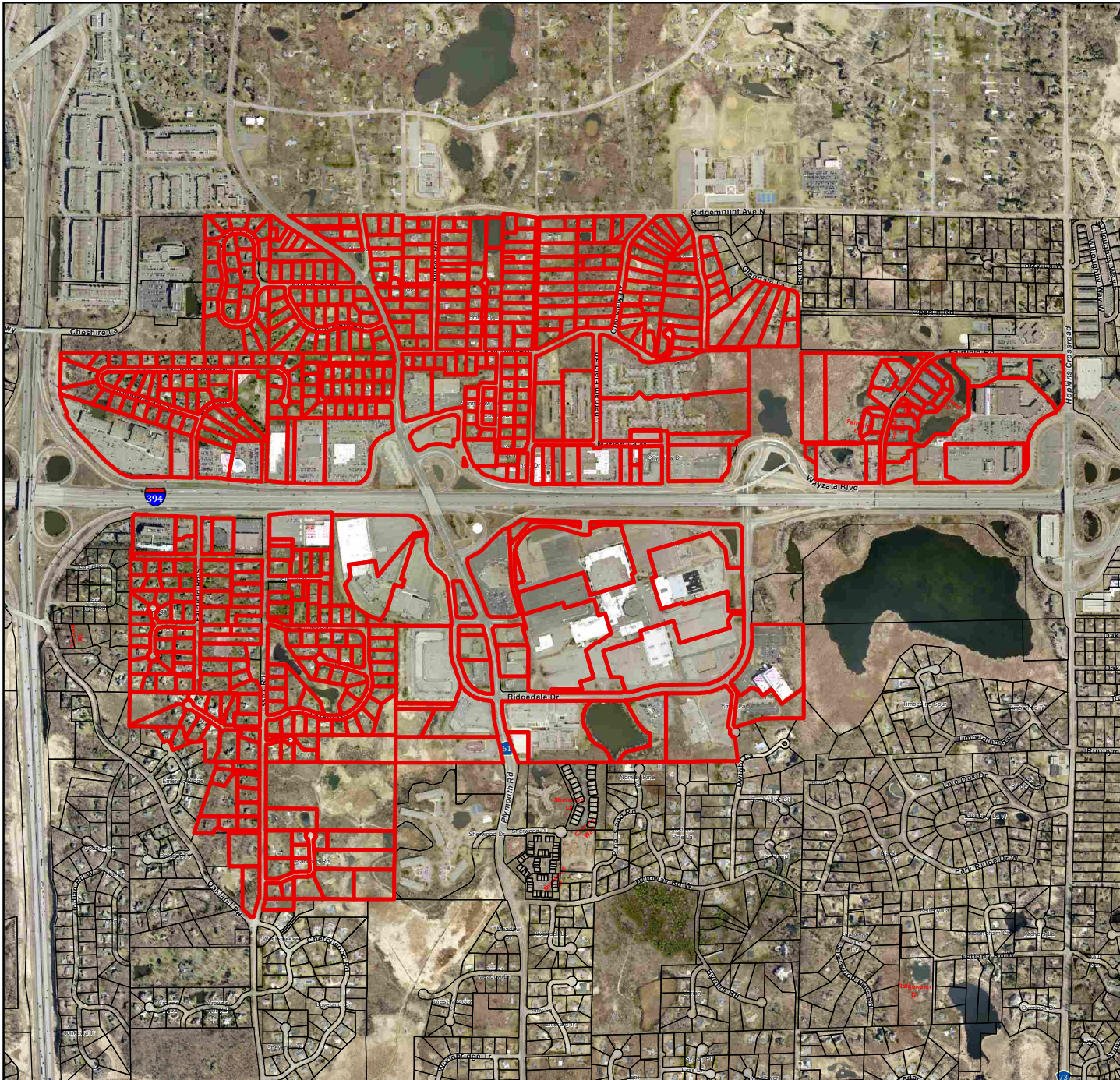
GEN 8 RIDGEDALE

Stantec VBE | Context Massing | 09.14.2017



GOOGLE EARTH SNAPSHOT  
(not visible)

Proposed iFly Mailing Area



Not a Survey. Not to Scale

Map prepared by: City of Minnetonka