



Planning Commission Agenda

October 26, 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: October 12, 2017**
- 5. Report from Staff**
- 6. Report from Planning Commission Members**
- 7. Public Hearings: Consent Agenda**
 - A. Expansion permit for an entryway and covered porch addition at 2420 Crosby Road.

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

Final Decision Subject to Appeal
Project Planner: Drew Ingvalson
 - B. Rear yard setback variance for a deck expansion at 5732 Kipling Avenue.

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

Final Decision Subject to Appeal
Project Planner: Susan Thomas

8. Public Hearings: Non-Consent Agenda Items

- A. A conditional use permit for Bright Eyes Vision Clinic, with a parking variance, at 13889 Ridgedale Drive.

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

- Recommendation to City Council (Tentative Date: November 13, 2017)
- Project Planner: Ashley Cauley

- B. Site and building plan review for gymnasium and classroom additions at Scenic Heights Elementary at 5650 Scenic Heights Drive.

Recommendation: Adopt the resolution approving the final site and building plans (5 votes)

Final Decision Subject to Appeal
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 November 2, 2017 Planning Commission meeting:

The November 2nd Planning Commission Meeting is canceled. The next meeting scheduled is November 16.

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**

October 12, 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: Community Development Director Julie Wischnack, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, Planner Drew Ingvalson, and Assistant Fire Chief Jim Flanders.

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

4. Approval of Minutes: September 20, 2017

Sewall moved, second by Calvert, to approve the September 20, 2017 meeting minutes as submitted.

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

5. Report from Staff

Wischnack briefed the commission on land use applications considered by the city council and comprehensive guide plan committee:

- Adopted a resolution approving the Shady Oak redevelopment project.
- Adopted a resolution approving items for a religious institution in an industrial park.
- Adopted a resolution approving items for Fretham's 18th Addition on Lake Street Extension.
- The comprehensive guide plan committee meeting focused on transportation. The next meeting will focus on natural resources.

6. Report from Planning Commission Members

Schack attended the comprehensive guide plan steering committee meeting with Chair Kirk and Calvert. Biking, walking, and aviation were included in the transportation discussion. She encouraged the public to attend the meetings. Calvert and Chair Kirk agreed. The next meeting is November 15, 2017.

Sewall thanked staff for hosting a great open house. He encouraged the public to attend next year.

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Locational and screening variances for a weather station at 10500 Cedar Lake Road.

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

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

Hennepin County Emergency Management Director Eric Waage explained the public warning system. The proposal would help protect lives, property, and be more accurate. He appreciates the support from city and school district staff.

John Wetter, Hopkins School District Technology Services Manager, stated that students would benefit from having a real-world experience with weather. Student safety during heat and cold weather would be evaluated.

Mr. Waage stated that the data would be immediately available to the local area. The proposal would be the best site. Data collected would include wind direction and speed, atmospheric pressure, rainfall, lightning detection, freezing rain, and soil. The Minnehaha Watershed District is interested in the rainfall and soil data to help them be more accurate when determining when to release water at Gray's Bay Dam and provide flood control. Airport data can be an hour old.

Powers asked if the tower could be expanded and used for additional equipment in the future. Mr. Waage stated that sensors could be added, but not height because the World Meteorological Organization sets the standard for wind measurements at 30 feet. Temperature censures are also required to be taken at the proposed height.

Calvert noted that students would be able to view the data. Mr. Wetter stated that all of the data would be provided on the website *West Hennepin Mesonet*.

Knight asked if a small fence would be adequate. Mr. Wetter stated that he hoped by getting students involved in collecting data and learning its purpose that the equipment would stay in good working order.

Knight asked if a free-standing structure would be better than a guide-wire structure. Mr. Waage stated that the vendor uses the guide-wire structure and it is rated to withstand 100 mile-per-hour winds.

Knight asked if the structure would impact the school's future plans for the area. Mr. Wetter explained the location selection process. He hopes to obtain data related to heat stress on turf. The proposal would not limit future expansions.

Calvert thought that a low fence might not protect the equipment from balls being used on nearby fields. Mr. Wetter said that the positioning should prevent that from happening.

Sewall asked if the equipment would emit light or sound. Mr. Waage answered in the negative. It would be solar and battery powered. The only thing that would click would be the electro-magnetic field to detect lightning. He has an agreement with Twin Cities Public Television. It would broadcast all of the weather data on channel 2.5.

Chair Kirk asked how close landscaping could be located to the equipment. Mr. Waage stated that the fence line is 40 feet by 40 feet. He would like to have a clear zone of 100 feet.

Schack asked where similar stations are located in Hennepin County. Mr. Waage stated that the west half of the county is covered. There is one at the airport. The first ring suburbs still need coverage. There are 12 right now and he hopes to add 3 before winter. Approximately 30 stations are needed to cover all of Hennepin County.

The public hearing was opened.

Donna Anderson, resident of Cedar Ridge Condominiums, stated that her initial reaction was that it would be a horrible eye sore because of its height. She was concerned with student safety and the school district's ability to expand in the future. She questioned if the radio waves would effect a person's body. She suggested a site near Lindbergh.

No additional testimony was submitted and the hearing was closed.

Mr. Waage stated that people in emergency management think that the towers are beautiful because they provide information to keep people safe. The standard has been a six-foot fence. That could be reassessed. The school and local law enforcement have taken security into account. There are two different types of bases. A big steel base plate would be used for this one. It would not move until Hennepin County would move it and then it would be hard to tell it ever existed on the site. The proposal does not use radar. It would use a cell phone transmitter that would eventually change to something similar to a hand-held law enforcement radio. There would be no radiation.

Chair Kirk stated that commissioners support a fence. He felt six feet in height would be adequate. A chain-link fence with smaller footholds would help discourage it from being climbed. He thought the equipment would be safer because it would be out in the open. He suggested adding vegetation on Lindbergh Drive to break up the view from Birch View Lane.

Calvert thought that the tower would be beautiful because it would help keep residents safe. The cost benefit would outweigh the aesthetic detracting.

Schack recalled neighbors who voiced opposition to adding anything else to the campus, but the proposal has such protection-of-life value plus the added educational component that it makes sense.

Sewall appreciated that it could be removed with minimal impact to the site. A few years down the road technology could change and make the tower obsolete. The weather safety factor would help protect student athletes more than the potential of students being injured from climbing the fence.

Powers supports educational tools. Not everything has to be beautiful or buffered. It would be an information gathering tool to make all residents safer. He saw no issue except making sure that school staff on site would have a key to retrieve a ball when needed. He is completely in favor of the proposal.

Calvert appreciates the educational aspect. Chair Kirk agreed.

Knight moved, second by Schack, to adopt the resolution approving the locational and screening variances for a weather station at 10500 Cedar Lake Road.

Powers, Schack, Sewall, Calvert, Knight, 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. Conditional use permit with a variance for an outdoor seating area at 15200 State Highway 7.

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

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

In response to Knight's question, Ingvalson stated that the house is an additional 35 feet from the property line, so the proposed outdoor seating area would be over 200 feet from the house.

Katie Elmer, one of the owners, and Jennifer Kaufmann, operations supervisor, introduced themselves and were present to answer questions.

Calvert asked how many parking spaces would be removed. Ms. Elmer stated that no customer parking stalls would be removed.

Chair Kirk asked if names would be called on the patio. Ms. Kaufmann answered in the negative. Pagers are now used instead.

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

Sewall moved, second by Powers, to recommend that the city council adopt the resolution approving a conditional use permit with a variance for an outdoor eating area at 15200 State Highway 7.

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

9. Other Business

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

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

Cauley reported. She recommended commissioners provide their reaction and general comments related to building scale, building design, and appropriateness of the use of the site.

Patrick Framel, Sky Group Investments, LLC., and Mark Lee, real estate and development director for North American iFLY, representing the applicant, introduced themselves. Mr. Framel provided illustrations of the proposed unique structure and a video. Mr. Framel stated that their mission is to make the dream of flight a reality. Ages 3 to 103 years are eligible to participate. The company has safely flown over 7 million people in 15 countries since 1998. The environment is completely controlled. There is no noise outside of the facility. The company is one of the largest providers of STEM education. The company provides community impact programs. The shape of the building is driven by the mechanics. Adjustments have been made to match the color scheme mandated by GGP's design criteria that was approved by the city. The sign would be modified to integrate with the surrounding buildings. This is not the application phase. He would appreciate feedback.

Powers asked how many sites have failed. Mr. Framel said zero. The company has opened 66 facilities since 1998 and all are still operating.

Schack asked if food or beverages would be provided. Mr. Framel stated that birthday parties or corporate events may be catered. Vending machines are available for beverages. There would be a large berm between the rear of the building and Interstate 394. There would be an air conditioning unit outside, but no other noise would be heard outside. It would be similar in height to a five-story apartment building.

Powers asked why this would be the best site. Mr. Framel answered that this area is already dynamic and draws people from the region. He likes the family focus. Most of the other facilities are on pads in mall parking lots. The typical experience lasts an hour or an hour and fifteen minutes with actual flight time of a couple minutes. The price is typically \$50, but varies depending on the time of year.

Powers asked if the use would have back-up power in case of a power outage. Mr. Framel answered in the negative. The engine would not come to a complete stop if it failed. The fans would continue to move air and slow down gradually. A tremendous amount of testing has been done.

Mr. Framel stated that the sign plans have not been finalized.

Chair Kirk invited audience members to provide comments.

Ryan Smith, Minneapolis resident, stated that he has visited several iFLY locations. He is very excited. The building looks weird on paper, but it looks great in person. He prefers the big sign that would be legible from the interstate. It would bring patrons to the mall.

Knight liked that the building would be see-through. It would not be as noticeable. He suggested an exterior color that would blend in with the background, but did not object to the building's appearance. He liked the logo of a person flying. He noted that the "Macy's" sign is not visible from the interstate until the driver is passing the site.

Schack noted that the city council approved a 42-foot sign for Total Wine. The concept plan's sign is 56-feet tall.

Calvert thought that the logo looks neat, but the sign would look too much like a billboard. It would not be in compliance with the sign ordinance. She thought the building would provide a good transition to add more mass to the area. The use would fit the area, but the proposed logo would be too big. She would like materials used to make it blend in.

Powers disagreed. The sign should be bright, attractive, and inviting. The future of Minnetonka is density and mass. This would lead the Ridgedale area. He did not want it to blend in to the extent that Knight mentioned, but he does not want it to be an eye sore.

Chair Kirk suggested the applicant work with the sign ordinance to brand the building. He supports the proposed concept.

Sewall was confident a compromise could be made for the signs. He would have the "indoor skydiving" face Interstate 394. The use would fit the area similar to a movie theater. He liked the unique look and being able to look through the building would be an asset. It would be large, but the interstate would be elevated and there are no residential areas real close without buffering. He was glad there would be no exterior noise. It looks great.

Chair Kirk likes the STEM educational component of the use. He hoped economical packages would be provided for groups of students.

Schack supports the proposal. It would be great to have a unique attraction. It would be an asset to the city and Ridgedale Center. It is a great family opportunity. The height looks different, but she recognized other uses that have been allowed to have signs larger than allowed by the sign ordinance.

Chair Kirk realized that the proposed building would highlight the area and surrounding businesses. He was comfortable with the scale. The use would be brilliant.

Sewall suggested that General Growth Properties update a plan for the future.

Chair Kirk and Wischnack discussed the master development plan for the Ridgedale area.

10. Adjournment

***Calvert moved, second by Schack, to adjourn the meeting at 8:30 p.m.
Motion carried unanimously.***

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

October 26, 2017

Agenda Item 7

Public Hearing: Consent Agenda

MINNETONKA PLANNING COMMISSION
October 26, 2017

Brief Description	Expansion permit for an entryway and covered porch addition at 2420 Crosby Road
Recommendation	Adopt the resolution approving the expansion permit

Background

In 1985, a single story home was constructed at 2420 Crosby Road. The property is consider a lot-behind-lot. At the time of its construction, required setbacks on lot-behind-lots was 15 feet from all property lines. The existing home was built in compliance with those setbacks. The required setback have since increased to 40 feet. As such, the existing home is now considered non-conforming.

Proposal

John Boyer of Boyer Building Corporation, on behalf of the property owners, is proposing to expand an entryway, add a covered porch, raise an existing roofline and add an addition in the rear of the home. The raised roof and addition in the rear of the home would meet setback requirements and do not require special approvals. However, the entryway and covered porch additions do not meet the property line setback requirements for a lot-behind-lot home. These changes to the home would not encroach closer to the eastern property line than the existing structure, therefore requiring an expansion permit.

	Required	Existing	Proposed
East Property Line Setback	40 feet	14.5 feet	17 feet*

*requires expansion permit

Staff Analysis

Staff finds that the applicant's request meets the expansion permit standard outlined in city code:

- **Reasonableness:** The proposal is reasonable. The proposed entryway and covered porch would enhance the use of the property without encroaching closer to the property line than the existing home.
- **Unique Circumstance.** A large portion of the existing home currently encroaches into the required setback. An expansion permit would be required for any addition near the main entry to the home.

- **Neighborhood Character.** The existing home encroaches into the property line setback. The entryway expansion and covered porch addition would not alter the essential character of the neighborhood, as the entry and porch would be unseen by the public and screened from the adjacent property to the east.

Staff Recommendation

Adopt the resolution approving an expansion permit for an entryway and covered porch at 2420 Crosby Road.

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

Supporting Information

Project No.	17025.17a
Property	2420 Crosby Road
Applicant	John Boyer of Boyer Building Corporation, on behalf of the property owners
Surrounding Land Uses	All surrounding properties are zoned R-1 and guided for low-density residential.
Planning	Guide Plan designation: low-density residential Zoning: R-1
Expansion Permit v. Variance	<p>An expansion permit is required for an expansion of a non-conforming structure when that expansion maintains the same setbacks as the existing non-conformity. A variance is required for expansion of a non-conforming structure when the expansion would intrude into one or more setback areas beyond the distance of the existing structure.</p> <p>By definition, a non-conforming structure is one that is not in full compliance with the regulations of the ordinance and either: (1) was legally established before the effective date of the ordinance provision with which it does not comply; or (2) became non-conforming because of other governmental action, such as a court order or a taking by a governmental body under eminent domain or negotiated sale.</p> <p>The existing home is considered non-conforming because it was not established prior to the adoption of the current lot-behind-lot setback requirements.</p>
Lot-Behind-Lots	<p>Lot-behind-lot properties are defined as:</p> <ul style="list-style-type: none">a) a lot with substandard or no frontage on a public road right-of-way, where access to public road right-of-way is over the substandard lot frontage or by a private easement, commonly called a "flag" or "neck" lot, orb) a lot with standard frontage on a public street, where the only buildable area is directly behind an existing or potential house pad that fronts on a public street.

Staff has determined that the subject lot is a lot-behind-lot as the 10-foot easement to the south of the property could not be used for a road, but instead could only be used for trail purposes only (see attached). Due to the limited use of the easement, the property only has access to a public road right-of-way through the neighboring property to the east.

Lot-Behind-Lot Setbacks

Lot-behind-lot properties have different setback requirements than lots that are “standard lots.” The minimum setbacks for principal buildings on lots-behind-lots is 40 feet or 20% of the average distance between opposite lot lines, whichever is less, but no less than 25 feet.

Variances in the Neighborhood

The subject neighborhood does not have a lot history of non-conforming properties; however, one property to the north of the subject property (16113 McGinty Road) is a lot-behind-lot property and received a property line setback variance from 25 feet to 13.5 feet for an addition in 2002.

Burden of Proof

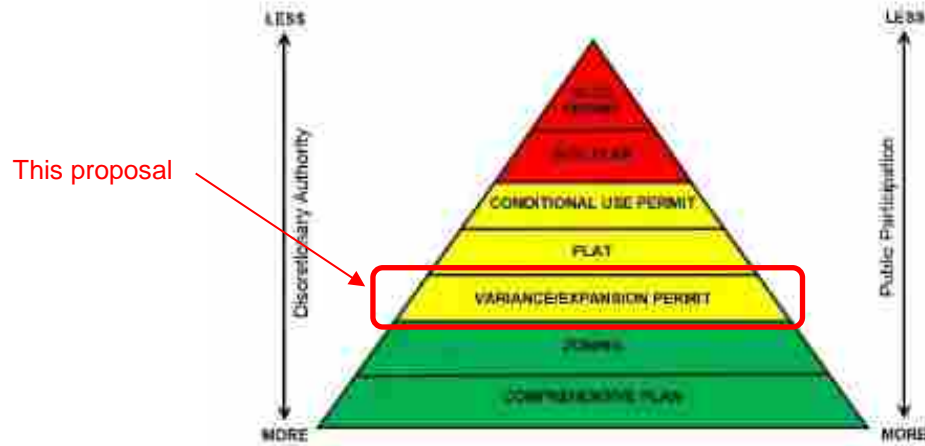
By City Code §300.29 Subd.7(c), an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

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

Neighborhood Comments

The city sent notices to 24 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 expansion permit.
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

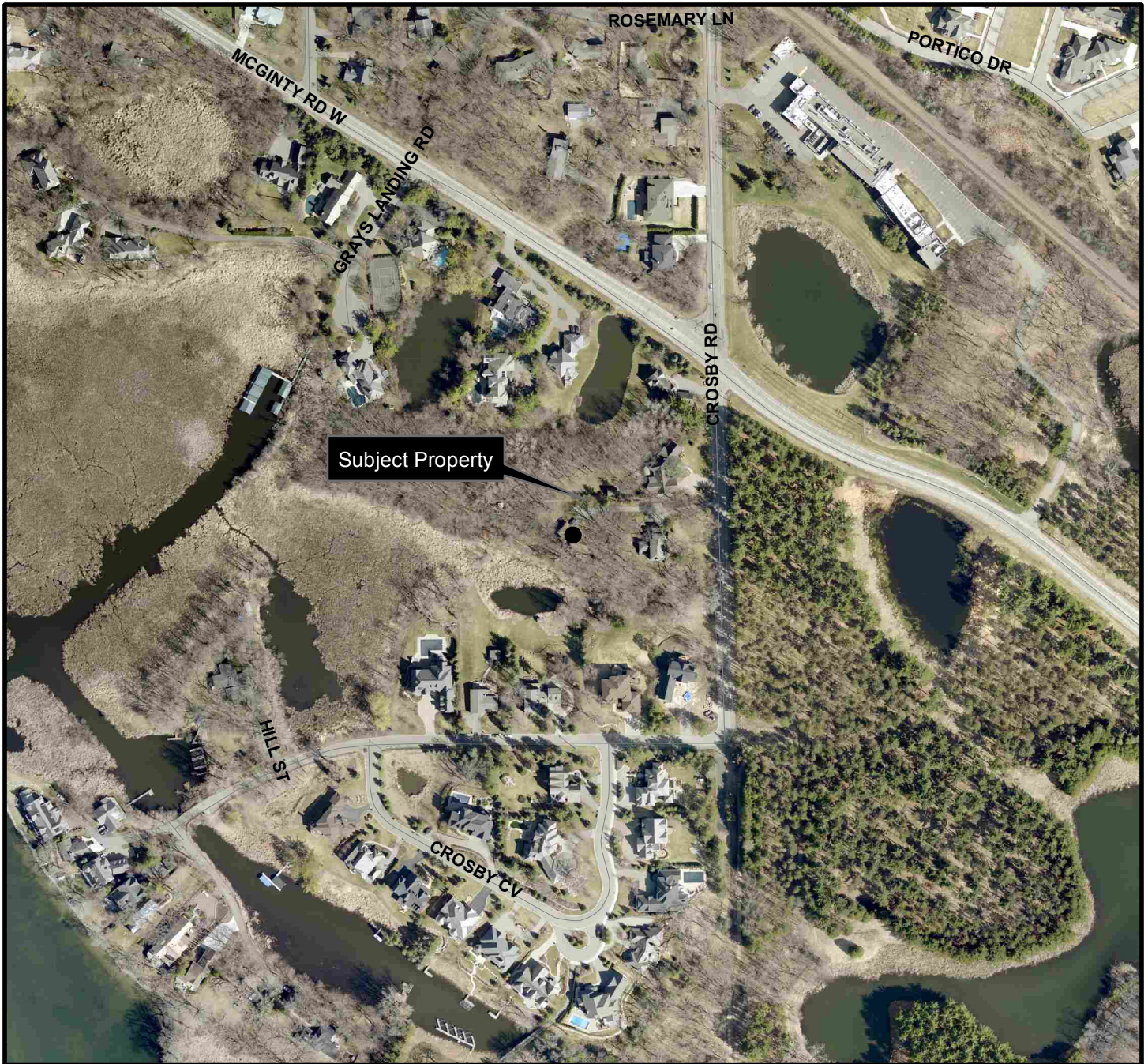
The planning commission action on the applicant's request is final subject to appeal. Approval requires the affirmative vote of five commissioners.

Appeals

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

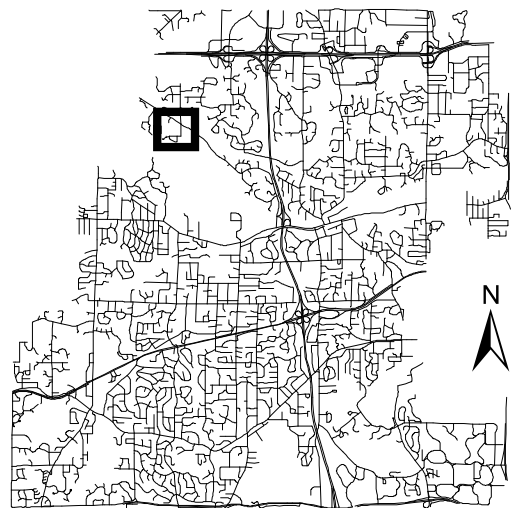
Deadline for Decision

December 18, 2017



Location Map

Schultz Residence
Address: 2420 Crosby Rd
Project No.17025.17a



This map is for illustrative purposes only.



BOYER BUILDING CORPORATION

3435 county road 101, Minnetonka, MN 55345 Phone 952-475-2097 www.boyerbuilding.com

October 5, 2017

John Boyer
Boyer Building Corporation
3435 CR 101
Minnetonka MN

Planning Commission
City of Minnetonka

Expansion Permit for property at 2420 Crosby Road, Minnetonka, MN

Bruce and Jane Schultz have recently sold this property after living in the home for many years. The new buyers are a young couple, excited to renovate the property and make it their home for many years.

Their plan is to renovate the home by making the following improvements of which Boyer Building is to be the general contractor. The areas to be improved are the Kitchen, Master Bedroom, Mudroom/Laundry, and the Front Entry. These rooms of the house are of substandard design given the overall quality of the neighborhood.

The home currently encroaches into the allowed setback along the East side. Due to the angle situation of the house footprint relative to the East lot line, the proposed front entry porch expansion does not encroach as far as the current furthest East corner of the house.

The design of the home has a front foyer that is small and congested. The base of the second floor stair is only a few feet from the front door. Furthermore there is no roof over the front door stoop. The front stoop becomes covered with ice in the winter and guest at the front door get deluged with water when it rains.

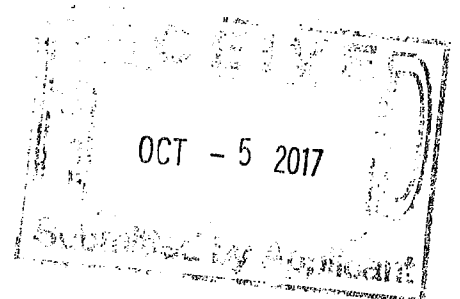
The plan is to add to the depth of the Foyer by 3 feet and add a 4 feet covered stoop. The roof of the covered stoop will extend to the North West to provide a covered front porch where by front yard and driveway activities can be watched and enjoyed.

The proposed expansion is a major element of the design and necessary to organize the spaces within the home as well as make the home more attractive and inviting to guests and occupants. We feel the expansion will in no way impact the neighbors or their properties. The closest point of our open porch roof expansion will be approximately 18' from the nearest lot line which is much greater than a typical site side yard setback of a site with road frontage.

Thank you for considering our request for this expansion and we hope that you agree to allow the expansion as requested.

Respectfully submitted,

John Boyer, Boyer Building Corporation (General Contractor)
On behalf of Jacob Boyer and Anna Jacobs (Buyer)



EXISTING CONDITIONS SURVEY FOR:
BOYER BUILDING CORP

Property located in Section 8, Township 117, Range 22,
Hennepin County, Minnesota.

Address: 2420 Crosby Road, Minnetonka, MN

Soutwesterly portion of property is in Flood Zone AE per flood information map No.
27053C328F, dated November 4, 2016. Flood elevation = 931.0 NGVD 1929

The Gregory Group
d.b.a.
LOT SURVEYS COMPANY, INC.
Established in 1962
LAND SURVEYORS

REGISTERED UNDER THE LAWS OF STATE OF MINNESOTA

7601 73rd Avenue North
Minneapolis, Minnesota 55428

(763) 560-3093
Fax No. 560-3522

Surveyors Certificate

INVOICE NO. 86916

F.B.NO. 1099-12

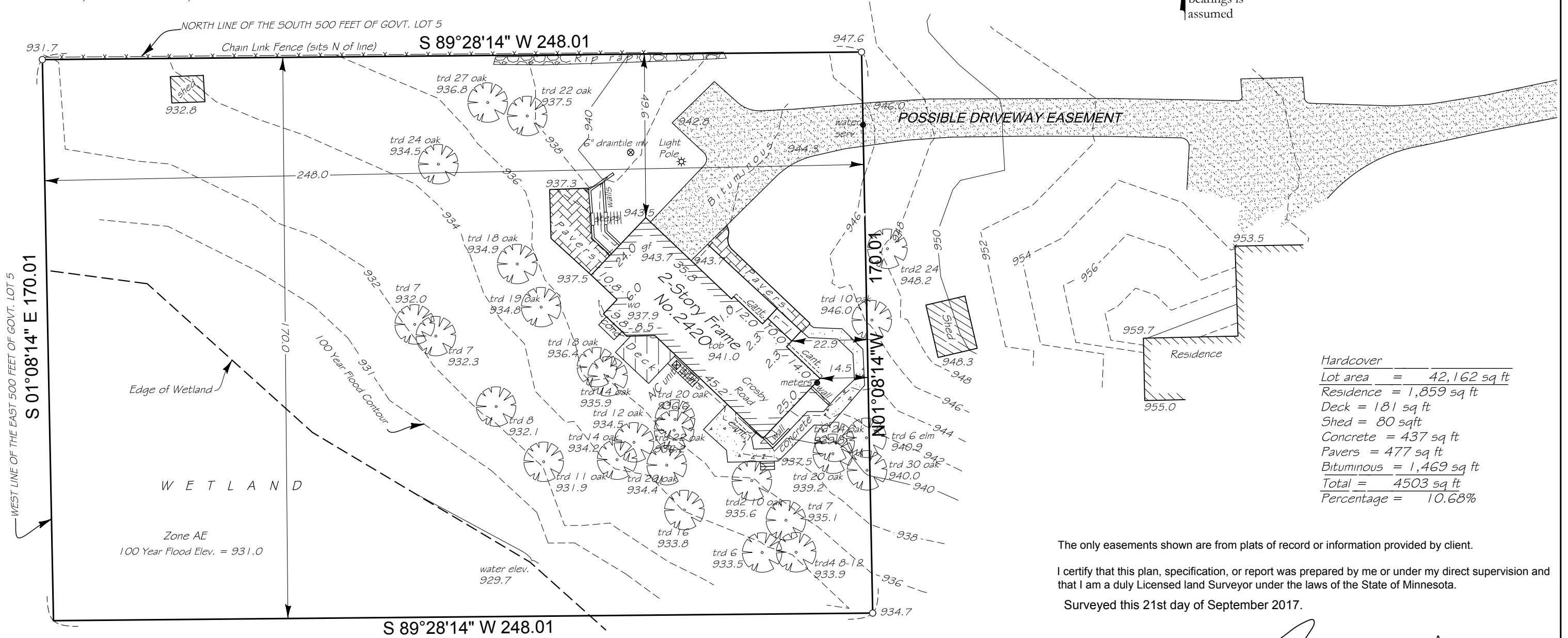
SCALE: 1" = 30'

● Denotes Found Iron Monument

○ Denotes Iron Monument

x000.0 Denotes Existing Elevation

--- Denotes Existing Contour



Hardcover	
Lot area	= 42,162 sq ft
Residence	= 1,859 sq ft
Deck	= 181 sq ft
Shed	= 80 sqft
Concrete	= 437 sq ft
Pavers	= 477 sq ft
Bituminous	= 1,469 sq ft
Total	= 4503 sq ft
Percentage	= 10.68%

The only easements shown are from plats of record or information provided by client.

I certify that this plan, specification, 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.

Surveyed this 21st day of September 2017.

LEGAL DESCRIPTION:
The North 170.00 feet of the South 500.00 feet of the West 248.00 feet
of the East 500.00 feet of Government Lot 5 located in Section 8,
Township 117, Range 22, Hennepin County, Minnesota

Signed 
Gregory R. Prascy, Minn. Reg. No. 24992

Rev	Drawn By DJE
	File Name
	Gov5-1-fb109912inv86916.dwg

EXISTING CONDITIONS SURVEY FOR:
BOYER BUILDING CORP

Property located in Section 8, Township 117, Range 22,
Hennepin County, Minnesota.

Address: 2420 Crosby Road, Minnetonka, MN

Soutwesterly portion of property is in Flood Zone AE per flood information map No.
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The Gregory Group
d.b.a.

LOT SURVEYS COMPANY, INC.

Established in 1962

LAND SURVEYORS

REGISTERED UNDER THE LAWS OF STATE OF MINNESOTA

7601 73rd Avenue North
Minneapolis, Minnesota 55428

(763) 560-3093
Fax No. 560-3522

Surveyors Certificate



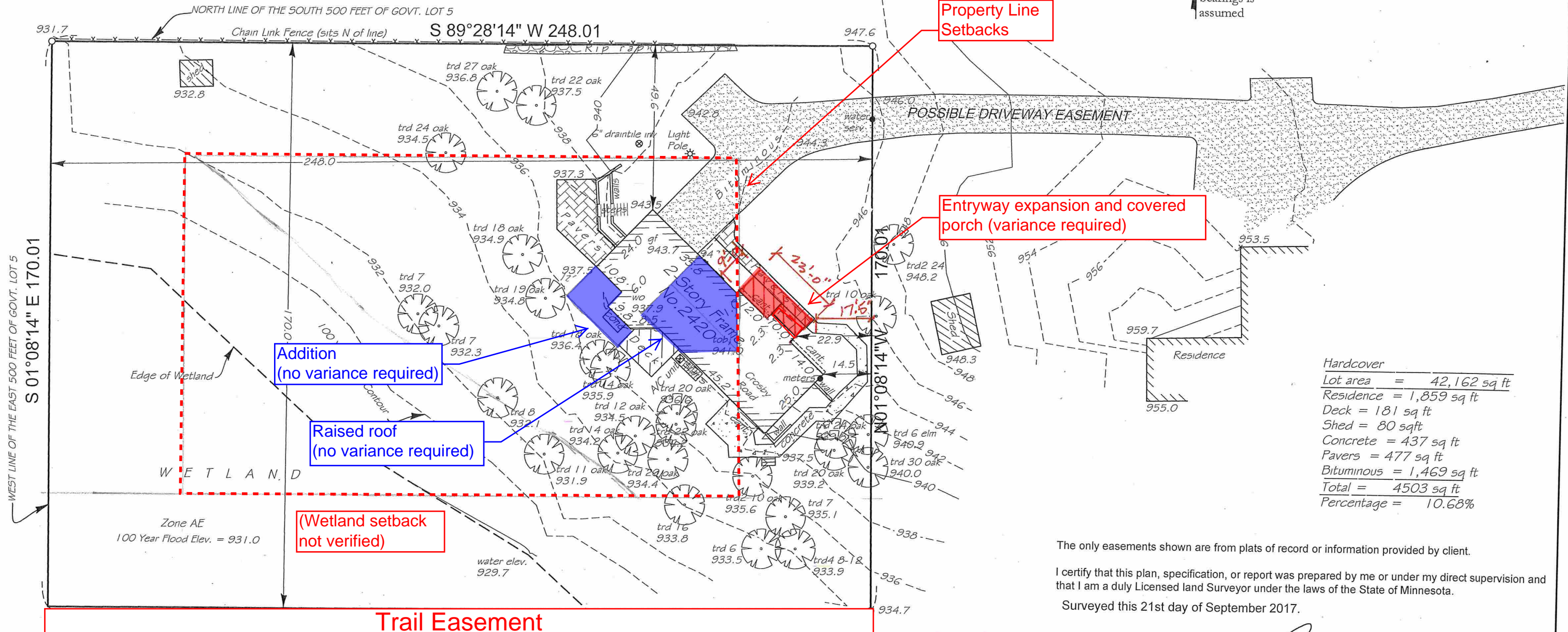
INVOICE NO. 86916
F.B.NO. 1099-12
SCALE: 1" = 30'

● Denotes Found Iron Monument
○ Denotes Iron Monument

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--- Denotes Existing Contour

Basis for bearings is assumed



Hardcover	
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I certify that this plan, specification, 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.
Surveyed this 21st day of September 2017.

LEGAL DESCRIPTION:
The North 170.00 feet of the South 500.00 feet of the West 248.00 feet of the East 500.00 feet of Government Lot 5 located in Section 8, Township 117, Range 22, Hennepin County, Minnesota

PROPOSED PORCH ADDITION. 10/5/2017
1" = 30'
BOYER BUILDING CORPORATION.

Signed
Gregory R. Frasch, Minn. Reg. No. 24992

Rev		Drawn By	DJG
		File Name	Gov5-1-fb109912inv86916.dwg

Crosby Road

2412

2420

2424

10-foot wide trail easement

34

2500

2510

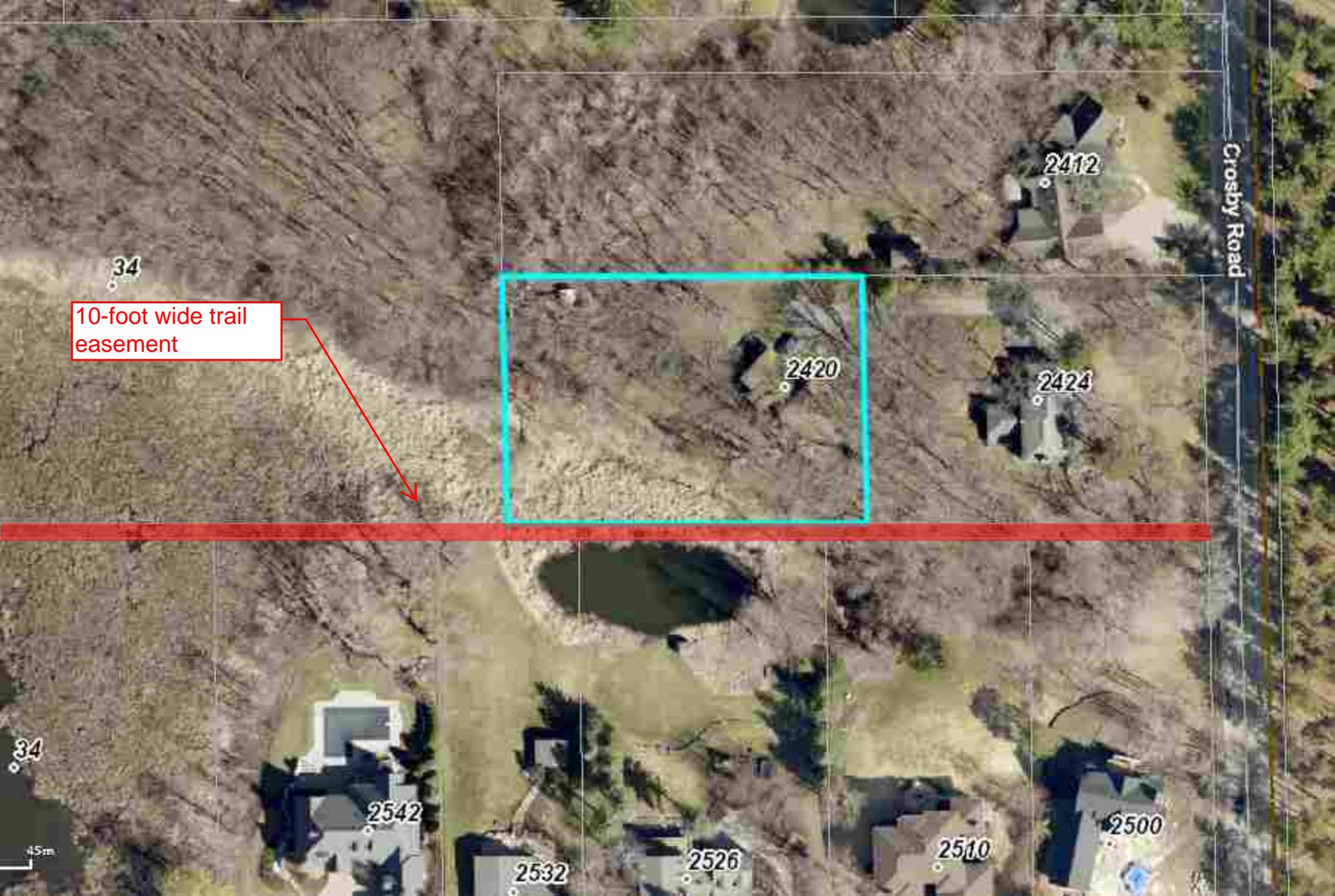
2526

2532

2542

34

45m



Entryway expansion and covered porch location



Entryway expansion and covered porch location



View of adjacent home (east) from proposed entry way and covered porch



DRAFTING BY:

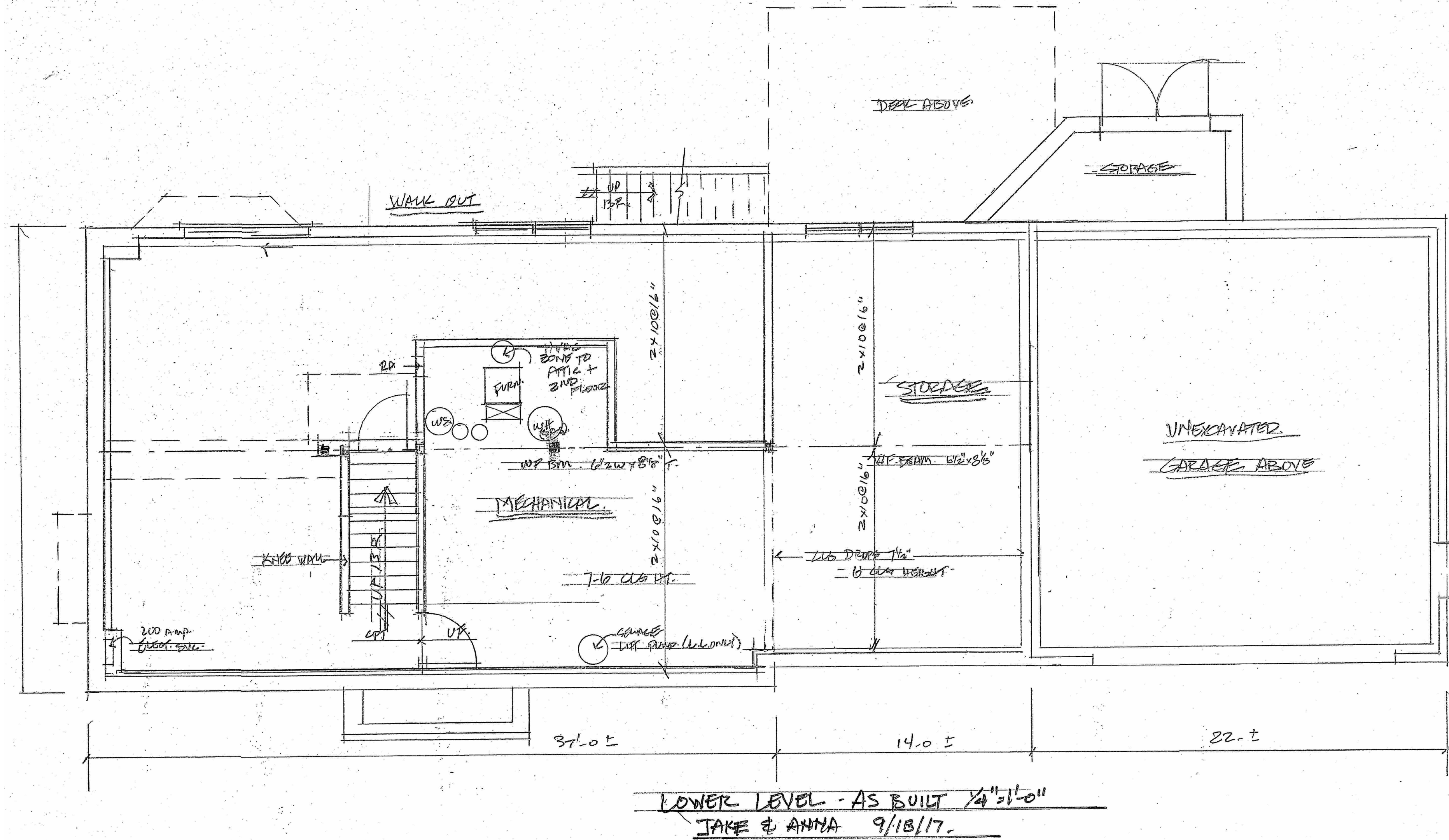
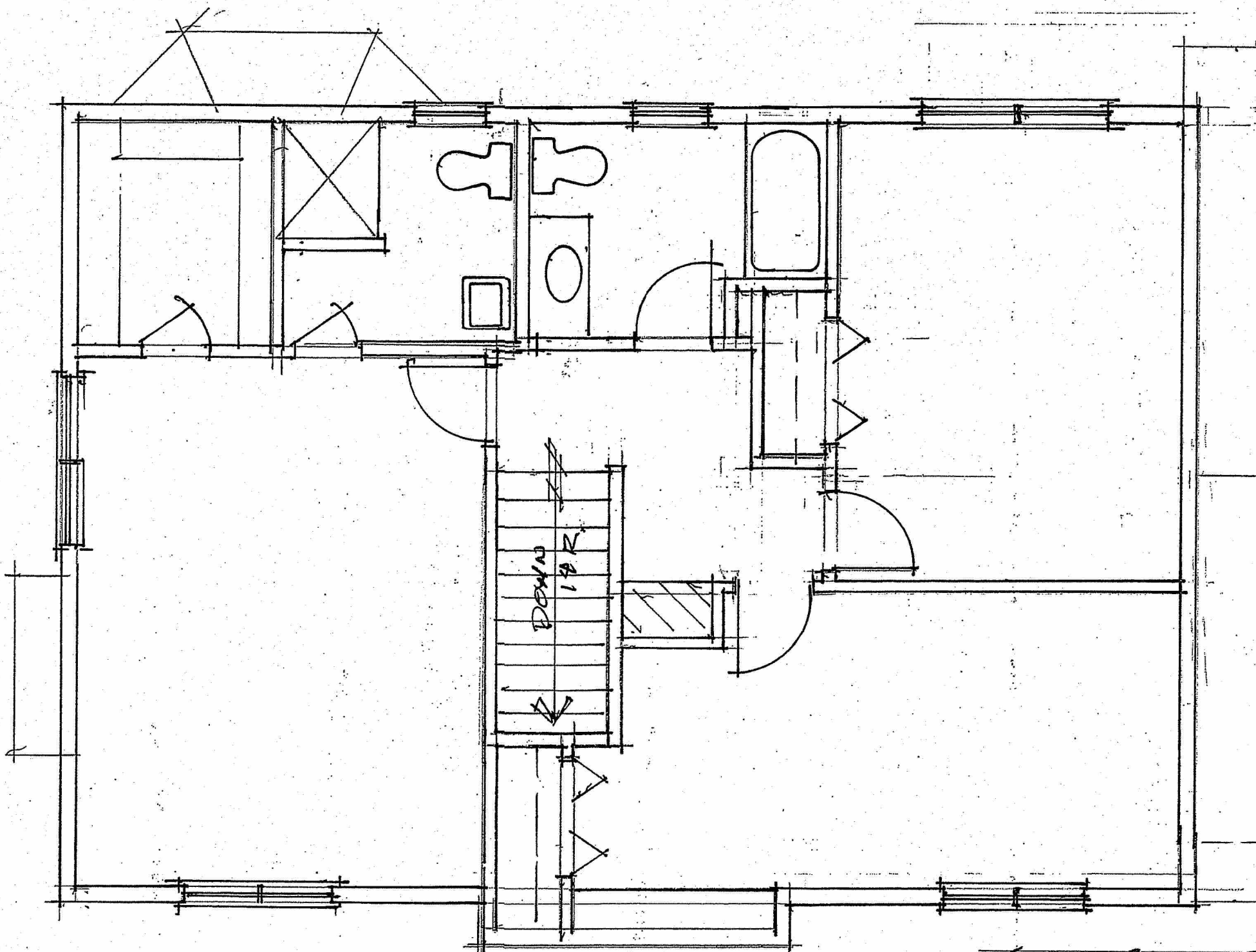
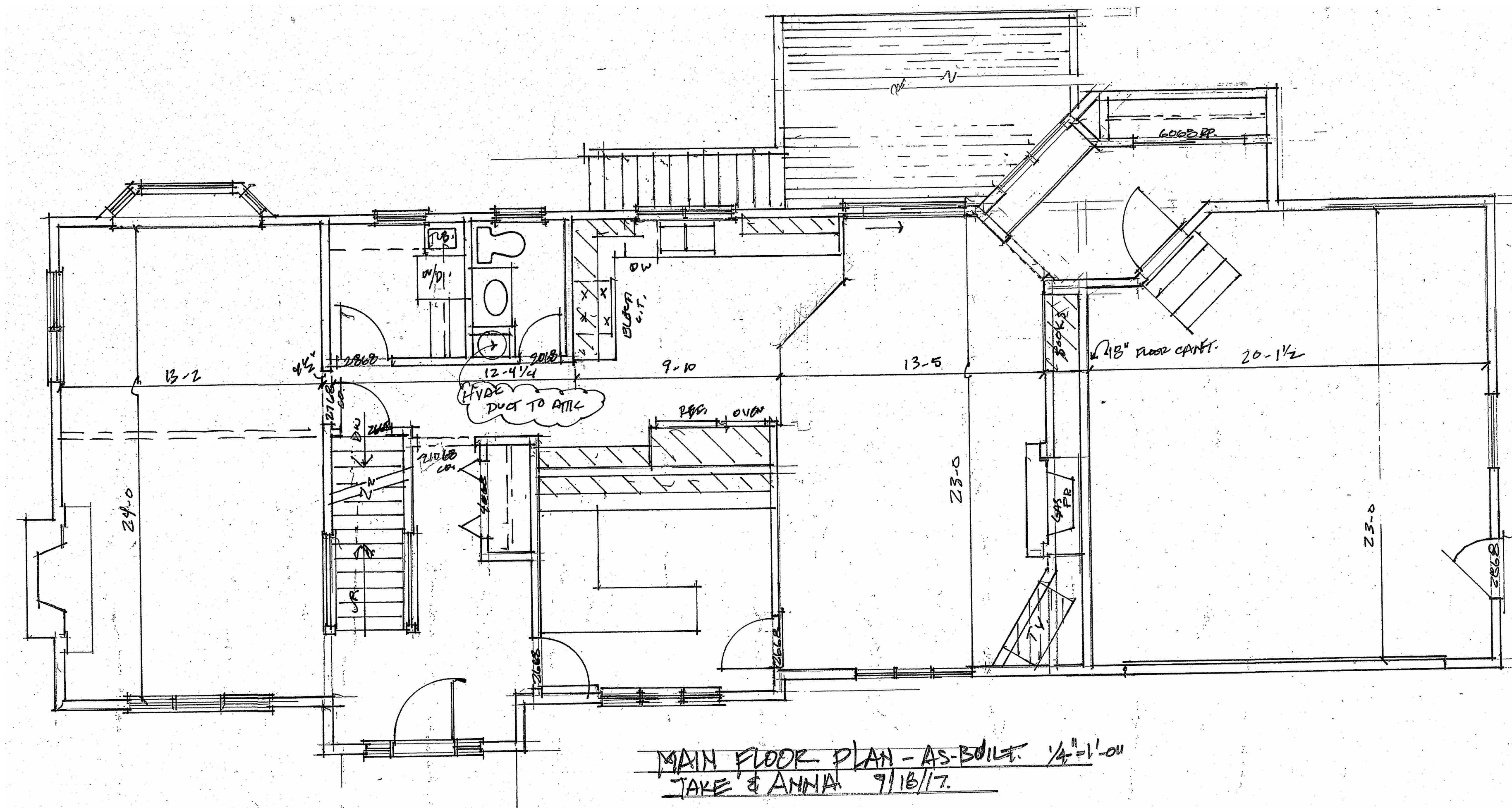
Boyer

Building Corporation

3435 C.R. 101
MINNETONKA MN 55345
952-300-3205
LICENSE #: BC002988

REVISION RECORD

1	PERMIT SET - 10/05/17
2	
3	
4	
5	



JAKE BOYER & ANNA JACOBS

2420 CROSBY ROAD
WAYZATA MN 55391

PROJECT
MAIN LEVEL
RENOVATION
&
ADDITION/GARAGE

PROJECT #

SHEET

1 OF 5

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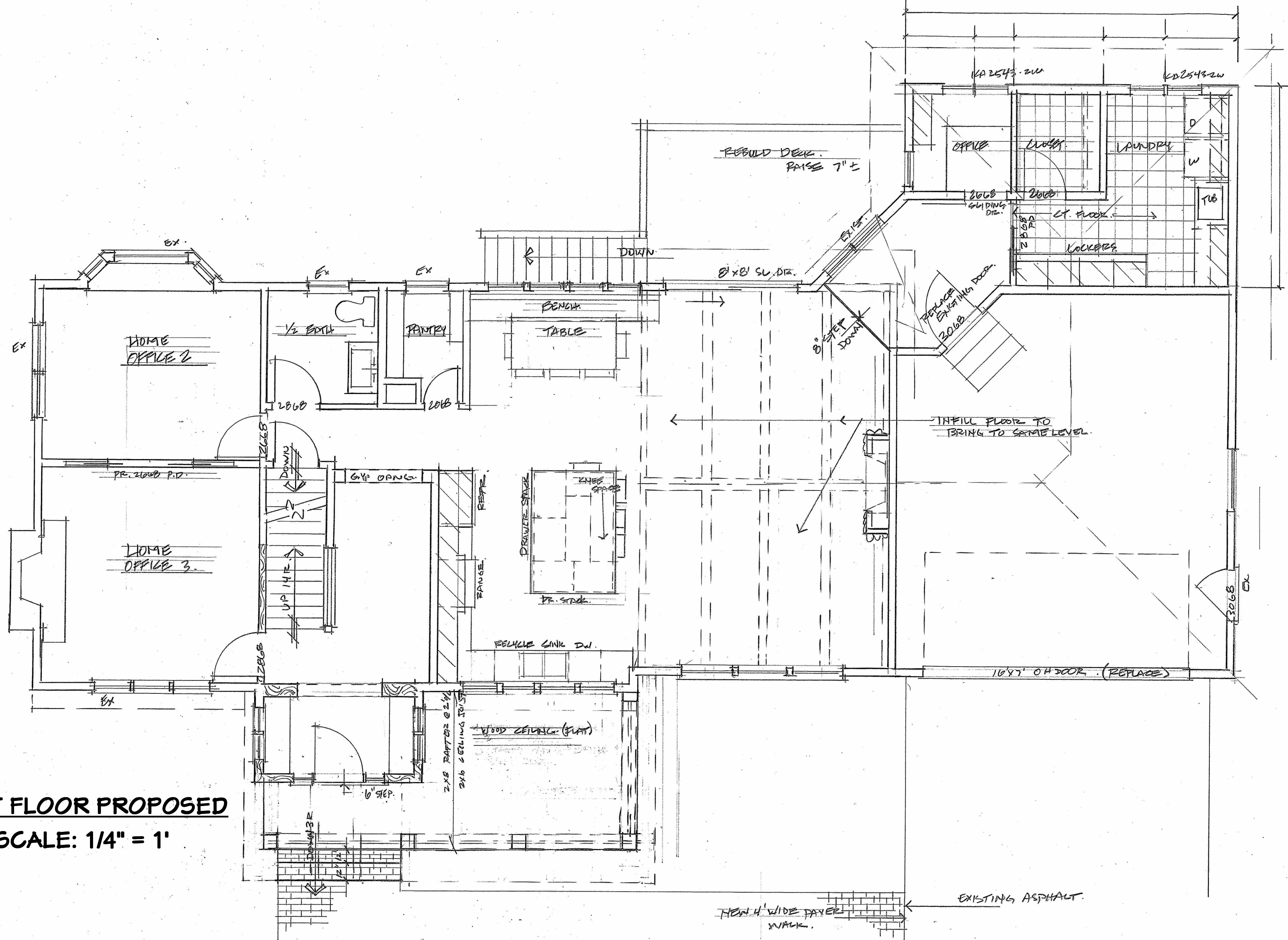
Boyer

Building Corporation

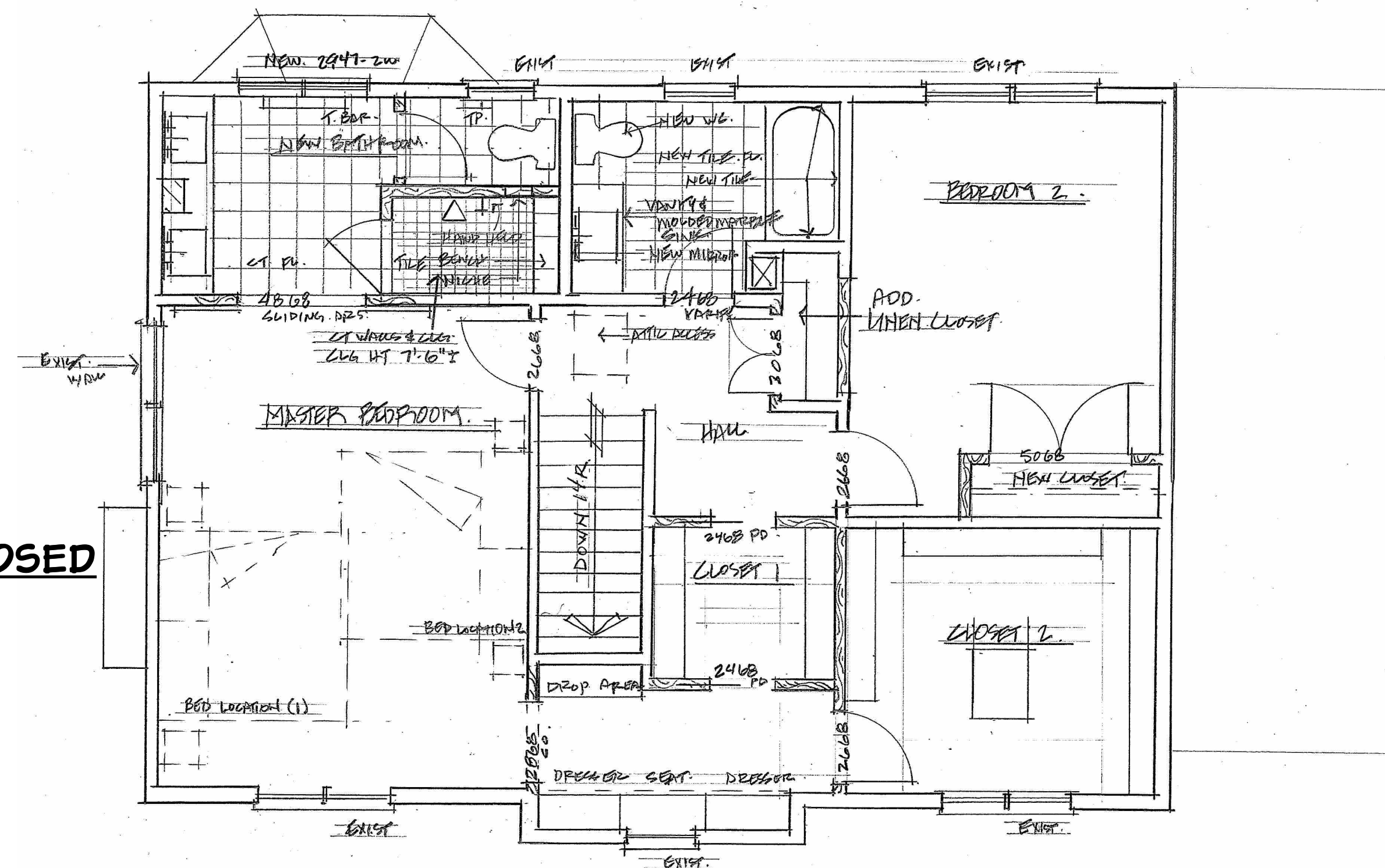
3435 C.R. 101
MINNETONKA MN 55345
952-300-3205
LICENSE #: BC002988

REVISION RECORD

1	PERMIT SET - 10/05/17
2	
3	
4	
5	



FIRST FLOOR PROPOSED
SCALE: 1/4" = 1'



SECOND FLOOR PROPOSED
SCALE: 1/4" = 1'

JAKE BOYER & ANNA JACOBS

2420 CROSBY ROAD
WAYZATA MN 55391

PROJECT
MAIN LEVEL
RENOVATION
&
ADDITION/GARAGE

PROJECT #

SHEET

2 OF 5

DRAFTING BY:

Boyer

Building Corporation

3435 C.R. 101
MINNETONKA MN 55345
952-300-3205
LICENSE #: BC002988

REVISION RECORD

1	PERMIT SET - 10/05/17
2	
3	
4	
5	



FRONT ELEVATION
SCALE: 1/4" = 1'



REAR ELEVATION
SCALE: 1/4" = 1'

JAKE BOYER & ANNA JACOBS

2420 CROSBY ROAD
WAYZATA MN 55391

PROJECT
MAIN LEVEL
RENOVATION
&
ADDITION/GARAGE

PROJECT #

SHEET

4 OF 5

DRAFTING BY:

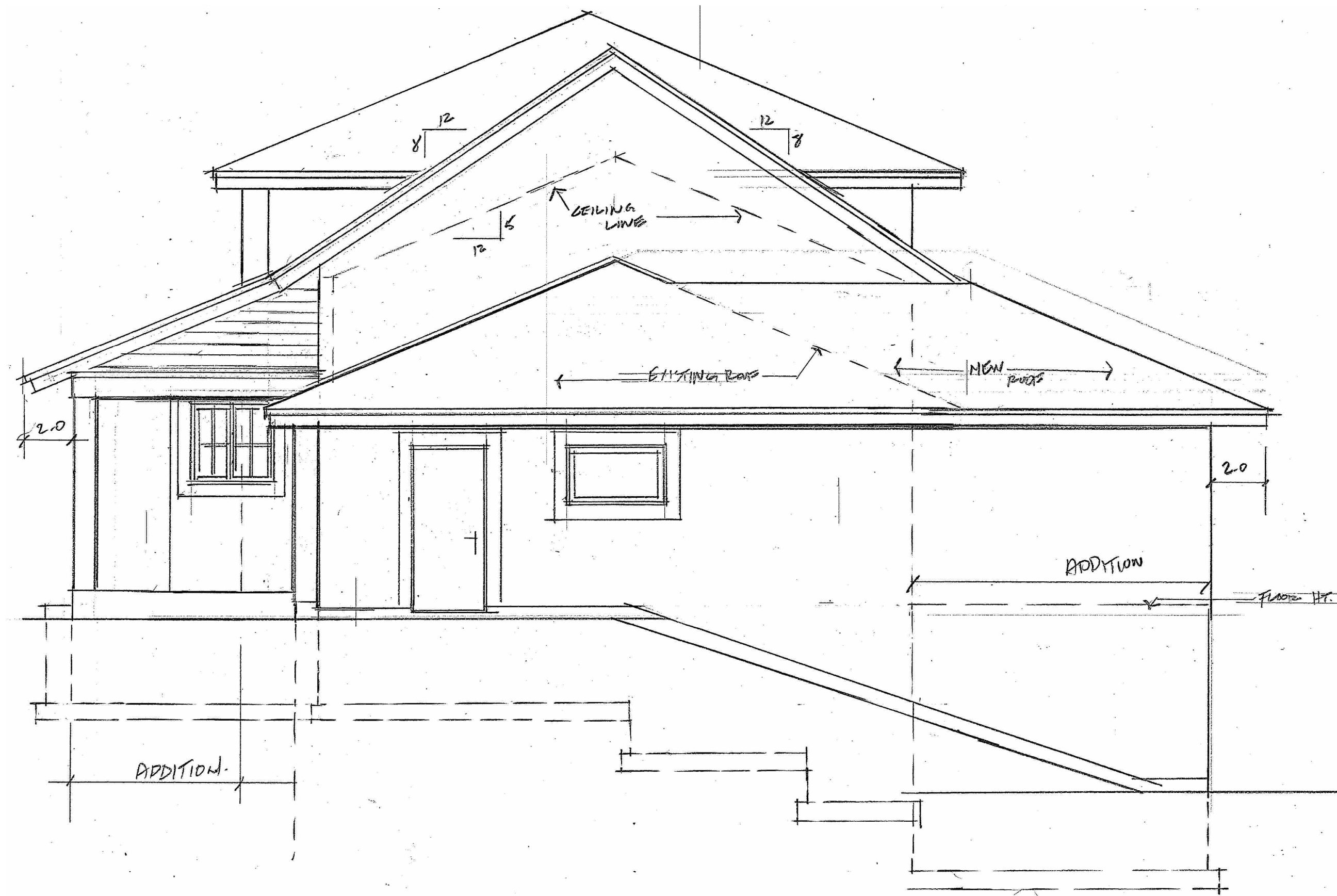
Boyer

Building Corporation

3435 C.R. 101
MINNETONKA MN 55345
952-300-3205
LICENSE #: BC002988

REVISION RECORD

1	PERMIT SET - 10/05/17
2	
3	
4	
5	



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'



RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'

JAKE BOYER & ANNA JACOBS

2420 CROSBY ROAD
WAYZATA MN 55391

PROJECT
MAIN LEVEL
RENOVATION
&
ADDITION/GARAGE

PROJECT #

SHEET

5 OF 5

Planning Commission Resolution No. 2017-

**Resolution approving an expansion permit for an entryway
and a covered porch at 2420 Crosby Road**

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 2420 Crosby Road. It is legally described as:

The North 170.00 feet of the South 500.00 feet of the West 248.00 feet of the East 500.00 feet of Government Lot 5 located in Section 8, Township 117, Range 22, Hennepin County, Minnesota.

1.02 The property is considered a lot-behind-lot. In 1985, the city approved a building permit to construct a single-family home on the subject property. The home met the minimum 15-foot setback from property lines for a lot-behind-lot. The minimum setback has since increased to 40 feet and the home is now considered non-conforming.

1.03 John Boyer of Boyer Building Corporation, on behalf of the property owners, is proposing to expand an entryway and add a covered porch. The proposed project would not encroach closer to the eastern property line than the existing structure. However, the addition would not meet the required lot-behind-lot property line setback. As such, an expansion permit is required.

	Required	Existing	Proposed
East Property Line Setback	40 feet	14.5 feet	17.5 feet

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

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

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

Section 2. Standards.

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

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

Section 3. Findings.

3.01 The proposal meets the expansion permit standard outlined in City Code §300.29 Subd.7(c):

1. **REASONABLENESS:** The proposal is reasonable. The proposed entryway expansion and covered porch would enhance the use of the property without encroaching closer to the property line than the existing home.
2. **UNIQUE CIRCUMSTANCE:** The position of the existing home creates a unique circumstance with the property. The home was approved in its currently location through building permit in 1985. A large portion of the existing home currently encroaches into the

property line setback. An expansion permit would be required for any additions near the main entry to the home.

3. CHARACTER OF LOCALITY: The existing home encroaches into the property line setback. The entryway expansion and covered porch addition would not alter the essential character of the neighborhood as the project area would be unseen by the public and screened by vegetation and an existing shed.

Section 4. Planning Commission Action.

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

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
 - Survey dated October 5, 2017
 - Building plan set dated October 5, 2017
2. Prior to issuance of a building permit:
 - a) A copy of this resolution must be recorded with Hennepin County.
 - b) Install tree and wetland protection fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
 - c) Survey must be updated with drainage and utility easements, as well as sump & drainage easement per document 4946564.
3. This expansion permit will end on December 31, 2018, unless the city has issued a building permit for the project covered by this permit or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on October 26, 2017.

Brian Kirk, Chairperson

Attest:

Kathy Leervig, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 26, 2017.

Kathy Leervig, Deputy City Clerk

MINNETONKA PLANNING COMMISSION
October 26, 2017

Brief Description Rear yard setback variance for a deck expansion at 5732 Kipling Avenue

Recommendation Adopt the resolution approving the variance

Background

The existing house at 5732 Kipling Avenue was constructed in 1988. Based on the lot's average depth – 116 feet – the required rear yard setback for the home was 23 feet and the required setback for a deck was 18 feet. These required setbacks have not changed since the home's construction. The property owner recently submitted a building permit to expand an existing deck on the rear of home. During review of the permit it was determined that the existing deck does not meet required setback nor would the proposed expansion.

	House	Deck
Required Rear Yard Setback	23 feet	18 feet
Existing Rear Yard Setback	24 feet	16 feet
Proposed Rear Yard Setback	No change	16 feet to 17.5 feet

The proposed deck expansion requires a rear yard setback variance from 18 feet to 16 feet.

Staff Analysis

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

- **Reasonableness:** The deck area that would encroach into the required rear yard setback – and in fact that portion of the existing deck that already encroaches into the setback – is a point intrusion. Just 6% of the total deck area would not meet required rear yard setback. (See attached.)
- **Unique Circumstance:** With an average depth of 116 feet, the subject property does not meet the minimum lot depth of 125 feet as outlined in code. This, combined with the fact that the home is not oriented parallel to the rear property line, presents a unique circumstance.
- **Neighborhood Character.** The proposed deck expansion would be screened from the closest neighboring structure – which is setback just 18 feet from its rear

property line – by existing vegetation. As such, the deck should have little impact on neighborhood character.

Staff Recommendation

Adopt the resolution approving a rear yard setback variance for a deck expansion at 5732 Kipling Avenue.

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

Supporting Information

Surrounding Land Uses

The subject property is surrounded by single-family homes.

Planning

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

Expansion Permits and Variances

An expansion permit is required for an expansion of a non-conforming structure when that expansion maintains the same setbacks as the existing non-conformity. By definition, a non-conforming structure is one that is not in full compliance with the regulations of the ordinance and either: (1) was legally established before the effective date of the ordinance provision with which it does not comply; or (2) became non-conforming because of other governmental action, such as a court order or a taking by a governmental body under eminent domain or negotiated sale.

The existing rear yard setback is *not* considered non-conforming because the deck was not constructed before the effective date of the ordinance establishing the required rear yard setback. In other words, the required setback has not changed since construction. Current staff assumes that the deck was presumed to meet setback at the time of its construction.

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)

McMansion Policy

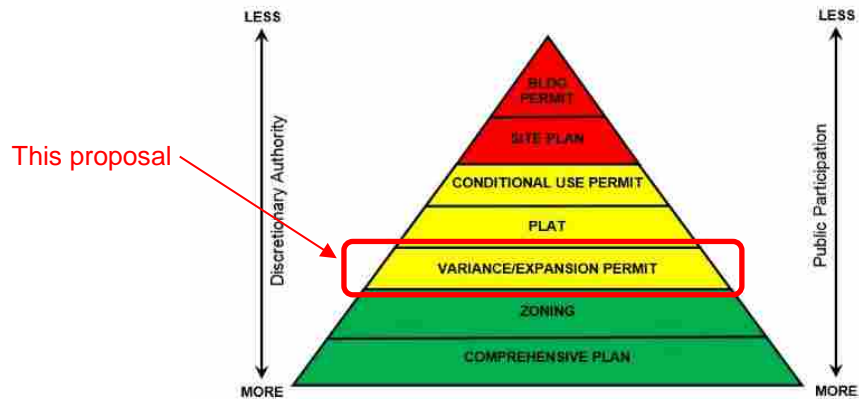
The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties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

The McMansion policy would not apply in this case, as decks are not considered part of the floor area of a home. The proposed deck expansion would not change the FAR of the home.

Neighborhood Comments

The city sent notices to 22 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 variance.
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 applicant's request is final subject to appeal. Approval requires the affirmative vote of five commissioners.

Appeals

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

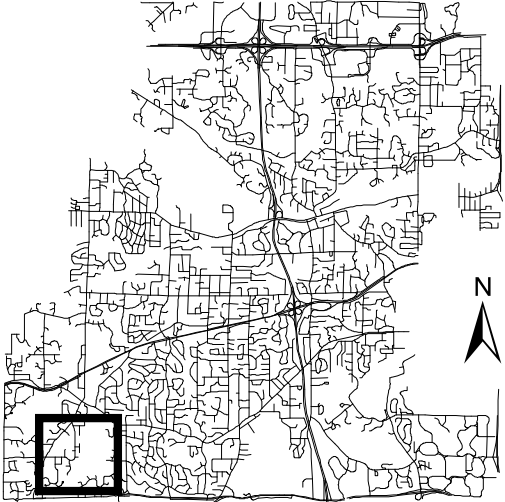
Deadline for Action

December 18, 2017



Location Map

Beatty Residence
Address: 5732 Kipling Ave
Project No.17024.17a



This map is for illustrative purposes only.



City of
minnetonka
Where quality is our nature

5732 KIPLING AVE

----- City Boundary

▭ Parcels



1 INCH = 30 FEET

FOR:
 sa Homes, Inc.
 Gary Rohweder

That part of Lot 5, Block 6, "Clear Spring Gardens", according to the recorded plat thereof which lies northerly of the southerly 82.88 feet of said Lot 5.

That part of the southerly 82.88 feet of Lot 5, Block 6, "Clear Spring Gardens", according to the recorded plat which lies northerly of a line described as follows:

Beginning at a point on the north line of the southerly 82.88 feet of said Lot 5 distant 175.83 feet easterly from the northwest corner of said southerly 82.88 feet; thence southeasterly to a point on the centerline of Kipling Avenue as delineated on the recorded plat of "Clear Spring Gardens" distant 48.88 feet northerly from the easterly extension of the southerly line of said Lot 5 and said line there terminating.

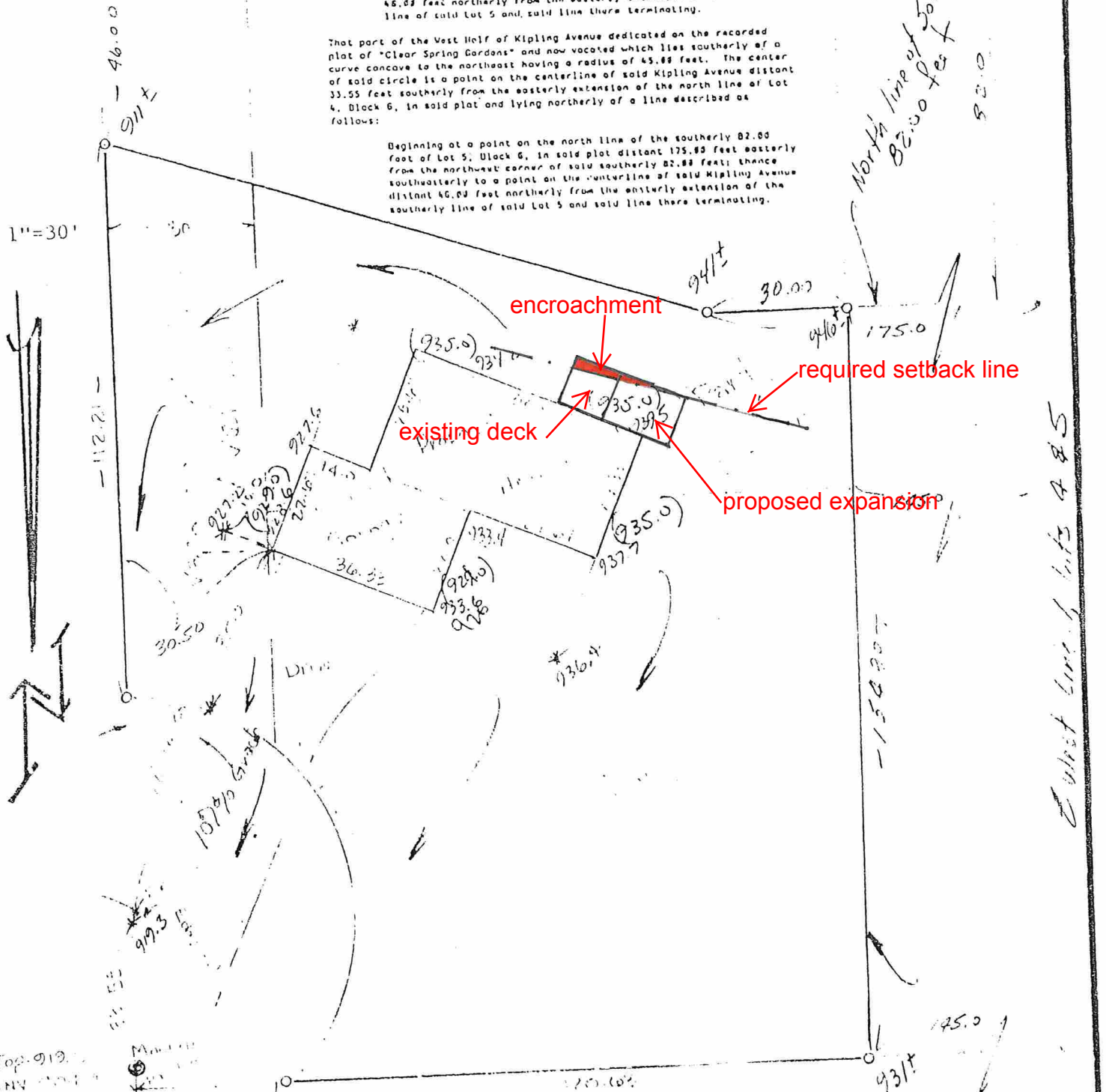
That part of the West Half of Kipling Avenue dedicated on the recorded plat of "Clear Spring Gardens" and now vacated which lies southerly of a curve concave to the northeast having a radius of 45.48 feet. The center of said circle is a point on the centerline of said Kipling Avenue distant 33.55 feet southerly from the easterly extension of the north line of Lot 4, Block 6, in said plat and lying northerly of a line described as follows:

Beginning at a point on the north line of the southerly 82.88 feet of Lot 5, Block 6, in said plat distant 175.83 feet easterly from the northwest corner of said southerly 82.88 feet; thence southwesterly to a point on the centerline of said Kipling Avenue distant 46.88 feet northerly from the easterly extension of the southerly line of said Lot 5 and said line there terminating.

Scale: 1"=30'

14
 20

North line of southerly 82.88 feet



encroachment

required setback line

existing deck

proposed expansion

o Denotes Iron Monument
 x Denotes Spike Set for Boundary Location Control

xxx.x Denotes existing Ground Elevation
 [xx.x] Denotes Proposed Final Grade Elevations.

Proposed Top Foundation Elevation	925.6
Proposed Garage Floor Elevation	927.3
Proposed Lower Floor Elevation	927.5

925. - revealed
 Per O.G.M.
 D.P.M.

Subst line of lots 4 & 5

Property Line

Top View 1" = 4'

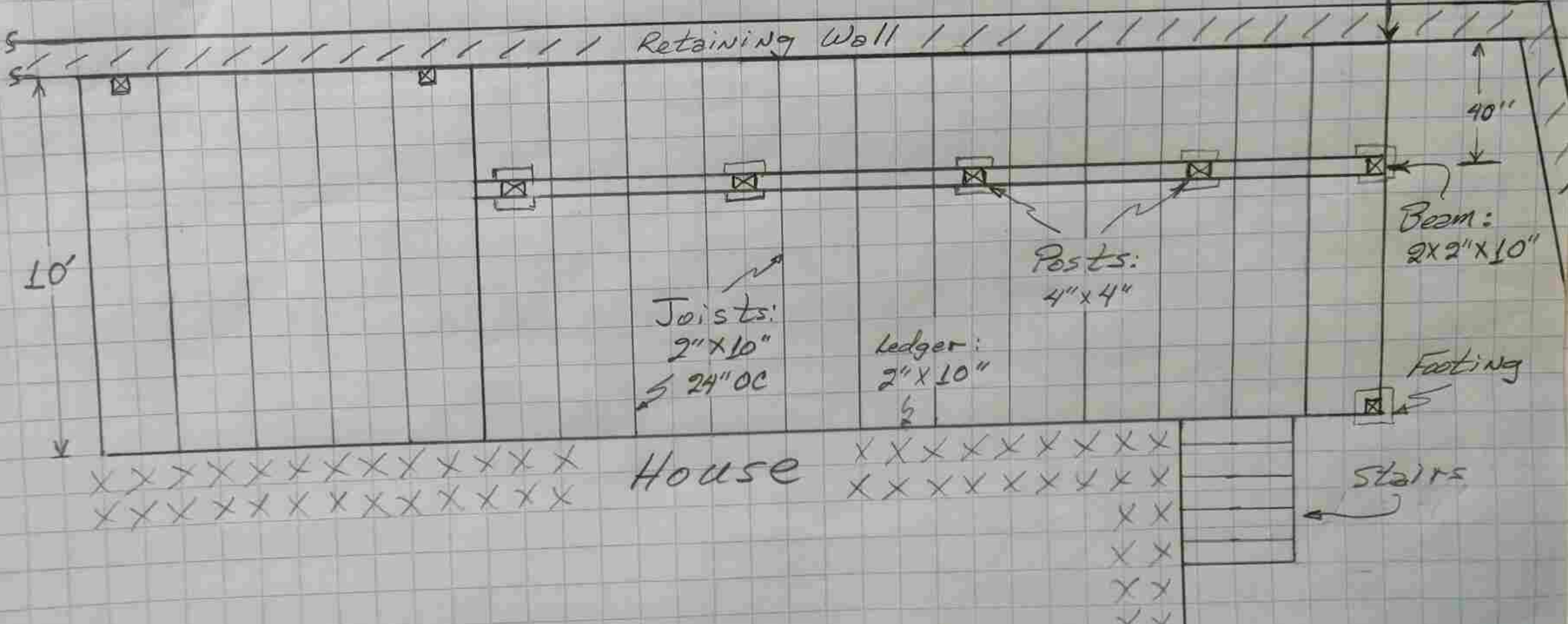
17' 6"

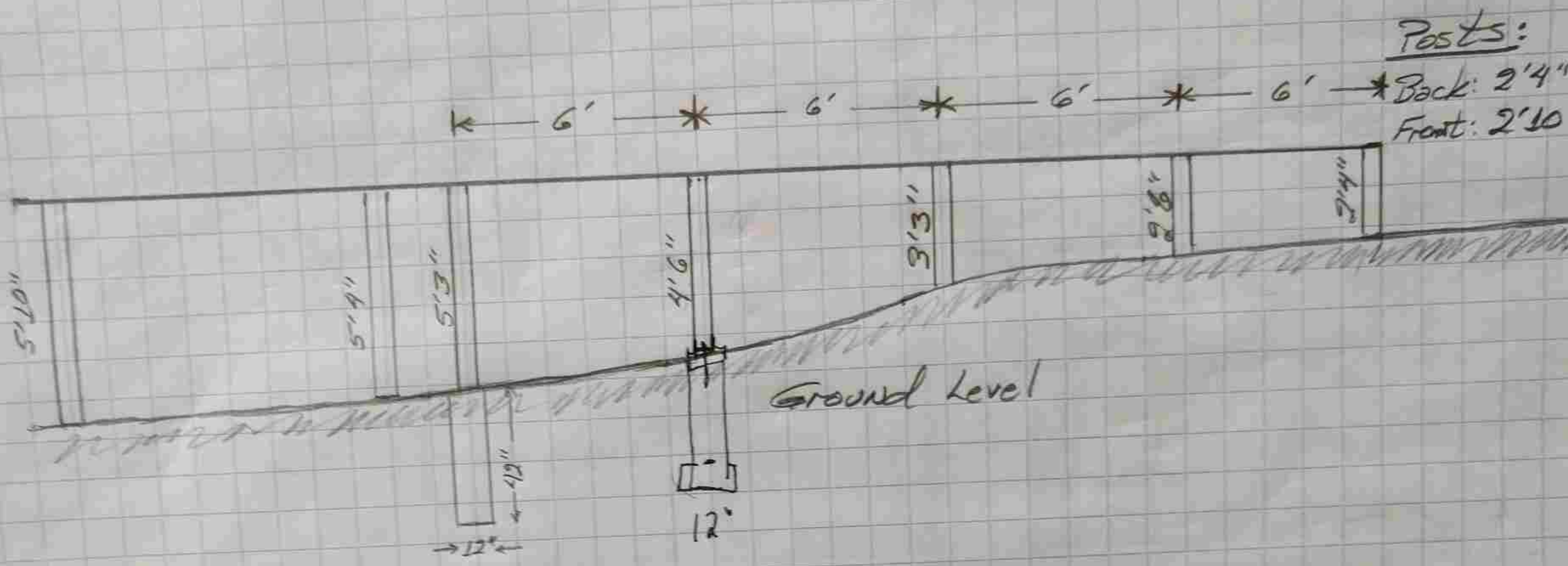
Existing Deck

New Deck

10'

24'





Side View 1" = 4'

Planning Commission Resolution No. 2017-

**Resolution approving a rear yard setback variance for a deck expansion
at 5732 Kipling Avenue**

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 5723 Kipling Avenue. It is legally described on Exhibit A of this resolution.
- 1.02 The existing house on the subject property was constructed in 1988. Based on the lot's average depth – 116 feet – the required rear yard setback for the home was 23 feet and the required setback for a deck was 18 feet. These required setbacks have not changed since the home's construction.
- 1.03 The property owner recently submitted a building permit to expand an existing deck on the rear of the home. During review of the permit it was determined that the existing deck does not meet required rear yard setback nor would the proposed expansion.

	House	Deck
Required Rear Yard Setback	23 feet	18 feet
Existing Rear Yard Setback	24 feet	16 feet
Proposed Rear Yard Setback	No change	16 feet to 17.5 feet

- 1.04 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the planning commission to grant variances.

Section 2. Standards.

- 2.01 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant

establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

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

1. Purpose and Intent of Ordinance: The purpose and intent of required setbacks is to ensure appropriate separation between structures and property lines. The requested variance would meet this intent, as the proposed deck would not encroach further into the required setback than an existing deck on the property.
2. Consistent with Comprehensive Plan: The requested variance is consistent with the comprehensive plan. The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variances would preserve the residential character of the neighborhood, and would provide investment in the property to enhance its use.
3. Practical Difficulties: There are practical difficulties in complying with the ordinance:
 - a) Reasonableness: The deck area that would encroach into the required rear yard setback – and in fact that portion of the existing deck that already encroaches into the setback – is a point intrusion. Just 6% of the total deck area would not meet required rear yard setback.
 - b) Unique Circumstance: With an average depth of 116 feet, the subject property does not meet the minimum lot depth of 125 feet as outlined in code. This, combined with the fact that the home is not oriented parallel to the rear property line, presents a unique circumstance.
 - c) Character of Locality: The proposed deck expansion would be screened from the closest neighboring structure – which is setback just 18 feet from its rear property line – by existing

vegetation. As such, the deck should have little impact on neighborhood character.

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, excepted as modified by the conditions below:
 - Site plan dated October 4, 2017
 - Building plan set October 4, 2017
2. Prior to issuance of a building permit:
 - a) A copy of this resolution must be recorded with Hennepin County.
 - b) Install construction fencing as required by staff for inspection and approval. This fencing must be maintained throughout the course of construction.
3. This variance will end on December 31, 2018, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on October 26, 2017.

Brian Kirk, Chairperson

Attest:

Kathy Leervig, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 26, 2017.

Kathy Leervig, Deputy City Clerk

EXHIBIT A

That part of Lot 4, Block 6, "Clear Spring Gardens," according to the recorded plat thereof which lies southerly of the westerly 145.00 feet of said Lot 4

That part of Lot 5, Block 6, "Clear Spring Gardens," according to the recorded plat thereof which lies northerly of the southerly 82.00 feet of said Lot 5.

That part of the southerly 82.00 feet of Lot 5, Block 6, "Clear Spring Gardens," according to the recorded plat which lies northerly of a line described as follows:

Beginning at a point on the north line of the southerly 82.00 feet of said Lot 5 distant 175.00 feet easterly from the northwest corner of said southerly 82.00 feet; thence southeasterly to a point on the centerline of Kipling Avenue as dedicated on the recorded plat of "Clear Spring Gardens" distant 46.00 feet northerly from the easterly extension of the southerly line of said Lot 5 and said line there terminating.

That part of the West Half of Kipling Avenue dedicated on the recorded plat of "Clear Spring Gardens" and now vacated which lies southerly of a curve concave to the northeast having a radius of 45.00 feet. The center of said circle is a point on the centerline of said Kipling Avenue distant 33.55 feet southerly from the southerly extension of the north line of Lot 4, Block 6, in said plat and lying northerly of a line described as follows:

Beginning at a point on the north line of the southerly 82.00 feet of said Lot 5 distant 175.00 feet easterly from the northwest corner of said southerly 82.00 feet; thence southeasterly to a point on the centerline of Kipling Avenue distant 46.00 feet northerly from the easterly extension of the southerly line of said Lot 5 and said line there terminating.

Minnetonka Planning Commission Meeting

October 26, 2017

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
October 26, 2017

Brief Description	A conditional use permit for Bright Eyes Vision Clinic, with parking variance, at 13889 Ridgedale Drive
Recommendation	Recommend the city council adopt the resolution approving the request

Background

By ordinance, a medical clinic is a freestanding structure, or in the case of multiple tenant buildings a total occupied space of 2,000 square feet or more, used for patient examination and treatment by physicians, dentists, optometrists, psychologists or other health care professionals and where patients are not lodged overnight.

Within the PID, Planned I-394 District, medical clinics are conditionally permitted uses.

Proposal Summary

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

- **Existing Site Conditions.**

The subject property is just over 36,000 square feet in area and is improved with a 10,500 square foot building, which was constructed in 1987. The surrounding parking lot has 45 stalls and is encumbered with a cross access and parking easement.

- **Proposed Use.**

The existing building is occupied by a yoga studio and a hair salon. The building's third space is currently vacant. Bright Eyes Vision Clinic is proposing to relocate into vacant space. The clinic would generally consist of vision therapy, vision clinic, and a small optic retail space. While some minor interior reconfiguration is proposed, no exterior modifications to the building are proposed at this time.

Staff Analysis

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

- **Is the proposed use appropriate?**

Yes. The vision clinic would meet all conditional use permit standards outlined in the zoning ordinance. The standards and staff's findings can be found in the "Supporting Information" section of this report.

- **Is the requested parking variance reasonable?**

Yes. By ordinance, the property would require 49 spaces. Currently, the property has 45 useable spaces available.

A cross parking agreement was executed when the subject property and the property to the south was subdivided. This agreement provides an additional 20 useable parking stalls. With some reconfiguration of the former truck turnaround, an additional four spaces would become useable site. Additionally, the owner of the subject property has secured an additional 20 parking stalls on an adjacent property to the west.

Since the parking stalls are not located on the subject property, a parking variance is required. Staff supports the variance, as the amount of secured off-site parking far exceeds the ordinance requirements.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit, with parking variance, for Bright Eyes Vision Clinic at 13889 Ridgedale Drive.

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

Supporting Information

Project No.	86155.17a
Property	13889 Ridgedale Drive
Applicant	Bright Eyes Vision Clinic
Surrounding Land Uses	Northerly: Ridgedale Drive and I394 Easterly: retail uses, zoned PID and guided commercial Southerly: office building, zoned PID and guided office Westerly: office building, zoned PID and guided office
Planning	Guide Plan designation: Commercial Zoning: PID, Planned I394
Medical Use	The property owners and applicant have suggested that the previous use of the tenant space was a medical use and, therefore, a conditional use permit should not be required for the eye clinic. However, the previous tenant was a laser hair removal business. Under current ordinance, this type of business would not be considered a medical use.
PUD	<p>In 1985, the city approved a master development agreement for the site, which limited the types of retail tenants to avoid high traffic retail uses. According to the agreement, the following retail types would be allowed:</p> <ol style="list-style-type: none">1. Businesses that feature the provision of service with ancillary retail uses;2. Retail businesses, which demand a large display area in relation to customer traffic;3. Culturally-orientated businesses with ancillary retail sales;4. Other retail uses similar to those above in terms of traffic generation and parking demands.5. Professional studios.6. Office for administrative, executive, professional, and research organizations.

The proposed use would contain only a small retail component in which glasses and contacts would be sold. As such, the proposal would be in compliance with the approved master development agreement.

Parking

The existing parking lot has 45 stripped parking stalls. By ordinance, 49 spaces would be required. The following is intended to summarize the parking needs of the site:

Tenant	Size	Parking Calculation	Stalls required
<i>Core Yoga</i>	3,600 sf	1 stall per 225 sf	16 stalls
<i>Hair Salon</i>	2,600 sf	1 stall per 250 sf	10 stalls
<i>Bright Eyes</i>	4,100 sf	1 stall per 175 sf	23 stalls
<i>Total</i>			49 stalls

Currently there are more than 45 parking stalls stripped on the property. However, many of the stalls are unusable, particularly four stalls that are stripped within the site's access drives. The property owner is exploring opportunities to provide additional usable stalls onsite.

The ordinance allows for off-site parking when the following standards are met:

1. reasonable access shall be provided from the off-site parking facilities to the use being served;

Finding: The off-site parking stalls are reasonably accessible from the subject property.

2. the parking shall be within 400 feet of a building entrance of the use being served;

Finding: All off-site parking stalls are within 400 feet of the building entrance.

3. the parking area shall be under the same ownership as the site served, under public ownership or the use of the parking facilities shall be protected by a recordable instrument, acceptable to the city;

Finding: A cross-access and cross-parking easement is recorded with Hennepin County. This easement allows for shared parking between the subject property and the property to the south.

4. failure to provide on-site parking shall not encourage parking on the public streets, other private property or in private driveways or other areas not expressly set aside for such purposes; and

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

5. the offsite parking shall be maintained until such time as onsite parking is provided or an alternate off-site parking facility is approved by the city as a meeting the requirements of this ordinance.

Finding: The cross parking easement does not have a sunset date. However, the 20 leased parking spaces are set to expire in 2022.

CUP Standards

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

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

The proposal would meet the general conditional use permit standards as outlined in City Code §300.31 Subd. 4(d) for hospitals and medical clinics:

1. shall not be adjacent to low density residential areas;

Finding: The property is surrounded by retail and office uses.

2. shall have direct access from the site to a collector or arterial street as defined in the comprehensive plan;

Finding: The property has direct access onto Ridgedale Drive, which is classified as a major collector roadway by the comprehensive guide plan.

3. shall not have emergency vehicle access adjacent to or located across a street from any residential use; and

Finding: Unless an unforeseen emergency occurs, the proposed use is not anticipated to generate emergency vehicle traffic. Nonetheless, the only access into the property is not adjacent to a residential use.

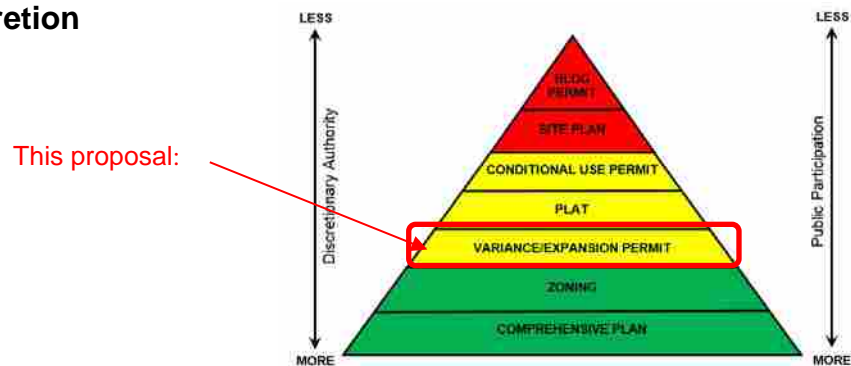
4. may be required to submit a detailed parking analysis for uses exceeding 10,000 square feet. Additional parking may be required based on this analysis.

Finding: The use occupies a tenant space less than half of the 10,000 square foot threshold. Staff has evaluated the site's parking needs and found them to be met.

Variance Standard

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

Pyramid of Discretion



Voting Requirement The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council's approval requires an affirmative vote of five members, due to the parking variance.

Motion Options The planning commission has three options:

1. Concur with 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 28 area property owners and received no comments.

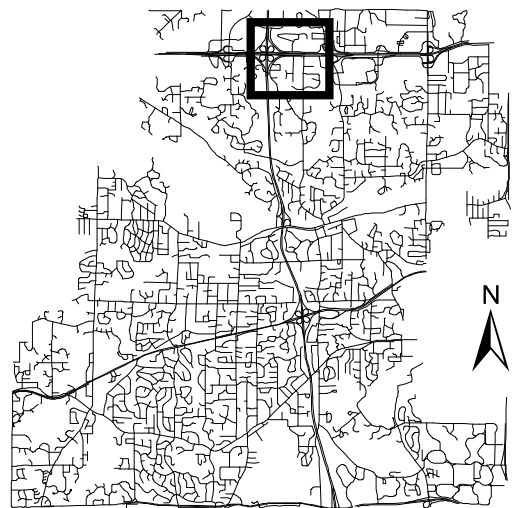
Deadline for Decision February 2, 2018



Location Map

Bright Eyes Vision Clinic
 Address: 13889 Ridgedale Dr
 Project No. 86155.17a

City of
minnetonka



This map is for illustrative purposes only.

October 4th, 2017

Dear City of Minnetonka,

I am seeking to move our vision clinic to the adjacent building. Our small private practice has provided optometry services and vision therapy for the last six years in Minnetonka. Examples of services we provide include: eye examinations, contact lens services, optical services and vision therapy.

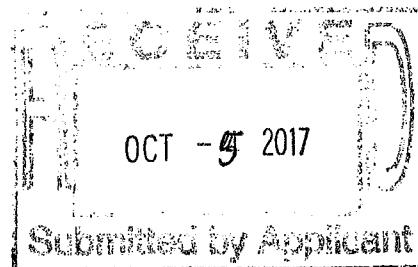
We do not provide blood work, surgeries or medical procedures in the office. The last tenant (Simply Smooth Medical Spa) in the building provided laser, injections and medical procedures in the same space. The need for a medical use permit was a surprise as the last tenant was much more "medical" in nature and even has "medical" in their name and exterior signage. We were not asked for a medical use permit in the building next door.

I am asking for expedited processing of this request. If there is a delay in starting construction, I will be forced to displace the clinic and patients. This will cause a tremendous disruption for our patients and would certainly be a devastating financial burden. Displacing the clinic and having no revenue for one or more months is not something that our business is likely to survive.

Thank you for your consideration.

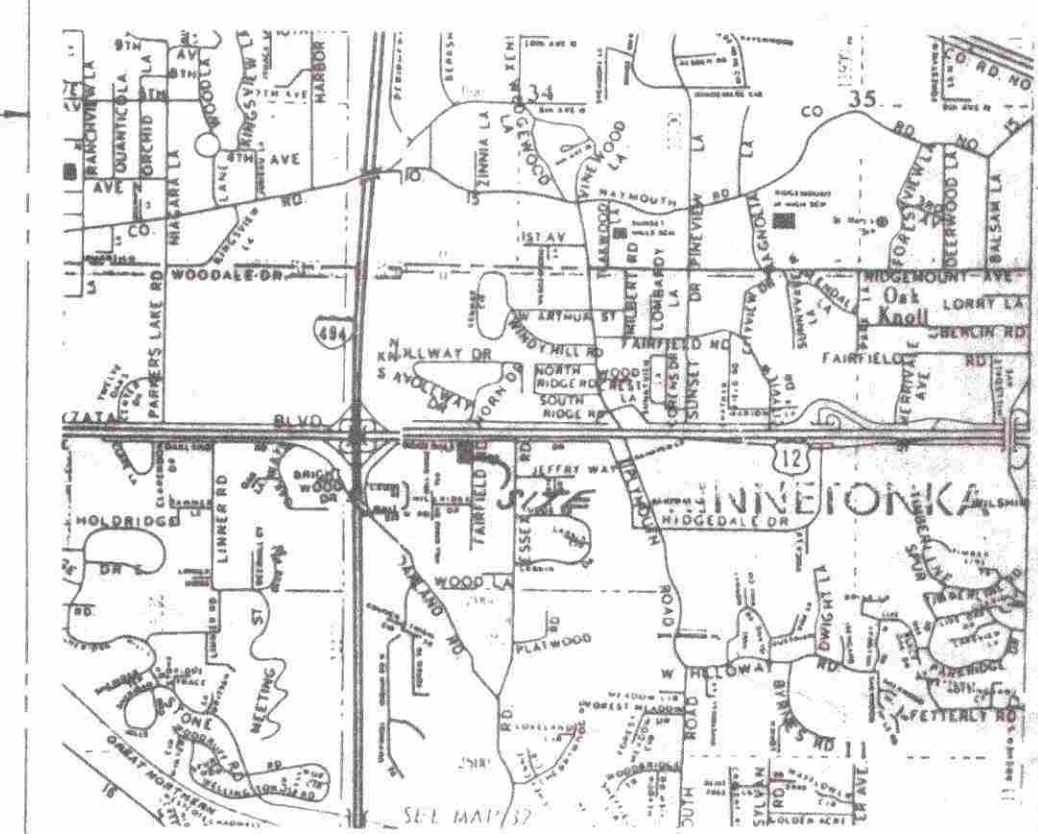
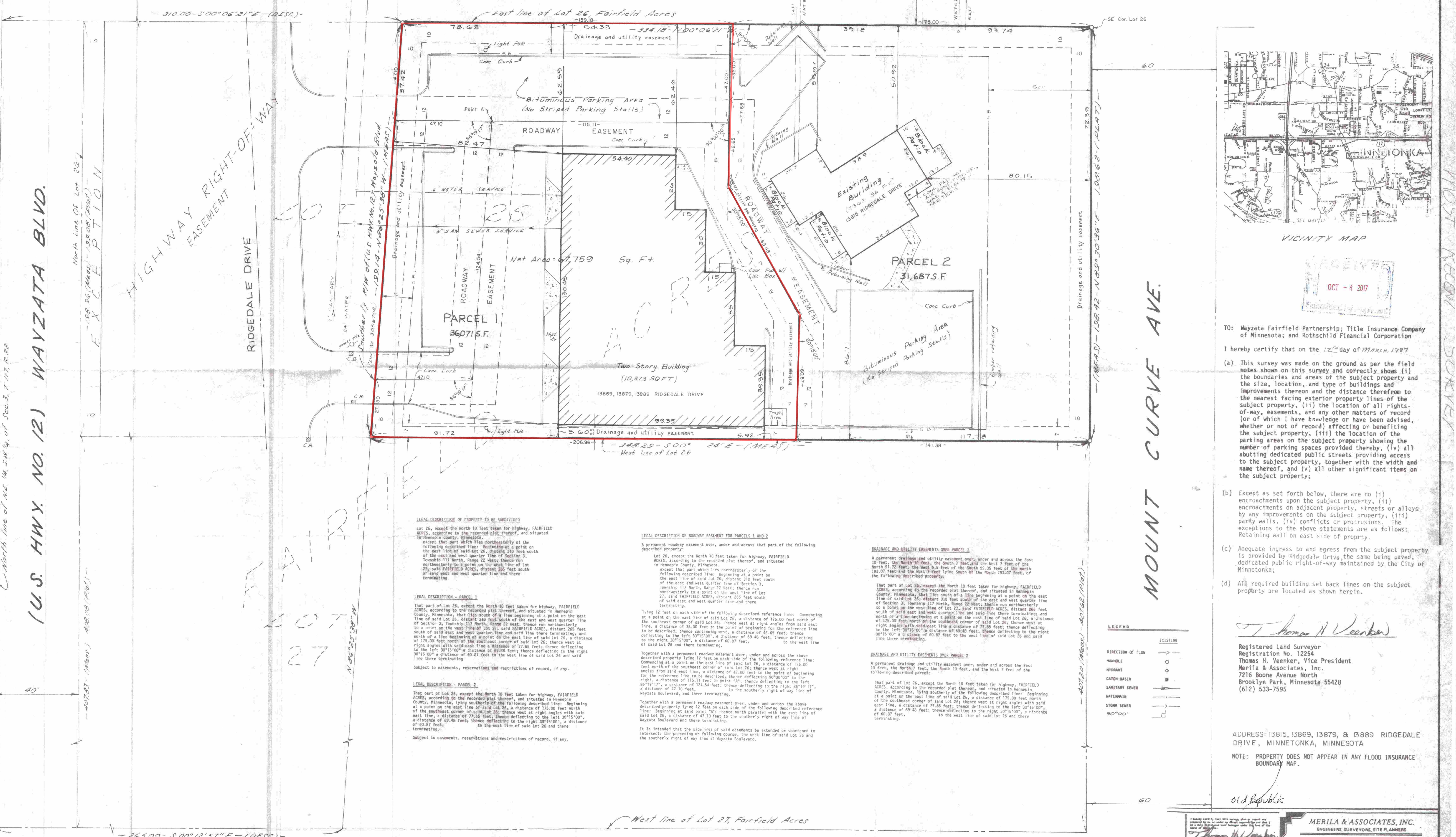
Sincerely,

Jill Schultz, OD
Owner and Optometrist
Bright Eyes Vision Clinic



SCALE IN FEET
 SCALE: 1 INCH = 20 FEET
 BEARINGS SHOWN ARE ON AN ASSUMED DATUM
 ○ DENOTES IRON MONUMENT SET
 ● DENOTES IRON MONUMENT FOUND

AS-BUILT SURVEY FOR
 WAYZATA FAIRFIELD PARTNERSHIP,
 TITLE INSURANCE COMPANY OF MINNESOTA
 AND ROTHSCHILD FINANCIAL CORPORATION



VICINITY MAP



TO: Wayzata Fairfield Partnership; Title Insurance Company of Minnesota; and Rothschild Financial Corporation

I hereby certify that on the 12th day of MARCH, 1987

- (a) This survey was made on the ground as per the field notes shown on this survey and correctly shows (i) the boundaries and areas of the subject property and the size, location, and type of buildings and improvements thereon and the distance therefrom to the nearest facing exterior property lines of the subject property, (ii) the location of all rights-of-way, easements, and any other matters of record (or of which I have knowledge or have been advised, whether or not of record) affecting or benefiting the subject property, (iii) the location of the parking areas on the subject property showing the number of parking spaces provided thereby, (iv) all abutting dedicated public streets providing access to the subject property, together with the width and name thereof, and (v) all other significant items on the subject property;
- (b) Except as set forth below, there are no (i) encroachments upon the subject property, (ii) encroachments on adjacent property, streets or alleys by any improvements on the subject property, (iii) party walls, (iv) conflicts or protrusions. The exceptions to the above statements are as follows: Retaining wall on east side of property.
- (c) Adequate ingress to and egress from the subject property is provided by Ridgedale Drive, the same being paved, dedicated public right-of-way maintained by the City of Minnetonka;
- (d) All required building set back lines on the subject property are located as shown herein.

Thomas H. Veemaker

Registered Land Surveyor
 Registration No. 12254
 Thomas H. Veemaker, Vice President
 Merila & Associates, Inc.
 7216 Boone Avenue North
 Brooklyn Park, Minnesota 55428
 (612) 533-7595

ADDRESS: 13869, 13879, & 13889 RIDGEDALE DRIVE, MINNETONKA, MINNESOTA

NOTE: PROPERTY DOES NOT APPEAR IN ANY FLOOD INSURANCE BOUNDARY MAP.

old Republic

MERILA & ASSOCIATES, INC.
 ENGINEERS, SURVEYORS, SITE PLANNERS

Thomas H. Veemaker
 Reg. 12254 Exp. 3-12-87

LEGAL DESCRIPTION OF PROPERTY TO BE SUBDIVIDED

Lot 26, except the North 10 feet taken for highway, FAIRFIELD ACRES, according to the recorded plat thereof, and situated in Hennepin County, Minnesota.

except that part which lies northeasterly of the following described line: Beginning at a point on the east line of said Lot 26, distant 310 feet south of the east and west quarter line of Section 3, Township 117 North, Range 22 West; thence run northeasterly to a point on the west line of Lot 27, said FAIRFIELD ACRES, distant 265 feet south of said east and west quarter line and there terminating.

LEGAL DESCRIPTION - PARCEL 1

That part of Lot 26, except the North 10 feet taken for highway, FAIRFIELD ACRES, according to the recorded plat thereof, and situated in Hennepin County, Minnesota, that lies south of a line beginning at a point on the east line of said Lot 26, distant 310 feet south of the east and west quarter line of Section 3, Township 117 North, Range 22 West; thence run northeasterly to a point on the west line of Lot 27, said FAIRFIELD ACRES, distant 265 feet south of said east and west quarter line and said line there terminating; and north of a line beginning at a point on the east line of said Lot 26, a distance of 175.00 feet north of the southeast corner of said Lot 26; thence west at right angles with said east line a distance of 77.65 feet; thence deflecting to the left 30°15'00" a distance of 69.48 feet; thence deflecting to the right 30°15'00" a distance of 60.87 feet to the west line of said Lot 26 and said line there terminating.

Subject to easements, reservations and restrictions of record, if any.

LEGAL DESCRIPTION - PARCEL 2

That part of Lot 26, except the North 10 feet taken for highway, FAIRFIELD ACRES, according to the recorded plat thereof, and situated in Hennepin County, Minnesota, lying southerly of the following described line: Beginning at a point on the east line of said Lot 26, a distance of 175.00 feet north of the southeast corner of said Lot 26; thence west at right angles with said east line, a distance of 77.65 feet; thence deflecting to the left 30°15'00" a distance of 69.48 feet; thence deflecting to the right 30°15'00" a distance of 60.87 feet to the west line of said Lot 26 and there terminating.

Subject to easements, reservations and restrictions of record, if any.

LEGAL DESCRIPTION OF ROADWAY EASEMENT FOR PARCELS 1 AND 2

A permanent roadway easement over, under and across that part of the following described property:

Lot 26, except the North 10 feet taken for highway, FAIRFIELD ACRES, according to the recorded plat thereof, and situated in Hennepin County, Minnesota.

except that part which lies northeasterly of the following described line: Beginning at a point on the east line of said Lot 26, distant 310 feet south of the east and west quarter line of Section 3, Township 117 North, Range 22 West; thence run northeasterly to a point on the west line of Lot 27, said FAIRFIELD ACRES, distant 265 feet south of said east and west quarter line and there terminating.

Lying 12 feet on each side of the following described reference line: Commencing at a point on the east line of said Lot 26, a distance of 175.00 feet north of the southeast corner of said Lot 26; thence west at right angles from said east line, a distance of 47.00 feet to the point of beginning for the reference line to be described; thence continuing west, a distance of 42.65 feet; thence deflecting to the left 30°15'00" a distance of 69.48 feet; thence deflecting to the right 30°15'00" a distance of 60.87 feet; to the west line of said Lot 26 and there terminating.

Together with a permanent roadway easement over, under and across the above described property lying 12 feet on each side of the following reference line: Commencing at a point on the east line of said Lot 26, a distance of 175.00 feet north of the southeast corner of said Lot 26; thence west at right angles from said east line, a distance of 47.00 feet to the point of beginning for the reference line to be described; thence deflecting 00°00'00" to the right, a distance of 115.11 feet to point A; thence deflecting to the left 86°19'17" a distance of 124.94 feet; thence deflecting to the left 46°17'17" a distance of 115.11 feet to point B; thence continuing to the southerly right of way line of Wayzata Boulevard, and there terminating.

Together with a permanent roadway easement over, under and across the above described property lying 12 feet on each side of the following described reference line: Beginning at said point "A"; thence north parallel with the east line of said Lot 26, a distance of 47.10 feet to the southerly right of way line of Wayzata Boulevard and there terminating.

It is intended that the sidelines of said easements be extended or shortened to intersect the preceding or following course, the west line of said Lot 26 and the southerly right of way line of Wayzata Boulevard.

DRAINAGE AND UTILITY EASEMENTS OVER PARCEL 1

A permanent drainage and utility easement over, under and across the East 10 feet, the North 10 feet, the South 7 feet and the West 7 feet of the North 191.72 feet, the West 5.5 feet of the South 99.35 feet of the North 191.07 feet and the West 7 feet lying South of the North 191.07 feet, of the following described property:

That part of Lot 26, except the North 10 feet taken for highway, FAIRFIELD ACRES, according to the recorded plat thereof, and situated in Hennepin County, Minnesota, that lies south of a line beginning at a point on the east line of said Lot 26, distant 310 feet south of the east and west quarter line of Section 3, Township 117 North, Range 22 West; thence run northeasterly to a point on the west line of Lot 27, said FAIRFIELD ACRES, distant 265 feet south of said east and west quarter line and said line there terminating; and north of a line beginning at a point on the east line of said Lot 26, a distance of 175.00 feet north of the southeast corner of said Lot 26; thence west at right angles with said east line a distance of 77.65 feet; thence deflecting to the left 30°15'00" a distance of 69.48 feet; thence deflecting to the right 30°15'00" a distance of 60.87 feet to the west line of said Lot 26 and said line there terminating.

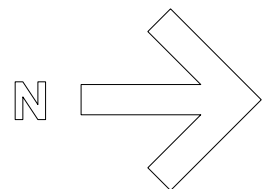
DRAINAGE AND UTILITY EASEMENTS OVER PARCEL 2

A permanent drainage and utility easement over, under and across the East 10 feet, the North 7 feet, the South 10 feet, and the West 7 feet of the following described parcel:

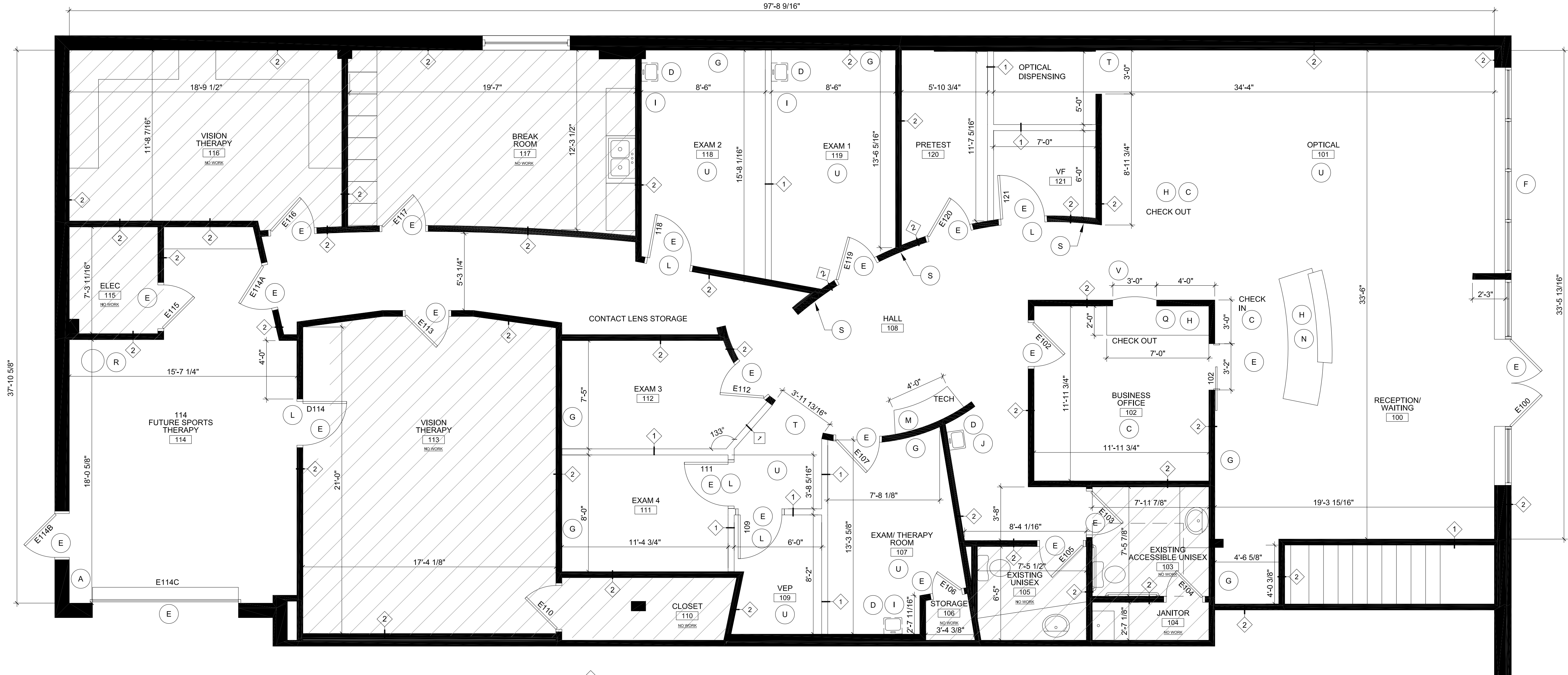
That part of Lot 26, except the North 10 feet taken for highway, FAIRFIELD ACRES, according to the recorded plat thereof, and situated in Hennepin County, Minnesota, lying southerly of the following described line: Beginning at a point on the east line of said Lot 26, a distance of 175.00 feet north of the southeast corner of said Lot 26; thence west at right angles with said east line, a distance of 77.65 feet; thence deflecting to the left 30°15'00" a distance of 69.48 feet; thence deflecting to the right 30°15'00" a distance of 60.87 feet to the west line of said Lot 26 and there terminating.



1 DEMOLITION FLOOR PLAN
 D1 1/4" = 1'-0"



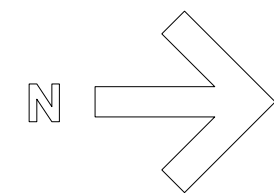
97'-8 9/16"



37'-10 5/8"

33'-5 13/16"

1 FLOOR PLAN - TENANT BUILD OUT
 A1 1/4" = 1'-0"



Resolution No. 2017-

Resolution approving a conditional use permit, with parking variance, for a medical clinic at 13889 Ridgedale Drive

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

Section 1. Background.

1.01 Bright Eyes Vision Clinic has requested a conditional use permit to operate a vision clinic within an existing building. The proposal includes a parking variance from 49 to 45 parking stalls.

1.02 The property is located at 13889 Ridgedale Drive. It is legally described as follows:

That part of Lot 26, except the North 10 feet taken for highway, FAIRFIELD ACRES, according to the recorded plat thereof, and situated in Hennepin County, Minnesota, that lies south of a line beginning at a point on the east line of said Lot 26, distant 310 feet south of the east and west quarter line of Section 3, Township 117 North, Range 22 West; thence run northwesterly to a point on the west line of Lot 27, said FAIRFIELD ACRES, distant 265 south of said east and west quarter line and said line there terminating; and north of a line beginning at a point on the east line of said Lot 26, a distance of 175.00 feet north of the southeast corner of said Lot 26; thence west at right angles with said east line a distance of 77.65 feet; thence deflecting to the left 30°15'00" a distance of 69.48 feet; thence deflecting to the right 30°15'00" a distance of 60.87 feet to the west line of said Lot 26 and said line there terminating.

1.03 On October 26, 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, with variance.

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 §300.31 Subd. 4(d) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:

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

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

3.02 The proposal meet all but one of the specific conditional use permit standards outlined in City Code 300.31 Subd.4(d).

1. The property is surrounded by retail and office uses;

2. The property has direct access onto Ridgedale Drive which is classified as a major collector roadway by the comprehensive guide plan;
3. Unless in the case of an unforeseen emergency occurs, the proposed use does not anticipate to generate emergency vehicle traffic. Nonetheless, the only access into the property is not adjacent to residential use.
4. The use occupies a tenant space less than half of the 10,000 square foot threshold. Staff has evaluated the site's parking needs and found them to be generally met.

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

1. **PURPOSE AND INTENT OF THE ZONING ORDINANCE:** The intent of the parking ordinance is to ensure adequate parking is provided to meet anticipated parking demand. Not all of the required parking stalls would be accommodated onsite. However, the property benefits from a parking easement. This easement provides additional parking stalls on the adjacent property to the south. In addition, the property owner has secured additional parking stalls on the adjacent property to the west. The number of onsite and offsite parking stalls far exceed what is required by the ordinance.
2. **CONSISTENT WITH COMPREHENSIVE PLAN:** The subject property is located in the I-394 regional business corridor. One of the overall themes outlined in the comprehensive plan is to “encourage vitality in the regional business corridors.” The proposal would allow for the occupancy of a currently vacant tenant space.
3. **PRACTICAL DIFFICULTIES:** There are practical difficulties in complying with the ordinance:
 - a. **REASONABLENESS and UNIQUE CIRCUMSTANCE:** The proposed parking space is reasonable. While the code-required parking would not be onsite, the required amount of parking is provided through an existing parking easement. Additionally, the property owner has secured extra parking spaces on the property to the west until 2022.
 - b. **CHARACTER OF LOCALITY:** The anticipated parking demand from the vision clinic is expected have a much lesser impact on

the neighborhood than other “allowed” or “permitted” uses within the PID, Planned I394 District.

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. Driveway aisles must have a minimum drivable width of 24 feet. Parking within the drive aisle is not allowed unless the width requirement is maintained.
3. The building must be comply with all requirements of the Minnesota state building code, fire code, and health code.
4. The city council may reasonably add or revise conditions to address any future unforeseen problems.
5. Any change to the approved use – including an increase total enrollment or total building area occupied – 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 November 13, 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 November 13, 2017.

David E. Maeda, City Clerk

EXHIBIT A

That part of the Northwest Quarter of the Southeast Quarter of Section 22, Township 117 North, Range 22 West of the 5th Principal Meridian lying east of a line which is perpendicular to the north line of said Northwest Quarter of the Southeast Quarter and which intersects said north line a distance of 356.23 feet west from the northeast corner thereof. Except the west 46.00 feet thereof. And except that part lying southerly of the northerly right-of-way line of State Highway No. 7 and that part lying easterly of the westerly right-of-way line of County Road No. 60.

Subject to a public road easement over the north 33.00 feet thereof.

MINNETONKA PLANNING COMMISSION
October 26, 2017

Brief Description	Site and building plan review for gymnasium and classroom additions at Scenic Heights Elementary at 5650 Scenic Heights Drive
Recommendation	Adopt the resolution approving the final site and building plans

Background

In 2014, the planning commission and council reviewed site and building plans to pave an existing playground space on the Scenic Heights Elementary School property. The newly paved area was also proposed to help alleviate some of the existing traffic issues, which occurred during morning drop-off and afternoon pick-up times. As part of the project, the underground stormwater facility was enlarged to accommodate the paved area and future gymnasium and classroom additions.

Proposal

Scenic Heights Elementary has now submitted a proposal to construct two additions to the existing school building. The following is intended to summarize the additions:

- **Gymnasium addition:** The gymnasium addition would be roughly 8,000 square feet in size. The gymnasium would be located in an area that is currently paved and wood chipped in the northwest corner of the school. The addition would be architecturally consistent with the existing school and would be roughly six feet taller than the existing building. While the gymnasium would occasionally be used for plays and activities, the addition would primarily allow the school to more easily accommodate lunch periods and phy-ed classes.
- **Classroom addition.** The classroom addition would be roughly 1,000 square feet and would allow for four additional classrooms in the northeast corner of the school. The addition would generally be located within an existing “notch” of the building and would not extend beyond the existing school’s walls. A small turfed and landscaped area would be removed in order to accommodate the addition.

Staff analysis

- **Are the proposed building additions appropriate?**

Yes. The proposed additions would allow for a more usable and functional interior school space. The additions would be consistent with the school’s existing

architecture and would meet all setback and building plan standards outlined in ordinance.

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

Yes. The proposed additions would not significantly increase the amount of impervious surface on the property. The Scenic Heights Elementary School property is roughly 19 acres in size. Of this, roughly 5.37 acres would be considered impervious surface. This is well under the maximum 60 percent impervious allowed by ordinance. Additionally, the underground storage facility was already be sized to accommodate the proposed additions.

Staff Recommendation

Adopt the resolution approving final site and building plans for a gymnasium and classroom addition at 5650 Scenic Heights Drive.

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

Supporting Information

Project No.	92014.17a
Property	5650 Scenic Heights Drive
Applicant	Paul Bourgeois, on behalf of the Minnetonka Public School District and Scenic Heights Elementary
Surrounding Land Uses	Properties to the north, south and east are zoned R-1, guided for low density residential and improved with single family residential homes. Purgatory Park is to the west of the subject property.
Planning	Guide Plan designation: Institutional Zoning: R-1, low density residential
Neighborhood Meetings	<p>On October 2, 2017, Scenic Heights Elementary hosted a neighborhood meeting to discuss the proposal. Six people attended the meeting and asked questions about the construction process. The neighbors also raised concerns related to existing traffic, noise, and drainage.</p> <p>On October 17, 2017, staff met with several neighbors to discuss area drainage concerns. Since their concerns are generally unrelated to the current proposal, staff does not believe that holding up the proposal is warranted. Rather, staff will continue to work with the neighbors to explore opportunities to address their concerns independent of the current proposal.</p>
Landscaping and Screening	<p>Many years ago evergreen trees were planted along the school's northern property line to provide screening for the single-family residential properties to the north. Unfortunately, these trees were planted within a power line easement and will be removed by Xcel in 2018. To provide screening after the removal of the trees, the school will extend the existing privacy fence east towards Scenic Heights Drive.</p> <p>Despite their future removal, a recent site visit concluded that the trees are providing adequate screening at present. This conclusion does take into account the two "dead" evergreen trees and the three trees declining in health.</p> <p>Neighbors have requested that the fence be constructed prior to the construction of the gymnasium and classroom additions. While the city would agree that the fence would provide additional construction screening and noise mitigation, the city is not</p>

requiring this as a condition of approval because the trees meet ordinance screening requirements. Rather, as a condition of approval, the fence must be constructed when either the trees are removed by Xcel or at a time when 50-percent or more of the trees are dead. This is consistent with the city's prior requirement regarding screening on the site.

Stormwater

The school's original underground stormwater facility was installed in 2009 west of the parking lot. The underground facility was enlarged in 2013 to accommodate additional runoff from a newly paved area and the currently proposed additions. Staff has reviewed the stormwater calculations and found them to be generally acceptable. A more detailed review will occur at the time a building permit is submitted.

Enrollment

Scenic Heights Elementary has a current enrollment of 880 students. While a few additional students could be added to a grade or two, the school is essentially at capacity. Of the 880 students, roughly 52 percent are open-enrolled.

Traffic

Over the last few decades the enrollment dynamic of Scenic Heights has changed from serving primarily neighborhood children to now more than half of the students coming from miles – if not cities – away through the district's open enrollment program. For the last five years, police officers have directed traffic during morning drop-off and afternoon pick-up times. Given the increase in open enrollment and student population, it is not surprising that there has been an increase in traffic. The officers have suggested a few on and off site improvements: (1) additional no parking signs north of the school along Scenic Heights Drive; and (2) repainting the existing cross walk. After a site visit, staff has added the repainting of the crosswalk to the 2018 painting schedule and will further explore the extension of the "No Parking" area to the north.

During the 2017 school year, Scenic Heights Elementary is implementing and exploring additional opportunities to better manage traffic onsite. Some of these opportunities include: (1) weekly education with parents; (2) employee patrolling during drop-off and pick-up; (3) methods to encourage carpooling; (4) allowed drop-off at any bus stop; and (5) temporary "no parking" signs installed during events.

Habitat Restoration

In 2016, the Riley-Purgatory-Bluff Creek Watershed District and Scenic Heights Elementary School requested that the city partner to restore a portion of Purgatory Park. The restoration project will

include the ecological restoration of about 1.25 acres of the school's registered School Forest. The estimated implementation cost is approximately \$215,000. While the city was requested as a partner to assist with project planning, design, review and inspections, the city is not responsible for any financial contribution to the project.

SBP Standards

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

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

Finding: The proposal has been reviewed by the city planning, engineering, and natural resources staff and has been found to be generally consistent with the city's development guides, including the water resources management plan.

2. Consistency with this ordinance;

Finding: The proposal is consistent with all ordinance standards and requirements.

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

Finding: The gymnasium addition would be constructed in a relatively flat area, which is currently wood chipped or paved. The classroom addition would result in the removal of roughly 1,000 square feet of turf and a small landscaped area.

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

Finding: The proposed additions would have reasonable visual and physical relationships to the existing site features and building.

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

Finding: The proposed additions would be appropriately located and integrated into the existing building without a significant amount of site disturbance.

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

Finding: The proposal would need to meet the recently adopted energy code.

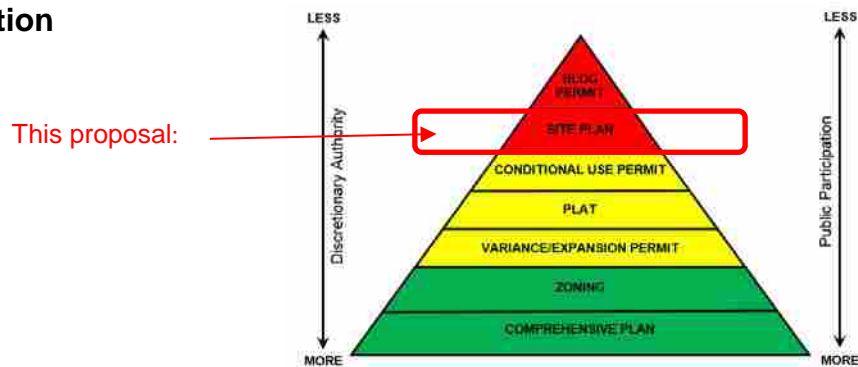
7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Finding: While the proposal would visually change the site, the additions would be reasonably screened from the residential properties to the north. The underground

storage facility was enlarged in 2013 to accommodate the current proposal. In addition, as a condition of approval, the applicant must submit erosion control and tree protection plans.

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

Pyramid of Discretion



Approving Body The planning commission makes has final authority to approve or deny the request, subject to appeal. Approval reuquires the affirmative vote of a simple majority.

Motion Options The planning commission has three options:

- 1) Concur with the staff recommendation. In this case, a motion should be made to adopt the resolution approving the final site and building plans.
- 2) Disagree with staff’s recommendation. In this case, a motion should be made directing staff to prepare a resolution for denying the final site and building plans. This motion should include findings for denial.
- 3) Table the proposal. In this case, a motion should be made to table the item. The motion should include a statement as to why the proposal is being tabled with direction to staff, the applicant, or both.

Appeals Any person aggrieved by the planning commission’s decision regarding the requested variances may appeal such decision to

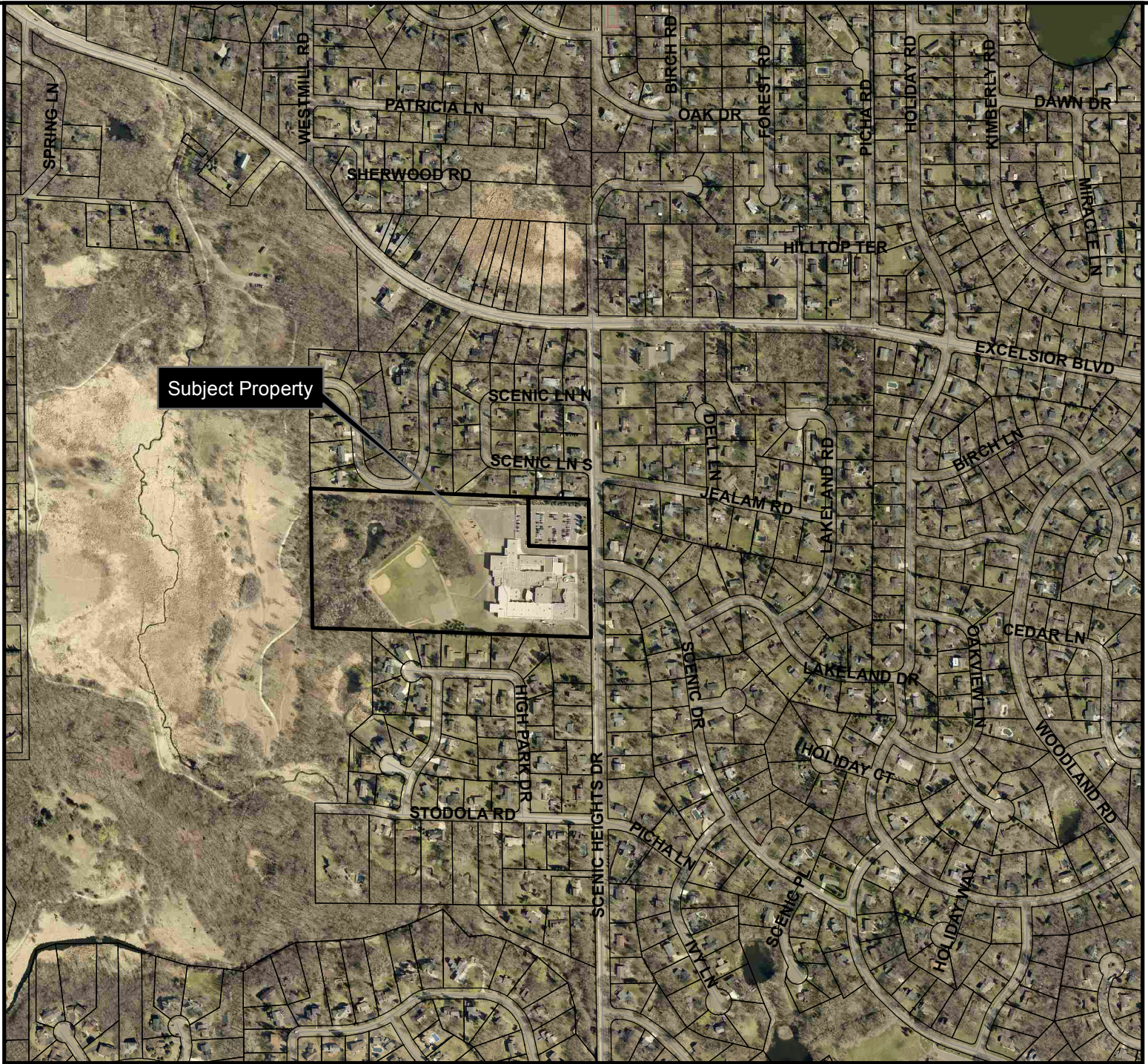
the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

**Neighborhood
Comments**

The city sent notices to 96 area property owners and received no comments to date.

**Deadline for
Decision**

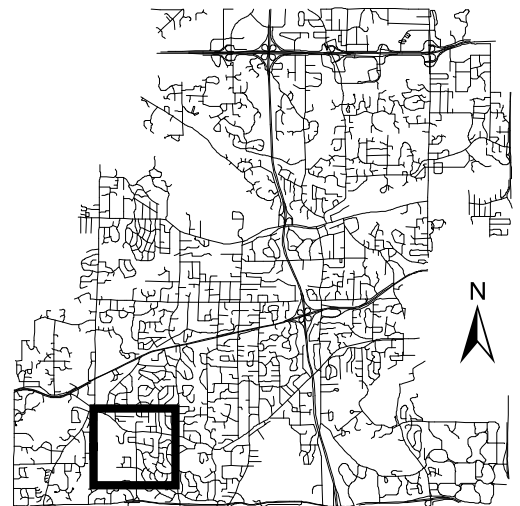
January 10, 2018



Location Map

Applicant: Scenic Heights Elementary
 Address: 5650 Scenic Heights Drive

City of
minnetonka
Where quality is our nature



This map is for illustrative purposes only.

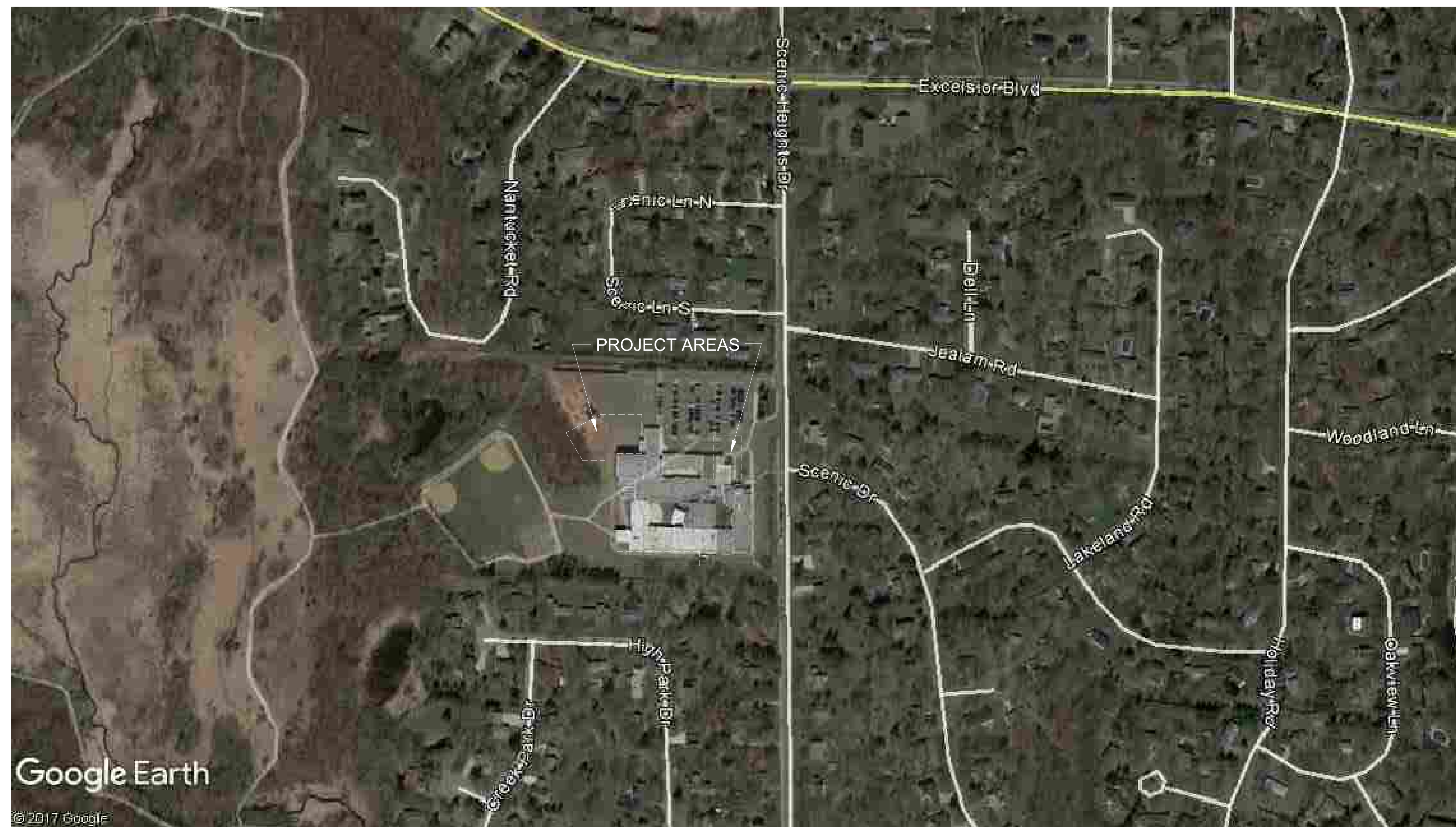
SCENIC HEIGHTS GYMNASIUM/CLASSROOM ADDITIONS SCENIC HEIGHTS ELEMENTARY SCHOOL 5650 SCENIC HEIGHTS DRIVE MINNETONKA, MINNESOTA

OWNER:
MINNETONKA PUBLIC SCHOOLS
5621 COUNTY ROAD 101
MINNETONKA, MINNESOTA 55345

ARCHITECT:
ARMSTRONG, TORSETH, SKOLD & RYDEEN
8501 GOLDEN VALLEY ROAD, SUITE 300
MINNEAPOLIS, MINNESOTA 55427

CIVIL ENGINEER:
INSPEC, INC.
5801 DULUTH STREET
MINNEAPOLIS, MINNESOTA 55422

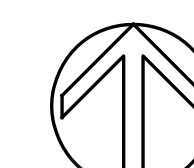
SURVEYOR:
CLARK ENGINEERING CORPORATION
621 LILAC DRIVE NORTH
MINNEAPOLIS, MINNESOTA 55422



Google Earth

VICINITY MAP

NO SCALE



NORTH

DRAWING SCHEDULE	
SHEET NO.	DRAWING NAME
C1	COVER SHEET
C2	DEMOLITION AND EROSION CONTROL PLAN
C3	GRADING AND DRAINAGE PLAN
C4	LAYOUT AND STRIPING PLAN
C5	DETAILS

SCENIC HEIGHTS GYMNASIUM/
CLASSROOM ADDITIONS
Scenic Heights Elementary School
Minnetonka Public Schools District 276
5650 Scenic Heights Drive
Minnetonka, Minnesota 55345

KEY PLAN

DRAWN BY

CHECKED BY

ISSUED FOR
PRELIMINARY - NOT FOR
CONSTRUCTION

ISSUE DATE
7-26-17

SHEET NAME
VICINITY MAP
18 NEW PAVEMENT 7-20-17

ATS&R PROJECT NO.
16028

SHEET NUMBER

C1

GENERAL NOTES:

- Background information is based on a survey on the ground performed by Clark Engineering Corporation in 2008, 2009, 2012, September, 2015, and June, 2016, exclusively for this project.
- All dimensions depicted on this survey are in feet and decimals of a foot, unless otherwise indicated.
- At the time of this survey, all existing building dimensions are measured to the exterior finished face, unless otherwise indicated.
- For the purposes of this survey, the basis of bearing for the surveyed lines is the Hennepin County Coordinate System (1986 Adjustment). Vertical Datum is NAVD88.
- Underground utilities shown on survey were obtained from a combination of field observations, markings from a Gopher State One-Call boundary survey locate ticket (No. 161550112), previous surveys by Clark Engineering, and available maps/as-built drawings. Private utility locations were not identified as part of this survey. Clark makes no guarantee that all existing underground utilities are shown.

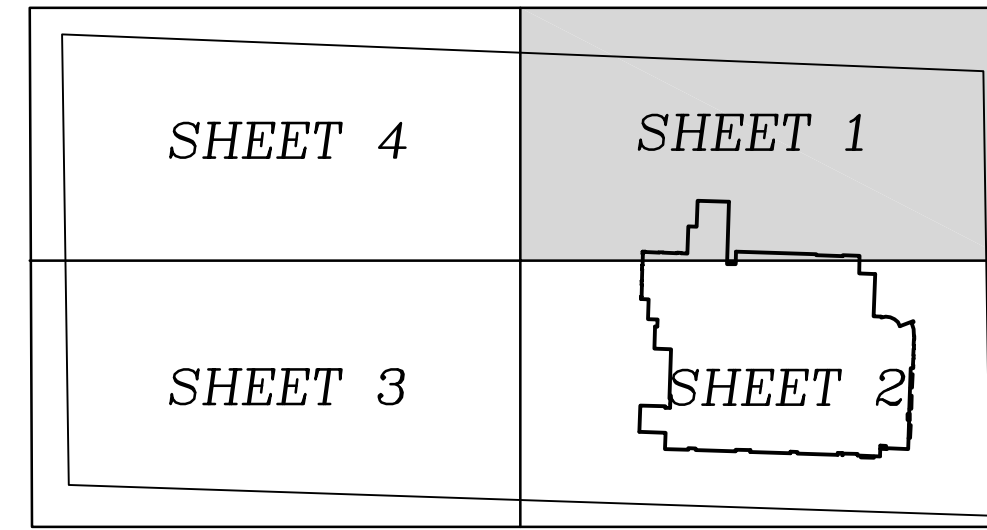
CERTIFICATION:

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

Craig J. Johnson
 Craig E. Johnson, L.S., CFedS
 Minnesota License No. 44530

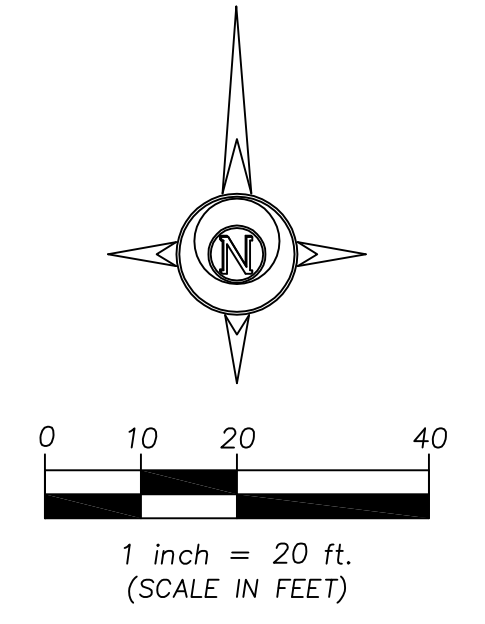
06/23/2016
 Date

SHEET KEY:



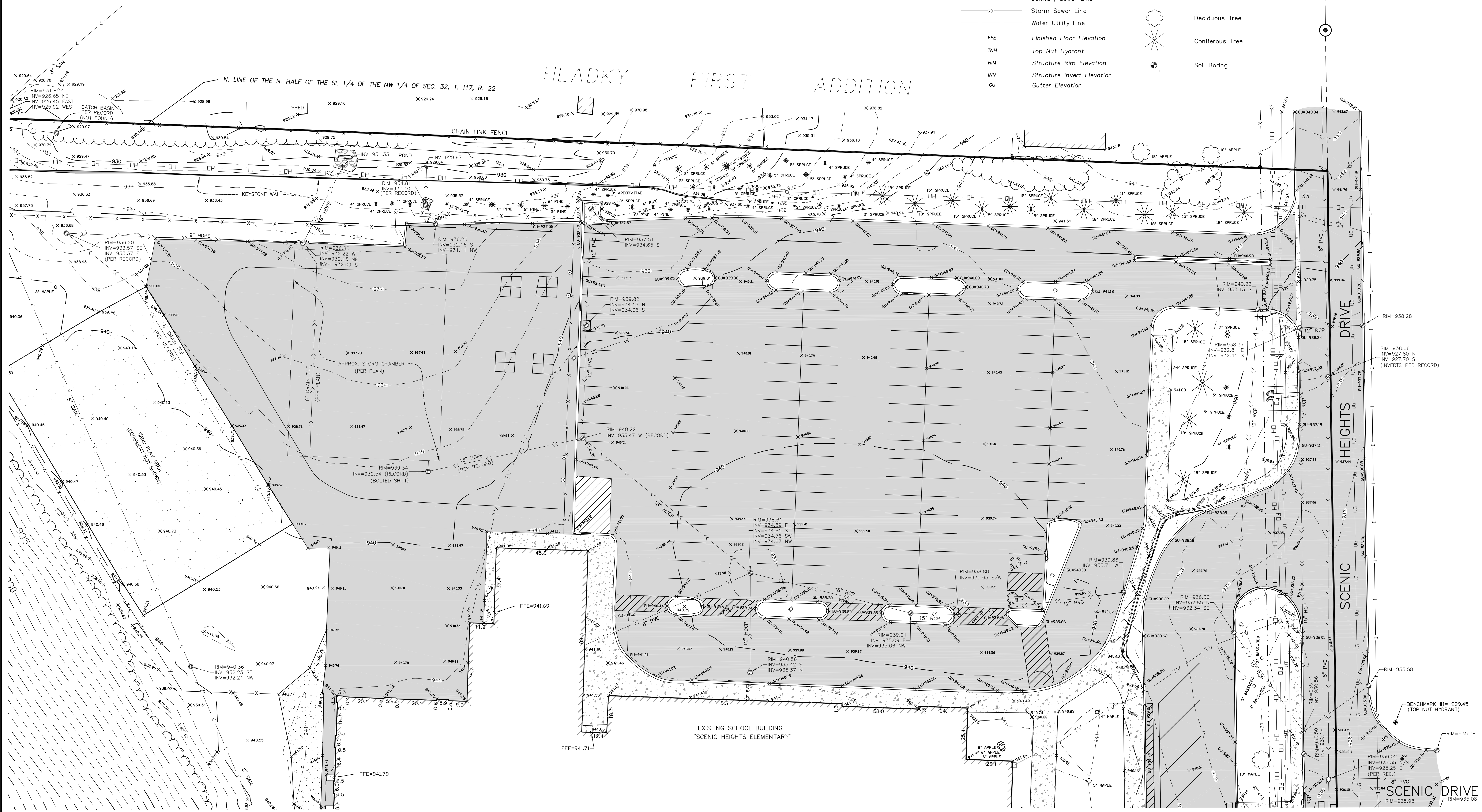
LEGEND:

- Set 1/2 inch by 14 inch Iron Pipe with Plastic Cap Inscribed with License No. 44530
- Found Iron Pipe
- △ Control Point
- - - Existing Elevation Contour Line
- Existing Spot Elevation
- ▭ Building Line
- ▨ Bituminous Surface
- ▩ Concrete Surface
- ▧ Gravel Surface
- ▧ Rip-Rap
- - - Fence Line
- - - Overhead Utility Line
- - - Underground Electric Line
- - - UT Underground Telephone Line
- - - UTV Underground Cable/TV Line
- - - FO Underground Fiber Optic Line
- - - UG Underground Gas Line
- - - Sanitary Sewer Line
- - - Storm Sewer Line
- - - Water Utility Line
- FFE Finished Floor Elevation
- TNH Top Nut Hydrant
- RM Structure Rim Elevation
- INV Structure Invert Elevation
- GU Gutter Elevation
- Unknown Manhole
- Telephone Manhole
- Electric Manhole
- Sanitary Sewer Manhole
- Storm Sewer Manhole
- Catch Basin Manhole
- ▭ Flared End Section
- Gas Valve
- Water Valve
- ▭ Fire Conn./Standpipe
- Fire Hydrant
- Cleanout
- ▭ Roof Drain
- ▭ Electric Transformer
- ▭ Telecommunications Pedestal
- Electric Meter
- Gas Meter
- Utility Pole
- Guy Wire
- Flag Pole
- Ballard/Guard Post
- Sign
- Light Pole
- Deciduous Tree
- Coniferous Tree
- Soil Boring



SITE BENCHMARKS:

- Top Nut Fire Hydrant at NE Quadrant of intersection of Scenic Drive and Scenic Heights Drive. Elevation = 944.46
- Top Nut Fire Hydrant 40 feet +/- southeast of southeasterly building corner. Elevation = 939.45



REVISIONS	DATE	SHEET TITLE
DRAWN BY Cody J.		
CHECKED BY Craig J.		
DATE 06/23/2016		
PROJECT NO. C14536		
SHEET NO. 1		

GENERAL NOTES:

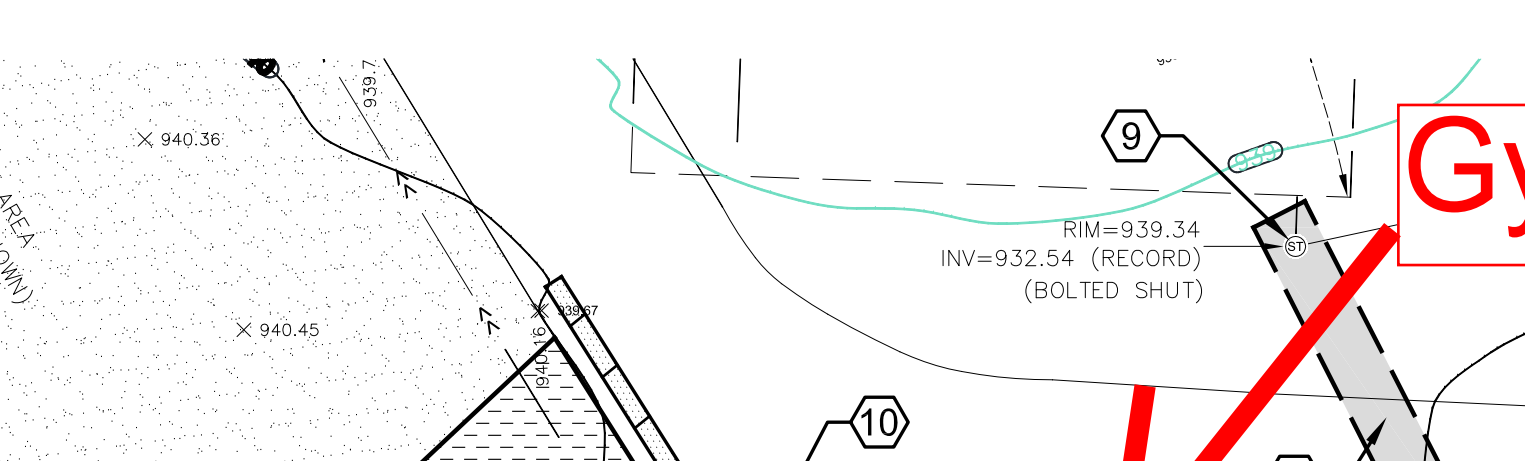
1. SITE DATA OBTAINED FROM TOPOGRAPHIC SURVEY PERFORMED BY CLARK ENGINEERING CORP., DATED JUNE 23, 2016.
2. LOCATIONS AND SIZES OF ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE ONLY. VERIFY ALL UTILITIES. CONTRACTOR RESPONSIBLE FOR REPAIR TO ANY DAMAGED UNDERGROUND UTILITIES, INCLUDING, BUT NOT LIMITED TO, LAWN IRRIGATION SYSTEMS AND DRAIN TILE.
3. CONTRACTOR RESPONSIBLE FOR LOCATING AND PROTECTING ALL SITE UTILITIES. CONTACT OWNER STATE ONE CALL AND PRIVATE LOCATOR PRIOR TO ANY EXCAVATION.
4. ALL CONSTRUCTION MUST COMPLY WITH APPLICABLE ORDINANCES.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR AND PAY FOR ALL CONSTRUCTION STAKING.
6. CONTRACTOR SHALL OBTAIN AND PAY FOR ALL CONSTRUCTION PERMITS.
7. PROTECT EXISTING FACILITIES AND VEGETATION WHICH ARE TO REMAIN. RESTORE ALL DISTURBED AREAS, INCLUDING BUT NOT LIMITED TO UTILITIES, IRRIGATION SYSTEMS, PAVEMENT, LANDSCAPING AND LAWN AREAS TO ORIGINAL CONDITIONS.
8. CONTRACTOR TO SWEEP SITE PAVEMENTS AND ADJACENT STREETS AT CONSTRUCTION VEHICLE ACCESS POINTS EACH WORK DAY WITH PICK UP SWEEPER OR EQUAL TO REMOVE ANY ACCUMULATED SOIL MATERIAL.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR EROSION CONTROL THROUGHOUT PROJECT, INCLUDING BUT NOT LIMITED TO STORM WATER STRUCTURES INLET PROTECTION.
10. LIMIT AND CONTROL VEHICLE AND EQUIPMENT ACCESS ON EXISTING PAVEMENT SYSTEMS. CONTRACTOR IS REQUIRED TO RESTORE ALL PAVEMENT SYSTEMS AND UTILITIES DAMAGED DURING THE PROJECT.
11. ALL EXISTING CATCH BASINS SHALL BE ADJUSTED FOR POSITIVE DRAINAGE AND THE INSIDE COMPLETELY RE-MORTARED, MINIMUM TOP OF SLOPE OF NEW PAVEMENT TO BE 1%.
12. ALL DIMENSIONS AND OR QUANTITIES ARE APPROXIMATIONS. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING.

EROSION CONTROL NOTES:

1. PROTECT EXISTING STORM SEWER INLETS AND SYSTEMS AGAINST SEDIMENTATION AS A RESULT OF CONSTRUCTION RELATED DIRT AND DEBRIS IN ACCORDANCE WITH SPECIFICATIONS.
2. PROVIDE INLET PROTECTION IN ACCORDANCE WITH MNDOT 3881.
3. MAINTAIN ADJACENT PROPERTY, STREETS, AND PAVEMENT CLEAN FROM CONSTRUCTION CAUSED DIRT AND DEBRIS ON A DAILY BASIS AND ON AN AS NEEDED BASIS AND AS DIRECTED BY THE ENGINEER, OWNER, OR CITY.
4. INSTALL SILT FENCE BEFORE START OF DEMOLITION. ENGINEER MUST APPROVE BEFORE PROCEEDING.

KEYED NOTES:

1. INSTALL SILT FENCE PRIOR TO CONSTRUCTION START. (SEE DETAIL 6/C5). INCLUDE PORTION OF SILT FENCE FOR ADD ALT. #1 IN ADD ALT. #1.
2. REMOVE AND SALVAGE FOR RE-USE ORNAMENTAL FENCE AS REQUIRED.
3. REMOVE SHREDDED WOOD AND SUBGRADE SOILS AS REQUIRED FOR NEW BITUMINOUS PAVEMENT.
4. REMOVE SHREDDED WOOD AND REMOVED/REGRADE GRAVEL AND SUBGRADE SOIL AS REQUIRED FOR NEW BITUMINOUS PAVEMENT.
5. REMOVE BITUMINOUS PAVEMENT AS REQUIRED FOR NEW STORM PIPES.
6. REMOVE CONCRETE CURB AND GUTTER AS REQUIRED FOR INSTALLATION OF NEW 12" PIPE.
7. REMOVE CONCRETE SIDEWALK IN AREA SHOWN.
8. REMOVE LANDSCAPING AS REQUIRED FOR CONSTRUCTION OF NEW CONCRETE SIDEWALK.
9. REMOVE NYLON LAST 30" DIA. MANHOLE AS REQUIRED FOR NEW 60" DIA. CONCRETE MANHOLE.
10. PLACE BIO-LOGS AS REQUIRED.
11. PROVIDE ADS "FLEXSTORM PURE" PERMANENT INLET PROTECTION ON ALL CATCH BASINS. (SEE DETAIL 7/C5).
12. NEW ROCK CONSTRUCTION ENTRANCE. (SEE DETAIL 9/C5).



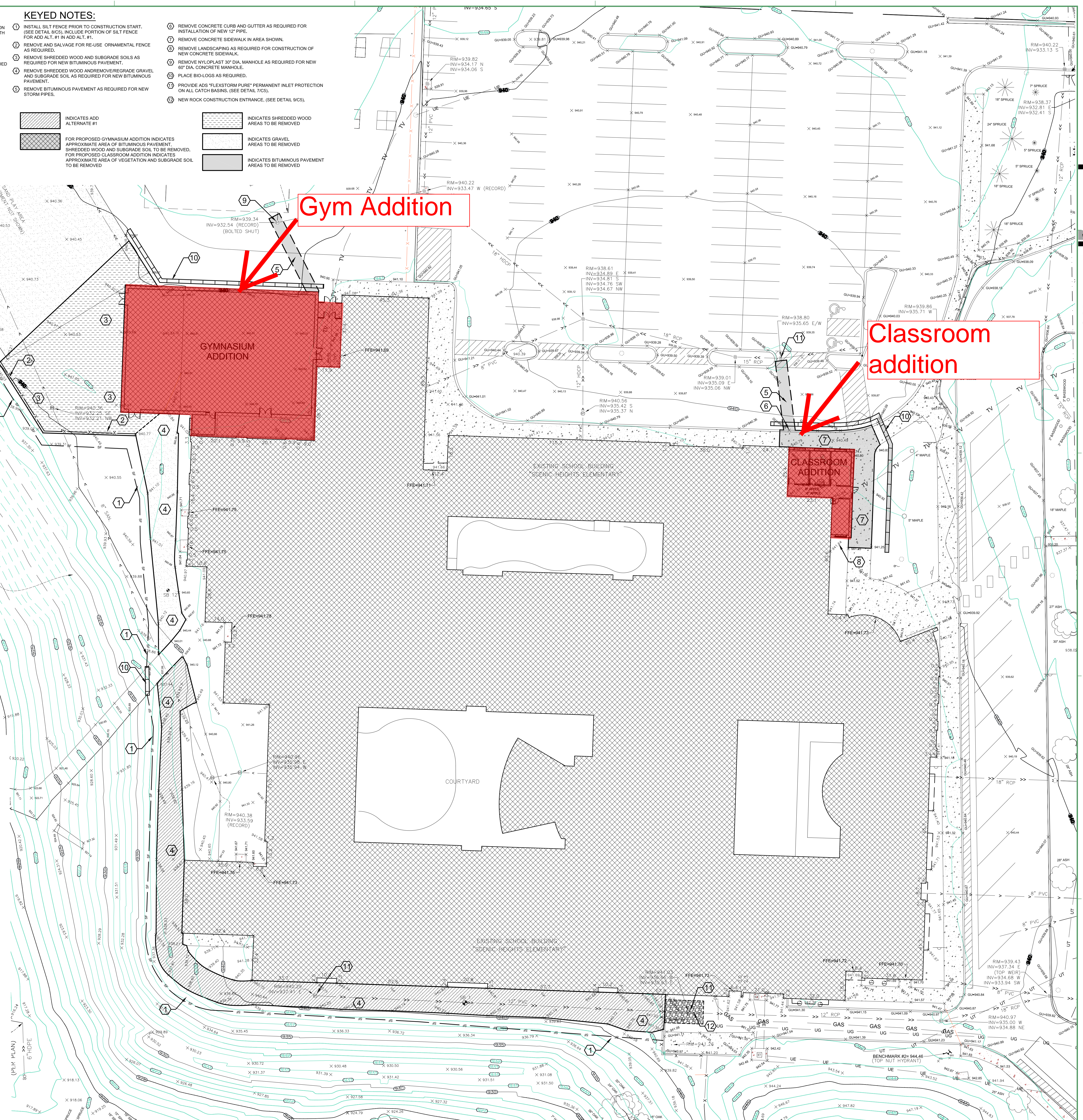
Riley Purgatory Bluff Creek Watershed District Rule C

- 3 Criteria
- 3.1 Permit approval requires preparation of an erosion and sediment control plan that provides:
- a. protection of natural topography and soil conditions, including retention onsite of native topsoil to the greatest extent possible;
 - b. final site stabilization measures, including permanent stabilization of all areas subject to disturbance, specifying that at least six inches of topsoil or organic matter be spread and incorporated into the underlying soil during final site treatment wherever topsoil has been removed;
 - c. proper management of all construction site waste, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site.
- 3.2 Site stabilization
- a. All temporary erosion and sediment control BMPs must be maintained until completion of construction and vegetation is established sufficiently to ensure stability of the site, as determined by the District.
 - b. All temporary erosion and sediment control BMPs must be removed upon final stabilization.
 - c. Soil surfaces compacted during construction and remaining pervious upon completion of construction must be decompacted through soil amendment and/or ripping to a depth of 18 inches (8 inches for single-family home properties) while taking care to avoid utilities, tree roots and other existing vegetation prior to final revegetation or other stabilization.
 - d. All disturbed areas must be stabilized within 7 calendar days after land-disturbing work has temporarily or permanently ceased on a property that drains to an impaired water, within 14 days elsewhere.
- 3.3 Inspection and maintenance. The permit holder will be responsible for the inspection, maintenance and effectiveness of all erosion and sediment control facilities, features and techniques until final site stabilization. The permittee must, at a minimum, inspect, maintain and repair all disturbed surfaces and all erosion and sediment control facilities and soil stabilization measures every day work is performed on the site and at least weekly until land-disturbing activity has ceased. Thereafter, the permittee must perform these responsibilities at least weekly until vegetative cover is established. The permittee will maintain a log of activities under this section for inspection by the District on request. Between November 15 and snowfall, and if site work ceases before completion for more than 14 consecutive days, the weekly inspection requirement may be reduced to monthly if the site is managed such that:
- a. Exposed soils are stabilized with established vegetation, straw or mulch, matting, rock, rolled erosion control product or other approved material. Seeding is encouraged, but is not alone sufficient.
 - b. Temporary and permanent ponds and sediment traps are graded to capacity before spring snowmelt. This does not include infiltration/filtration facilities, which must be kept free of sediment until final site stabilization.
 - c. Sediment barriers are properly installed at necessary perimeter and sensitive locations.
 - d. Slopes and grades are properly stabilized with approved methods. Rolled erosion control products must be used on slopes of 3:1 (H:V) or greater and where erosion conditions dictate.
- a. Stockpiled soils and other materials subject to erosion are protected by established vegetation, anchored straw or mulch, rolled erosion control materials or other durable covering preventing movement of eroded materials.
 - b. All construction entrances are properly stabilized.
 - c. Snow management protects erosion and sediment control measures
- a. Natural topography and soil conditions must be protected, including retention onsite of native topsoil to the greatest extent possible.
 - b. Additional measures, such as hydraulic mulching and other practices as specified by the District must be used on slopes of 3:1 (H:V) or steeper to provide adequate stabilization.
 - c. Final site stabilization measures must specify that at least six inches of topsoil or organic matter be spread and incorporated into the underlying soil during final site treatment wherever topsoil has been removed.
 - d. Construction site waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste must be properly managed.
 - e. All temporary erosion and sediment control BMPs must be maintained until completion of construction and vegetation is established sufficiently to ensure stability of the site, as determined by the District.
 - f. All temporary erosion and sediment control BMPs must be removed upon final stabilization.
 - g. Soil surfaces compacted during construction and remaining pervious upon completion of construction must be decompacted through soil amendment and/or ripping to a depth of 18 inches while taking care to avoid utilities, tree roots and other existing vegetation prior to final revegetation or other stabilization.
 - h. All disturbed areas must be stabilized within 7 calendar days after land-disturbing work has temporarily or permanently ceased on a property that drains to an impaired water, within 14 days elsewhere.
 - i. The permittee must, at a minimum, inspect, maintain and repair all disturbed surfaces and all erosion and sediment control facilities and soil stabilization measures every day work is performed on the site and at least weekly until land-disturbing activity has ceased. Thereafter, the permittee must perform these responsibilities at least weekly until vegetative cover is established. The permittee will maintain a log of activities under this section for inspection by the District on request.

Gym Addition

Classroom addition

DEMOLITION AND EROSION CONTROL PLAN



ATS&R
ARMSTRONG TORSETH SKOLD & RYDEEN INC.
ARCHITECTURE ENGINEERING
PLANNING INTERIOR DESIGN SCENARIOS ROHTECTURE

850 GOLDENALLEY ROAD
SUITE 300
MINNEAPOLIS MN 55427

TEL: 763.545.3731
FAX: 763.525.3289
WEB: www.atsr.com

CONSULTANTS

INSEPC
5801 Duluth Street
Minneapolis, MN 55422
Ph. 763-546-3434

MINNEAPOLIS | MILWAUKEE | CHICAGO

INSEPC PROJECT NO. - #214290

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 7/26/17 REGISTERED NO. 13784

**SCENIC HEIGHTS GYMNASIUM/
CLASSROOM ADDITIONS**

Minnetonka Public Schools District 276
5650 Scenic Heights Dr
Minnetonka, Minnesota 55345

KEYPLAN

DRAWN BY

CHECKED BY

ISSUED FOR
CONSTRUCTION DOCUMENTS

ISSUE DATE
7-26-17

SHEET NAME
DEMOLITION AND EROSION CONTROL PLAN

18 NEW PAVEMENT 7-20-17

ATS&R PROJECT NO.
16028

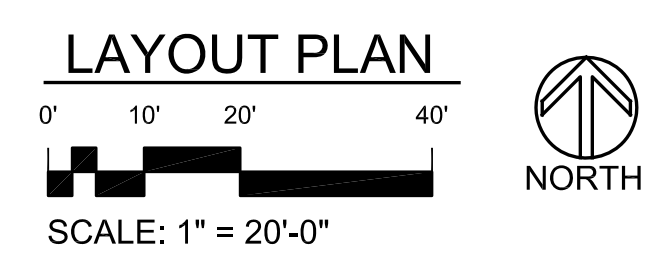
SHEET NUMBER
C2

KEYED NOTES:

- 1 NEW BITUMINOUS PAVEMENT, BASE BID; APPROX. 723 SQ. YDS. ADD ALTERNATE #1; APPROX. 648 SQ. YDS. (SEE DETAIL 1/C5).
- 2 INSTALL/REPLACE NEW/SALVAGED ORNAMENTAL FENCE. (SEE DETAIL 6/C5).
- 3 INSTALL NEW 6" CONCRETE MONOLITHIC WITH SOLID COVER AND NEW CONCRETE WEIR. (SEE DETAIL 5/C5). CONNECT EXISTING PIPES.
- 4 INSTALL NEW 10" HDPE PIPE TO NEW CATCH BASIN #1, APPROX 40' L.F., (SEE DETAIL 4/C5).
- 5 INSTALL NEW 6" HDPE PIPE TO EXISTING CATCH BASIN, APPROX 47' L.F., (SEE DETAIL 4/C5).
- 6 NEW CONCRETE SIDEWALK, APPROX. 120 SQ. YDS. (SEE DETAIL 2/C5).
- 7 NEW SURMOUNTABLE CURB, APPROX. 6 L.F., (SEE DETAIL 3/C5).

- INDICATES APPROXIMATE AREAS OF NEW BITUMINOUS PAVEMENT
- INDICATES APPROXIMATE AREAS OF NEW SIDEWALK, CURBING
- INDICATES ADD ALTERNATE #1 APPROXIMATE AREA
- INDICATES APPROXIMATE AREA OF BUILDING ADDITIONS

QUANTITIES ARE APPROXIMATIONS, CONTRACTOR IS RESPONSIBLE FOR VERIFYING.



ATS&R
ARMSTRONG TORSETH SKOLD & RYDEEN, INC.
ARCHITECTURE ENGINEERING
PLANNING TECHNOLOGY
INTERIOR DESIGN LANDSCAPE ARCHITECTURE
8501 GOLDEN VALLEY ROAD
SUITE 300
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CONSULTANTS
INSPEC
5801 Duluth Street
Minneapolis, MN 55422
Ph. 763-546-3434
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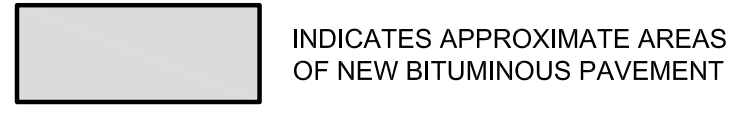
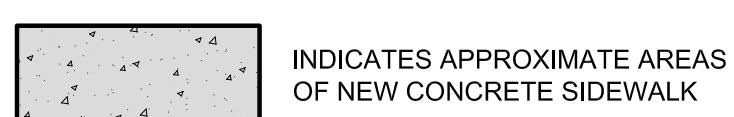

MINNEAPOLIS | MILWAUKEE | CHICAGO
INSPEC PROJECT NO. - #214290
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
SIGNATURE: *Clifford M. Bohman*
TYPED OR PRINTED NAME: CLIFFORD M. BOHMAN
DATE: 7-26-17 REGISTRATION NO.: 37894

**SCENIC HEIGHTS GYMNASIUM/
CLASSROOM ADDITIONS**
Scenic Heights Elementary School
Minnetonka Public Schools District 276
5650 Scenic Heights Drive
Minnetonka, Minnesota 55345

KEYPLAN
DRAWN BY
CHECKED BY
ISSUED FOR
PRELIMINARY - NOT FOR
CONSTRUCTION
ISSUE DATE
7-26-17
SHEET NAME
LAYOUT PLAN
18 NEW PAVEMENT 7-20-17
ATS&R PROJECT NO.
16028
SHEET NUMBER
C4

KEYED NOTES:

- 1 TOP OF NEW PAVEMENT TO MATCH EXISTING.
- 2 TOP OF NEW CONCRETE SIDEWALK TO MATCH EXISTING.
- 3 NEW 60" CONCRETE MONOLITHIC MANHOLE WITH SOLID COVER AND CONCRETE WEIR (SEE DETAIL 5/C5)
- 4 ALL NEW PAVEMENT SHALL BE CONSTRUCTED TO SLOPE 2% AWAY FROM BUILDING UNLESS NOTED OTHERWISE.

-  INDICATES ADD ALTERNATE #1
-  INDICATES APPROXIMATE AREAS OF NEW BITUMINOUS PAVEMENT
-  INDICATES APPROXIMATE AREAS OF NEW CONCRETE SIDEWALK
-  INDICATES APPROXIMATE AREAS OF BUILDING ADDITIONS

NEW MANHOLE SCHEDULE

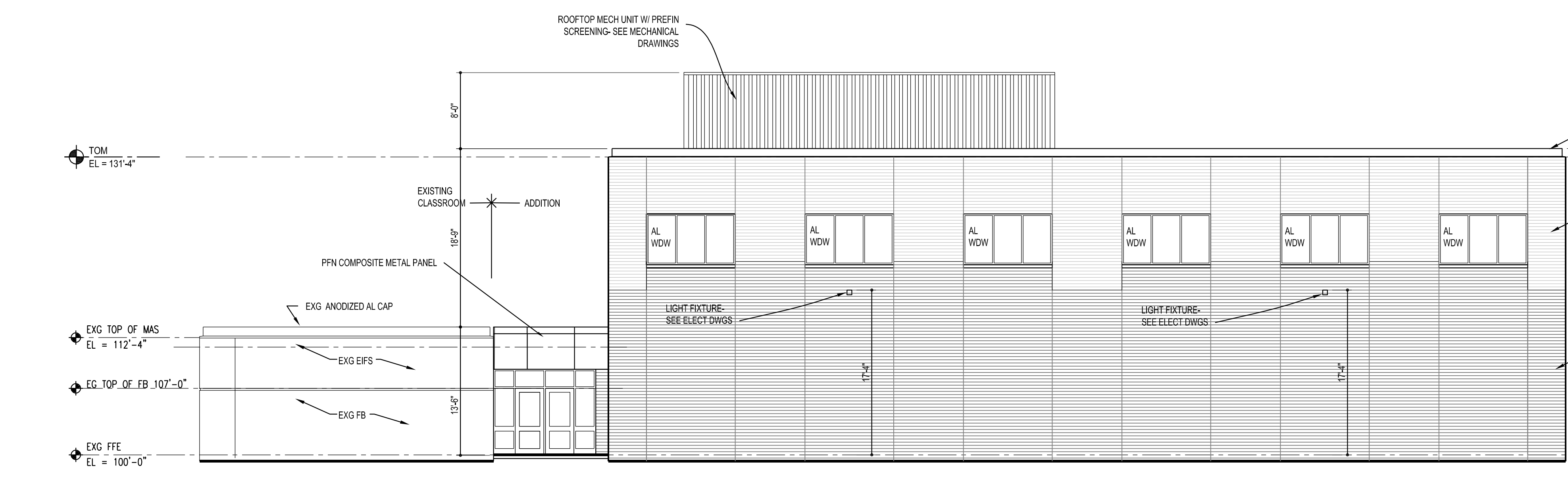
TYPE	TOP OF RIM ELEVATION	TOP OF WEIR ELEVATION	INV. ELEV. IN	INV. ELEV. OUT	BOTTOM OF MANHOLE
EXIST. 30" NYOPLAST WITH SOLID COVER. REPLACE WITH 60" CONC. MONOLITHIC WITH SOLID COVER AND NEW CONC. WEIR	938.34	933.50	933.10 EXIST. 18" AND NEW 10" PIPES	933.00	930.00

★ CONTRACTOR TO VERIFY EXISTING PIPE INVERT ELEVATIONS
 N DENOTES NEW TOP OF FINISHED GRADE ELEVATION. ALL OTHER ELEVATIONS ARE EXISTING UNLESS NOTED OTHERWISE.

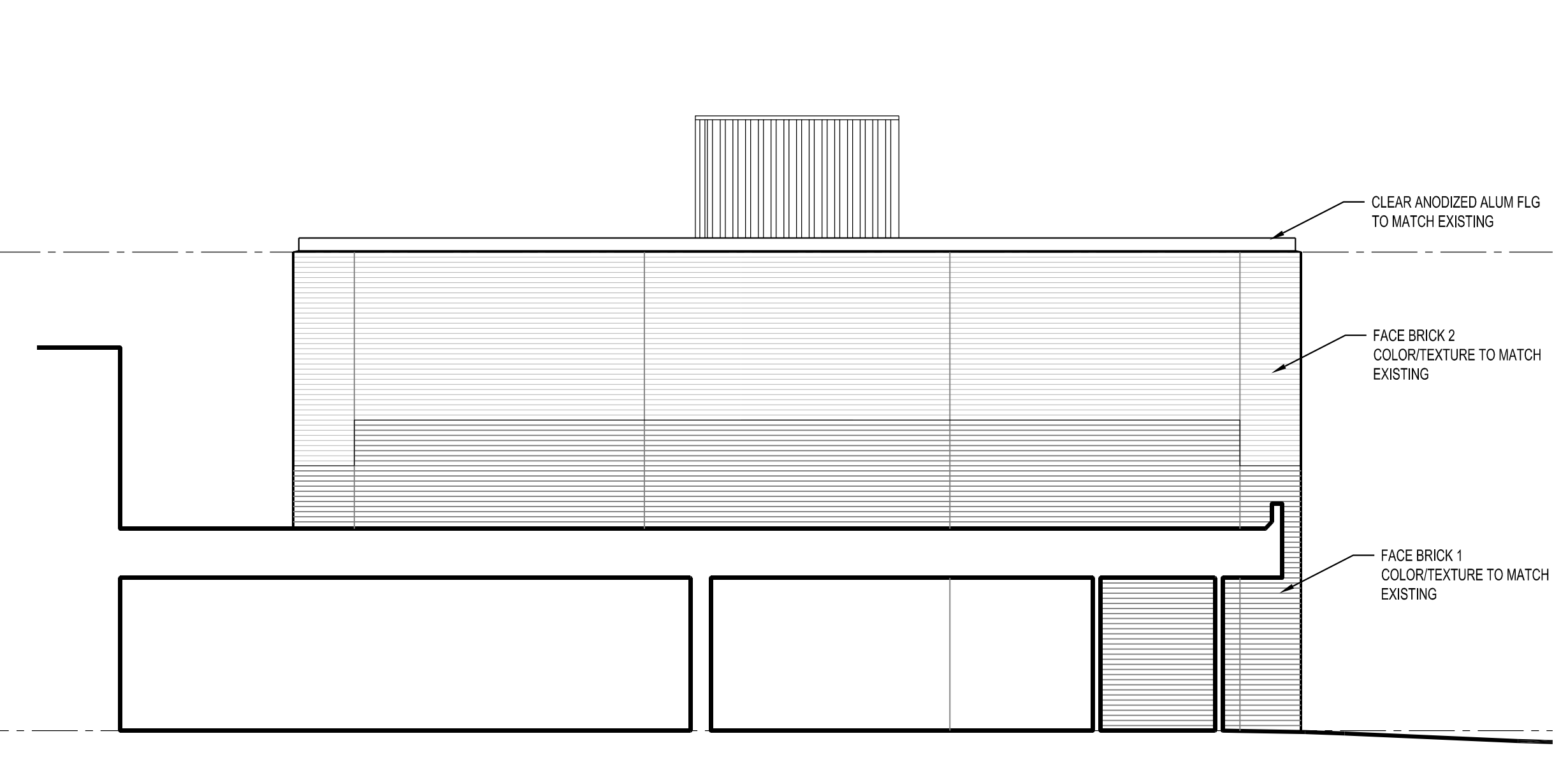


**SCENIC HEIGHTS GYMNASIUM/
 CLASSROOM ADDITIONS**
 Scenic Heights Elementary School
 Minnetonka Public Schools, District 276
 5650 Scenic Heights Drive
 Minnetonka, Minnesota 55345

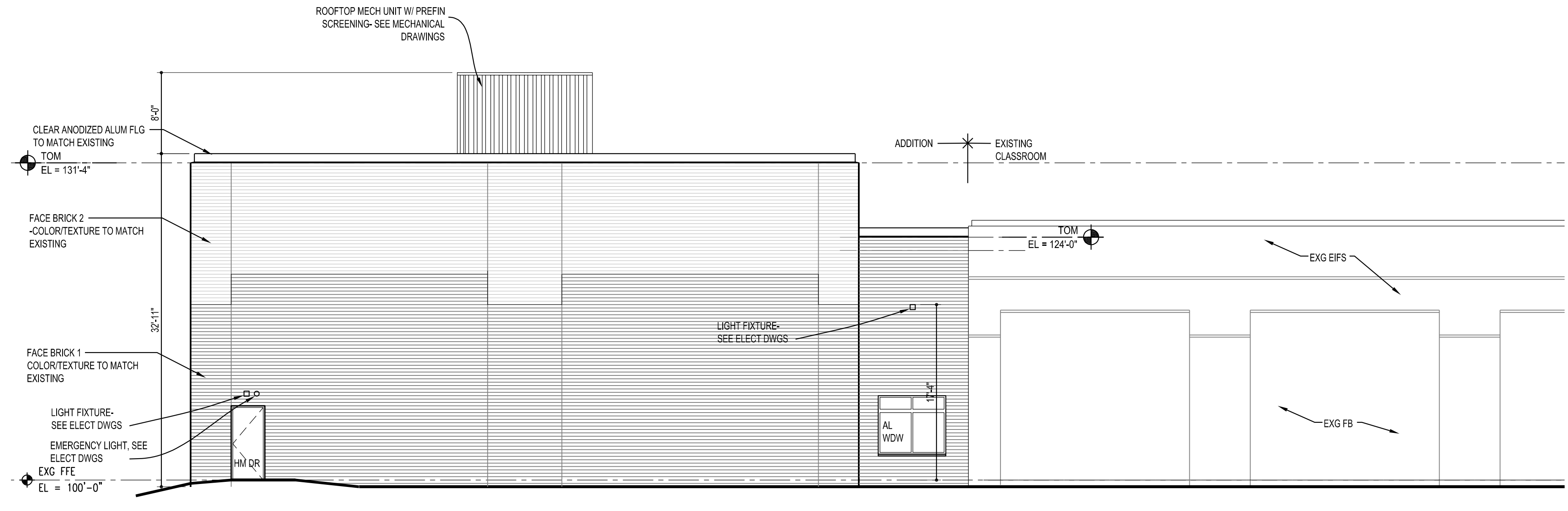
KEYPLAN
 DRAWN BY
 CHECKED BY
 ISSUED FOR
 PRELIMINARY - NOT FOR CONSTRUCTION
 ISSUE DATE
 7-26-17
 SHEET NAME
 GRADING AND DRAINAGE PLAN
 18 NEW PAVEMENT 7-20-17
 AT&R PROJECT NO.
 16028
 SHEET NUMBER
C3



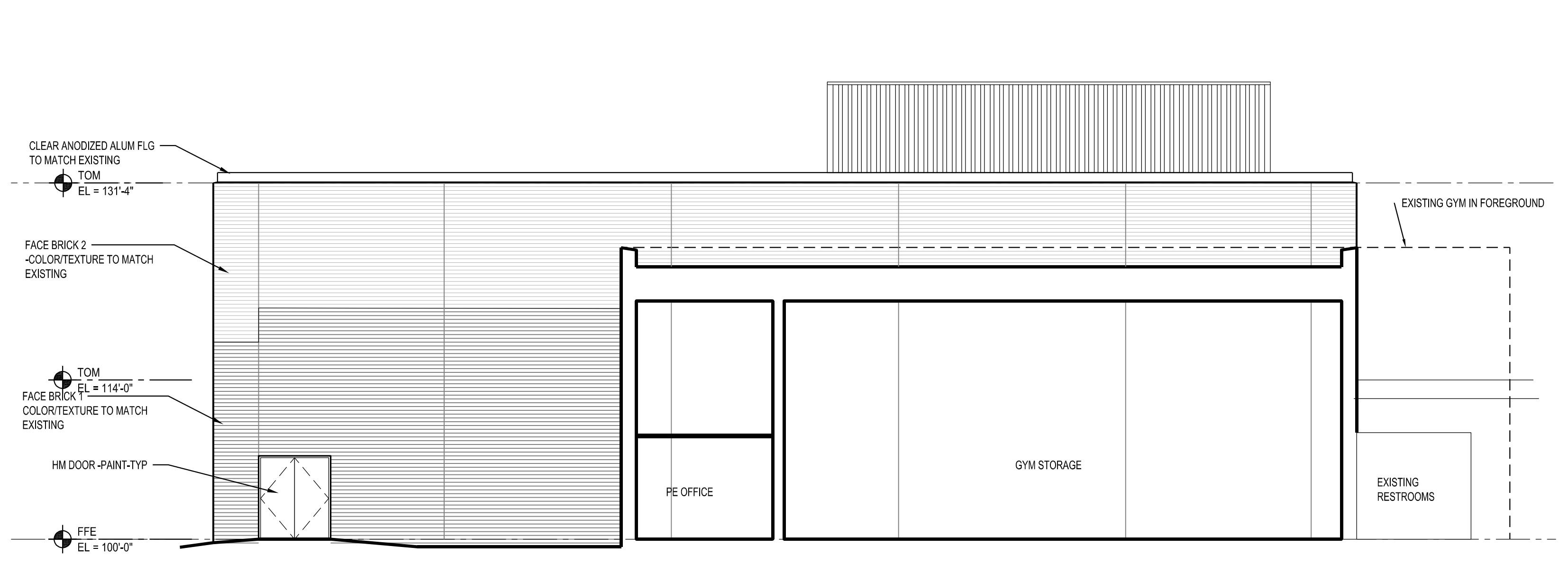
1 NORTH ELEVATION UNIT A
 A1.1 1/8" = 1'-0"



1A EAST ELEVATION UNIT A
 A1.1 1/8" = 1'-0"



2 WEST ELEVATION UNIT A
 A1.1 1/8" = 1'-0"



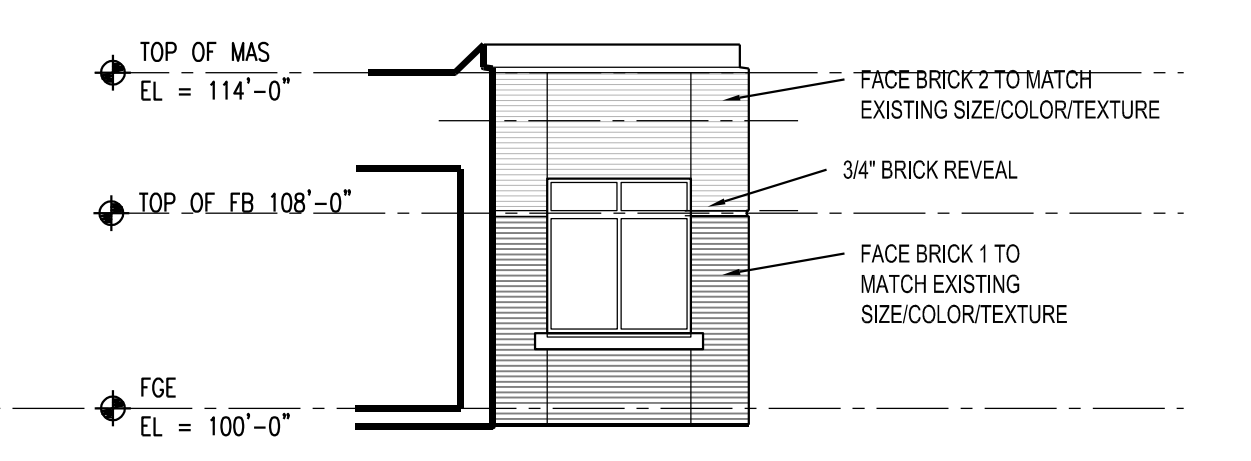
2A SOUTH ELEVATION UNIT A
 A1.1 1/8" = 1'-0"



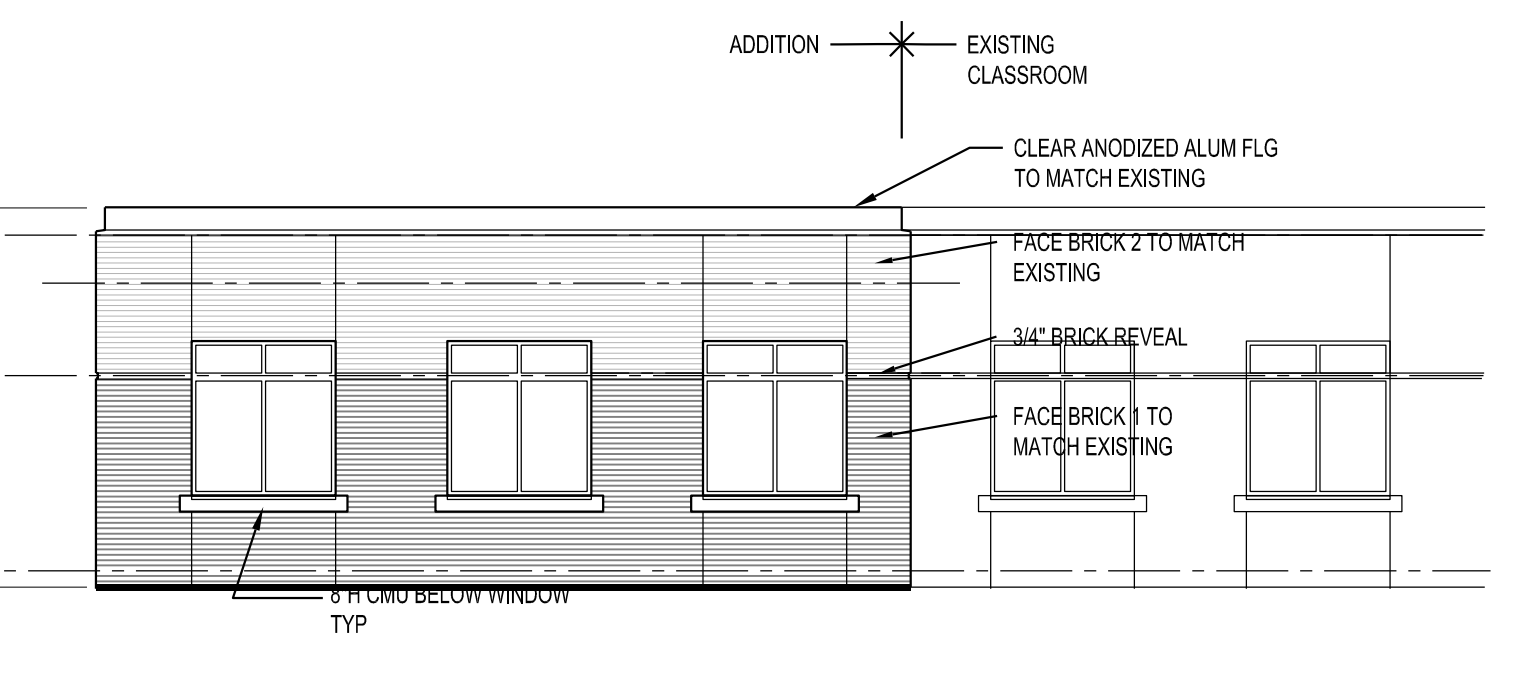
4 BIRD'S EYE VIEW
 A1.1 1/8" = 1'-0"



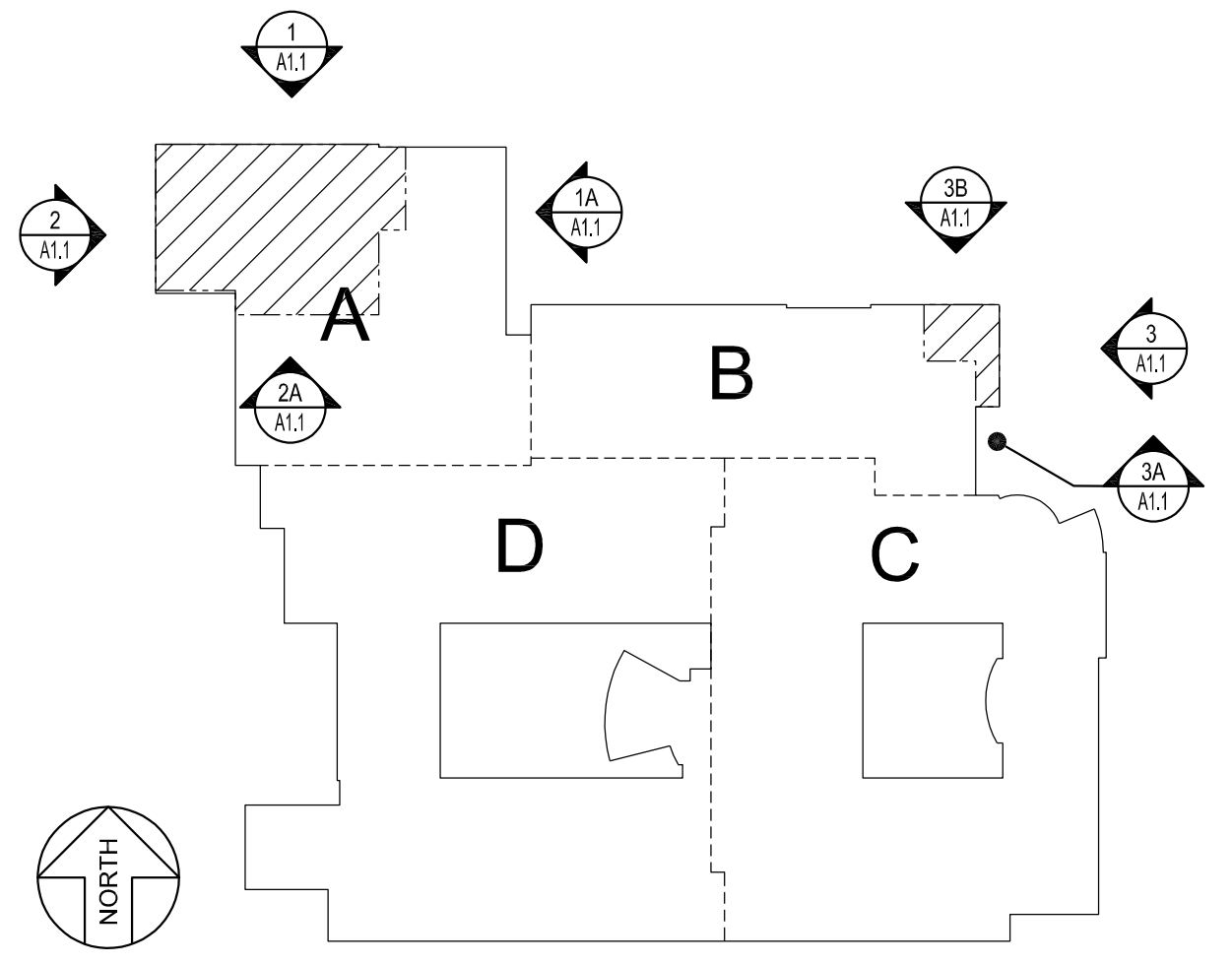
3 EAST ELEVATION UNIT B (ALTERNATE)
 A1.1 1/8" = 1'-0"



3A SOUTH ELEVATION UNIT B (ALTERNATE)
 A1.1 1/8" = 1'-0"

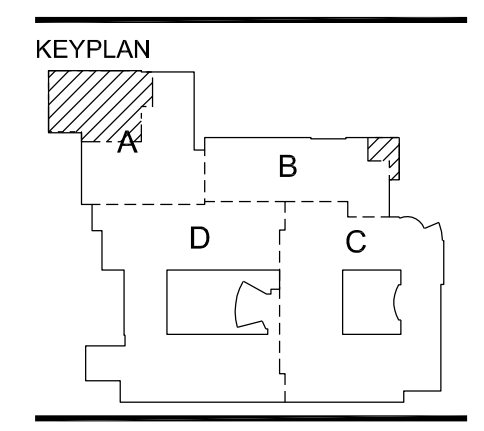


3B NORTH ELEVATION UNIT B (ALTERNATE)
 A1.1 1/8" = 1'-0"



Renovations and Additions to:
 Scenic Heights Elementary School
 Minnetonka Public Schools District 276
 5650 Scenic Heights Drive
 Minnetonka, Minnesota 55345

PRELIMINARY
 -NOT FOR
 CONSTRUCTION



DRAWN BY
 RB
 CHECKED BY
 DMM
 ISSUED FOR
 CITY SUBMITTAL
 ISSUE DATE
 SEPTEMBER 12, 2017
 SHEET NAME
 EXTERIOR ELEVATIONS

ATS&R PROJECT NO.
 16028
 SHEET NUMBER

UNIT A

ROOM LIST	
A100	VESTIBULE
A101	GYMNASIUM
A102	GYM STORAGE
A103	PE OFFICE

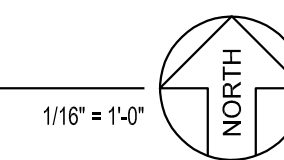
UNIT B

ROOM LIST	
B100	CORRIDOR
B101	SPECIALIST CLASSROOM
B102	SPECIALIST CLASSROOM
B103	SPECIALIST CLASSROOM
B104	SPECIALIST CLASSROOM



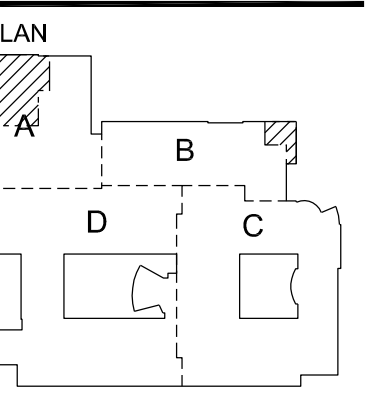
EXISTING BUILDING

1 REFERENCE PLAN
 A1.0



Renovations and Additions to:
Scenic Heights Elementary School
 Minnetonka Public Schools District 276
 5650 Scenic Heights Drive
 Minnetonka, Minnesota 55345

PRELIMINARY
 -NOT FOR
 CONSTRUCTION



DRAWN BY
 SJF

CHECKED BY
 DMM

ISSUED FOR
 CITY SUBMITTAL

ISSUE DATE
 SEPTEMBER 12, 2017

SHEET NAME
 REFERENCE PLAN

ATS&R PROJECT NO.
 16028

SHEET NUMBER

A1.0

Resolution No. 2017-

**Resolution approving final site and building plans for a gymnasium and
classroom addition at Scenic Heights Elementary School,
5650 Scenic Heights Drive**

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

Section 1. Background.

1.01 Minnetonka Public School District #276 has requested approval of final site and building plans for a gymnasium and classroom addition onto the Scenic Heights Elementary School building.

1.02 The property is located 5650 Scenic Heights Drive. It is legally described as follows:

That part of the North 225 feet of the North Half of the Southeast Quarter of the Northwest Quarter lying West of the East 313 feet thereof, also that part of the North Half of the Southeast Quarter of the Northwest Quarter lying south of the North 225 feet, Section 32 Township 117, Range 22, Hennepin County, Minnesota

and

The North 225 feet of the East 313 feet of the Southeast Quarter of the Northwest Quarter, Section 32 Township 117, Range 22, Hennepin County, Minnesota.

1.03 On October 26, 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.

Section 2. General Standards.

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

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
2. Consistency with the ordinance;
3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
 - a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
 - b) the amount and location of open space and landscaping;
 - c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
 - d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass

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

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

Section 3. Findings.

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

1. The proposal has been reviewed by the city's planning, engineering, and natural resources staff and has been found to be generally consistent with the city's development guides, including the water resources management plan.
2. The proposal is consistent with all ordinance standards and requirements.
3. The gymnasium addition would be constructed in a relatively flat area, which is currently wood chipped or paved. The classroom addition would result in the removal of roughly 1,000 square feet of turf and a small landscaped area.
4. The proposed additions would have a reasonable visual and physical relationship to the existing site features and building.
5. The proposed additions would be appropriately located and integrated into the existing site without a significant amount of site disturbance.
6. The proposed additions would need to meet the recently adopted energy code.
7. While the proposal would visually change the site, the additions would be reasonably screened from the residential properties to the north. The underground storage facility was enlarged in 2013 to accommodate the current proposal. In addition, included as a condition of approval the applicant must submit erosion control and tree protection plans.

Section 4. Planning Commission Action.

4.01 The Planning Commission approves final site and building plans for building additions at Scenic Heights Elementary. Approval is based on the findings outlined in section 4 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:
 - Demo and erosion control plan dated July 26, 2017.
 - Site plan dated July 26, 2017.
 - Grading and drainage plan dated July 26, 2017.
 - Exterior elevations dated July 26, 2017.
 - Floor plan dated July 26, 2017.
2. Prior to issuance of a building permit:
 - a) Submit the following items associated with site work:
 - 1) An electronic PDF copy of all required plans and specifications.
 - 2) Three full size sets of construction drawings and sets of project specifications.
 - 3) Final site, grading, drainage, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
 - a. Final landscaping plan meet minimum landscaping and mitigation requirements as outlined in the ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.
 - b. Final stormwater management plan must include documentation that the existing storm chambers have sufficient capacity to accommodate the rate, volume and water quality requirements for the additions.

- c. Include impervious surface calculations for pre- and post-construction conditions.
- 4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct comply with grading permit and landscaping requirements and to restore the site. One itemized letter of credit is permissible, if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the underground facility has been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.
 - 5) A construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.
 - 6) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
 - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- b) The following must be completed:
 - 1) This resolution must be recorded at Hennepin County.
 - 2) Install erosion control, and tree protection fencing and any other measures identified on the SWPPP for staff

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

- 3) Schedule and hold a preconstruction meeting with building, engineering, planning and natural resources staff as determined by city staff.
- c) Permits may be required from other outside agencies including, Hennepin County, the Riley-Purgatory Bluff Creek Watershed District, and the MPCA. It is the applicant's or property owner's responsibility to obtain any necessary permits.
4. All rooftop and ground mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from this screening requirement.
5. The fence along the north property line must be constructed when either the evergreen trees within the power line easement are removed or 50 percent or more of the evergreen trees are dead, whichever comes first.
6. The property owner is responsible for replacing any required landscaping that dies. This condition does not apply to the evergreen trees along the northern property line to be removed in 2018.
7. During construction the streets must be kept free of debris and sediment.
8. Construction must begin by December 31, 2018 unless the planning commission grants a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on October 26, 2017.

Brian Kirk, Chairperson

Attest:

Kathy Leervig, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 26, 2017.

Kathy Leervig, Deputy City Clerk