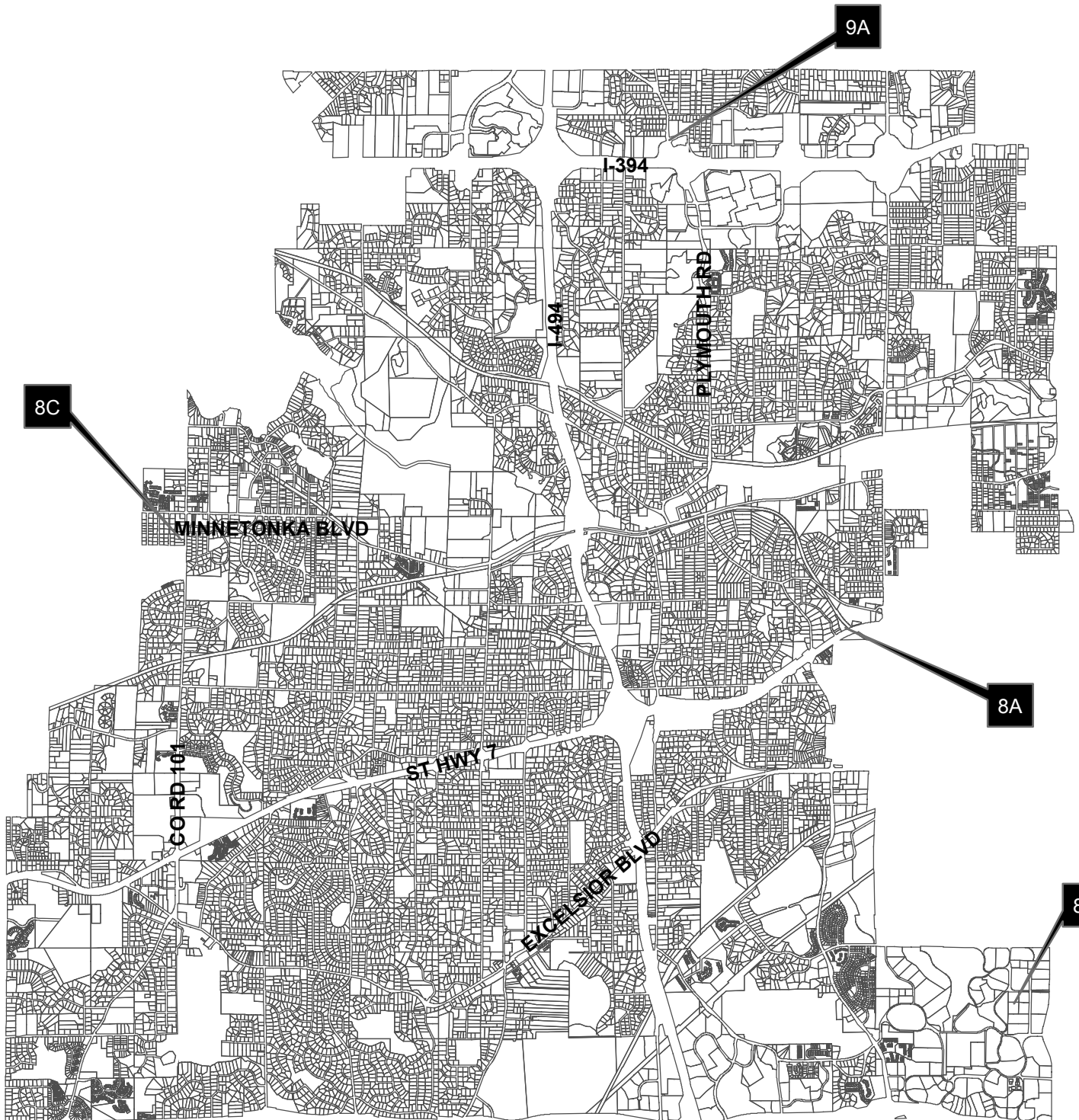




**CITY OF MINNETONKA
PLANNING COMMISSION
MARCH 1, 2018**

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





Planning Commission Agenda

March 1, 2018—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: Feb. 15, 2018

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

No Items

8. Public Hearings: Non-Consent Agenda Items

A. Interim use permit for Garden City, a seasonal flower market, at 11400 Hwy 7.

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

- Recommendation to City Council (Tentative Date: March 19, 2018)
- Project Planner: Ashley Cauley

B. A conditional use permit, with a parking variance, for Eden Prairie Islamic Community Center at 5640 Smetana Dr.

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

- Recommendation to City Council (Tentative Date: March 19, 2018)
- Project Planner: Ashley Cauley

Planning Commission Agenda

March 1, 2018

Page 2

- C. Conditional use permit, with variances, for a fast food restaurant at 17603 Minnetonka Blvd.

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

- Recommendation to City Council (Tentative Date: March 19, 2018)
- Project Planner: Drew Ingvalson

- D. Ordinance repealing and replacing City Code 300.34, Telecommunication Facilities.

Recommendation: Recommend the city council adopt the ordinance (4 votes)

- Recommendation to City Council (Tentative Date: March 19, 2018)
- Project Planner: Susan Thomas

9. Other Business

- A. Concept plan review for Morrie's Ford at 13400 Wayzata Blvd. and 13205 Southridge Rd.

Recommendation: Discuss concept plan with the applicant. No formal action required.

- Recommendation to City Council (Tentative Date: March 19, 2018)
- Project Planner: Susan Thomas

10. Elections

- Election of Planning Commission Chair
- Election of Planning Commission Vice Chair

11. Planning Commission Bylaws and Policies

12. Adjournment

Planning Commission Agenda

March 1, 2018

Page 3

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 March 15, 2018 Planning Commission meeting:

Project Description: The applicant is requesting preliminary plat approval for a three lot subdivision with variances at 15500 Minnetonka Blvd.

Project No.: 18004.18a

Staff: Drew Ingvalson

Ward/Council Member: Open Seat

Section: 16

Project Description: Brass Foundry Brewing Company is proposing to open a microbrewery and taproom in the southernmost tenant space at 5959 Baker Rd. The proposal requires a conditional use permit, an on-sale taproom and Sunday liquor license.

Project No.: 94014.18a

Staff: Drew Ingvalson

Ward/Council Member: 1—Ellingson

Section: 34

Project Description: Creo Arts Conservatory is proposing to operate a dance studio within the existing building at 15100 Minnetonka Industrial Rd. The proposal requires a conditional use permit.

Project No.: 91024.18a

Staff: Ashley Cauley

Ward/Council Member: Open Seat

Section: 16

Project Description: The property owners are proposing a living space addition on the west side of the existing home at 16119 Birch La. The addition would be set back 12 feet from the west property line, but requires an aggregate side yard setback variance from 30 feet to 26 feet.

Project No.: 18006.18a

Staff: Susan Thomas

Ward/Council Member: 4—Bergstedt

Section: 32

Project Description: Hopkins High School is proposing to construct a new concessions stand building and bathroom facility on their campus. The proposal requires a conditional use permit amendment.

Project No.: 96079.18a

Staff: Drew Ingvalson

Ward/Council Member: 2—Wagner

Section: 18

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**

Feb. 15, 2018

1. Call to Order

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

2. Roll Call

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

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, and Natural Resources Specialist Aaron Schwartz.

3. Approval of Agenda

Schack moved, second by Sewall, to approve the agenda as submitted with additional comments and a correction to a staff report provided in the change memo dated Feb. 15, 2018.

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

4. Approval of Minutes: Feb. 1, 2018

O'Connell moved, second by Powers, to approve the Feb. 1, 2018 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of Feb. 5, 2018:

- Introduced items for iFly at Ridgedale Center.
- Introduced a telecommunications ordinance amendment to adopt state statute changes to address small technology.
- Held a concept plan review for Ridgedale Active Adult Apartments.

There was a joint comprehensive guide plan meeting Feb. 12, 2018 with city council, planning commission, park board, and EDAC that discussed land use and parks.

Staff has been conducting public outreach to get public input on the comprehensive guide plan.

The next planning commission meeting will be March 1, 2018. A new commissioner, Alex Hanson, will join the commission at that meeting.

6. Report from Planning Commission Members

Powers said that the joint study session was very good. Schack found it valuable for the public to be invited to observe the comprehensive guide plan steering committee meetings.

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion or separate action.

Powers moved, second by Schack, to approve the item listed on the consent agenda as recommended in the staff report as follows:

A. Variance for a second wall sign at 6150 Baker Road.

Adopt the resolution which approves a variance to allow for a second wall sign on the east side of the building and a maximum signage area variance from 150 square feet to 180 square feet at 6150 Baker Road.

Schack, Sewall, Knight, O'Connell, Powers, and Kirk voted yes. Motion carried and the item on the consent agenda was approved as submitted.

8. Public Hearings

A. Items related to construction of a new home at 3533 and 3535 Orchard Lane.

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

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

Sewall asked where the driveway would be located. Cauley pointed out the location and explained the driveway agreement that already exists.

Schack asked if moving the driveway would make development of the middle lot difficult. Cauley explained that a condition of approval would prevent Lot 7 from being developed.

Powers asked how many trees would be removed. Cauley answered that 30 trees would be removed for the driveway. Schwarz counted a total of 84 trees would be removed.

Christian Dean, architect representing the applicant, stated that he was present to answer questions. He was open to staff's proposed location of the driveway. The applicant would be amenable to using permeable pavers.

The public hearing was opened.

Christina Rudolph, 3529 Orchard Lane, requested that fast-growing trees or vegetation be planted to replace the removed trees and provide a buffer to her house. The plan is wonderful. She loves the house design.

Caroline Munson-Benson, 3525 Orchard Lane, stated that:

- The applicant should have the boundary lines professionally surveyed. She was unable to find all of the stakes to her property.
- "That" parcel was approved many years ago for development and she bought the house to preserve the wooded area. The woodland is one of the last natural habitats left in Minnetonka. She saw 18 deer this year. She was appalled that 84 trees would be removed.
- A pond forms in the woodland every spring. She would like to hear more about the floodplain and wanted to make sure her natural habitat would not be ruined.
- She asked if the garage would face her house. She was concerned with that.
- The proposal would impact her quality of life.

No additional testimony was submitted and the hearing was closed.

Cauley pointed out the layout of the proposed garage and house on the site. The proposal would be required to treat water runoff for the additional impervious surface. Engineering staff found that the proposal meets the stormwater treatment requirements. The proposal would excavate within the floodplain to mitigate for the fill of floodplain. This would result in an increase of floodplain storage on the site to improve the current situation. All of the excavation and mitigation would be done without impacting trees.

Cauley and Schwartz explained tree mitigation requirements and the location of the proposed conservation easement area.

Cauley noted that a survey was required as part of the application. The plans were prepared by a licensed surveyor.

Cauley explained that the lots have been taxed as buildable lots, so the property owners have some expectation that the lots would be buildable.

Schack confirmed with Cauley that Lot 7 would not be able to be developed. Cauley explained the location of the driveway. The location of utilities may impact the driveway location.

Schack thought the proposal makes the best out of a situation that is not ideal. She appreciated the driveway being moved to save trees. The lot is developable and the proposal is the most reasonable option.

Sewall and Chair Kirk agreed. They support the proposal. Chair Kirk would like permeable pavers to be a requirement of approval.

Powers found the environmental impact sad, but supports the proposal because there is no legal basis to deny it. The property owner has rights.

Sewall commended staff for working with the applicant to decrease the environmental impact and tree loss. The proposal is the best option for a bad situation.

Knight moved, second by Powers, to recommend that the city council adopt the resolution approving a floodplain alteration permit, conditional use permit and a setback variance for the construction of a new home at 3533 and 3535 Orchard Lane.

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

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

B. Amendments to the design criteria for the Ridgedale Restaurant Properties at 12415 Wayzata Boulevard.

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

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

Mike Blank, 12425 Wayzata Boulevard, representing the applicant, Ridgedale Center, thanked staff for working through complex issues. Cauley did a great job summarizing the need for the amendment to the May approval. Keeping the signs organized and identifying design criteria has been accomplished. He was available for questions.

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

Powers found the proposal to be reasonable.

O'Connell moved, second by Knight, to recommend that the city council adopt the resolution approving amendments to the existing master development plan at 12415 Wayzata Boulevard.

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

C. Items concerning iFly at 12415 Wayzata Boulevard.

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

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

Mark Lee, representing iFly, applicant, stated that this proposal would be the first iFly in Minnesota. It is safe for people of all ages and abilities. Classes are provided to students about the science of flying as well as providing them with the opportunity to fly. He was happy to answer questions.

In response to Chair Kirk's question, Mr. Lee stated that the building would be removed and materials recycled when it outlived its life in approximately 35 years. The building would be designed to enclose the noise and provide a smooth column of air which is safer than previous methods.

Sewall asked if the buildings are all the same size. Mr. Lee stated that a few smaller, tunnel-style buildings still exist, but have been discontinued because of how the fans operate. The proposal is safer than those. This building would be medium sized. There is also a large size.

Knight noted that there would be no noise since it would all be enclosed. He asked if the air would warm up. Mr. Lee answered affirmatively. The air is cooled to remain 72 degrees. Traffic would be louder than the hum from the coolers.

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

Knight asked if the signage would be specific to iFly. Cauley explained that a new tenant would be allowed a sign with a size equal to the existing one.

Powers supported a condition approving the signage for the applicant only.

Schack appreciated the applicant changing the signage to reflect commissioners' comments. She did not mind the size of the signs, but the number of signs would be more troubling if the tenant would change.

Schack moved, second by Powers, to recommend that the city council adopt the following for iFly at 12415 Wayzata Boulevard with an amendment to apply the approval of the signage to iFly only and no future tenants:

- 1) ***An ordinance amending an existing master development plan.***
- 2) ***A resolution approving final site and building plans and a sign plan.***

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

9. Other Business

A. Concept plan review for Chabad Center for Jewish Life at 11170 Mill Run and 2449 Hopkins Crossroad.

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

Thomas reported. Staff recommends the planning commission provide comments and feedback that the planning commission deems appropriate. The discussion is intended to assist the applicant with future preparation of more detailed development plans.

Rabbi Mordechai Grossbaum, representing the Chabad Center, applicant, stated that:

- He appreciated the opportunity to review the project.
- The programs include classes and lectures for children and adults.
- The building is smaller than many synagogues in the area.
- He appreciated everyone's concerns, interest, and ideas.

Powers asked how many people would visit the site in one week. Rabbi Grossbaum stated that there would be services at 6:30 a.m. Monday and Thursday; 8 a.m. on Sunday; Saturday morning; and overnight on Friday. Throughout the day there would be 5 to 10 staff members at the most. Small classes would be held throughout the day at different times. Lectures would be held at 7 p.m. Celebrations would also be held.

Sewall noted that the area is not very pedestrian friendly since it does not have sidewalks. Rabbi Grossbaum said that the families live close to the property. He would welcome a sidewalk. Many people walk on the street now.

Chair Kirk asked how parking would be handled. Rabbi Grossbaum said that he would work with staff.

Chair Kirk invited those present to provide input.

Stu Silberman, 11123 Mill Run, stated that:

- He was pleased with the detailed and thoughtful approach to the Orchard Lane proposal. This proposal would have more of an extensive impact on the neighbors.
- He was concerned with the public's safety and welfare due to the proposal restricting emergency vehicle access, adding significant additional traffic, and creating a danger to bicyclists and pedestrians.
- The proposal would not be in keeping with the surrounding area.
- It would not minimize tree or soil removal and it would not provide a desirable environment for the community.

- He was concerned that Mill Run would become an auxiliary parking lot. The plowing of snow is not done curb to curb, so the street is narrower during the winter.
- It is already difficult to turn from Mill Run onto Hopkins Crossroad.
- He and his family ride their bikes on Hopkins Crossroad to get to a trail.
- He found the proposed building unattractive.

Jo Soo, 2391 Vernon Circle, stated that:

- He was concerned with the size and aesthetics of the building.
- The intersection of Hopkins Crossroad and Mill Run is already at capacity. He was concerned with the safety of the drivers and pedestrians.
- He was concerned with the privacy, lack of screening, and proximity to the houses.
- He was concerned with water, light, and runoff.
- Each revision of the plan got worse. The height increased, the roof would reflect light, and the windows would be increased from three to 24 windows. The neighbors' comments were ignored.
- The building would be too big and out of character with the neighboring houses. The building would look too big from the view from his backyard.
- The proposal would cause an adverse impact on public health, security, and welfare.
- Parking, noise, and crowds would be an issue.

Michael Leardahl, 2390 Vernon Circle, stated that:

- Parking requirements require one parking space for every two and-a-half seats based on the sanctuary or main assembly space. He stated that the proposal bases the number of parking stalls on the sanctuary area only. The proposal has 40 parking stalls. He added the social hall and other areas, so his calculation finds that there should be 56 additional parking stalls.
- Weddings could have 250 people inside the building and an additional 150 people outside.
- Fetterly Road is 19 feet wide. Mill Run is 21 feet wide. Motorists park on Hillside for school events.
- He was concerned with pedestrian safety.

Amy Taswell, 11120 Mill Run, spoke on behalf of her husband and herself. She stated that:

- She appreciated the applicant hosting a neighborhood meeting and cleaning up the property.

- She welcomed having the Chabad Center as a neighbor if substantial revisions would be made. She opposed how it is proposed now.
- Hopkins Crossroad is already dangerous and has too much traffic. The morning and evening prayers are at the same time as morning and evening rush hour.
- Mill Run is not an arterial or collector street.
- Someone at the fire department told her that the emergency turn around could be handled without the Mill Run access if the size of the structure would be reduced and that it seemed like a lot of stuff on a small site. She requested the existing curb cut on Mill Run be blocked off.
- The building would be too large, be too much of an institutional style, and be too tall.
- The Mill Run covenants restrict the height of a building to two stories in height.
- She likes the appearance of Sharei Chesed, the synagogue on Hopkins Crossroad. It looks more residential.
- There would not be enough parking and motorists would park on residential streets which is not allowed.
- She was concerned about drainage.
- She was concerned with maintenance of the site.
- The proposal would not fit in the area because of its size and appearance.

Carl Smith, 11201 Fetterly Road West, stated that:

- An overturned vehicle took out his mailbox years ago.
- Forty-seven residences drive on Fetterly Road West to access Hopkins Crossroad.
- He provided photos of the site. The hills are steep. The road is slippery in the winter.

David Larson, 11171 Mill Run, representing his wife Cheryl Larson and some neighbors on Mill Run, stated that:

- The site should have 60 parking spaces to handle 150 people. Even more parking would be needed if the congregation grows.
- A pedestrian crosswalk and light might be needed at some point and that would impede traffic.
- The use would be too intense for the area and disrupt the harmony.

Sam Black, 2265 Cape Cod Place, stated that:

- He was concerned with the traffic on Hopkins Crossroad. He supported making it more pedestrian and bicyclist friendly.
- The renderings are inadequate. A 3D visualization would be better.

- He was concerned the building and parking areas would expand by purchasing surrounding properties.

Michael Leardahl, 2390 Vernon Circle, stated that:

- He was concerned with light reaching surrounding properties.

Clayton Haapala, 2309 Archers Lane, stated that:

- He was concerned with the sight line to the top of the building and parking lot lights.

Kristin Soo, 2391 Vernon Circle, stated that:

- A traffic study by SRF conducted 15 years ago found the level of traffic on Hopkins Crossroad to be a "D," "E" or "F" during peak times. There are traffic issues at the top and bottom of the hill. It would not make sense to sandwich a large community center in between them.
- The intersection of Hillside and Hopkins Crossroad was identified as an intersection with more than the normal number of crashes.

Thomas explained the rights and restrictions cities have to create and apply city ordinances. Hennepin County would have to approve an application that would include an access on a county road.

Chair Kirk confirmed with Thomas that the city does not enforce private homeowner association covenants. Thomas stated that nuisance ordinances are applied to every property in the city.

Powers felt that the mass of the use should be scaled back. He is familiar with the site. He agreed with the traffic concerns. The proposal would not be in harmony with the neighborhood.

Schack agreed that the scaling would be too large considering its proximity to several residences. The building and parking would be too large for the parcel. Disrupting the harmony is an issue. Tree removal would create buffering issues. She would like to see how the actual building would blend into the surroundings. An access point to Hopkins Crossroad would benefit everyone including those visiting the proposed site.

Knight has a son who lives on Vernon. Residents on Mill Run and Fetterly Road have no other options than to travel on Hopkins Crossroad. That hill is steep. He had issues with adding traffic. The building would be too big for the site.

Sewall agreed with the scaling and harmony issues. He thought the appearance could work. His biggest concern is the parking and where overflow parking would occur for

large events. A traffic pattern for vehicles not finding a spot and having to turn around needs to be considered.

O'Connell agreed with the mass and parking concerns. He would look at the traffic study before commenting on traffic.

Chair Kirk appreciated the respectful comments. He would support less mass and a larger buffer. There needs to be more parking, probably 75 or 80 stalls. The snow and student drivers complicate driving in the area.

Chair Kirk noted that this concept plan is tentatively scheduled to be reviewed by the city council at its Feb. 26, 2018 meeting.

B. Concept plan review for Solbekken Villas, a residential development at 5740 and 5750 Shady Oak Road.

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

Thomas reported. Staff recommends the planning commission provide comments and feedback that the planning commission deems appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Ed Briesemeister, applicant, stated that:

- The condominium building would be roughly the height of the barn. He described the architectural features and layout of the buildings. The design would be harmonious with the neighborhood.
- Everyone at the neighborhood meeting liked the concept plan.
- There would be a three-car garage and 2,000 square feet for each single-family house. The houses would provide everything a person needs on one level and have a basement. The market price would be \$625,000 - \$650,000.
- Solbekken means "sunny brook" in Norwegian.
- He described the floor plan of the condominium buildings.
- He described the proposed traffic pattern.
- The site would be engineered to deal with seven inches of rain in 30 hours.

In response to Powers' question, Mr. Briesemeister said that the condominiums would be similar in size and price to the houses, \$625,000 and 1,900 square feet.

Sewall asked if a lot of grading would be needed. Mr. Briesemeister said that the hill would not be cut into, but grading would occur up to the hill.

Mr. Briesemeister said that the bright green area, 15,000 square feet, would be dedicated as park land connected to Lone Lake Park.

Chair Kirk asked if the elevator would meet building code requirements. Mr. Briesemeister answered affirmatively. All building code requirements would be met.

Chair Kirk invited the audience to provide input. No one responded.

Knight asked the applicant if he was concerned building next to a steep bank. Thomas provided that engineering staff already reviewed a similar proposal and found it acceptable. Mr. Briesemeister said that the slope appears steeper than it is due to the trees. Thomas noted that the topography is drawn with one-foot contours rather than the typical two-foot contours.

Mr. Briesemeister explained how the stormwater would be directed to the stormwater system.

Sewall supports the land use. The density would be appropriate. It is a unique product and site. He suggested connecting walkability to the park. Mr. Briesemeister said that there is a path connecting the cemetery and park.

Powers supports the idea. It is an exciting project. He likes the name. It is well thought through. The density is reasonably low.

Schack liked the look of the proposal. The price point is equal to the market. It is a beautiful project and is appropriate for the space.

Knight supports the proposal.

Chair Kirk liked the scale. The type of housing proposed is lacking in the city. He supports the proposal.

Chair Kirk noted that this concept plan is tentatively scheduled to be reviewed by the city council at its Feb. 26, 2018 meeting.

10. Adjournment

Sewall moved, second by Powers, to adjourn the meeting at 10:15 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

March 1, 2018

Agenda Item 7

Public Hearing: Consent Agenda

(No Items)

Minnetonka Planning Commission Meeting

March 1, 2018

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
March 1, 2018

Brief Description	Interim use permit for Garden City, a seasonal flower market, at 11400 Highway 7.
Recommendation	Recommend the city council adopt the resolution approving the request.

Background

In 2007, the city approved a conditional use permit for Linder's Greenhouses, Inc. (Linder's) to operate a temporary floral market within the parking lot of the Country Village Shopping Center. The floral market operated annually for roughly three months, April through July. In 2007, transient sales were considered conditionally permitted uses within the B-2, limited business zoning district.

By ordinance, a conditional use permit expires if normal operation of the use discontinues for 12 or more months. As such, the conditional use permit has since expired as Linder's ceased operation of their greenhouse in 2013.

In 2012, the city adopted its first interim use ordinance. By ordinance, an interim use is a specific use that is allowed for a specific period of time. Under current ordinance, transient sales are considered interim uses within the B-2 zoning district.

Proposal

The applicant, Camilo Reyes, is proposing to operate a seasonal floral market in the same location as the previously approved Linder's market. The market would operate 8 a.m. until 8:00 p.m. from Mar. 15 to Sept. 31.

The total market area – including the 1,800 square foot greenhouse structure and associated outdoor sales area - would occupy roughly 5,200 square feet of the existing parking lot. The market area would be fenced to separate it from the existing parking lot.

Staff Analysis

Staff finds the applicant's proposal to be reasonable as:

- The proposed floral market would meet all of the interim use permit standards outlined in city code for transient sales.
- While the proposed floral market would occupy parking stalls within the existing parking lot, staff does not anticipate any on-site parking issues.
- The proposal would be no different than what occurred on site from 2007 to 2013.

Staff Recommendation

Recommend that the city council adopt the resolution approving an interim use permit for Garden City at 11400 Highway 7.

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

Supporting Information

Project No. 90014.18a

Property 11400 Hwy 7

Applicant Camilo Reyes, on behalf of Garden City

Surrounding Land Uses
 Northerly: Office and residential, zoned R-1, R-3 and PUD, guided for office, low and medium residential densities
 Easterly: Commercial, zoned B-2, and guided for service commercial
 Southerly: City of Hopkins
 Westerly: Residential, zoned R-2 and guided for low density

Planning Guide Plan designation: Commercial
 Zoning: B-2

Transient Sales The ordinance defines transient sales as the use of a structure or lot for the temporary sales of goods, wares or merchandise. Transient sales do not include the sale of food products of a farm or garden occupied and cultivated by the seller.

Parking By ordinance, the neighborhood shopping center would require a total of 495 parking stalls. The proposed floral market would occupy 32 of the site's 465 existing parking stalls. This would result in a parking deficit of 62 parking stalls.

However, an approved site plan from 1991 indicates that by restriping and reconfiguring some of the parking, the site has in excess of 500 parking stalls. Given this, and coupled with the lack of parking complaints on the site, staff does not anticipate any parking issues on the site.

	Gross floor area	Required parking spaces	Existing parking spaces	Total parking spaces including proof of parking	Occupied by floral market
<i>Country Village Shopping Center</i>	110,060 sf	495 stalls	465 stalls	589	32

IUP Standards The proposal would meet the interim use permit standards as outlined in City Code §300.18 Subd 7 for transient sales:

- 1) must be located in a suitable off-street location and shall not extend into adjacent right-of-way or other public property;

Finding: The floral market will be located within the existing Country Village Shopping Center parking lot and would not extend into any adjacent right-of-way or other public property.

- 2) must not interrupt vehicular circulation on the site or obstruct parking spaces needed by permanent business established on the site;

Finding: The floral market would be located to avoid any dead-ends within the parking lot to ensure that the vehicular circulation of the site is not disrupted. While the floral market would utilize existing parking spaces, it would not obstruct parking spaces required for the permanent businesses.

- 3) must have written authorization from property owner;

Finding: The property owner has signed and consented to the application.

- 4) business operator must secure all applicable licenses and approvals from the city, Hennepin County or other appropriate jurisdictions;

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

- 5) sight visibility clearances at street intersections and access points must be provided in accordance with section 300.15, subd. 9(e) of this ordinance or as determined by the city to protect public safety;

Finding: Generally, the proposed location is reasonable. However, as a condition of approval, the applicant must ensure that sight lines at corners remain unobstructed.

- 6) no portion of the use may take place within 100 feet of any developed property zoned for residential use;

Finding: The floral market would not be located within 100 feet of any residential properties.

- 7) signs are subject to the following:

- a. no more than four signs are allowed, which do not exceed 32 square feet in aggregate;
- b. incidental product or pricing signs must be placed directly next to the appropriate product;
- c. product advertising is permitted, but must be included in the maximum allowed sign area;
- d. the signs must have a professional appearance and must be securely mounted or erected in a safe location; and

- e. these limitations apply to all signs associated with the use, including those affixed to vehicles;

Finding: As a condition of approval, the applicant would be required to apply for a temporary sign permit each year. Any proposed signage would need to meet the ordinance requirements.

- 8) any display of items must be limited to representative samples and be arranged in as compact a manner as reasonably practicable;

Finding: Staff finds that the proposal would meet this condition. However, this has been included as a condition of approval.

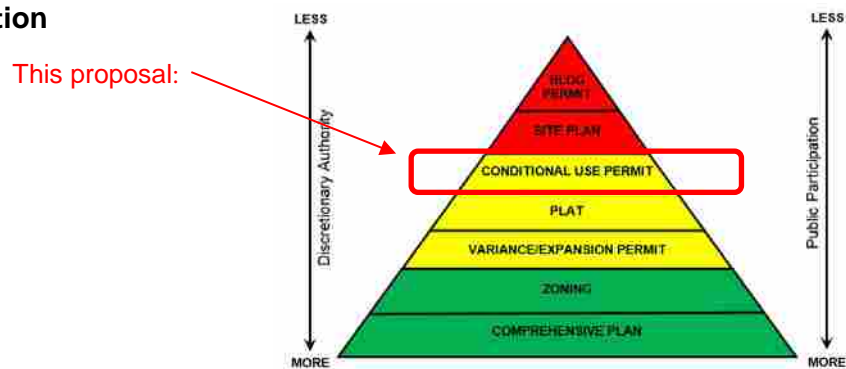
- 9) the interim use permit will be issued in the name of the person requesting the permit and will be for the purpose of selling a particular item or range of items at a specific location. Any change in the person, location or items sold will render the permit invalid; and

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

- 10) violation of the above standards or other conditions placed upon the interim use permit will result an immediate revocation of the interim use permit;

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

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, as does the council's approval.

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**

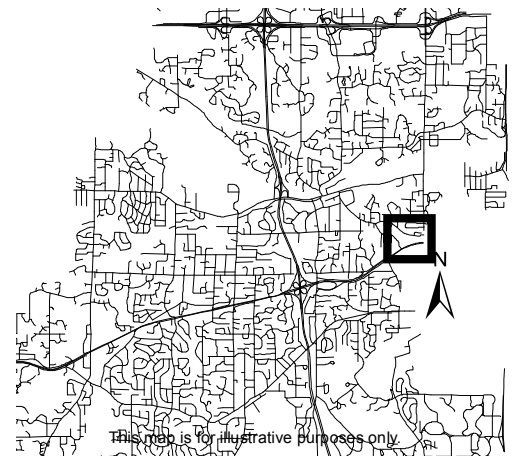
The city sent notices to 116 area property owners and received no comments to date.

**Deadline for
Decision**

June 1, 2018



Location Map
Project: Garden City
Address: 11400 Hwy 7



To City Officials
City Of Minnetonka,
Minnesota.

January 03, 2018

My name is Camilo Reyes I am a former Linder's Greenhouses Operations Manager in the Flower Mart Division for fourteen years. After Linder's went out of business in 2013 I got the opportunity to open my own Company, Garden City, LLC. Linder's used to have a flower mart at Country Village Shopping Center in Minnetonka from 2007 – 2013. I would like to propose is provide the same operations as Linder's did in the past. Following is a description of my operations.

Garden City LLC is a company that set up and operated temporary Garden Centers around the Metro area. I am enclosing some photos and information about our garden centers. We have been doing Flower Marts for 4 Years in the Twin Cities area. The response we have had from our customers and nearby businesses has been excellent. Our concept in marketing and presentation has received numerous compliments from customers and others within the garden center industry.

Having a Garden City Flower Mart at this location generates a lot of excellent visual attraction which brings color to the center in the spring when shoppers are eager to get going on their gardens. Getting customers into shopping centers is of prime importance to all businesses. Having first quality garden products available for your customers shows that you care to provide them with a convenience near to where they shop.

ABOUT GARDEN CITY:

Garden City is a 4 year old business and has been selling high quality flower and vegetable plants. We buy and sell Annuals, nursery stock, perennials, and specialty items,

During the last three years we have developed our "Flower Marts" and have placed them throughout the Twin Cities. In 2017 we operated at 6 different cities. City of Roseville, City Of Moundsview, City Of Golden Valley, City of White Bear Lake, City Of St Anthony, and City Of Burnsville. During our season we sell all types of annuals, perennials, hanging baskets and other products for use in the home garden. Because we are well known as a quality flower carrier, many gardeners seek us out to supply their planting needs. Locating in areas around the cities enables us to serve our customers better. It is also an opportunity for neighboring business owners to provide their customers with quality flower and vegetable plants conveniently nearby. Our customers have given us a tremendous welcome and look forward to our returning each spring.

We carrier a quality bedding plants as well as other seasonal products for sale. We take great pride in our "Flower Marts" and are proud to display our name on them and carefully sign them to identify ourselves. The photos show our "Flower Marts" at various locations for you to see how we look. We are very proud of our reputation and do everything possible to be the best in this market.

THE MARKET:

We feel this location may be an excellent place to locate a Garden City "Flower Mart". This could be an opportunity to serve our customers in your community with a nearby convenient shopping location where they can buy quality plant materials from a local Twin Cities growers. We are experienced in this kind of operation and feel that we are doing an excellent service for our customers and our surrounding communities.

LOCATION:

The area needed is typically 104 ft. by 50 ft. (about 5200 sq. ft.). This size includes the garden center itself and the patio areas connected to the Flower Mart. We will locate in a place that is some distance from the front of the other businesses and out of the main stream of traffic, both pedestrian and vehicular. We want to give the Flower Mart visibility to the public without obstructing the visibility of the other neighboring businesses, and at the same time have good visibility in order to attract customers into the lot.

TRAFFIC:

With regard for vehicle traffic, the "Flower Mart" is placed in the selected location in order to keep any traffic disruption to a minimum. The patio areas at the front, side and back serve to protect the "Flower Mart" from vehicles and let the drivers see around the garden center. The patio fence is about 4 ft. high and surrounds the "Flower Mart" on three sides. This design has been used at our "Flower Marts" for several years and we have yet to have had a problem with vehicle movement. We feel that this is a safe way to deal with vehicles. Placed in this manner, vehicles cannot park adjacent to the "Flower Mart". The circulation of vehicles in the parking lot will not be adversely affected by the "Flower Mart" due to its location in the lot.

PARKING:

We have designed the "Flower Mart" as we did because we feel that this is the most professional design and uses the available space to its maximum potential. Garden City has operated "Flower Marts" successfully for 4 Years in communities surrounding the Twin Cities. It has been our experience that the traffic and parking in the lots shared by the "Flower Mart" is not affected considerably due to the sharing of customers with our property owner. We bring in many customers but they are easily handled by the size of the lots we occupy. We do not want to create a congestive atmosphere for our customers or neighboring businesses. Our flower mart will use 32 of the 513 parking spaces that the property have in the South East Corner of the property.

The "Flower Mart" generates business activity which varies during the business day with the most activity occurring in late afternoon and evening. There is also business activity occurring on the weekends with the most on Saturdays. Having done this type of operation for 4 years, it would be safe to say that the average amount in the "Flower Mart" at any one time is about five to six customers. The maximum amount of customers may be up to ten. There are certainly times when special sales occur that higher levels of activity may occur, but we have never seen so much that a problem has occurred in relation to the amount of cars or pedestrian traffic.

THE "FLOWER MART":

The typical "Flower Mart" itself is 84 ft long and 21 ft wide and 12 ft high. There are patio/display areas in the front, side and rear of the "Flower Mart". The entire size is about 100 ft by 50 ft with total of 5000sq feet. See the attached drawing. The size and configuration can be adjusted somewhat in order to meet the available space.

The "Flower Mart" itself is a high quality greenhouse structure which sits on the pavement and is held down with an internal system which uses water for ballast. It is a commercially made unit, which is manufactured by a Minnesota company (Poly-TEX, located in Castle Rock, MN). It is a very good looking structure which we have used for many years.

ADVERTISING:

Garden City has established an extensive advertising program, which includes. The Garden City name is synonymous with quality, selection, and service. We also use radio, brochures, and other mailings and 16,000 email list to convey our message. We also use social media where we reach about 120,000 to 160,000 customers per week where this location will be mentioned. We make extensive efforts to bring in customers so we can be successful as well as all other merchants in the shopping center.

SIGNAGE:

The signage for a typical "Flower Mart" is shown on the drawing. This is what we believe to be an excellent signage plan. We have tried to design the appearance and signing of our stores to be not only eye catching but professional looking as well. We are very conscious of how we look and do business. We would comply with the current sign requirements of the City.

UTILITIES:

Our only utility requirements are reasonable access to water for the plants and 110 volt electricity (on 24 hours) which runs the cash register and other small items in the "Flower Mart".

This power typically comes from a light pole in the lot nearest the "Flower Mart". We have no lighting permanently installed in the "Flower Mart". Garden City takes away all discarded material and unnecessary items. We strive to maintain a clean and professional appearance.

Water is the other utility we need. This is needed to care for the plant material at the "Flower Mart". The source of the water is not specifically identified at this point. Hopefully a source can be located nearby or from the underground watering system. We only need the equivalent of a standard gardening hose to water the plant material.

THE SPRING SELLING SEASON:

The selling season to be from April 15 thru September 15 (weather dependent). We typically begin preparations to set up all of the Garden City "Flower Marts" in the middle of March. We request the necessary time to build the "Flower Mart" before the season begins. We first deliver the necessary equipment to the location and then begin setting-up the "Flower Mart" when the weather is permissible. The "Flower Mart" is taken down and totally removed on the closing day of the season. We totally clean and sweep the location in the parking lot so that once we are gone there is no evidence of our having been there.

OUR HOURS:

Our hours are 8:00 AM until 8:00 PM weekdays and 8:00 AM until 8:00 PM on most weekends. We typically have two to three employees during weekdays and three to four during weekends. We are open seven days a week during the season. The "Flower Mart" is closely supervised by myself and Store Managers who keep it stocked and operating cleanly and efficiently. We make every attempt to employ persons from the community.

I have tried to provide all of the information about Garden City to answer your questions. We typically pay a fee to the owner for the season. I have attached a typical License Agreement. Garden City has used this form for most of our locations and it can be modified to suit both of us.

If you have any other questions or concerns you can reach me at any time on my cellular telephone 612-36-2084. Or by email at camilo@gardencitymn.com

Sincerely,

Camilo Reyes
Owner

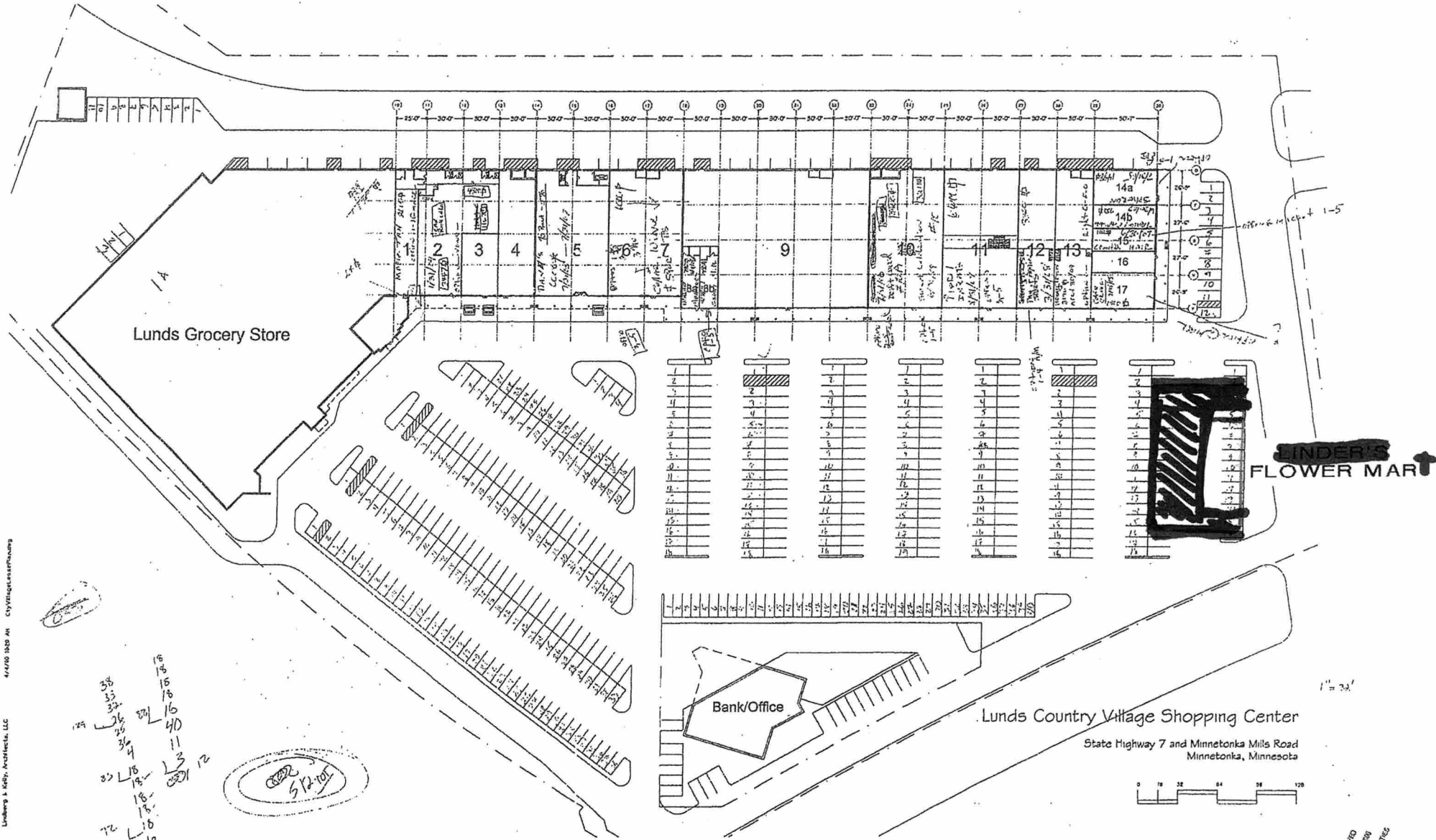
Exhibit A

Legal Description

That part of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of section 23, Township 117 Range 22 West, lying Northeasterly of the right-of-way of the Minneapolis and St. Louis Railroad, and South of the center line of the line of the old Minnetonka Mills Road, known as Highway #71 and West of a line parallel with the 990.000 feet West of the east line of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said section 23, except that the part thereof, which lies Northwesterly of the line and its Northeasterly extension, said line described as commencing at the point of intersection of Highway No. 71 and the Easterly right-of-way line of Minneapolis and St. Louis Railroad; thence Southeasterly along said center line a distance of 655.00 feet to the point of beginning of the line to be described; thence Southwesterly to a point on the Easterly right-of-way line of the Minneapolis and St. Louis Railroad, distant 730.00 feet Southeasterly as measured along said right-of-way line from the point of beginning and said line there terminating.

That part of the East 990 feet by parallel lines, of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of section 23, Township 117 North, Range 22 West, lying North of the Northerly line of State Highway #7 as the same is now laid out and constructed, and lying Northeasterly of the Northeasterly line of the Minneapolis and St. Louis Railroad right-of-way, and Southerly of the center line of the old Minnetonka Mills Road, now known as Highway #71, except the East 395 feet thereof.

Country Village Shopping Center Minnetonka, Minnesota 55305



Handwritten notes and numbers:

- 58
- 33
- 32
- 26
- 34
- 34
- 32
- 18
- 18
- 18
- 16
- 19
- 19
- 74
- 16
- 18
- 15
- 16
- 16
- 40
- 11
- 3
- 12

Other handwritten notes include "C-200" and "5/2/00".

EXHIBIT A

RESERVED
By: J. O. C. 1998
UNIVERSITY MICROFILMS

COUNTRY VILLAGE SHOPPING CENTER

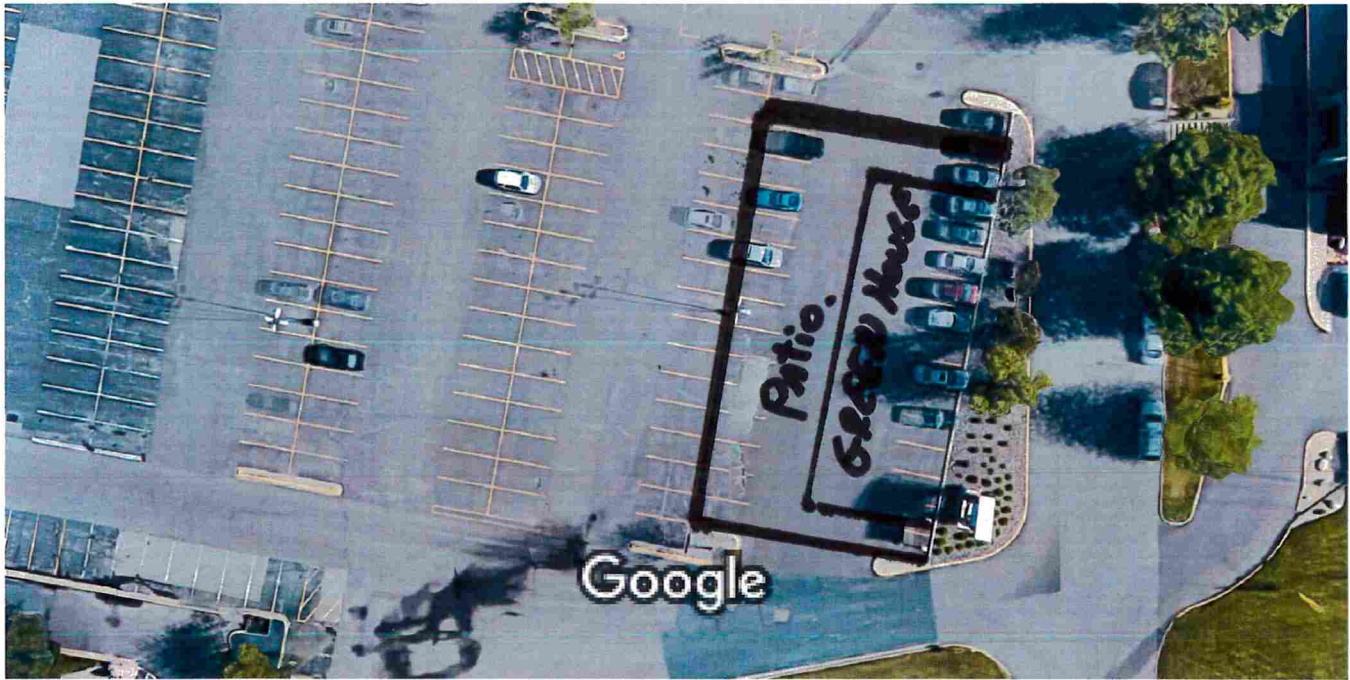
MINNETONKA, MINNESOTA

1/11/2018

<u>Tenant</u>	<u>Yardi Address</u>	<u>Post Office Address</u>	<u>Square Feet</u>	<u>% Of Center</u>
Aerial	11400 Highway 7, Suite #347	11351 Highway 7	2,575	2.34%
Banfield	11400 Highway 7, Suite #341	11341 Highway 7	2,869	2.61%
Creative Hair Studio	11400 Highway 7, Suite #305	11305 Highway 7	1,000	0.91%
Dr. Gianforte (Expansion)	11400 Highway 7, Suite #345	11345 Highway 7	1,500	1.36%
Dr. Gianforte	11400 Highway 7, Suite #349	11349 Highway 7	1,903	1.73%
Elsmore Sports	11400 Highway 7, Suite #323	11323 Highway 7	3,145	2.86%
Great Clips	11400 Highway 7, Suite #329	11329 Highway 7	750	0.68%
Krystal Nails	11400 Highway 7, Suite #331	11331 Highway 7	768	0.70%
Lunds	11400 Highway 7, Suite #400	11400 Highway 7	45,910	41.71%
Music Go Round	11400 Highway 7, Suite #319	11319 Highway 7	3,136	2.85%
Papa Johns	11400 Highway 7, Suite #313	11313 Highway 7	1,489	1.35%
Pier 1	11400 Highway 7, Suite #315	11315 Highway 7	6,500	5.91%
Play It Again Sports	11400 Highway 7, Suite #317	11317 Highway 7	3,300	3.00%
Salons By JC	11400 Highway 7, Suite #337	11337 Highway 7	6,000	5.45%
The Frameworks	11400 Highway 7, Suite #309	11309 Highway 7	750	0.68%
Zounds Hearing Aid	11400 Highway 7, Suite #303	11303 Highway 7	755	0.69%
Vacant - Suite 301	11400 Highway 7, Suite #301	11301 Highway 7	1,498	1.36%
Vacant - Suite 353	11400 Highway 7, Suite #353	11353 Highway 7	2,000	1.82%
Vacant - Suite 321	11400 Highway 7, Suite #321	11321 Highway 7	3,212	2.92%
US Liquor	11400 Highway 7, Suite #333	11333 Highway 7	6,000	5.45%
Vacant - Suite 325	11400 Highway 7, Suite #325	11325 Highway 7	15,000	13.63%
Total			110,060	100.00%

Total Leased

82,350	80.27%
--------	--------



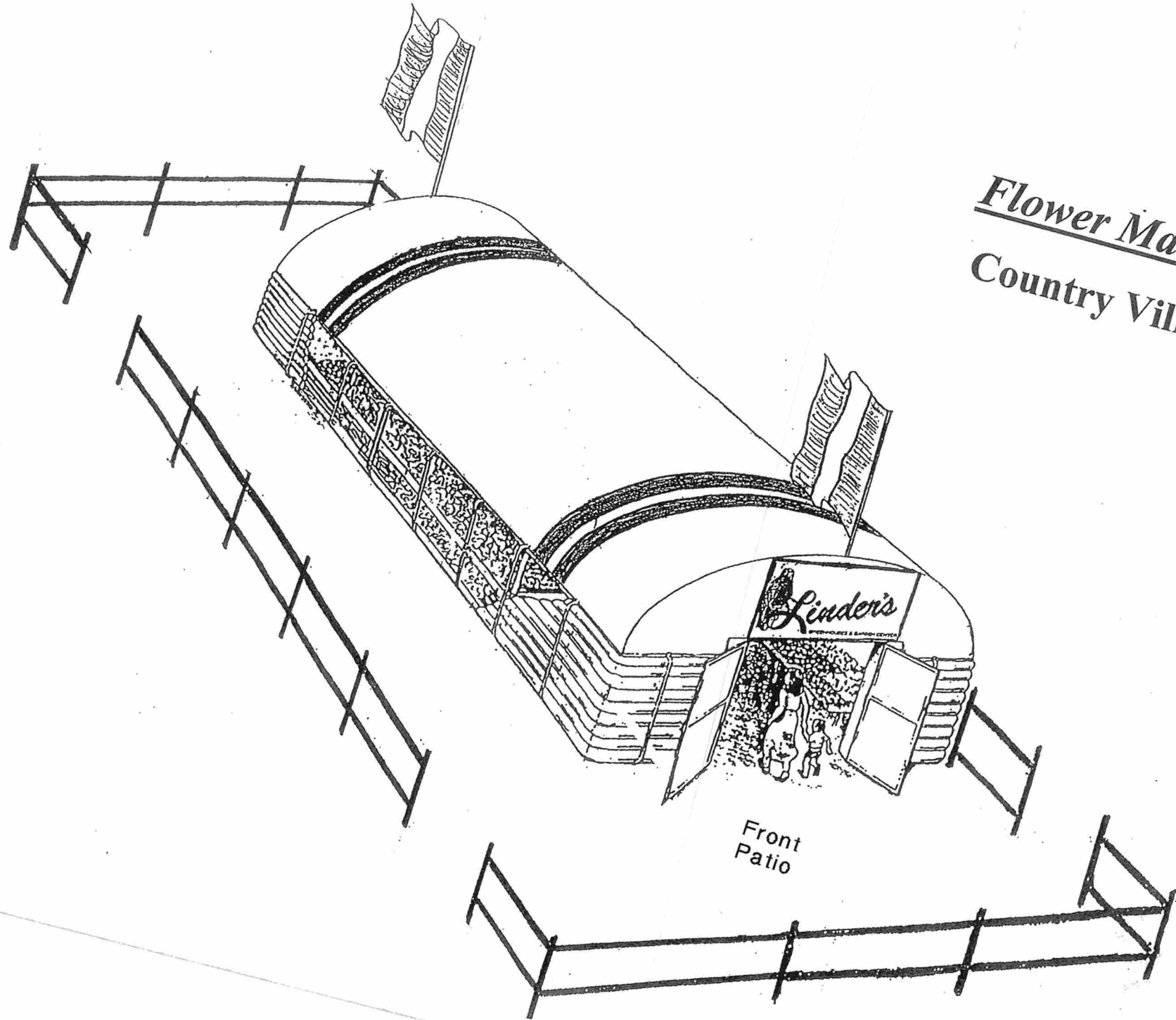
Imagery ©2018 Google, Map data ©2018 Google 20 ft

Great Clips

3.8 ★ ★ ★ ★ · 32 reviews

Hair Salon

Flower Mart
Country Village



Photos of other locations

MOUNDS
VIEW
SQUARE

UP TO
50%
OFF

Garden City



Golden Valley SHOPPING CENTER


Garden City
The Garden Experts
Garden Marts & Landscaping

PANSIE
20% OFF

PW
PROVEN WINNERS
PREMIUM ALL PURPOSE
POTTING SOIL





Garden City

Resolution No. 2018-

Resolution approving an interim use permit for Camilo Reyes to operate a seasonal floral market at 11400 Highway 7

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

Section 1. Background.

- 1.01 Camilo Reyes, on behalf of Garden City, has requested an interim use permit to operate a seasonal floral market within the County Village parking lot.
- 1.02 The property is located at 11400 Hwy 7. It is legally described as:
Tract A, Registered Land Survey No. 1591, Hennepin County, Minnesota.
- 1.03 In 2007, the city council approved a conditional use permit to allow a temporary floral market for Linder's Greenhouses, Inc. However, the approved conditional use permit has since expired as the floral market ceased operation in 2013.
- 1.04 In 2012, the city adopted its first interim use ordinance. Under current ordinance, transient sales are considered interim uses.
- 1.05 On March 1, 2018, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

- 2.01 City Code §300.18 Subd. 7 outlines the following standards that must be met for granting an interim use permit:
1. must be located in a suitable off-street location and shall not extend into adjacent right-of-way or other public property;
 2. must not interrupt vehicular circulation on the site or obstruct parking spaces needed by permanent business established on the site;
 3. must have written authorization from property owner;

4. business operator must secure all applicable licenses and approvals from the city, Hennepin County or other appropriate jurisdictions;
5. sight visibility clearances at street intersections and access points must be provided in accordance with section 300.15, subd. 9(e) of this ordinance or as determined by the city to protect public safety;
6. no portion of the use may take place within 100 feet of any developed property zoned for residential use;
7. signs are subject to the following:
 - a. no more than four signs are allowed, which do not exceed 32 square feet in aggregate;
 - b. incidental product or pricing signs must be placed directly next to the appropriate product;
 - c. product advertising is permitted, but must be included in the maximum allowed sign area;
 - d. the signs must have a professional appearance and must be securely mounted or erected in a safe location; and
 - e. these limitations apply to all signs associated with the use, including those affixed to vehicles;
8. any display of items must be limited to representative samples and be arranged in as compact a manner as reasonably practicable;
9. the interim use permit will be issued in the name of the person requesting the permit and will be for the purpose of selling a particular item or range of items at a specific location. Any change in the person, location or items sold will render the permit invalid; and
10. violation of the above standards or other conditions placed upon the interim use permit will result in immediate revocation of the interim use permit;

Section 3. Findings.

3.01 The proposal meet the specific interim use permit standards outlined in City Code 300.18 Subd.7:

1. The floral market will be located within the existing County Village Shopping Center parking lot and would not extend into any adjacent right-of-way or other public property.
2. The floral market would be located to avoid any dead-ends within the

parking lot to ensure that the vehicular circulation of the site is not disrupted. While the floral market would utilize existing parking spaces within the property, it would not obstruct parking spaces required for the permanent businesses onsite.

3. The property owner has signed and consented to the application.
4. Generally, the proposed location is reasonable. However, as a condition of this resolution, the applicant must ensure that sight lines at corners remain unobstructed.
5. The floral market would not be located within 100 feet of any residential properties.
6. As conditions of this resolution:
 - a) The business operator is responsible for securing all necessary permits and licenses.
 - b) The applicant must apply for a temporary sign permit each year. Any proposed signage would need to meet the ordinance requirements.
 - c) Display of items must be limited to representative samples and be arranged in as compact a manner as reasonably practicable.
 - d) The interim use permit is issued in the name of the person requesting the permit and will be for the purpose of selling a particular item at a specific location.

Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.
2. The floral market must be located on the eastern edge of the Country Village Shopping Center.
3. The market may be operated annually from March 15 through Sept. 31 on a daily basis from 8 a.m.-8 p.m.
4. The floral market must display items such that existing sight lines at intersections are not obstructed. Items must be displayed in the most compact manner reasonably practicable.
5. The approval does not approve any signs. A sign permit application must be submitted for staff review and approval.

6. The business operator is responsible for obtaining all necessary licenses and approvals from the city, Hennepin County or any other appropriate jurisdictions.
7. Any change in the proprietor, operator, location or items sold at the floral market will render this permit void.
8. Due to the size of the structure, a fire protection permit is required.
9. Any water supplied from city services must be protected with proper backflow protection device.
10. The site must be cleaned of all merchandise, equipment and debris within three days of the last day of operation.
11. No portable sanitation facilities are allowed on site.
12. The city council may reasonably add or revise conditions to address any future unforeseen problems.
13. The city council may revoke the interim use permit if any future traffic, parking or public safety issues arise as a result of the floral market's operation.
14. Violation of any of the above standards would result in an immediate revocation of the interim use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on March 19, 2018.

Brad Wiersum, 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 March 19, 2018.

David E. Maeda, City Clerk

MINNETONKA PLANNING COMMISSION
Mar. 1, 2018

Brief Description	A conditional use permit, with a parking variance, for Eden Prairie Islamic Community Center at 5640 Smetana Drive
Recommendation	Recommend the city council approve the request.

Background

In 2016, the city council approved a conditional use permit for Eden Prairie Islamic Community Center (EPIC) to operate a community center within the existing building at 5620 Smetana Drive (eastern property). While the uses would be phased in over time, it was anticipated that at full-build out the community center would include a variety of uses including a banquet facility on the upper floor.

As a standalone property, the property at 5620 Smetana Drive would have had roughly half of the required parking stalls for a multi-use building. However, EPIC also purchased the adjacent property to the west - 5640 Smetana Drive – with the intention of continuing the office use of the building.

Ultimately, in addition to the conditional use permit, a parking variance was approved. The variance was supported by the finding that the western property could serve as “overflow” parking for the community center on the eastern property.

Since the approval, EPIC has operated within the eastern building and has been marketing the western building to office users.

Proposal

To address the changing needs of the organization, EPIC has recently submitted a proposal to “relocate” the approved banquet facility from the upper floor of the eastern building to the first floor of the western building. As currently proposed, the roughly 6,000 square foot banquet facility would be used for memorial services and other gathering events.

While the first floor of the western building would be remodeled to accommodate the proposal, no exterior changes to either building or properties are proposed at this time. The space previously approved for the banquet facility in the eastern building would be used by office users.



Staff Analysis

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

1. Is the use generally reasonable?

Yes. While the proposal would result in a very slight increase in banquet facility space for the two properties, it would be generally consistent with the previously approved facility. Additionally, while the B-2 zoning district does not contain any provisions for gathering spaces, the ordinance does allow – as conditionally permitted uses – public buildings and “*other uses similar to those permitted within this section, as determined by the city.*”

The city has on several occasions – including in 2016 for the eastern property – reviewed gathering spaces under this “other uses similar to” provision finding that these types of uses operate similar to public buildings in which large groups of people gather at a specified time for a specified purpose.

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

2. Is the parking variance reasonable?

Yes. For multi-use buildings, the city’s parking ordinance calculates minimum parking requirements based on the individual uses of the building. Generally, when determining whether a property would meet minimum parking requirements, staff only reviews the parking stalls available on-site. However, in 2016, city staff evaluated the parking needs of the entire, two-property site.

The following table is intended to summarize the parking needs of the 2016 proposal. Changes to the table as a result of the current proposal are also noted:

Building Use	Parking requirement	Minimum number of stalls required by ordinance
5620 SMETANA DRIVE (eastern property)		
Worship space	1 space for every 2.5 seats	160 spaces
Coffees shop	1 space for every 60 sf	22 spaces
Day care	1 space for every 6 children	9 spaces
Office space	1 space for every 250 sf	32-60 spaces
School	1 space for every 3 students	33 spaces
Banquet facility	1 space for every 3 seats	100 spaces
Total required		356-284 spaces

<i>Total available onsite</i>		194 spaces
5640 SMETANA DRIVE (western property)		
<u>Banquet facility</u>	<u>1 space for every 3 seats</u>	<u>100 spaces</u>
Office space	1 space for every 250 sf	171-145 spaces
<i>Total required</i>		171-245 spaces
<i>Total available onsite</i>		194 spaces
TOTAL FOR 5620 AND 5640 SMETANA DRIVE		
<i>Total required for both buildings</i>		527-529 spaces
<i>Total available for both buildings</i>		364 spaces

Consistent with 2016, the subject property would be considered “under-parked” by literal interpretation of the code. However, staff finds that the proposed parking variance is reasonable as:

- The proposal would not result in an intensification of the properties and would be generally consistent with the previous approval for EPIC.
- An in-depth review of the peak parking demands of the site occurred during the 2016 review. As currently proposed, the building users would continue to be complimentary and would experience peak parking demands at varied times.
- The highest parking demand which occurs on Fridays between the hours of 1:00 p.m.-2:00 p.m. could still be accommodated on site.
- The city’s police department has confirmed that there have been no parking complaints for either property since EPIC began operation in 2016.

Summary Comments

Staff finds that the proposal would not intensify EPIC’s use of either property. Rather, EPIC is proposing to “swap” the office use of the western property and the banquet facility of the eastern property. To ensure that an intensification does not occur, staff is also recommending to replace previously approved Resolution No. 2016-064 to remove mention and conditions of approval of the banquet facility on the 5620 Smetana Drive property.

Staff Recommendation

Staff recommends the council:

- 1) Approve the attached conditional use permit approving a banquet facility, with a parking variance, for Eden Prairie Islamic Community Center at 5640 Smetana Drive.
- 2) Approve the attached resolution amending and replacing Resolution 2016-064, for a conditional use permit, with a parking variance, for Eden Prairie Islamic Community Center at 5620 Smetana Drive.

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

Supporting Information

Project No. 93006.18a

Property 5640 Smetana Drive

Applicant Mohamed Ibrahim, on behalf of EPIC

Surrounding Land Uses Office buildings, zoned B-2 and guided for mixed use.

Planning Guide Plan designation: mixed use
Zoning: B-2

Site Features The subject property is part of the BRENWOOD BUSINESS PARK. The entire business park is 13.5 acres in size and a total of four office buildings.

	5640 Smetana Dr (western property)	5620 Smetana Dr (eastern property)
<i>Lot area</i>	2.5 acres	2.4 acres
<i>Building</i>	3-story building	3-story building
<i>Surface parking lot</i>	167stalls	164 stalls
<i>Underground parking</i>	30 stalls	30 stalls

Trip Generation Properties within the Opus Overlay District are allocated a maximum number of p.m. peak hour trips to avoid overloading the Bren Road and Highway 169 interchange. The allocated number is not the number of trips at the property driveway. Rather, it is the number of trips anticipated to use the interchange based on the property's proximity to the interchange. A redevelopment of property within the overlay district that increased the amount of trips generated to the interchange above what is allocated is required to pay a trip generation fee. By ordinance, both the east and west properties are each allocated 33 trips.

During the 2016 review, staff anticipated that the banquet facility may be one of the higher trip generators but due to programming would likely not generate trips during the p.m. peak hour. To better understand potential trip generation, staff secured WSB & Associates to review the proposal.

The traffic study concluded that the eastern property would generate 36 p.m. peak hour trips, which is three more than is allocated by ordinance. However, the study concurred that the banquet facility would not generate any p.m. peak hour trips. While the proposed use would not generate any additional trips to the interchange, the previous approved site would have an increase of five p.m. peak hour

trips as a result of the increased office use of the building. The following is intended to summarize the trip generation of the eastern building:

Building Use	Units	Size	PM Peak Hour	Site Trip Generation	To TH 169 and I494 Interchange
Worship space	People	10	2	20	10.4
Daycare	Children	50	0.63	31.5	16.4
Coffee shop	1000 sf	1.3	0	0	0
Classroom	1000 sf	3	0	0	0
Banquet facilities	4000 sf	7	0	0	0
Office space	1000 sf	12 18	1.49	17.9 26.8	9.3 14
Total					36 41

In 2016, the city council agreed to require the trip generation fee at the time of a building permit for the day care. Staff finds it reasonable to not change this condition despite the increase in trip generation for office use.

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;

Finding: A public building is a conditionally-permitted use within the B-2 district. The city has conditionally allowed gathering spaces as uses similar to a public building under the “*other uses similar to*” section of this ordinance.

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

Finding: The site is located within the Opus area, which is guided for mixed use. The larger development includes industrial, commercial, office, and residential land uses.

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

Finding: The proposal has been reviewed by the city’s building, engineering, planning, natural resource and fire staff. Staff has determined that it would not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

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

Finding: The proposal is consistent with the city's water resources management plan. No significant changes are proposed to the property at this time.

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

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

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

Finding: Staff does not believe that the proposal would have an undue adverse impact on the public's health, safety or welfare.

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

City Code §300.21 Subd. 3(m) requires that public buildings must meet site and building plan standards as outlined in City Code §300.27. As the applicant is also requesting site and building plan approval, staff has included the standards and findings for both below:

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

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

2. Consistency with this ordinance;

Finding: But for a parking variance, the proposal would be consistent with the ordinance. Staff finds that the parking variance is reasonable, as the proposed uses are complementary and would experience varied peak parking demand times.

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

Finding: No external modifications to the property are proposed at this time.

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

Finding: All proposed changes would be internal to the building. As such, the proposal would not change the site's visual appearance.

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 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 with compatibility of the same with the adjacent and neighboring structures and uses; and
 - d. vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

Finding: The applicant is not proposing any site or exterior building improvements at this time. As such, there would be no negative impacts to existing open space on the property.

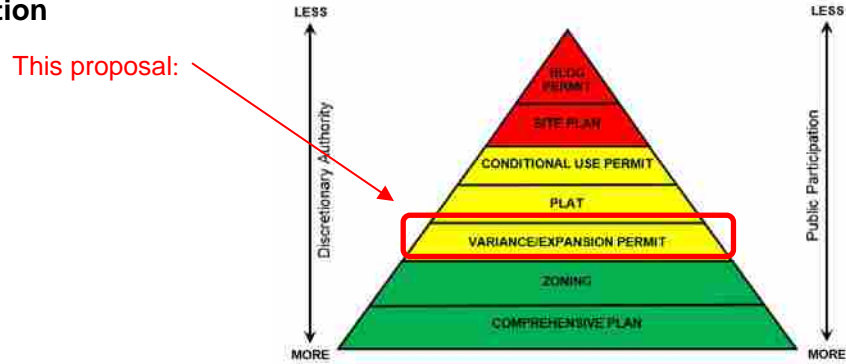
6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

Finding: The proposal is for the reuse and remodel of an existing building.

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: The proposal would be complementary to existing uses within the immediate area. Further, the proposal would not have any negative impact on adjacent or neighboring properties.

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 resolutions 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

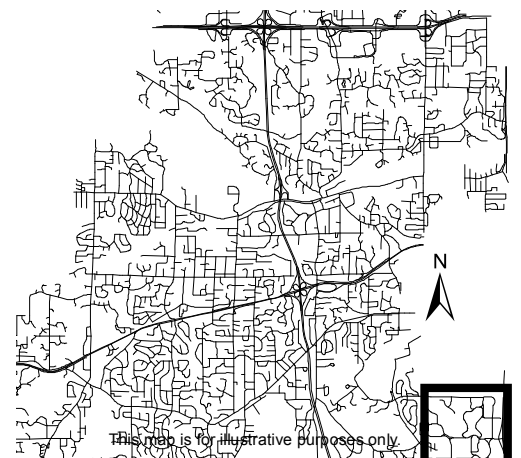
The city sent notices to 411 area property owners and received one comment. That comment is attached.

Deadline for Decision

May 26, 2018



Location Map
Project: EPIC
Address: 5640 Smetana Dr



1/23/18

To: City of Minnetonka, Planning Department

Attached, please find a Conditional Use Permit Application for Building 5640 Smetana Drive, Minnetonka, MN.

GENERAL OVERVIEW/SUMMARY

Since the establishment of EPIC at building 5620 Smetana Drive, the needs of the organization have tremendously evolved. We are presently in need of a banquet hall to facilitate its community gatherings, occasions and other related events. Thus, the proposal to use the first floor lobby of the second building (5640 Smetana Drive) as a potential banquet hall will address the need of a bigger venue to hold several religious and social functions. Specifically, we intend to use the second building's first floor as a banquet hall for memorial services, regular community gatherings, religious holiday gatherings, birthdays, weddings and other similar events and occasions. As it answers a common need for a bigger space for these mentioned community gatherings, it will positively create an additional financial stream to support our organization's activities, projects and other undertakings.

We have attached the preliminary rendering of the banquet hall, and will be working with a licensed architect to submit a full-fledged drawing prior to the build out and implementation.

THE PLAN

We envision the banquet hall to have a kitchen with stainless steel tables to facilitate food organization and preparation for catered food, a commercial dishwasher, a fridge for keeping refreshments cold, a stove for keeping certain foods and sauces warm, and not intended for any cooking purposes.

We do not anticipate having a complete commercial kitchen which will require proper hoods, freezers coolers and other necessities to operate a commercially run kitchen. We, however, are planning to have a storage room for linens, tables, chairs, table clothes, decorations, utensils, dishes, shavers, cleaning material and the like as well.

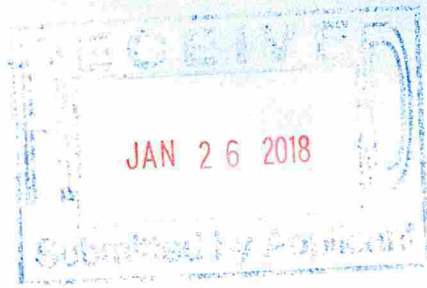
The facility is envisioned to have one private room designated for the bride and groom's change/preparation area, a customary staple space in the event of a wedding party. The banquet hall will become a rental space, and applicant-parties will be responsible for necessary arrangements for specially catered food sourced from commercially licensed food catering facilities and/or restaurants. If interested parties request us to handle the food service of their events, we will conduct similar arrangements with food catering companies who will deliver and serve the food orders within the facility. The operation of our banquet hall will be fully compliant with and strictly adherent to industry standards.

We thank the city of Minnetonka and the Planning Department in advance for its kind consideration in addressing our needs under this conditional use permit and for granting us the approval.

Respectfully yours,

Mohamed Ibrahim





Office Space For Lease

Brenwood III
5640 Smetana Drive
Minnetonka, MN 55343

ROB BRASS
952 897 7757
rob.brass@colliers.com

ERIK NORDSTROM
952 897 7885
erik.nordstrom@colliers.com

NEMAT JANETKHAN
952 944 9674
nemat@janetkhangroup.com



COLLIERS INTERNATIONAL
4350 Baker Road, Suite 400
Minnetonka, MN 55343
www.colliers.com/msp

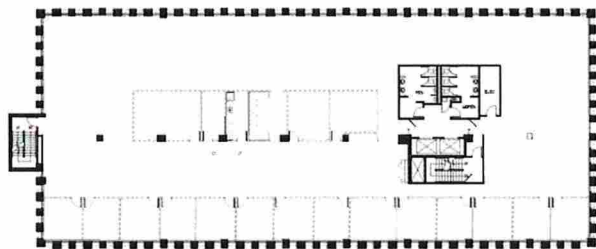
AMENITIES

- › 37,901 square foot building
- › Excellent access & visibility from Hwy 169
- › Underground parking and ample surface parking
- › Conference rooms
- › Located near numerous restaurants, hotels and retail amenities
- › Well-located, functional office space offered at below market rates

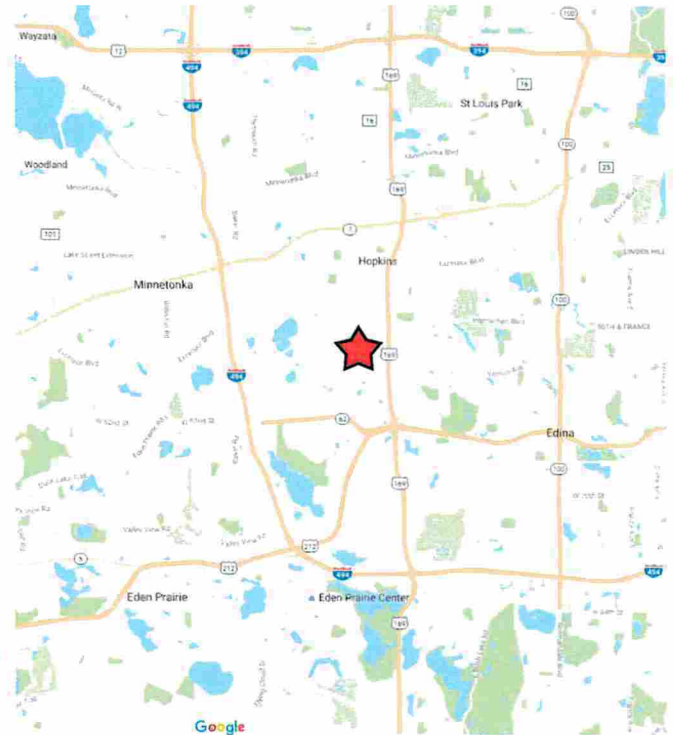
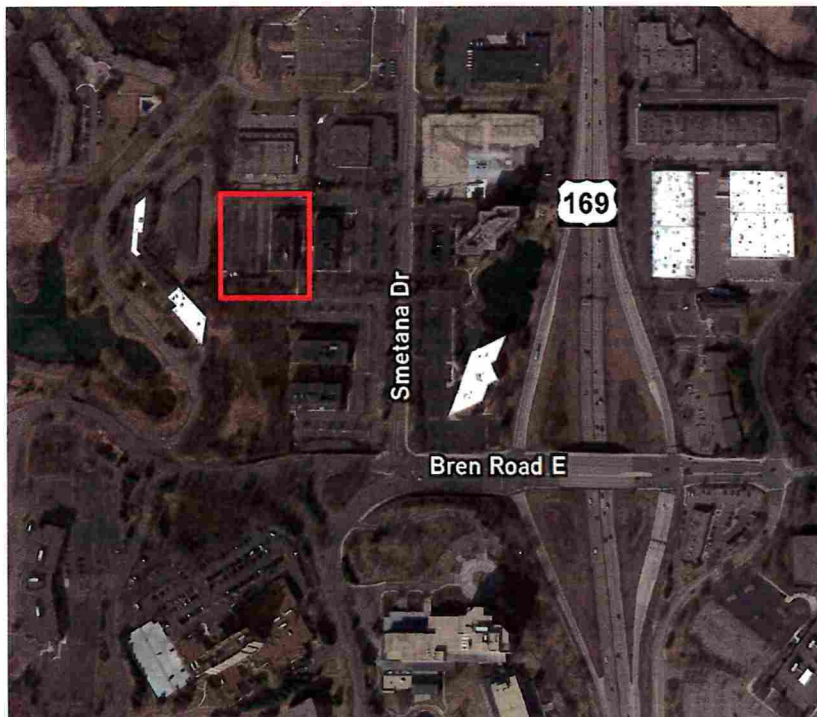
FOR LEASE > Brenwood III

Address: 5640 Smetana Dr, Minnetonka, MN 55343
Building Size: 37,901 square feet
Number of Floors: 3 stories
Year Built: 1981
Parking: 4/1,000 including underground parking
Availability: Now
Gross Rental Rates: \$16.00

FLOOR PLAN



AERIAL



CONTACT US

ROB BRASS
952 897 7757
rob.brass@colliers.com

JAN 26 2018

ERIK NORDSTROM
952 897 7885
erik.nordstrom@colliers.com

NEMAT JANETKHAN
952 944 9674
nemat@janetkhangroup.com

RE/MAX
ADVANTAGE PLUS

THE JANETKHAN GROUP
full spectrum real estate services

This document/email has been prepared by Colliers International for advertising and general information only. Colliers International makes no guarantees, representations or warranties of any kind, expressed or implied, regarding the information including, but not limited to, warranties of content, accuracy and reliability. Any interested party should undertake their own inquiries as to the accuracy of the information. Colliers International excludes unequivocally all inferred or implied terms, conditions and warranties arising out of this document and excludes all liability for loss and damages arising there from. This publication is the copyrighted property of Colliers International and/or its licensor(s). © 2016. All rights reserved. This communication is not intended to cause or induce breach of an existing listing agreement.



COLLIERS INTERNATIONAL
4350 Baker Road, Suite 400
Minnetonka, MN 55343
952 897 7700
www.colliers.com/msp

JAN 26 2018

Geddes & Associates

WCL
Associates, Inc.

**Architecture
Interiors**

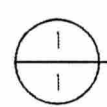
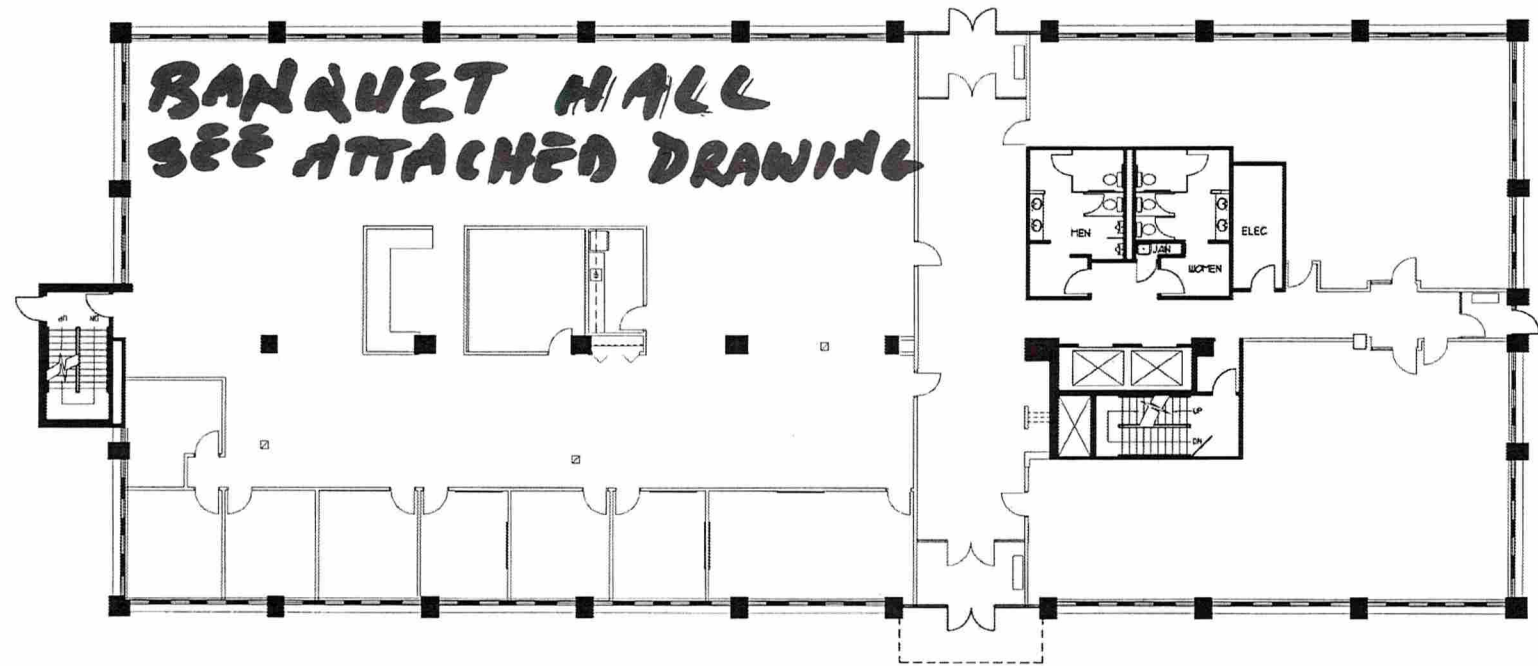
4031 West 56th Street
Suite 100
St. Louis Park, Minnesota
55424

T: 952-541-9400
F: 952-541-9404
www.wcl.com

BRENWOOD III

LEVEL ONE

5640 SWEETMAN DRIVE
MINNETONKA, MN 55343



LEVEL ONE



NOT TO SCALE

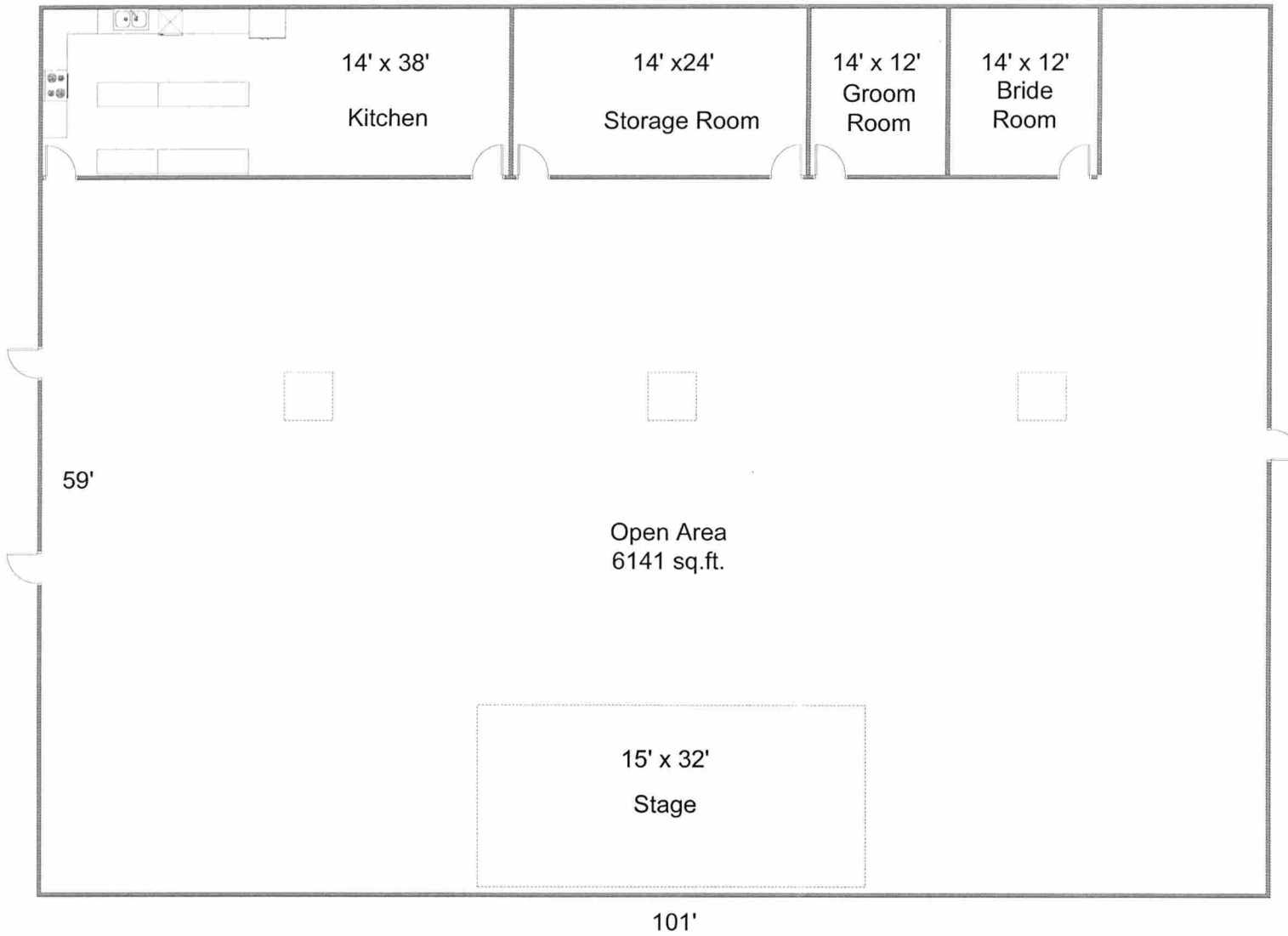
I hereby certify that this plan was prepared by the architect or under my direct supervision and that I am a duly licensed interior designer under the laws of the State of Minnesota.

Signature: _____
Name: _____
Registration: _____
Project Contact: _____
Phone Number: _____

Print History	Date
WCL/IC	01/17/2018

DEMISING PLAN

Project: 1006141
Drawn: KJM
Checked: MN



JAN 26 2018
Submitted by [illegible]

Neighborhood feedback

From: [REDACTED]
To: [Ashley Cauley](#)
Cc: [Bob Ellingson](#); [REDACTED]
Subject: EPIC Request for Conditional Use Permit
Date: Monday, February 19, 2018 11:13:54 AM

Ashley,

I currently live in the Cloud 9 Sky Flats across the street from the current EPIC community center. I am very supportive of any type of church, temple, or mosque facility which promotes religious and spiritual community needs. My issue i bring to you has no bearing on the facility.

My concerns strictly relate to regarding lighting and traffic flow.

The issues I have with the current facility involve 3 areas of concern which I hope can be addressed at the upcoming Planning commission and City Council March 1st and 19th.

1. Headlights on cars using the facility generally shine very brightly onto our building. A request was made through my building management to EPIC a while ago to please shut off headlights as soon as you park when facing our building, and, for the most part the congregants have been very accommodating in doing so. However, this still remains a problem. I wish that there be some guidelines that all congregants know of in order to preclude this issue from occurring in the future.
2. 3 VERY bright LED security lights were installed at the facility. They shine directly onto our building, and make the evenings way too bright. I request that EPIC provide some covers over these lamps in order to help them shine more downward rather than outward. This simple request should be easily implemented.
3. There have been instances occurring last year during the warm months where I and others have personally seen people getting out of their cars in our front parking lot, putting a prayer carpet down in our parking area and praying. I know that this has occurred at least twice that I have personally seen. I request that EPIC agree that all congregants (and either non-congregants or expelled congregants) understand that this is not an acceptable practice on private property other than the EPIC center area across the street.

--

Regards and Thanks,

Jim Hattis

[REDACTED]

Resolution No. 2016-04 and
2016 meeting minutes

Resolution No. 2016-064

Resolution approving a conditional use permit, with a parking variance, for Eden Prairie Islamic Community Center (EPIC) at 5620 Smetana Drive

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

Section 1. Background.

- 1.01 Eden Prairie Islamic Community Center (EPIC) has requested a conditional use permit to operate a community center within an existing building.
- 1.02 The property is located at 5620 Smetana Drive.
- It is legally described as:
- Lot 2, Block 1, Brenwood Business Park
- 1.03 At full capacity the community center would include: (1) worship space; (2) a coffee shop to serve building users; (3) offices; (4) a licensed day care facility; (5) classroom facilities; and (6) a banquet facility.
- 1.04 The proposal requires a parking variance from 356 to 194 parking stalls.
- 1.05 City Code §300.18 Subd. 4(n) allows public buildings as conditional uses within the B-2 zoning district.
- 1.06 City Code §300.18 Subd. 4(t) other “uses similar to those permitted within this section, as determined by the city” as conditional uses within the B-2 zoning district.
- 1.07 The proposed community center would be similar to a public building, as it is a place where a group of people would gather at a specified time for a specific purpose.

1.08 On July 21, 2016, 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 lists the following general standards that must be met for granting a conditional use permit:

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

2.02 City Code §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit for public buildings:

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

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

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

2.04

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

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

Section 3. Findings.

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

1. A public building is a conditionally-permitted use within the B-2 district. The city has conditionally allowed day cares, school, and religious institutions as uses similar to a public building under the *"other uses similar to"* section of the ordinance.
2. The site is located within the Opus area, which is guided for mixed-use. The larger development includes industrial, commercial, office, and residential land uses.
3. The proposal has been reviewed by the city's building, engineering, planning, natural resource and fire staff. The use is not anticipated to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.
4. The proposal is consistent with the city's water resources management plan. No significant changes are proposed to the property at this time.
5. The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building with minimal impacts to the site and exterior building. But for a parking variance to allow a reduction of parking, the proposal would meet the standards outlined.
6. Staff does not believe that the proposal would have an undue adverse impact on the public's health, safety or welfare.

3.02 The proposal would meet all but one of the specific conditional use permit standards outlined in City Code §300.21 Subd. 3(m) and site and building plan standards outlined in City Code §300.27, Subd. 5.

1. The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.
2. But for a parking variance, the proposal would be consistent with the ordinance. Further, the parking variance is reasonable as the proposed uses are complementary and would experience varied peak parking demand times.
3. No external modifications to the property are proposed at this time.
4. All proposed changes are internal to the building. As such, the proposal would not change the site's visual appearance.
5. The applicant is not proposing any site or exterior building improvements at this time. As such, there would be no negative impacts to existing open space on the property.
6. The proposal is for the reuse and remodel of an existing building.
7. The proposal would be complementary to existing uses within the immediate area. Further, the proposal would not have any negative impact on adjacent or neighboring properties.

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

1. The proposal meets the purpose and intent of the zoning ordinance. The intent of the parking ordinance is to ensure the development provides adequate parking to meet the parking demand. The proposed uses of the building are complementary and would have varied peak parking demand times throughout the day and week. Based on programming, the peak parking demand would occur between 1:00 and 2:00 p.m. on Fridays. At this time at full capacity, approximately 400 worshipers would utilize the worship space, the day care would be operating, and the offices would be occupied. By city code, 201 spaces would be required to accommodate these uses at this peak time. A total of 220 parking stalls would be available on site and on the adjacent property at 5640 Smetana Drive, which the applicant is also purchasing. As such, the required amount of parking could be accommodated.
2. The variance is consistent with the comprehensive plan that encourages mixed-use developments, which experience peak

parking demands at different times for the different uses in the development.

3. There are practical difficulties in complying with the ordinance:
 - a) It is reasonable to provide flexible parking requirements based on the actual characteristics and programming of the proposed development.
 - b) In the past, the city has found that day care, educational, and religious institutions have complementary uses. Based on the facility’s programming, the peak parking demand for the religious institution would occur on Fridays from 1:00 and 2:00 p.m. The peak parking demand for the school would occur on Saturday’s from 10:00 a.m. to 2:00 p.m. Further, the coffee shop is intended to serve existing users of the building and would likely not generate or require additional parking. While similar to other religious institutions within the city that have parking variances for varied uses and peak parking demand, this is not common to all other similarly zoned properties.
 - c) The parking variance would not adversely affect the character of the surrounding neighborhood. The site would meet the anticipated peak parking demand on site. However, parking would also be available on the applicant’s adjacent property at 5640 Smetana Drive. While each property must be reviewed individually, the adjacent property would provide “overflow” parking in the off-peak office parking times if needed.

Section 4. City Council Action.

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

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following, except as modified by the conditions below:

Proposed Use	Amount of space	Max No. of Users
LEVEL ONE		
Worship space	7,335 sf	400 people
Office Space	1815 sf	n/a

Coffee shop	1,300 sf	n/a
LEVEL TWO		
Office	6,055 sf	n/a
Daycare	2,000 sf	50 children
Classroom facilities	3,000 sf	100 children
LEVEL THREE		
Banquet facility	7,000 sf	300 people

2. This resolution must be recorded with Hennepin County.
3. Prior to release of a building permit for the day care, a trip generation fee in the amount of \$20,370 is required. This fee is based on the findings of the traffic study by WSB & Associates, which finds that three additional trips will be generated to the Bren Road/ Highway 169 interchange.
4. A shared parking agreement must be formalized between the properties at 5640 and 5620 Smetana Drive and filed with Hennepin County.
5. Kitchens – including kitchens in the banquet facility kitchen, coffee shop, day care and school – must meet all food code requirements.
6. Prior to certificate of occupancy, all applicable state, county, and city licenses/permits must be obtained and copies submitted to the city.
7. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.
8. Sign permits are required for any exterior signs.
9. The applicant must inform city staff in writing if any significant changes in programming that would increase the p.m. peak trip generation. This includes, but is not limited to, general programming changes and user increases, as it may require an updated traffic study. If an updated study indicates a negative impact on the surrounding roadway system or parking demand, staff may require the conditional use permit be brought back to the city council for further review.

10. The city council may reasonably add or revise conditions to address any future unforeseen problems.
11. Any change to the approved use that results in a significant increase in traffic, parking or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 8, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption: Wagner

Seconded by: Wiersum

Voted in favor of: Allendorf, Acomb, Wiersum, Bergstedt, Wagner, Ellingson, Schneider

Voted against:

Abstained:

Absent:

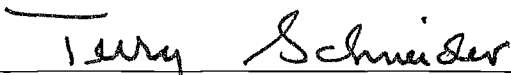
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on August 8, 2016.

David E. Maeda, City Clerk

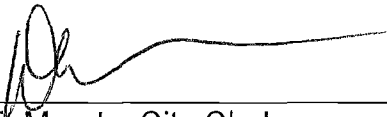
- 10. The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 11. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 8, 2016.



Terry Schneider, Mayor

Attest:



David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption: Wagner

Seconded by: Wiersum

Voted in favor of: Allendorf, Acomb, Wiersum, Bergstedt, Wagner, Ellingson, Schneider

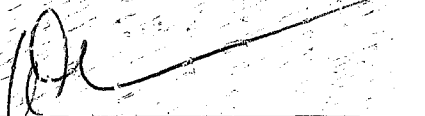
Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on August 8, 2016.



David E. Maeda, City Clerk

14. Other Business:

A. Conditional use permit, with parking variance, for Eden Prairie Islamic Community Center at 5620 Smetana Drive.

Gordon provided the staff report.

Schneider established ground rules for speakers to be respectful and comments to be relevant to the action being taken. Comments must be related to the proposed variance or conditional use permit being considered. Any reference to religion, race, or terrorism would be ruled out of order.

Wagner confirmed with Gordon that parking agreements would be filed with the county and on record with each property. If the use would change or grow, then the conditional use permit and parking would be reviewed.

Mohammad Ibrahim and Nemat Janetkhan introduced themselves, both board members of the Eden Prairie Islamic Community Center (EPIC), the applicant. Ibrahim stated that EPIC hopes to create a place of worship. They were available for questions.

The public hearing was opened.

The public hearing was closed.

Wagner suggested adding a condition to require that the conditional use permit be reviewed if the property owners would no longer be common. He was concerned with uses in the future having matching peak parking demand hours. Heine noted that a change in the use of the building would be the trigger rather than a change of the property owner.

Wiersum was comfortable with a change in the use being the trigger to require review of the conditional use permit which would include an evaluation of parking requirements. The conditions of approval are attached to the property.

Barone suggested changing the word "should" to "must" when the conditional use permit references that a parking agreement "should be formalized" and "should be filed."

Wischnack added that "or parking" could be added to section 11 as follows: ". . . any change to the approved use or parking that results in a significant increase in traffic or parking would require a revised conditional use permit." Wagner thought that would be helpful.

In response to Wagner's question, Gordon clarified that the trip-generation ordinance is always in effect. An increase in the number of trips would trigger a review.

Wiersum asked when the trip-generation fee would be applied. Gordon answered that it would be applied when the daycare use would apply for a building permit.

Wagner moved, Wiersum seconded a motion to adopt resolution 2016-064 approving a conditional use permit, with a parking variance, for Eden Prairie Islamic Community Center (EPIC) at 5620 Smetana Drive with a

replacement of "should" to "must" in subsection 4 to reflect that the parking agreement must be formalized and must be filed and a modification of subsection 11 to add that any change to the approved use or parking would require a review of the conditional use permit. All voted "yes."
Motion carried.

Wagner noted that it would be beneficial for the city council to set aside some time to consider the optimum density level of the area.

This page is left blank intentionally

Resolution No. 2018-

Resolution approving a conditional use permit, with a parking variance, for a banquet facility at 5640 Smetana Dr

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

Section 1. Background.

1.01 On August 8, 2016, the city council approved a conditional use permit, and a parking variance, for Eden Prairie Islamic Community Center (EPIC) at 5620 Smetana Drive. The proposal included the following uses within the building:

Proposed Use	Amount of space	Max No. of Users
LEVEL ONE		
Worship space	7,335 sf	400 people
Office Space	1815 sf	n/a
Coffee shop	1,300 sf	n/a
LEVEL TWO		
Office	6,055 sf	n/a
Daycare	2,000 sf	50 children
Classroom facilities	3,000 sf	100 children
LEVEL THREE		
Office	10,000 sf	n/a

1.02 In addition to the property at 5620 Smetana Drive, EPIC owns the property at 5640 Smetana Drive. The property is legally described as:

Lot 3, Block 1, Brenwood Business Park

1.03 EPIC has recently submitted a proposal to “relocate” the approved banquet facility from 5620 Smetana Drive to 5640 Smetana Drive. The previously approved banquet facility space would be used by office tenants.

1.04 The proposal requires a parking variance from 245 to 195 parking spaces.

1.05 City Code §300.18 Subd. 4(n) allows public buildings as conditional uses within the B-2 zoning district.

-
- 1.06 City Code §300.18 Subd. 4(t) other “uses similar to those permitted within this section, as determined by the city” as conditional uses within the B-2 zoning district.
- 1.07 The proposed banquet facility would be similar to a public building, as it is a place where a group of people would gather at a specified time for a specific purpose.
- 1.08 On Mar. 1, 2018, 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 variances.
- Section 2. Standards.
- 2.01 City Code §300.21 Subd. 2 lists the following general standards that must be met for granting a conditional use permit:
1. The use is consistent with the intent of the ordinance;
 2. The use is consistent with the goals, policies, and objectives of the comprehensive plan;
 3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
 4. The use is consistent with the city’s water resources management plan;
 5. The use is in compliance with the performance standards specified in §300.28 of the ordinance; and
 6. The use does not have an undue adverse impact on the public health, safety and welfare.
- 2.02 City Code §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit for public buildings:
1. Site and building plan pursuant to section 300.27 of this ordinance.
- 2.03 City Code §300.27, Subd. 5, outlines that the following must be considered in the evaluation of site and building plans:
1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
 2. Consistency with this ordinance;

3. Preservation of the site in its natural 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.

2.04

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

Section 3. Findings.

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

1. A public building is a conditionally-permitted use within the B-2 district. The city has conditionally allowed day cares, school, and religious institutions as uses similar to a public building under the “*other uses similar to*” section of the ordinance.
2. The site is located within the Opus area, which is guided for mixed- use. The larger development includes industrial, commercial, office, and residential land uses.
3. The proposal has been reviewed by the city’s building, engineering, planning, natural resource and fire staff. The use is not anticipated to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.
4. The proposal is consistent with the city’s water resources management plan. No significant changes are proposed to the property at this time.
5. The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building with minimal impacts to the site and exterior building. But for a parking variance to allow a reduction of parking, the proposal would meet the standards outlined.
6. The proposal is not anticipated to have an undue adverse impact on the public’s health, safety or welfare.

3.02 The proposal would meet all but one of the specific conditional use permit standards outlined in City Code §300.21 Subd. 3(m) and site and building plan standards outlined in City Code §300.27, Subd. 5.

1. The proposal has been reviewed by the city’s building, engineering, planning, natural resources, and fire staff to ensure consistency with the city’s development guides.
2. But for a parking variance, the proposal would be consistent with the ordinance. Further, the parking variance is reasonable as the proposed uses are complementary and would experience varied peak parking demand times.
3. No external modifications to the property are proposed at this time.
4. All proposed changes are internal to the building. As such, the proposal would not change the site’s visual appearance.

5. The applicant is not proposing any site or exterior building improvements at this time. As such, there would be no negative impacts to existing open space on the property.
6. The proposal is for the reuse and remodel of an existing building.
7. The proposal would be complementary to existing uses within the immediate area. Further, the proposal would not have any negative impact on adjacent or neighboring properties.

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

1. The proposal meets the purpose and intent of the zoning ordinance. The intent of the parking ordinance is to ensure the development provides adequate parking to meet the parking demand. As part of the 2016 review, city staff reviewed the available parking on both the 5620 and 5640 Smetana Drive properties. At that time, staff found that the uses of the two buildings would have varied and complimentary peak parking times. The current proposal would not increase the intensity of the site but rather would "swap" uses within the buildings.
2. The variance is consistent with the comprehensive plan that encourages mixed-use developments, which experience peak parking demands at different times for the different uses in the development.
3. There are practical difficulties in complying with the ordinance:
 - a) It is reasonable to provide flexible parking requirements based on the actual characteristics and programming of the proposed development.
 - b) In the past, the city has found that office, day care, educational, and religious institutions have complementary uses. The two properties are able to accommodate the peak parking demands of the overall site.
 - c) The parking variance would not adversely affect the character of the surrounding neighborhood. While each property must be reviewed individually, the adjacent property would provide "overflow" parking in the off-peak office parking times if needed.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved based on the findings outline in Section 3 of this resolution. Approval is subject to the following conditions:

1. This resolution must be recorded with Hennepin County.
2. Prior to occupancy, all applicable state, county and city licenses/permits must be obtained and copies submitted to the city.
3. The facility must comply with all requirements of the Minnesota state building, fire, food and health code.
4. The building must be comply with all requirements of the Minnesota state building code, fire code, and health code.
5. The applicant must inform city staff in writing if any significant changes in programming would increase the p.m. peak hour trip generation. This includes, but is not limited to, general programming changes and user increases. If an updated study indicates a negative impact on the surrounding roadway system or parking demand, staff may require the conditional use permit be brought back to city council for further review.
6. The city council may reasonable add or revise conditions to address any future unforeseen problems.
7. 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 March 19, 2018.

Brad Wiersum, 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 March 19, 2018.

David E. Maeda, City Clerk

Resolution No. 2018-

Resolution amending and replacing Resolution No. 2016-064 for a conditional use permit, with a parking variance, for Eden Prairie Islamic Community Center (EPIC) at 5620 Smetana Drive

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

Section 1. Background.

- 1.01 On August 8, 2016, the city council approved a conditional use permit and a parking variance for Eden Prairie Islamic Community Center (EPIC).
- 1.02 The property is located at 5620 Smetana Drive. It is legally described as:
Lot 2, Block 1, Brenwood Business Park
- 1.03 At full capacity, the community center would include: (1) worship space; (2) a coffee shop to serve building users; (3) offices; (4) a licensed day care facility; (5) classroom facilities; and (6) a banquet facility.
- 1.04 The proposal requires a parking variance from 284 to 194 parking stalls.
- 1.05 City Code §300.18 Subd. 4(n) allows public buildings as conditional uses within the B-2 zoning district.
- 1.06 City Code §300.18 Subd. 4(t) other “uses similar to those permitted within this section, as determined by the city” as conditional uses within the B-2 zoning district.
- 1.07 The proposed community center would be similar to a public building, as it is a place where a group of people would gather at a specified time for a specific purpose.

Section 2. Standards.

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

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

2.02 City Code §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit for public buildings:

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

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

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

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

Section 3. Findings.

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

1. A public building is a conditionally-permitted use within the B-2 district. The city has conditionally allowed day cares, school, and religious institutions as uses similar to a public building under the “*other uses similar to*” section of the ordinance.
2. The site is located within the Opus area, which is guided for mixed-use. The larger development includes industrial, commercial, office, and residential land uses.
3. The proposal has been reviewed by the city’s building, engineering, planning, natural resource and fire staff. The use is not anticipated to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.
4. The proposal is consistent with the city’s water resources management

plan. No significant changes are proposed to the property at this time.

5. The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building with minimal impacts to the site and exterior building. But for a parking variance to allow a reduction of parking, the proposal would meet the standards outlined.
6. Staff does not believe that the proposal would have an undue adverse impact on the public's health, safety or welfare.

3.02 The proposal would meet all but one of the specific conditional use permit standards outlined in City Code §300.21 Subd. 3(m) and site and building plan standards outlined in City Code §300.27, Subd. 5.

1. The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.
2. But for a parking variance, the proposal would be consistent with the ordinance. Further, the parking variance is reasonable as the proposed uses are complementary and would experience varied peak parking demand times.
3. No external modifications to the property are proposed at this time.
4. All proposed changes are internal to the building. As such, the proposal would not change the site's visual appearance.
5. The applicant is not proposing any site or exterior building improvements at this time. As such, there would be no negative impacts to existing open space on the property.
6. The proposal is for the reuse and remodel of an existing building.
7. The proposal would be complementary to existing uses within the immediate area. Further, the proposal would not have any negative impact on adjacent or neighboring properties.

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

1. The proposal meets the purpose and intent of the zoning ordinance. The intent of the parking ordinance is to ensure the development provides adequate parking to meet the parking demand. The proposed uses of the building are complementary and would have varied peak parking demand times throughout the day and week. Based on programming, the peak parking demand would occur between 1:00-2:00 p.m. on Fridays. At this

time at full capacity, approximately 400 worshipers would utilize the worship space, the day care would be operating, and the offices would be occupied. By city code, 201 spaces would be required to accommodate these uses at this peak time. A total of 558 parking stalls would be available on site and on the adjacent property at 5640 Smetana Drive, which the applicant is also purchasing. As such, the required amount of parking could be accommodated.

2. The variance is consistent with the comprehensive plan that encourages mixed-use developments, which experience peak parking demands at different times for the different uses in the development.
3. There are practical difficulties in complying with the ordinance:
 - a) It is reasonable to provide flexible parking requirements based on the actual characteristics and programming of the proposed development.
 - b) In the past, the city has found that day care, educational, and religious institutions have complementary uses. Based on the facility's programming, the peak parking demand for the religious institution would occur on Fridays from 1:00-2:00 p.m. The peak parking demand for the school would occur on Saturday's from 10:00 a.m.-2:00 p.m. Further, the coffee shop is intended to serve existing users of the building and would likely not generate or require additional parking. While similar to other religious institutions within the city that have parking variances for varied uses and peak parking demand, this is not common to all other similarly zoned properties.
 - c) The parking variance would not adversely affect the character of the surrounding neighborhood. The site would meet the anticipated peak parking demand on site. However, parking would also be available on the applicant's adjacent property at 5640 Smetana Drive. While each property must be reviewed individually, the adjacent property would provide "overflow" parking in the off-peak office parking times if needed.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved based on the findings outlined in Section 3 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following, except as modified by the conditions below:

Proposed Use	Amount of space	Max No. of Users
LEVEL ONE		
Worship space	7,335 sf	400 people
Office Space	1815 sf	n/a
Coffee shop	1,300 sf	n/a
LEVEL TWO		
Office	6,055 sf	n/a
Daycare	2,000 sf	50 children
Classroom facilities	3,000 sf	100 children
LEVEL THREE		
Office	10,000 sf	n/a

2. This resolution must be recorded with Hennepin County.
3. Prior to release of a building permit for the day care, a trip generation fee in the amount of \$54,320 is required. This fee is based on the findings of the traffic study by WSB & Associates, which finds that three additional trips will be generated to the Bren Road/ Highway 169 interchange.
4. A shared parking agreement must be formalized between the properties at 5640 and 5620 Smetana Drive and filed with Hennepin County.
5. Kitchens – including kitchens in the coffee shop, day care and school – must meet all food code requirements.
6. Prior to certificate of occupancy, all applicable state, county, and city licenses/permits must be obtained and copies submitted to the city.
7. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.
8. Sign permits are required for any exterior signs.
9. The applicant must inform city staff in writing if any significant changes in programming that would increase the p.m. peak trip generation. This includes, but is not limited to, general programming changes and user increases, as it may require an updated traffic study. If an updated study indicates a negative impact on the surrounding roadway system or parking demand, staff may require the conditional use permit be brought back to the city council for further review.
10. The city council may reasonably add or revise conditions to address any future unforeseen problems.
11. Any change to the approved use that results in a significant increase in traffic, parking or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on March 19, 2018.

Brad Wiersum, 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 March 19, 2018.

David E. Maeda, City Clerk

MINNETONKA PLANNING COMMISSION
March 1, 2018

Brief Description	Conditional use permit, with variances, for a fast food restaurant at 17603 Minnetonka Blvd.
Recommendation	Recommend the city council adopt the resolution approving the request

Proposal

The applicant, Rachel Amundson, is proposing to operate a fast food restaurant within one of the northern tenant spaces (space #17623) at 17603 Minnetonka Blvd. The proposal includes interior building changes, but no exterior building improvements are proposed at this time.

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 located in the southwest corner of the Minnetonka Boulevard/County Road 101 intersection. The site is improved with a 17,500 square-foot neighborhood shopping center. This existing structure was built in 1979.

The property has a non-conforming parking lot due to the limited number of parking spaces. (See Supporting Information.)

- **Proposed Building and Site**

As proposed, the 1,100 square-foot restaurant would occupy a space previously occupied by Clean N' Press, a dry cleaning store. The interior of the building would be remodeled to accommodate the proposed fast food restaurant, but no exterior changes have been proposed. Per the plan, the remodeled space would accommodate seating for 18 people. (See attached.)

- **Proposed Use**

The proposed restaurant, Nautical Bowls, will primarily serve acai bowls. These are dishes whose main ingredient is pureed acai berries with other ingredients (granola, bananas, blue berries, strawberries, coconut, etc.). The applicant has noted that there would be a minimum of two employees on-site at all times. Additionally, the restaurant would generally be open:

- Monday – Saturday: 8 a.m.–7 p.m.
- Sunday: 12 p.m.–7 p.m.

The applicant has indicated that she does not intend to apply for a liquor license.

Proposal Requirements

This proposal requires:

Conditional Use Permit for a Fast Food Restaurant: By city code, fast food restaurants are a conditionally permitted use within the B-2 zoning district. This proposal requires a conditional use permit (CUP) and the following variances:

- Residential Setback Variance: By CUP standard, fast food restaurants are not permitted within 100 feet of any residential parcel. The proposal requires a setback variance from 100 feet to 55 feet.
- Parking Variance: By CUP standard, restaurants must provide parking in compliance with the requirements of the parking ordinance. The proposal requires a parking variance from 186 spaces to 125 spaces.

Primary Questions and Analysis

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

- **Is the proposed restaurant use appropriate?**

Yes. The city conditionally permits fast food restaurants within the B-2 district. Furthermore, a fast food restaurant on the subject property would not be out of character for the development area. The subject property currently has a restaurant with a "to go option" (Mandarin Yang's), a gas station convenience store (Holiday Gas), and the property to the south has a fast food restaurant (Caribou Coffee).

- **Is the residential setback variance reasonable?**

Yes. The purpose of the 100-foot residential setback is to reduce the potential negative impacts of a fast food restaurant by creating larger separation between the residential homes and the fast food business. The subject proposal would be consistent with this intent as the business would be occupying an existing space and has not proposed any exterior changes. Furthermore, the space would be screened by the existing building, fence, and vegetation.

- **Can anticipated parking demands be accommodated?**

Yes. A parking study was completed in 2005 by WSB and the Lindsay Group reevaluated parking in 2018. The studies looked at the two parcels owned by the Lindsay Group – 17603 Minnetonka Blvd. and 3432 County Road 101; the parcels have a shared parking agreement. Both of these parking studies determined that the subject property and the property to the south are over parked. The 2005 study determined that the two parcels only needed 106 total parking spaces between the two sites to meet the

parking demand (125 spaces are currently available). Additionally, the 2018 parking review showed that typically there is at least 50 percent of the parking spaces available, with the lowest parking availability for either site being 40 percent available during the reviewed times. (See Supporting Information and attached.)

Staff Recommendation

Recommend the city council adopt the resolution approving a conditional use permit, with variances, for a fast food restaurant at 17603 Minnetonka Boulevard.

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

Supporting Information

Project No.	94014.18a
Property	17603 Minnetonka Blvd.
Applicant	Rachel Amundson, owner of Nautical Bowls
Surrounding	Northerly: Tonka Bottle Shop and Flagship Bank, zoned B-2 and B-3, guided commercial Easterly: Holiday Gas Station Pumps, zoned B-2, guided commercial. Southerly: Multi-Tenant Commercial Building, zoned B-2, guided commercial. Westerly: Single-Family Homes, zoned R-1, guided low-density.
Planning	Guide Plan designation: Commercial Zoning: B-2, limited business district
Background Information	<p>The subject property contains an approximately 17,500 square foot neighborhood shopping center that was originally constructed in 1979. Currently, the shopping center has nine tenant spaces, which include Anytime Fitness, Mandarin Yang, and Holiday Gas Station.</p> <p>The existing parking lot has 81 parking spaces on various sides of the building; however, 132 parking spaces would be required by ordinance with this proposal.</p> <p>Directly south of the property (3450 County Road 101) is an approximately 10,500 square foot multi-tenant building that was constructed in 2006. This building has four tenant spaces, which include Caribou, Lindsay Group, Verizon and Relief Plus Chiropractic.</p> <p>The existing parking lot has 44 parking spaces that are located on the front and rear sides of the property; however, 54 spaces would be required by ordinance.</p> <p>Additionally, the southern property has a shared parking agreement with the subject property. In total, the two properties would be required to have 186 parking spaces to meet ordinance; however, the combined sites only have 125 parking spaces.</p>
History	<p>In 2000, the property east of the subject property (owned by Holiday Gas Companies received:</p> <ul style="list-style-type: none">• Conditional use permit to redesign the existing gas service area; and• Site and building plan review approval to replace a canopy, gas pumps and remove an existing structure. <p>In 2005, the property directly south of the subject property received:</p>

- A conditional use permit for a two story building with a fast food restaurant (Caribou Coffee);
- Site and building plan review approval;
- Setback variance from the right-of-way;
- Parking variance (with a shared property agreement with the subject property);
- Drive aisle width variance.

In 2006, the property directly south of the subject property received a conditional use permit for an outdoor eating area for a coffee shop (Caribou Coffee).

2005 Parking Study

A parking study was commissioned in 2005 for the property south of the subject property (3450 County Road 101), but also reviewed the subject property. At this time, per the applicant, the subject lease space was used by a coffee shop, which would have had similar parking demands as the proposed use. The parking study was requested to answer the following questions:

1. Would the project meet the code parking requirement by itself?
2. Would the project meet the code parking requirements if considered in combination with Minnehaven Square (the subject property)?
3. Would the number or parking spaces required by code necessary to meet the parking demand for this development?

The full parking study prepared by WSB and Associates is attached. The following is intended to summarize the study:

- The proposal at 3450 County Road 101 would not meet code required parking.
- If the project was considered in combination with the northern property (Minnehaven Square), the project would still not meet code parking requirements.
- Even though the subject properties did not meet city code parking requirements, the parking study determined that the proposed parking lots on the two properties could accommodate the predicted parking demand. Specifically, the study indicated that 106 total parking spaces would be needed between the two sites. As proposed, the two properties would have 125 total parking spaces. The two lots were considered combined as there is a cross parking agreement between the two sites; however, individual parcel parking needs are described below.

Site	City Code Requirements	Parking Study Requirements	Approved Parking
17603 Mtka Blvd.	115	62	72
3432 Co. Rd. 101	54	44	44 (7 proof of parking)
Combined	169	106	125

(See attachments for complete parking study.)

2018 Parking Study

In January 2018, the Lindsay Group conducted a parking review of 17603 Minnetonka Blvd. and 3432 County Road 101 to determine the amount of parking spaces available during various times of the day from Friday, Jan. 26 to Wednesday, Jan. 31. The following is intended to summarize the review:

- The properties rarely have less than 50 percent of parking available.
- The lowest parking availability for the properties was at 6 p.m. when 40 percent of parking was available.
- The lowest parking availability for the southern property was at 2 p.m. when 54 percent of parking was available.

(See attachments for complete parking review table.)

Parking Deficit

Due to a shared parking agreement between the subject parcel and the southerly adjacent parcel, all information will be based on parking for the combined sites.

The existing development requires 173 parking spaces, but only has 125 spaces. If approved, the development's parking demand would increase as the proposed use (fast food restaurant) has a higher parking demand than the previous tenant's use (dry cleaner). Specifically, the new use would require 18 parking spaces while the previous use required only five spaces. This would increase the total parking demand for the development from 173 to 186 parking spaces. This increase in parking demand requires a variance from the city's parking performance standards.

CUP Standards

The proposal would meet all but one of the general CUP standards as outlined in City Code §300.21 Subd.2:

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

Finding: The proposed use is consistent with the ordinance. A fast food restaurant is a conditionally-permitted use within the B-2 district.

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

Finding: The proposed use is consistent with the goals, policies, and objectives of the comprehensive guide plan.

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

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

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

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

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

Finding: The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building space with no additions. With the exception of the parking variance to allow a reduction of required parking, the proposal would meet the standards outlined.

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

Finding: Staff does not believe that the proposal would have an undue adverse impact on the public's health, safety or welfare.

The proposed restaurant would meet all but one of the specific conditional use permit standards for fast food restaurants as outlined in City Code §300.21 Subd.4(f):

1. Shall be located only on sites having direct access to minor arterial streets or service roads;

Finding: The subject property has access to County Road 101, an arterial road.

2. Public address systems shall not be audible from any residential parcel:

Finding: The applicant has not proposed any public address systems.

3. Stacking for a minimum of six cars per aisle shall be provided within applicable parking lot setbacks;

Finding: The applicant has not proposed a drive-up or any changes to the existing parking lot.

4. Shall not be permitted when traffic studies indicate significant impacts on the levels of service as defined by the institute of traffic engineers of adjacent streets and intersections; and

Finding: Staff has reviewed the proposal and does not believe that it would significantly impact the level of service of adjacent streets or intersections.

5. Buildings shall be setback at least 100 feet and screened from any adjacent property designated in the comprehensive plan for residential use.

Finding: The subject lease space of the building would not meet the 100-foot setback from an adjacent property that is designated in the comprehensive plan for residential use. A variance is required from this condition.

Variance Standards

The proposal for reduced residential setbacks meets the variance standard outlined in City Code §300.07 Subd. 1(a). 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;

Finding: The intent of the ordinance, as it pertains to the 100-foot setback from residentially guided parcels, is to ensure adequate separation to reduce negative impact of fast food restaurants. Staff finds that this intent is met with the existing project, as the applicant has not proposed any changes to the existing building and the residential homes are screened from the fast food restaurant by:

- The existing building;
- An existing fence; and
- Existing vegetation.

2. The variance is consistent with the comprehensive plan;

Finding: The proposed use is consistent with the goals, policies, and objectives of the comprehensive guide plan.

3. 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.

Finding: (1) Reasonableness and (2) Unique Characteristics. The subject property and existing building have unique characteristics. The existing lease space is currently located within the 100-foot residential setback and encroaches into the required 35-foot property line setback. In addition, the subject lease space is screened from the residential properties by the existing building, fence, and vegetation. The subject proposal is reasonable due to the existing non-conformity of the building and existing screening.

Finding: (3) Character of the Neighborhood. The repurposing of the existing commercial lease space, from a cleaners to a fast food restaurant, would not alter the general atmosphere of the area. The subject property currently has a restaurant with a "to go option" (Mandarin Yang's), a gas station convenience store (Holiday Gas), and the property to the south has a fast food restaurant (Caribou Coffee).

The proposal for a parking variance meets the variance standard outlined in City Code §300.07 Subd. 1(a). 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;

Finding: The intent of the ordinance, as it pertains to parking requirements, is to ensure adequate parking is provided to meet anticipated parking demand. A parking study was completed in 2005 by WSB and the Lindsay Group reevaluated the site's parking in 2018. Both of these parking studies determined that the subject parcel and adjacent parcel at 3432 County Road 101 are over parked and could accommodate the new fast food restaurant, thus meeting the intent of the ordinance.

2. The variance is consistent with the comprehensive plan;

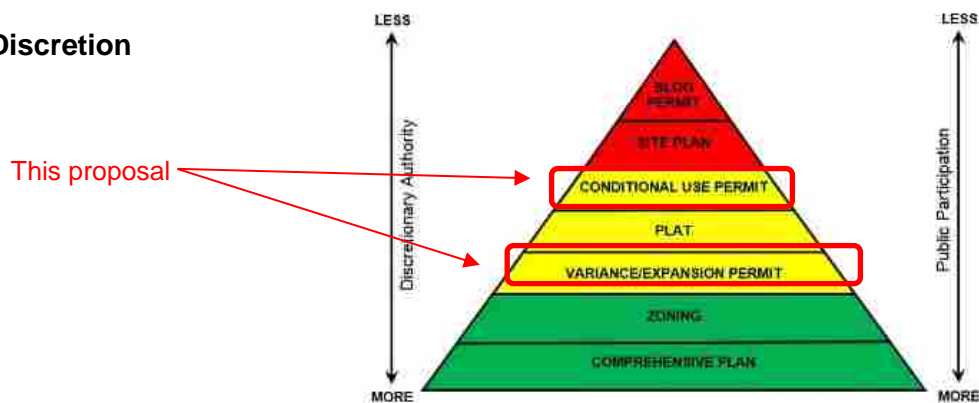
Finding: The proposed use is consistent with the goals, policies, and objectives of the comprehensive guide plan.

3. 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.

Finding: (1) Reasonableness and (2) Unique Circumstance. The subject lot and southerly adjacent parcel have several different uses that complement each other because they have differing peak demand times. Due to these differing peak demands, the site has not experienced a parking deficit despite not meeting city code parking requirements. The 2005 parking study completed by WSB and the Lindsay Group reevaluation the site's parking in 2018 both determined that the request for the parking variance is reasonable as it is expected that the parking demand for the site would be met.

Finding: (3) Character of the Neighborhood. The two parking studies completed for the subject site and southerly adjacent property have determined that the existing site should accommodate the additional parking demand of the fast food restaurant. Due to this information, the parking variance is not expected to alter the essential character of the neighborhood.

Pyramid of Discretion



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 proposal.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the

request. This motion should include reasons for the denial recommendation.

3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement for why the request is being tabled with direction to staff, the applicant or both.

Voting Requirement

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

Neighborhood Comments

The city sent notices to 94 area property owners and received one comment to date. (See attached).

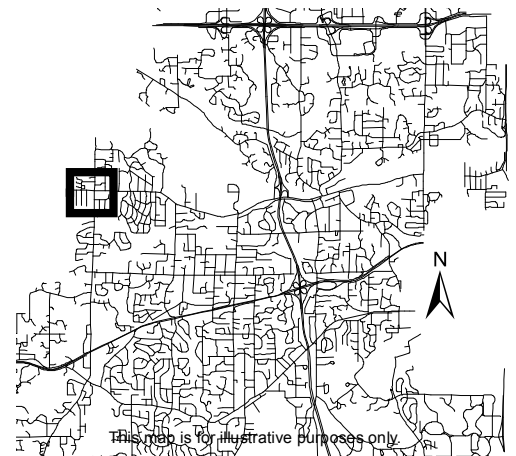
Deadline for Decision

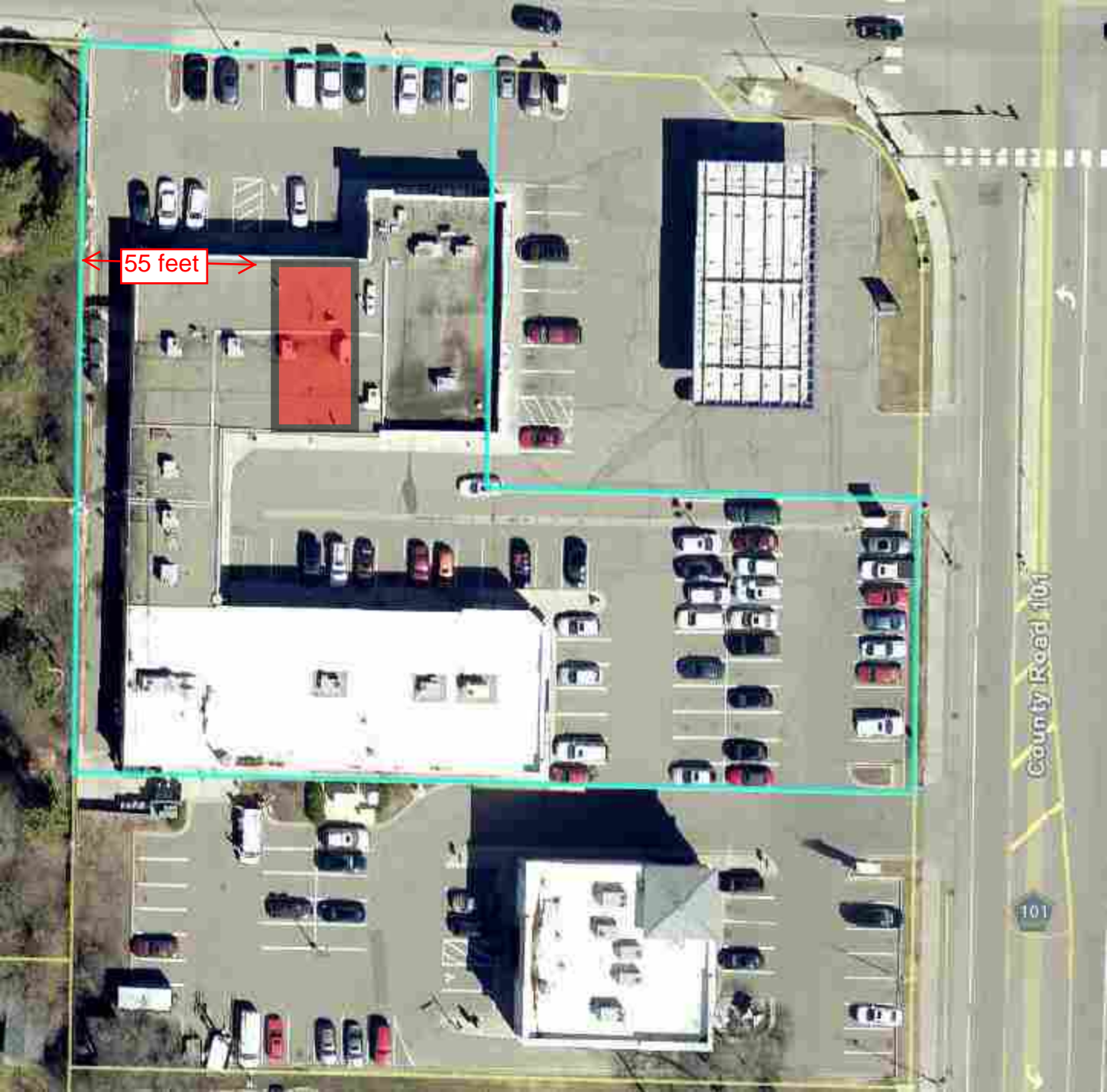
May 14, 2018



Location Map

Project: Nautical Bowls
Address: 17623 Minnetonka Blvd





55 feet

County Road 101

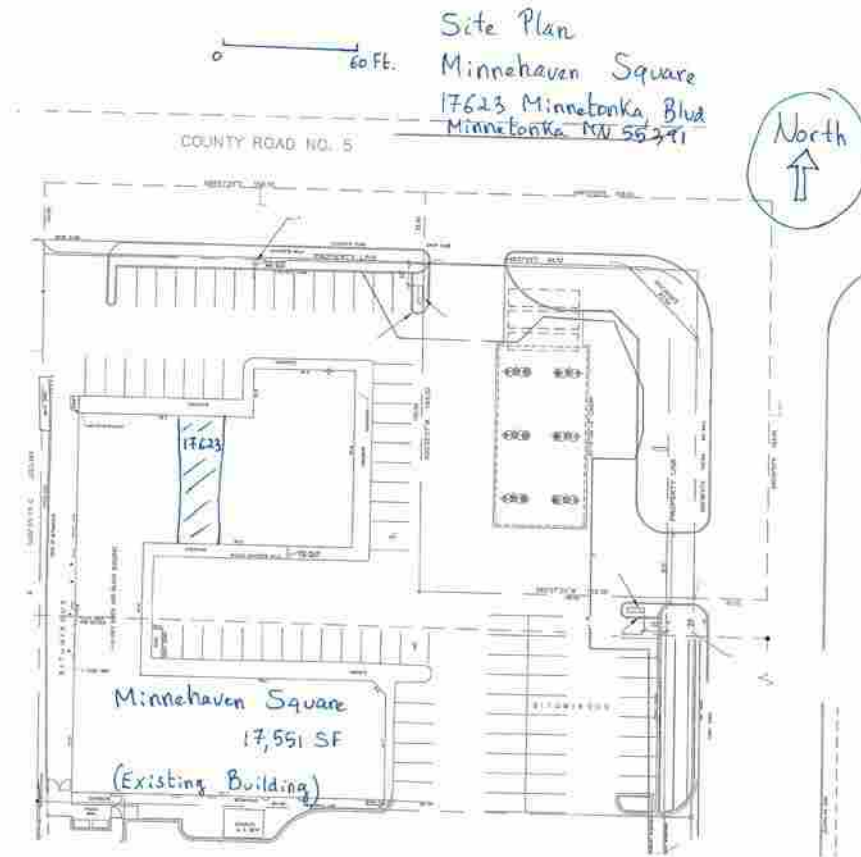
101

View From Minnetonka Boulevard (facing south)



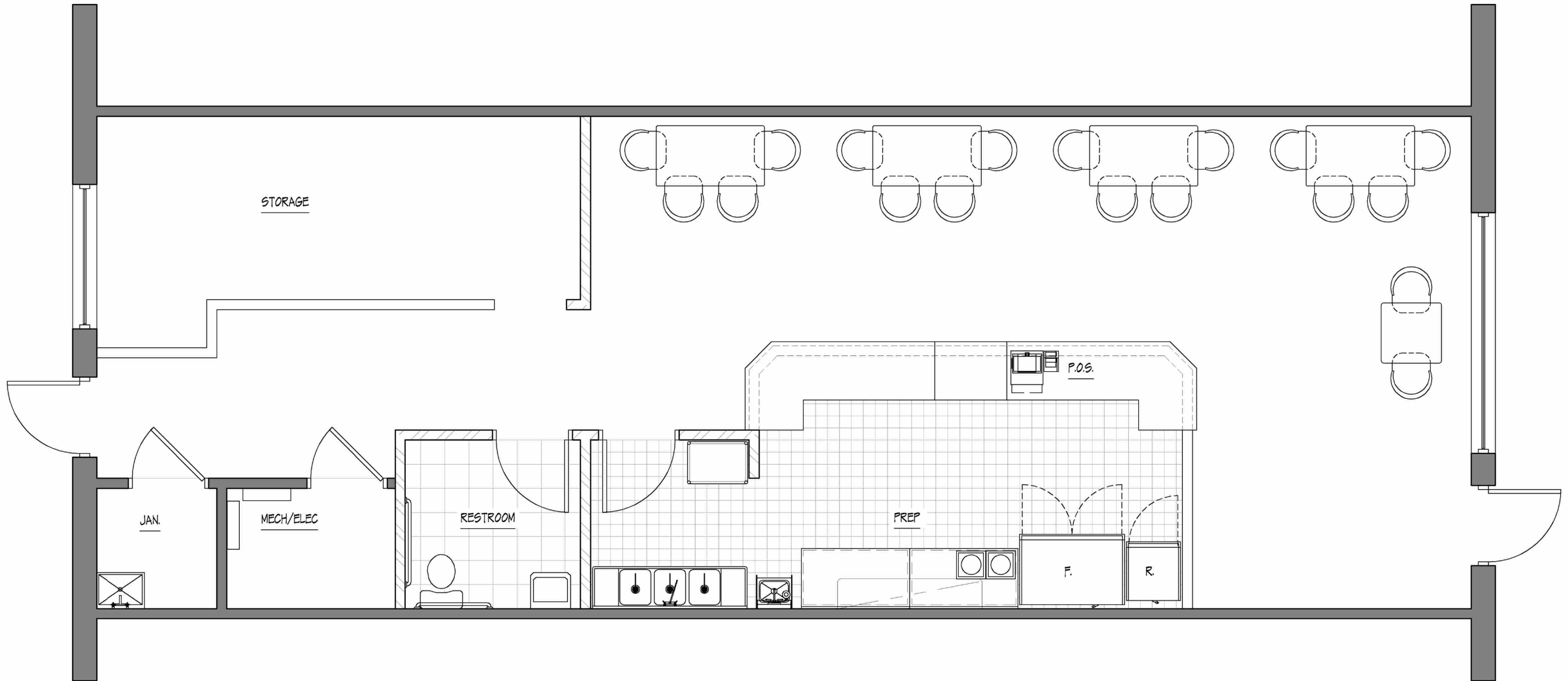
Proposed Space

**Site Plan:
Copy 1**



Copy 2

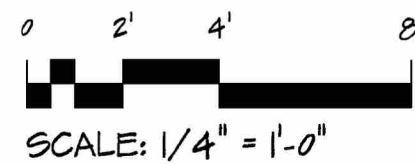




FLOOR PLAN

Nautical Bowls - Minnetonka, MN

01/29/2018



STUDIO 55 ARCHITECTS

Studio 55 Architects, LLP
 10700 Highway 55, suite 275
 Plymouth, MN 55441
 763.544.8370
 studio55architects.com

Minnehaven Square			
	Sq Ft	Spaces Needed per City Code	
Minnehaven Barbers	510	5.0	minimum
Anna Nails	600	5.0	minimum
GQ Tailors	600	5.0	minimum
Anytime Fitness	4,671	20.8	
Mandarin Yang	3,000	50.0	
Holiday	4,360	17.4	
Beauphoria	1,218	4.9	
Cigar Jones	1,374	5.5	
Nautical Bowl (proposed)	1,100	18.3	
Required		131.9	
Available		81	
3450 County Road 101			
Caribou	1840	30.7	
Lindsay Group	1863	7.5	
Chiropractor	1291	5.2	
Verizon	1600	6.4	
Storage	3,760	3.8	
Required		53.4	
Available		44	
Total Needed		185.3	
Total Available		125	

MINNEHAVEN WEEKDAY VEHICLE COUNT- 81 Spaces Available

Time Date	7:30 AM	8:15 AM	9:15 AM	9:45 AM	10:00 AM	11:15 AM	12:00 PM	1:00 PM	1:30 PM	2:00 PM	2:30 PM	3:00 PM	4:00 PM	4:30 PM	5:00 PM	6:00 PM	Average per Time Frame
F 1/26/18									41			51	49				47
M 1/29/18						38	42	47		46		35	37	34	40	49	40.9
T 1/30/18	14	34			37	34	35	36		39	38	44	48		56	49	38.7
W 1/31/18	24	33	34	35	35	35	41	40		29						49	34
Average	19	33.5	34	35	36	36	39.3	41	41	38	38	43.3	44.7	34	48	49	38
Total Available	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81
Percentage Left Available	76.5%	58.6%	58.0%	56.8%	55.6%	56.0%	51.4%	49.4%	49.4%	53.1%	53.1%	46.5%	44.9%	58.0%	40.7%	39.5%	53.0%

3450 COUNTY ROAD 101 / CARIBOU WEEKDAY VEHICLE COUNT- 48 Spaces Available

Date																	Average per Time Frame
F 1/26/18									18			19	15				15.3
M 1/29/18						23	14	9		13		17	20	18	14	10	19.7
T 1/30/18	3	13			22	23	19	21		32	21	25	20		19	18	15.6
W 1/31/18	8	13	16	14	15	19	16	18		21						14	16.8
Average	5.5	13	16	14	18.5	21.7	16.3	16	18	22	21	20.3	18.3	18	16.5	14	16.8
Total Available	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48
Percentage Left Available	88.5%	72.9%	66.7%	70.8%	61.5%	54.9%	66.0%	66.7%	62.5%	54.2%	56.3%	57.6%	61.8%	62.5%	65.6%	70.8%	65.0%

MINNEHAVEN WEEKEND VEHICLE COUNT

Time Date	11:00 AM	3:00 PM
S 1/27/18	49	36
Average	42.5	
Total Available	81	
Percentage Left Available	47.5%	

3450 COUNTY ROAD 101 / CARIBOU WEEKEND VEHICLE COUNT

Date		
S 1/27/18	17	12
Average	14.5	
Total Available	48	
Percentage Left Available	69.8%	



WSB & Associates, Inc.
701 Xenia Avenue South, Suite 300
Minneapolis, MN 55416
(763) 541-4800 (tele)
(763) 541-1700 (fax)

Memorandum

Date: August 2, 2005

To: Mr. Geoff Olson, Planning Director

From: Tony Heppelmann

Re: Lindsay Group Development Parking Study (Minnetonka Blvd and CR 101)

The purpose of this study is to evaluate the number of parking spaces required for a proposed development by the Lindsay Group located south of Minnetonka Boulevard on the west side of CR 101. The proposed development is adjacent to the existing Minnehaven Square. The proposed development and Minnehaven Square will have a common circulation isle on the property line and will be able to share parking between the two developments. See **Figure 1** for the project location. This parking study addresses three questions regarding this development.

1. Will the project meet the code parking requirements by itself?
2. Will the project meet the code parking requirements if considered in combination with the Minnehaven Square?
3. Is the number of parking spaces required by code necessary to meet the parking demand for this proposed development?

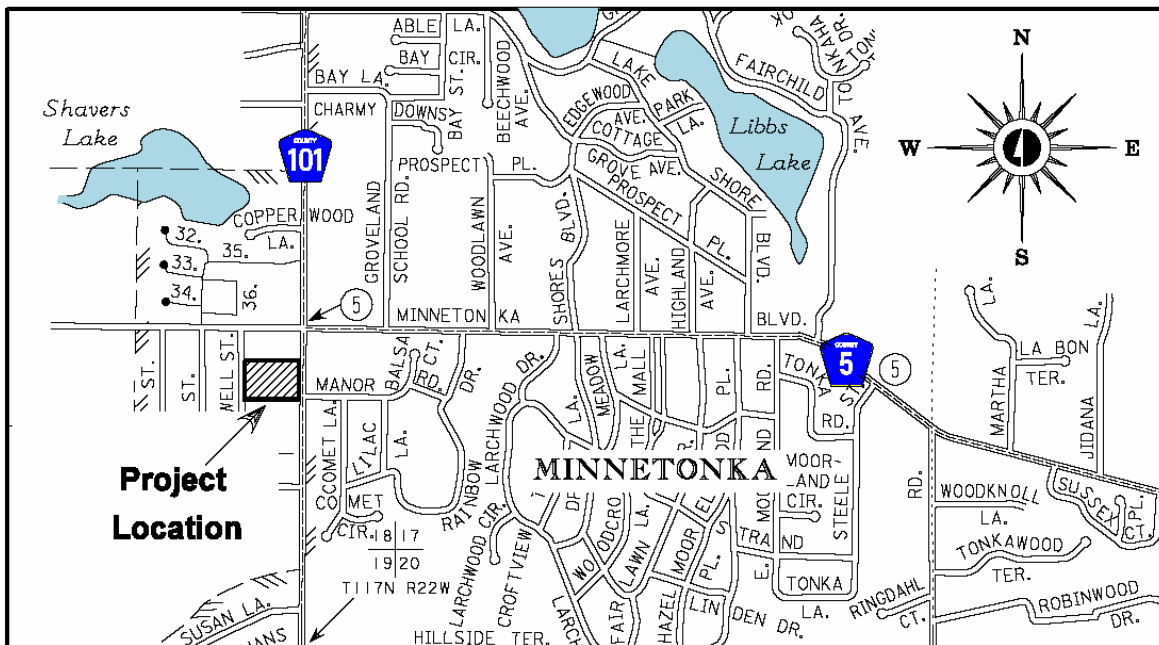


Figure 1. Project Location

1. Proposed Development

The proposed development will consist of a two-story building with a basement. The top level of the building will have 3,760 SF of office space. The ground floor will have 2,220 SF of retail space and 1,540 SF containing a restaurant/coffee shop. The basement will be 3,760 SF used for storage.

2. Relationship to Existing Development

The proposed development is located directly south of Minnehaven Square. Both developments are under the same ownership. The parking lot on the east side of the proposed development will have a common circulation isle with the south side of the parking lot for Minnehaven Square. Customers from Minnehaven Square and the proposed development can, and will, park in both lots. It is most likely that the west (back) lot behind the proposed development will be used by the office employees and the employees in both Minnehaven Square and the proposed development. This will allow for customers of the retail and restaurant development to park in the east lot (in front of the building) as well as in the existing parking lot at Minnehaven Square

3. Proposed Parking Supply

The proposed development will add 41 new parking spaces. Twenty-four (24) parking spaces are on the west side of the site behind the proposed building and 13 parking spaces are located on the east side of the proposed building near the access to CR 101. Also, four (4) new parking spaces will be created on the south side of the existing Minnehaven Square parking lot when the existing curb and circulation isle are removed and a new circulation isle created on the proposed development site. Land for an additional seven (7) parking spaces has been reserved on the far west side of the site for Proof of Parking. This brings the total potential new parking spaces to 48. See **Figure 2** for the site plan.

4. City Ordinance Parking Requirements

The City of Minnetonka “Code of Ordinances” provides parking requirements for various land use types. The proposed development could be classified as either a mixed use building or a neighborhood shopping center in the city code. Because office space is located on the second floor of the building it was determined that the mixed use building classification is the most appropriate for calculating the parking requirements for this project. **Table 1** summarizes the applicable parking requirements from the “Code of Ordinances” and applies the requirements to the proposed land uses and floor areas. Based on the “Code of Ordinances” and assuming there is no shared parking, fifty-four (54) parking spaces are required. The proposed parking spaces will not meet the city parking code requirements if the building is considered by itself.

Because of the relationship of the proposed development to the existing Minnehaven Square the proposed development was considered with the Minnehaven Square to determine whether the combined site would meet the code requirements for parking. The existing Minnehaven Square is considered to be a Neighborhood Shopping Center. **Table 2** summarizes the applicable parking requirements as applied to the existing neighborhood shopping center. The table shows that the existing Minnehaven Square requires 115 spaces based on the parking

code. There are currently 72 spaces provided on the site. **Table 2** also shows the number of spaces that would be required if it Minnehaven Square were classified as a mixed use building. The number of parking spaces required if treated as a mixed use building is less. This is because the parking required for shopping center is 4.5 spaces per 1,000 square feet while the parking requirement for a single retail use is 4.0 spaces per 1,000 square feet. The code is somewhat contradictory to actual experience in that typically the parking demand for a stand alone retail use is higher than for a mixed use where parking for different uses will peak at different times. **Table 2** shows that, in either case, combining the proposed development and the existing Minnehaven Square will not achieve the code required parking, since neither by themselves meet the code requirements for parking.

5. Shared Parking Demand

The last question this study addresses is whether the number of parking spaces required by the code is necessary and whether the proposed parking is adequate to meet demand. The application of the City “Code of Ordinances” parking space rates for single-use developments may over estimate the number of parking spaces needed in a mixed-use development. Because the maximum parking demand occurs at different times for different land uses, the total peak demand for a mixed-use development is often less than the sum of the maximum parking demands for each of the individual uses. For example, a church and an office building may have a combined peak demand that is much less than the sum of the peak demand for each use, since they generate that demand at completely different times. Similarly, the parking demand for office, retail, and restaurant uses also peak at different times creating an opportunity to share some of the parking spaces.

The Urban Land Institute (ULI) has surveyed the hourly parking demand for a number of different land uses for weekdays and Saturdays, and based on the surveys, has determined the percentage of peak demand that occurs during each hour. The results of these surveys are summarized in a report titled “Shared Parking Demand”. **Table 3** and **Table 4** summarize the results for the land uses proposed in this development. These percentages were applied to the parking rates in the City Code for each land use in the proposed development and a combined peak demand was estimated for the proposed development by adding up the parking demand for each hour; see **Table 5** and **Table 6** respectively. The hour from 12:00 p.m. – 1:00 p.m. on a weekday was determined to be the peak for the proposed development with a demand of 44 parking spaces. The Saturday peak was in the hour from 5:00 p.m. to 6:00 p.m. with a demand of 30 parking spaces. Based on the estimated shared parking demand, the proposed development would have adequate parking with the proof of parking spaces.

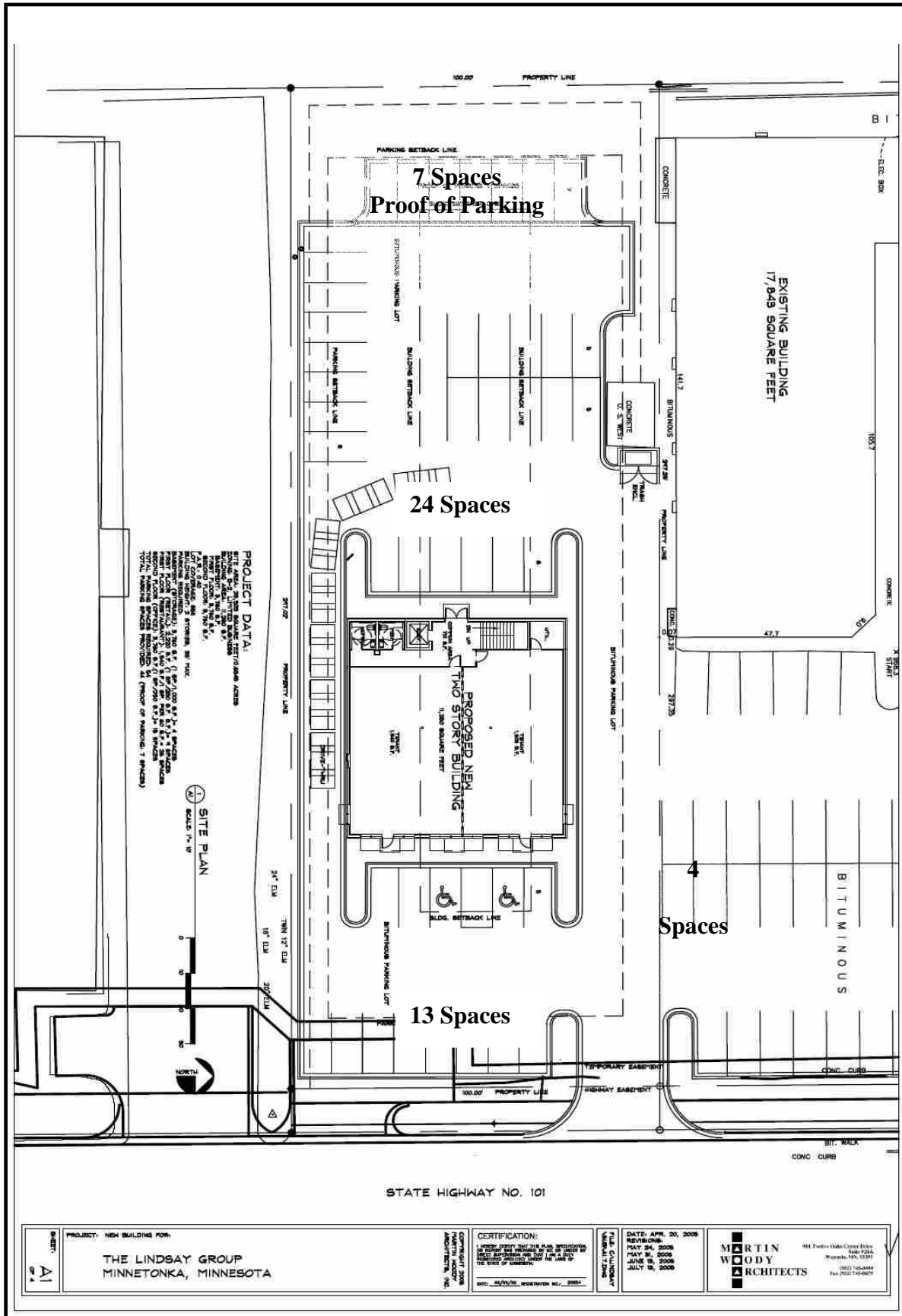


Figure 2. Site Plan

The actual parking demand for the Minnehaven Square was surveyed to determine whether parking may be available for use by the proposed development. Minnehaven Square has 72 total parking spaces. Counts of vehicle occupied parking spaces were taken at different times of the day over a period of approximately one week. The results are shown in **Table 7**. The maximum number of vehicles parked in the Minnehaven Square lot during the times surveyed was 50 vehicles on Friday, July 8 at 4:45 p.m. The next highest demand was 44 vehicles on July 5 at 1:00 p.m. This time period correlates to the peak demand for shared parking for the proposed development. Based on the ULI surveys of seasonal variations in parking demand for different land uses, the maximum parking demand in July for retail use is 75% of the peak parking demand during the year. The restaurants and office space are at 100% of the peak demand during July. Therefore, the peak parking demand for the existing development obtained by factoring up the peak parking count is 62 parking spaces.

An estimate was made of the maximum shared parking demand for Minnehaven Square using the same methodology used for the proposed development. The hourly percentages from the ULI "Shared Parking" were applied to the City Code parking rates for each land use in the existing development, to find the combined peak-hour parking demand for the existing development. The analysis indicates the joint peak parking demand occurs from 12:00 p.m. to 1:00 p.m. on a weekday and is 87 parking spaces. These calculations are shown in **Table 8**. Given that the actual parking counts are much less than the calculated parking demand, the shared parking methodology seems to be a very conservative estimate of parking needs. Therefore, it is our conclusion that the code required parking spaces are not need for this development and that the number of parking spaces that are proposed should be sufficient for the development.

6. Conclusions

The proposed development will provide 41 new parking spaces for its tenants and customers, and seven (7) proof of parking spaces could be added on the west side of the site for a total of 48 new parking spaces. This is less than the 54 parking spaces required by City Code. However, a shared parking analysis for this site indicates that not all the parking spaces required by City Code are needed for this project. A shared parking demand analysis for the proposed development indicates that a maximum of 44 parking spaces would be needed for the proposed development, which is more than the 41 proposed but less than the 48 which could be provided with the proof of parking spaces. The existing development to the north which is under the same ownership has 72 total parking spaces available and an estimated maximum parking demand of 62 spaces based on actual parking counts of the site. This leaves ten (10) spaces available for use by either site. Based on the shared parking analysis and the existing parking counts for Minnehaven Square, it is our conclusion that the proposed 41 new parking spaces plus the seven (7) proof of parking spaces is adequate to meet the parking needs of the proposed development.

**Table 1. Proposed Development Parking Requirements by
 City of Minnetonka “Code of Ordinances”**

	Development Floor Area	“Code of Ordinances” Parking Spaces per 1000 S.F. Mixed Use Development	Required Parking Spaces
Land Use	1000 S.F.		
Office	3.76	4	15
Retail	2.22	4	9
Restaurant	1.54	16.7	26
Storage	3.76	1	4
Total	11.19		54

**Table 2. Minnehaven Square Parking Requirements by
 City of Minnetonka “Code of Ordinances”**

	Development Floor Area	Shopping Center “Code of Ordinances” Parking Spaces per 1000 S.F.	Required Parking Spaces
Land Use	1000 S.F.		
Shopping Center	14.5	4.5	65
Restaurant	3.0	16.7	50
Total	17.5		115

Table 3. Weekday Hourly Parking Demand Ratios ¹
(Percentage of Peak Demand Occurring Each Hour)

	<i>Time of Day</i>											
	<i>7:00 AM</i>	<i>8:00 AM</i>	<i>9:00 AM</i>	<i>10:00 AM</i>	<i>11:00 AM</i>	<i>12:00 AM</i>	<i>1:00 PM</i>	<i>2:00 PM</i>	<i>3:00 PM</i>	<i>4:00 PM</i>	<i>5:00 PM</i>	<i>6:00 PM</i>
Land Use												
Office	20%	63%	93%	100%	100%	90%	90%	97%	93%	77%	47%	23%
Retail	8%	18%	40%	65%	83%	93%	95%	93%	90%	83%	75%	78%
Restaurant	3%	5%	10%	20%	30%	50%	70%	60%	60%	50%	70%	90%

¹ Hourly Demand Parking Ratios from the Urban Land Institute (ULI) study of "Shared Parking"

Table 4. Saturday Hourly Parking Demand Ratios ¹
(Percentage of Peak Demand Occurring Each Hour)

	<i>Time of Day</i>											
	<i>7:00 AM</i>	<i>8:00 AM</i>	<i>9:00 AM</i>	<i>10:00 AM</i>	<i>11:00 AM</i>	<i>12:00 AM</i>	<i>1:00 PM</i>	<i>2:00 PM</i>	<i>3:00 PM</i>	<i>4:00 PM</i>	<i>5:00 PM</i>	<i>6:00 PM</i>
Land Use												
Office	3%	10%	13%	13%	17%	17%	13%	10%	7%	7%	3%	3%
Retail	3%	10%	35%	30%	45%	73%	85%	95%	100%	100%	90%	75%
Restaurant	3%	3%	5%	8%	10%	30%	45%	45%	45%	45%	60%	90%

¹ Hourly Demand Parking Ratios from the Urban Land Institute (ULI) study of "Shared Parking"

Table 5. Weekday Hourly Parking Demand - Proposed Development

		<i>Time of Day</i>											
		<i>7:00 AM</i>	<i>8:00 AM</i>	<i>9:00 AM</i>	<i>10:00 AM</i>	<i>11:00 AM</i>	<i>12:00 PM</i>	<i>1:00 PM</i>	<i>2:00 PM</i>	<i>3:00 PM</i>	<i>4:00 PM</i>	<i>5:00 PM</i>	<i>6:00 PM</i>
Land Use	Size (KSF)												
Office	3.76	3.0	9.5	14.0	15.0	15.0	13.5	13.5	14.5	14.0	11.5	7.0	3.5
Restaurant	1.54	0.6	1.3	2.6	5.1	7.7	12.9	18.0	15.4	15.4	12.9	18.0	23.1
Retail	2.22	0.7	1.6	3.6	5.8	7.3	8.2	8.4	8.2	8.0	7.3	6.7	6.9
Storage	3.67	0.3	0.7	1.6	2.6	3.3	3.7	3.8	3.7	3.6	3.3	3.0	3.1
Total		5	13	22	29	33	38	44	42	41	35	35	37

Table 6. Saturday Hourly Parking Demand - Proposed Development

		<i>Time of Day</i>											
		<i>7:00 AM</i>	<i>8:00 AM</i>	<i>9:00 AM</i>	<i>10:00 AM</i>	<i>11:00 AM</i>	<i>12:00 AM</i>	<i>1:00 PM</i>	<i>2:00 PM</i>	<i>3:00 PM</i>	<i>4:00 PM</i>	<i>5:00 PM</i>	<i>6:00 PM</i>
Land Use	KSF												
Office	3.76	0.5	1.5	2.0	2.0	2.5	2.5	2.0	1.5	1.0	1.0	0.5	0.5
Restaurant	1.54	0.6	0.6	1.3	1.9	2.6	7.7	11.6	11.6	11.6	11.6	15.4	23.1
Retail	2.22	0.2	0.9	3.1	2.7	4.0	6.4	7.5	8.4	8.9	8.9	8.0	6.7
Storage	3.67	0.3	0.7	1.6	2.6	3.3	3.7	3.8	3.7	3.6	3.3	3.0	3.1
Total		1	3	6	7	9	17	21	22	21	21	24	30

Table 7. Minnehaven Square Parking Lot Counts

Date	Time	Vehicles Using Parking Lot
Weekday		
7/8/2005	7:30 AM	13
7/8/2005	8:15 AM	22
7/11/2005	8:15 AM	21
7/7/2005	11:00 AM	36
7/5/2005	12:00 PM	43
7/5/2005	1:00 PM	44
7/11/2005	2:30 PM	37
7/8/2005	4:45 PM	50
7/7/2005	6:00 PM	28
Saturday		
7/9/2005	11:20 AM	39
7/9/2005	3:00 PM	27

Table 8. Estimated Weekday Hourly Parking Demand - Existing Development³

Minnehaven Square		Time of Day											
		7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM
KSF													
Office	1.00	0.3	0.7	1.6	2.6	3.3	3.7	3.8	3.7	3.6	3.3	3.0	3.1
Retail	13.50	4.1	9.5	21.6	35.1	44.6	50.0	51.3	50.0	48.6	44.6	40.5	41.9
Restaurant	3.00	1.1	2.3	4.5	9.0	13.5	22.5	31.6	27.1	27.1	22.5	31.6	40.6
Total		5	12	28	47	61	76	87	81	79	70	75	86

³ Adjusted for seasonal variations in accordance with ULI Monthly Variations in Peak Parking Demand Ratios.

Table 9. Estimated Saturday Hourly Parking Demand - Existing Development³

Minnehaven Square		Time of Day											
		7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM
KSF													
Office	1.00	0.1	0.4	1.4	1.2	1.8	2.9	3.4	3.8	4.0	4.0	3.6	3.0
Retail	13.50	1.4	5.4	18.9	16.2	24.3	39.2	45.9	51.3	54.0	54.0	48.6	40.5
Restaurant	3.00	1.1	1.1	2.3	3.4	4.5	13.5	20.3	20.3	20.3	20.3	27.1	40.6
Total		3	7	23	21	31	56	70	75	78	78	79	84

³ Adjusted for seasonal variations in accordance with ULI Monthly Variations in Peak Parking Demand Ratios.

Floor Plan: Attached via PDF

Written Statement:

Nautical Bowls utilizing space 17623 Minnetonka Blvd in the Minnehaven Building Complex is reasonable and will certainly not effect the essential character of the neighborhood. We will actually be adding a healthy, fast, convenient meal option for the people of Minnetonka, in which we are confident they will look forward to, as this concept is scarce. Nautical Bowls will be making zero changes to the exterior of the building and it will remain the same, not effecting the neighborhood in any way. Parking is under control and sufficient for customers of all businesses within both the Minnehaven Square and the 3450 Building next door, as proven in supporting paragraphs and documents. We are passionate about this business and look forward to supporting the health and well being of the entire community.

Describe why the proposed use is reasonable:

Nautical Bowls utilizing this space to serve healthy, fresh Acai Bowls is reasonable because we are not making any exterior changes to the building and it will essentially be remaining the same. For 12 total years, beginning in 1998, this space was occupied by a coffee shop first named Coffee 101 and then Café de Lago following that.

Our business is also reasonable because we offer healthy, nourishing meals to the neighborhood of Minnetonka. Our bowls have incredible health benefits coming from the various ingredients, which are rich in antioxidants, vitamins, and natural energy. We are excited to educate our consumers on these benefits and see them meet their health goals.

Describe circumstances unique to the property, why the need for variance was not caused by the property owner and why the need is not solely based on economic considerations:

Nautical Bowls will be taking over the space in an existing building and we are not making any changes to the structure of the building itself. It is unique because there were two coffee shops (which were in the same fast food restaurant category as us) for 12 years and both were loved by the surrounding community, with no complaints or issues.

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

Changing the space from a cleaner to an acai bowl store will not alter the essential character of the neighborhood because we are not making any changes to the exterior of the building, as addressed above. Historically, Nautical Bowls will bring back to the neighborhood a business similar to the coffee shop that was present throughout the 1990's through 2006.

We also will not have an issue with parking, because in 2005 The Lindsay Group had a parking survey done on both buildings (Minnehaven and the 3450/Caribou Coffee Building), where its conclusion states, “Based on the shared parking analysis and the existing parking counts for Minnehaven Square, it is our conclusion that the proposed 41 new parking spaces plus the seven (7) proof of parking spaces **is adequate to meet the parking needs of the proposed development.**” Since this study done in 2005, there has been even more additional parking added, bringing us to a total of 48 spaces in the 3450/Caribou Building and 81 spaces for the Minnehaven Complex. As these lots have a cross parking agreement, there are a total of 129 spaces.

The Lindsay group performed a parking study from Friday January 26th-Wednesday January 31st, which I have attached to this application. In our study, you will see, we took a parking count during every hour of the weekday, beginning at 7:30 AM and ending at 6:00 PM. We also did a weekend study, replicated from the 2005 study, at 11:00 AM and 3:00 PM. Our results show that the average percentage of parking spaces left available during the week at the Minnehaven complex does not go below 39.5%, with 6:00 PM being the busiest time. Our table clearly shows our peak hours and during those peak hours, parking is more than sufficient. The weekend counts were done at 11:00 AM and 3:00 PM, where the average percentage left available was 47.5%, also reflecting an abundance of parking.

The same parking counts were done for the 3450/Caribou Building. This lot's peak hour was 2:00 PM, where there was still 54.2% of parking spots left available, the lowest percentage found. The weekend count shows an average of 69.8% parking spaces left available.

We did this parking study to prove that between the two building's parking lots, there has never been a lack of parking. Every hour of the day shows that the Lindsay Group never comes

even close to an insufficient amount of parking. We are hopeful that this study and also the 2005 study will show the facts- there is ample parking available for Nautical Bowls to occupy the space at 17623 Minnetonka Blvd.

Supporting/Attached Documents:

- 2005 Parking Study, in favor of Lindsay Group, PDF is printed/attached separately
- 2018 Lindsay Group Parking Study Excel Attached
- Architect Floor Plan (PDF)

Floor Plan: Attached

Written Statement:

Nautical Bowls utilizing space 17623 Minnetonka Blvd in the Minnehaven Building Complex is reasonable and will certainly not effect the essential character of the neighborhood. We will actually be adding a healthy, fast, convenient meal option for the people of Minnetonka, in which we are confident they will look forward to, as this concept is scarce. Nautical Bowls will be making zero changes to the exterior of the building and it will remain the same, not effecting the neighborhood in any way. Parking is under control and sufficient for customers of all businesses within both the Minnehaven Sqaure and the 3450 Building next door, as proven in supporting paragraphs and documents on the Variance Application. We are passionate about this business and look forward to supporting the health and well being of the entire community.

Attached Document:

- About Rachel, Bryant, and our business- Nautical Bowls
- Nautical Bowls Photos

MEET THE OWNERS, BRYANT AND RACHEL



We are Rachel and Bryant Amundson and we are a young, married couple with a wildfire for entrepreneurship. Since the day we started dating three years ago, we dreamed of owning a business together. We had visions for an acai bowl store but we thought that would be a few years down the road. Being the go-getters that we are, we decided, why wait?! We both have a passion for adventure and living healthy lifestyles. With that, we believe that fueling your body with the correct nutrients is essential to achieving the healthy life and body everyone wants. Because acai bowls are almost non-existent in Minnesota markets, we are excited to be one of the first to introduce this product. We both understand how it feels to crave a healthy, nutrient rich meal on-the-go with fresh ingredients you know and can pronounce (ok except Acai.. we know everyone struggles pronouncing that!) and the difficulty that comes along with that desire, as the truly *healthy*, fast, casual options are limited.

We believe in our bowls and we are confident the Minnetonka market will love them. We have had nothing but amazing feedback thus far. We hope to provide a clean, nutrient rich meal for people to enjoy. We also aim to educate our consumers on why they want to eat an acai bowl.

We plan to get involved in the community in any way we can. We will have a catering cart at various events, we'll pass out discounts, and we will be present at as many events/gatherings as we can. We can't wait to jump into this chapter of our lives and we are so excited to show Minnetonka what we've got!





Drew Ingvalson

From: Wilson, Renee <[REDACTED]>
Sent: Wednesday, February 21, 2018 3:02 PM
To: Drew Ingvalson; Deborah Calvert; Patty Acomb
Subject: Concern about Nautical Bowls variance, 17623 Minnetoka Blvd

Importance: High

To Whom It May Concern:

I reside at 3376 Breconwood Circle, and have for approximately 8 years. I work out at Anytime Fitness daily, get coffee at Caribou, routinely get my nails done at Anna's nails, and buy gas at the Minnehaven Mall as often as needed. I have a young daughter that is just about to get her driver's license, and we've had repeated discussions about the difficulty navigating that parking lot safely. It's truly one of the most difficult parking lots to navigate, due to heavy traffic moving in several directions. Regardless of the traffic studies submitted, I experience difficulty parking quite regularly. (It's true that the number of parking spaces seems adequate, but many of them are unuseable at different times of the day because of traffic flow, and it is frustrating.)

Please do not approve the variance for the conditional use permit for Nautical Bowls.

Renée Wilson
REALTOR - Edina Realty
[REDACTED]

"No Surprises.....No Missed Opportunities"

Click here to download my mobile app: <http://app.edinarealty.com/ReneeWilson>

ALERT! Edina Realty will never send you wiring information via email or request that you send us personal financial information by email. If you receive an email message like this concerning any transaction involving Edina Realty, **do not respond** to the email and **immediately contact your agent via phone.**

Resolution No. 2018-

Resolution approving a conditional use permit, with variances, for a fast food restaurant at 17603 Minnetonka Blvd.

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

Section 1. Background.

- 1.01 The applicant, Rachel Amundson, is proposing to operate a fast food restaurant within one of the northern tenant spaces at 17603 Minnetonka Blvd. The proposal includes interior building changes, but no exterior building improvements at this time. By city code, a fast food restaurant is considered a conditionally-permitted use within the B-2, limited business, zoning district.
- 1.02 The request requires a conditional use permit with the following variances:
1. Setback variance from residentially-guided properties from 100 feet to 55 feet; and
 2. Parking variance from 186 spaces to 125 spaces.
- 1.03 The property is located at 17603 Minnetonka Blvd. It is legally described in Exhibit A.
- 1.04 City Code §300.18 Subd. 4(f) allows fast food restaurants as conditional uses within the B-2 zoning district.
- 1.05 Minnesota Statute §462.357 Subd. 1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.
- 1.06 City Code §300.29 Subd. 3(g) allows expansion of a nonconformity only by variance or expansion permit.
- 1.07 On March 1, 2018, 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 variances

Section 2. Standards

- 2.01 City Code §300.21 Subd.2 lists the general conditional use permit standards. These standards are incorporated by this reference.
- 2.02 City Code §330.21 Subd.4(f) lists the specific conditional use permit standards for a fast food restaurant. These standards are incorporated by this reference.
- 2.03 By City Code §300.07 Subd. 1(a), a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings

- 3.01 The proposal would meet all but one of the general CUP standards as outlined in City Code §300.21 Subd.2:
1. The proposed use is consistent with the zoning ordinance. A fast food restaurant is a conditionally-permitted use within the B-2 district.
 2. The proposed use is consistent with the goals, policies, and objectives of the comprehensive guide plan.
 3. The proposal has been reviewed by the city's building, engineering, planning, natural resource, and fire staff. The use is not anticipated to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.
 4. The proposal is consistent with the city's water resources management plan. No additions are proposed to the property at this time.
 5. The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building with no additions. With the exception of the parking variance to allow a reduction of required parking, the proposal would meet the standards outlined.
 6. The proposal is not anticipated to have an undue adverse impact on the public's health, safety or welfare.
- 3.02 The proposed restaurant would meet all but one of the specific conditional use permit standards for fast food restaurants as outlined in City Code §300.21 Subd.4(f):

1. The subject property has access to County Road 101, an arterial road.
2. No public address systems are proposed.
3. No drive-up or any changes to the existing parking lot are proposed.
4. The proposal is not anticipated to significantly impact the level of service of adjacent streets or intersections.
5. The subject lease space of the building would not meet the 100-foot setback from an adjacent property that is designated in the comprehensive plan for residential use. However, the subject lease space is screened from the adjacent residential property by the existing building, a fence, and vegetation.

3.03 The proposal for reduced residential setbacks meets the variance standard outlined in City Code §300.07 Subd. 1(a).

1. Intent of the Ordinance: The intent of the ordinance, as it pertains to the 100-foot setback from residentially guided parcels, is to ensure adequate separation to reduce negative impact of fast food restaurants. The proposal would meet this intent, as the applicant has not proposed any changes to the existing building and the residential homes are screened from the fast food restaurant by: (1) the existing building; (2) an existing fence; and (3) existing vegetation.
2. The proposed use is consistent with the goals, policies, and objectives of the comprehensive guide plan.
3. Practical Difficulties:
 - a) Reasonableness and Unique Characteristics. The subject property and existing building have unique characteristics. The existing lease space is currently located within the 100-foot residential setback and encroaches into the required 35-foot property line setback. In addition, the subject lease space is screened from the residential properties by the existing building, fence, and vegetation. The subject proposal is reasonable due to the existing non-conformity of the building and existing screening.
 - b) Character of the Neighborhood. The repurposing of the existing commercial lease space, from a cleaners to a fast food restaurant, would not alter the general atmosphere of the area. The subject property currently has a restaurant with a "to go option" (Mandarin Yang's), a gas station convenience store (Holiday Gas), and the property to the south has a fast food restaurant (Caribou Coffee).

- 3.04 The proposal for parking variance meets the variance standard outlined in City Code §300.07 Subd. 1(a).
1. Intent of the Ordinance: The intent of the ordinance, as it pertains to parking requirements, is to ensure adequate parking is provided to meet anticipated parking demand. A parking study was completed in 2005 by WSB and the Lindsay Group reevaluated the site's parking in 2018. Both of these parking studies determined that the subject parcel and adjacent parcel at 3432 County Road 101 are over parked and could accommodate the new fast food restaurant, thus meeting the intent of the ordinance.
 2. The proposed use is consistent with the goals, policies, and objectives of the comprehensive guide plan.
 3. Practical Difficulties:
 - a) Reasonableness and Unique Circumstance. The subject lot and southerly adjacent parcel have several different uses that complement each other because they have differing peak demand times. Due to these differing peak demands, the site has not experienced a parking deficit despite not meeting city code parking requirements. The 2005 parking study completed by WSB and the Lindsay Group reevaluation the site's parking in 2018 both determined that the request for the parking variance is reasonable as it is expected that the parking demand for the site would be met.
 - b) Character of the Neighborhood. The two parking studies completed for the subject site and southerly adjacent property have determined that the existing site should accommodate the additional parking demand of the fast food restaurant. Due to this information, the parking variance is not expected to alter the essential character of the neighborhood.

Section 4. City Council Action

- 4.01 The above-described conditional use permit, with variances, is approved, based on the findings outlined in Section 3 of this resolution. Approval is subject to the following conditions:
1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the plans included in the staff report associated with the conditional use permit request including:
 - Applicant's narrative dated Jan. 31, 2018
 - Site plan date stamped Jan. 31, 2018
 - Floor plan date stamped Jan. 31, 2018

2. Prior to issuance of a building permit for tenant finish, this resolution must be recorded with Hennepin County.
3. The restaurant must obtain all applicable food licenses from the city.
4. The city council may reasonably add or revise conditions to address any future unforeseen problems.
5. Any change to the approved use that results in a significant increase in traffic, parking or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on March 19, 2017.

Brad Wiersum, 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 March 19, 2017.

David E. Maeda, City Clerk

Exhibit A

The North 283 feet of the East Half of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 18, Township 117, Range 22, except the North 183 feet of the East 158 feet thereof, according to the United States Government Survey thereof, and situate in Hennepin County, Minnesota.

MINNETONKA PLANNING COMMISSION
Mar. 1, 2018

Brief Description	Ordinance repealing and replacing City Code 300.34, Telecommunication Facilities
Recommendation	Recommend the city council adopt the ordinance

Background

To address growing demand for wireless communication services, telecommunications providers have turned to construction of small cell wireless networks. These networks are comprised of small facilities generally installed on existing utility poles or light poles, or on new similarly-sized structures erected specifically for the wireless technology. Small cell facilities have short ranges and, therefore, must be more densely located than traditional monopole structures or antennas on water towers.

To expedite the construction of small cell wireless networks, telecommunication providers pursued legislation in 2017 that would have granted far-reaching rights for providers to install small wireless facilities in public right-of-way and on publicly-owned property. Cities strongly opposed this legislation. Ultimately, the Minnesota legislature passed a bill that preserves some city authority to regulate small wireless facilities, but that authority is subject to limitations.

Proposed Ordinance

The city's right-of-way ordinance must be amended to reflect state statute. The amended ordinance, which is not in the purview of the planning commission, will be considered by the city council on Feb. 26. The telecommunications ordinance, with is the purview of the planning commission, must in turn be amended to reflect the right-of-way ordinance update. The city's telecommunication ordinance was originally drafted in 1997 and has undergone a series of changes over the succeeding years. Rather than simply adding language to the existing ordinance, planning staff took this opportunity to review the telecommunication ordinance in its entirety.

Staff found that few substantive changes are necessary to reflect the updated right-of-way ordinance. However, the organization of the existing ordinance is confusing. As such, staff proposes repealing the existing ordinance and replacing it with a new ordinance. The primary differences between the existing ordinance and proposed ordinance are:

- **Renumbering.** In 2016, the city council approved Phase I of the sign ordinance update. As part of that update, city staff proposed a full reorganization/renumbering of the zoning ordinance. The intent of the reorganization/renumbering is to provide a more user-friendly and visually appealing ordinance. Staff suggests continuing the reorganization/renumbering with the updated Telecommunications Facilities Ordinance.
- **Definitions.** Updated definitions are proposed to provide more clarity and reflect language within the ordinance.

- **Permit Application Procedure.** As proposed, the review deadline for administrative permits is increased to correspond with state statute.
- **Organization of Standards.** The proposed ordinance clearly groups regulations into two categories: (1) regulations applying to facilities located outside of public right-of-way; and (2) regulations applying to facilities located within right-of-way.
- **General Standard.** One new general standard is proposed, requiring that service providers be identified for proposed facilities. The intent of this standard is to prevent speculative installation of facilities.
- **Specific Standards.** As proposed, the allowable size of ground-mounted equipment is increased to correspond with state statute.

Staff Recommendation

Recommend the city council adopt the ordinance repealing and replacing City Code 300.34, Telecommunication Facilities

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

Ordinance No. 2018-

**An Ordinance amending the city's telecommunication regulations;
Repealing section 300.34 of the Minnetonka City code
and adding a new section 310.03**

The City of Minnetonka Ordains:

- Section 1. Section 300.34 of the Minnetonka City Code, a copy of which is attached as Exhibit A, is repealed.
- Section 2. The Minnetonka City Code is amended by adding a new section 310.03, in the form of the attached Exhibit B.
- Section 3. This ordinance is effective on the date of its adoption.

Adopted by the city council of the City of Minnetonka, Minnesota on _____, 2018.

Action on this Ordinance:

Date of introduction: Feb. 5, 2018

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on _____, 2018.

David E. Maeda, City Clerk

Exhibit A

Ordinance to be Repealed

SECTION 310.03 TELECOMMUNICATION FACILITIES REGULATIONS**1. Purpose and Intent.**

The purpose of this section is to establish predictable and balanced regulations for the siting and screening of wireless telecommunication equipment in order to accommodate the growth of wireless communication systems within the city while protecting the public against any adverse impacts on the city's aesthetic resources and the public welfare. This section recognizes that these wireless communication systems provide a valuable service to the public but that they are not a public utility. This section creates two categories of support structures for antennas. The first category consists of existing towers, water towers, and high density residential and non-residential buildings, which the ordinance favors in order to minimize the number of freestanding towers needed to serve the community. The second category consists of all other support structures. The structures in this second category are all classified as freestanding telecommunications towers even if they are intended to replace existing light poles, utility poles, or similar structures. Freestanding towers are subject to increased standards to minimize their visual impact. One such standard is that towers must use state-of-the-art stealth design techniques to disguise the towers and soften their views. A telecommunications company that does not currently use stealth technology will need to develop this capability in order to place freestanding towers in this city. This ordinance does not accept the lowest common denominator and challenges the telecommunications companies to improve their technology. This ordinance allows minimal use of the public right-of-way for telecommunication antennas because that space should be reserved for public utilities and should be free of safety hazards. In addition, telecommunications facilities located in the right-of-way have the potential of being very visible to the traveling public. In order to locate in a public right-of-way, telecommunications companies must use improved technology to reduce the size and visibility of their facilities.

2. Definitions.

For the purposes of this section, the terms below have the meaning given to them, unless the context clearly indicates a different meaning:

a) "Accessory equipment" means the wires, cables, and other equipment or facilities that are used with antennas.

b) "Antenna" means a device used for transmitting or receiving telecommunication, television or radio signals that is used for personal wireless telecommunication service or any other purpose, except a device used for the private enjoyment of those on the premises where it is located, such as amateur radio antennas and antennas receiving television signals for viewing on site. "Antenna" also does not include a lightning rod.

c) "Antenna support structure" means an existing structure that is a telecommunications tower, high density residential or non-residential building, water tower, or

electric transmission tower carrying over 200 kilo volts of electricity, that can be used for the location of antennas without increasing the mass of the existing structure.

d) "Engineer" means an engineer licensed by the state of Minnesota, or an engineer acceptable to the city if licensing is not available.

e) "Stealth design" means state-of-the-art design techniques used to blend the object into the surrounding environment and to minimize the visual impact as much as reasonably possible. Examples of stealth design techniques include eliminating all horizontal projections; architecturally screening roof-mounted antennas and accessory equipment; integrating telecommunications facilities into architectural elements; nestling telecommunications facilities into the surrounding landscape so that the topography or vegetation reduces their view; using the location that would result in the least amount of visibility to the public, minimizing the size and appearance of the telecommunications facilities; and designing telecommunications towers to appear other than as towers, such as light poles, power poles, flag poles, and trees.

f) "Telecommunications facilities" means antennas, accessory equipment, and telecommunications towers.

g) "Telecommunications tower" or "tower" means a free-standing, self-supporting lattice, guyed, or monopole structure constructed from grade intended to support antennas, except towers used for amateur radio operations.

3. Administrative Approval.

a) The city planner may grant administrative approval of the following telecommunication facilities:

1) Telecommunications facilities located on electric transmission towers carrying over 200 kilo volts of electricity.

2) Telecommunication facilities located on an antenna support structure that has already been approved by a conditional use permit as the location for a telecommunication facility, if the proposed facility does not involve a variance and is not accompanied by any other matter requiring consideration by the planning commission or city council.

3) A one-time 15-foot extension of an existing monopole telecommunications structure or one-time replacement of an existing monopole by a tower no greater than 15-feet taller than the existing monopole may be administratively approved if the proposed facility does not involve a variance and is not accompanied by any other matter requiring consideration by the planning commission and city council; and

4) Telecommunication facilities that are attached to an existing public utility structure within a right-of-way if:

a. the telecommunication facility does not extend above the top of the existing utility structure and the height of the existing utility structure is not increased to accommodate the telecommunication facility;

- b. any replacement utility structure does not exceed the height of the existing utility structure, including the telecommunication facility, and does not exceed the diameter of the existing utility structure by more than 50 percent;
- c. the telecommunication facility is no larger than three cubic feet and has no individual surface larger than four square feet;
- d. the telecommunication facility uses stealth design as much as possible, but in no event extends outward from the utility structure beyond two and one-half feet or three feet for an antenna that is one half inch in diameter or less;
- e. there is no ground mounted equipment;
- f. there is no interference with public safety communications or with the original use of the public utility structure; and
- g. the telecommunication facility must be removed and relocated when the road authority requires the removal and relocation of the public utility structure.

b) Administrative review and approval is subject to the following:

- 1) Submittal of a complete site and building plan review application, accompanied by a registered land survey, complete site plan, building elevations, and antenna elevations and be signed by a registered architect, civil engineer, landscape architect or other appropriate design professional.
- 2) Submittal of an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of the applicant's system. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis; and
- 3) Submittal of any necessary easements and easement exhibits, which have been prepared by an attorney knowledgeable in the area of real estate and which are subject to the city attorney's approval.

c) The city planner will render a decision within 30 days and serve a copy of the decision upon the applicant by mail.

d) Any person aggrieved by a decision of the city planner may appeal the decision to the planning commission in the manner specified in section 300.04 of this ordinance.

4. Conditional Use.

Telecommunications facilities that are not eligible for administrative approval under subdivision 3 are permitted only as a conditional use in all zoning districts and must be in compliance with the provisions of this section.

a) Conditional use telecommunication facilities are subject to the review procedures outlined in section 300.06 of this ordinance.

b) Conditional use telecommunications facilities are subject to the following standards:

1) Residential and commercial zoning districts.

a. Telecommunication facilities may be located only on public or institutional property: in R-1 and R-2 residential districts and on property zoned for low-density residential in the Planned I-394 District subject to the standards listed in subparagraphs b through e which follow.

b. An applicant must provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis;

c. A telecommunications facility must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques. The city council may require that a different location be used if it would result in less public visibility, is available, and would meet the applicant's reasonable capacity and coverage needs; and

d. A telecommunications tower and antennas, including attachments other than lighting rods, must not exceed 75 feet in height, measured from grade. The city council may increase this height to 90 feet if the increase in height would not have a significant impact on surrounding properties because of proximity, topography or screening by trees or buildings or would accommodate two or more users. The city council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety.

e. Telecommunications facilities may be located in public right-of-way of a major collector or arterial roadway as defined in the comprehensive plan, if they meet all of the following requirements:

1. The facility is not located within a special area designated subdivision 7;

2. The facility is not located adjacent to residentially zoned property unless the applicant demonstrates by providing a study prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and no other location is feasible in a non-residential zone;

3. The facility must use as many stealth design techniques as reasonably possible. In particular, the antennas must be designed to minimize their size and appearance. Economic considerations alone are not justification for failing to provide stealth design techniques; and

4. The facility must also comply with the requirements in subdivision 6(k) below.

2) Industrial districts.

a. Antennas may be located in industrial districts on an antenna support structure, a public utility facility, or a telecommunications tower and may be on any right-of-way. Antennas on a right-of-way must also comply with the requirements in subdivision 5(k) below.

b. In industrial districts, a telecommunications tower, including attachments other than lighting rods, may not exceed 150 feet in height, measured from grade. The city council may allow towers up to 199 feet high if the applicant can demonstrate that off-site views of the tower will be minimized by the topography of the site and surrounding area, the location of the tower, the tower design, the surrounding tree cover and structures, or the use of screening. The city council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety.

c. No part of a tower in an industrial district may have a horizontal area of more than 500 square feet.

d. An applicant must provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis.

e. A telecommunications facility must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques. The city council may require that a different location be used if it would result in less public visibility, is available, and would meet the applicant's reasonable capacity and coverage needs.

5. General Standards.

The following standards apply to all telecommunications facilities.

a) Vertical projection on antenna support structures. Antennas mounted on an antenna support structure must not extend more than 15 feet above the height of the structure to which they are attached. Wall or facade-mounted antennas may not extend above the cornice line and must be constructed of a material or color that matches the exterior of the building.

b) Horizontal projection. Antennas must not project out from the side of the antenna support structure or tower, unless it is physically impossible to locate the antennas within the structure or tower, in which case they must not project out by more than three feet by more than three feet.

c) Setbacks. A tower adjacent to a R-1, R-2, or R-3 zoning district must meet the building setback that is established for the district where it is to be located, but only from the residential zone. This setback is not required for a tower in a right-of-way. The city may waive this setback requirement if necessary to implement stealth design techniques or if the

residentially zoned property is public or institutional property. An accessory equipment cabinet that is greater than 120 square feet in size must be at least ten feet from all property lines.

d) The height of an antenna and tower must be the minimum necessary to meet the applicant's coverage and capacity needs, as verified by an electrical engineer or other appropriate professional. The city council may waive this requirement if additional height is appropriate for co-location opportunities.

e) Exterior surfaces. Towers and antennas must be painted a non-contrasting color consistent with the surrounding area such as: blue, gray, brown, or silver, or have a galvanized finish to reduce visual impact. Metal towers must be constructed of, or treated with, corrosion-resistant material

f) Ground-mounted equipment. Ground-mounted accessory equipment or buildings must be architecturally designed to blend in with the surrounding environment, including the principal structure, or must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. No more than one accessory building is permitted for each tower. Additional space needed for the co-location of antennas must be added to an existing accessory building in a manner to make it appear as one building. Design of the building or equipment cabinet, screening and landscaping are subject to a site plan review under section 300.27 of this code.

g) Construction. Telecommunications facilities must be in compliance with all building and electrical code requirements. A tower must be designed and certified by an engineer to be structurally sound and in conformance with the building code. Structural design, mounting and installation of the telecommunications facilities must be in compliance with the manufacturer's specifications.

h) Co-location opportunity. If a new tower over 60 feet in height is to be constructed:

1) the tower must be designed to accommodate both the applicant's antennas and antennas for at least one additional comparable user;

2) the tower must be designed to accept antennas mounted at additional heights;

3) the applicant, the tower owner, the landowner, and their successors must allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, must submit a dispute over the potential terms and conditions to binding arbitration, and must sign the conditional use permit agreeing to these requirements. The city council may waive these co-location requirements if necessary to implement stealth design.

i) External messages. No advertising message or identification sign larger than two square feet may be affixed to the telecommunications facilities.

j) Lighting. Telecommunications facilities may not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety or unless necessary to facilitate service to ground-mounted equipment.

k) Rights-of-way. All telecommunication facilities in a public right-of-way must comply with the following:

1) Telecommunications facilities located within a right-of-way must not negatively impact the public health, safety and welfare, interfere with the safety and convenience of ordinary travel over the right-of-way, or otherwise negatively impact the right-of-way or its users. In determining compliance with this standard, the city may consider one or more of the following factors:

a. the extent to which right-of-way space where the permit is sought is available, including the placement of the ground equipment;

b. the potential demands for the particular space in the right-of-way;

c. the availability of other locations in a right-of-way that would have less public impact;

d. the extent to which the placement of the telecommunications facilities minimizes impacts on adjacent property; and

e. the applicability of ordinances or other regulations of the right-of-way that affect location of equipment in the right-of-way;

2) The facility, including attachments other than lighting rods, may not exceed 60 feet in height measured from grade in residential and commercial zones, or 75 feet in industrial zones. The city council may waive this height standard for a facility used wholly or partially for essential public services, such as public safety;

3) The support structure for the antennas cannot exceed the diameter of the closest public utility pole by more than 50 percent, but in no event may exceed 18 inches in diameter;

4) Antennas and other components must not project out from the side of the support structure by more than two feet in residential and commercial districts or three feet in industrial districts;

5) The support structure for the antennas must match the materials and color of the closest public utility structures in the right-of-way, if required by the city planner;

6) Ground mounted equipment will be allowed only if:

a. the equipment will not disrupt traffic or pedestrian circulation;

b. the equipment will not create a safety hazard;

- c. the location of the equipment minimizes impacts on adjacent property; and
 - d. the equipment will not adversely impact the health, safety, or welfare of the community.
- 7) Ground mounted equipment must be:
- a. set back a minimum of 10 feet from the existing or planned edge of the pavement;
 - b. separated from a sidewalk or trail by a minimum of 3 feet;
 - c. set back a minimum of 50 feet from the nearest intersection right-of-way line;
 - d. set back a minimum of 50 feet from the nearest principal residential structure;
 - e. separated from the nearest ground mounted telecommunication facilities in a right-of-way by at least 330 feet;
 - f. no larger than 3 feet in height above grade and 27 cubic feet in size in residential districts;
 - g. no larger than 5 feet in height above grade and 81 cubic feet in size in non-residential districts; and
 - h. screened by vegetative or other screening compatible with the surrounding area if deemed necessary by the city planner;
- 8) The antennas cannot interfere with public safety communications;
- 9) The telecommunication facility must be removed and relocated when the road authority requires the removal and relocation of public utility structures; and
- 10) Telecommunications facilities within a right-of-way must receive a right-of-way permit from the appropriate road authority.
- l) On-site employees. There must be no employees on the site on a permanent basis. Occasional or temporary repair and service activities are allowed.
 - m) Landowner authorization. When applicable, the applicant must provide written authorization from the property owner. The property owner must sign the conditional use permit agreeing to the permit conditions, agreeing to remove the telecommunication facilities when they are unused, obsolete, or become hazardous, and agreeing to the city's right to assess removal costs under paragraph (n) below.
 - n) Removal. Obsolete telecommunications facilities must be removed within 90 days after cessation of their use at the site, unless an exemption is granted by the city council. Unused telecommunications facilities and all related equipment must be removed within one

year after cessation of operation at the site, unless an exemption is granted by the city council. Telecommunications facilities and related equipment that have become hazardous must be removed or made not hazardous within 30 days after written notice to the current owner and to any separate landowner, unless an exemption is granted by the city council. Notice may be made to the address listed in the application, unless another one has subsequently been provided, and to the taxpayer of the property listed in the Hennepin county tax records. Telecommunications facilities and all related equipment that are not removed within this time limit are declared to be public nuisances and may be removed by the city. The city may assess its costs of removal against the property.

o) Historic Places. No telecommunication tower may be located within 400 feet of the boundary of any property that contains a facility or structure listed on the national register of historic places. Antennas may be located in this restricted area only if they are hidden from public view.

6. Special Area Requirements.

a) The special areas of Minnetonka Mills, Glen Lake Station and Minnetonka Boulevard/County Road 101 are recognized within the comprehensive plan as unique neighborhood commercial nodes. They are planned to have improved street appeal including pedestrian walkways with landscaped boulevards and street lights, buried utilities, and coordinated signs and facade improvements. Accordingly, there is a presumption that telecommunication facilities are prohibited in these areas. An applicant may overcome this presumption by submitting an analysis prepared by a radio or electrical engineer showing that no other available location allowed under this ordinance would meet its reasonable coverage and capacity needs. The applicant must pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis.

b) If telecommunications facilities are permitted in these special areas under paragraph (a) above, then the installation of telecommunications facilities in these special areas must meet the following additional standards:

1) Ground-mounted accessory equipment must be placed within a principal building. If space is not available in the principal building, an accessory building may be used if it meets the applicable district standards and is constructed of building materials similar to the principal building; and

2) Telecommunications facilities cannot be within the right-of-way or within any front yards. The city council may waive one or both of these additional standards if the proposal would provide public benefit, such as improving the current aesthetics of the site.

Exhibit B

Ordinance to be Enacted

SECTION 310.03 TELECOMMUNICATION FACILITIES REGULATIONS**1. Purpose and Findings**

a) Purpose. The purpose of this section is to establish predictable and balanced regulations for telecommunication facilities and systems in order to accommodate such within the city, while protecting the community against any adverse impacts to the public welfare or aesthetic resources.

b) Findings. The City of Minnetonka finds the following:

1) Wireless telecommunication systems provide a valuable service to the public. However, telecommunications facilities and systems are not a public utility nor part of the public infrastructure system.

2) To promote and preserve the public health, safety, welfare, and aesthetics of the community, the location, design, construction, and modification of telecommunication facilities and systems must be regulated.

3) To minimize the visual impact of telecommunication facilities:

a. installation of facilities on existing support structures is favored over installation of new, freestanding telecommunication towers;

b. new telecommunication towers must be designed to accommodate more than one telecommunication provider and must incorporate stealth design techniques; and

4) To minimize safety hazards and visual impacts, and to ensure continued and adequate space for public utilities, public right-of-way should be minimally used for telecommunication facilities.

c) Severability. Every section, subdivision, clause or phrase of this section 310.03 is declared separable from every other section, subdivision, clause or phrase. If any such part is held to be invalid by competent authority, no other part shall be invalidated by such action or decision.

2. Definitions

For the purpose of this ordinance, the terms below have the meaning given to them, unless the context clearly indicates a different meaning:

a) "Accessory Equipment" – wires, cables, generators, or other equipment or apparatus associated with an antenna and necessary for telecommunication transmission.

b) "Antenna" – any device used for the transmission or reception of wireless radio television, or electromagnetic waves for cellular, internet service, personal communication service, enhanced specialized mobilized radio service, or television purposes.

c) "Engineer" – an engineer licensed by the state of Minnesota, or an engineer acceptable to the city if licensing is not available.

d) "Small Wireless Facility" – a wireless facility that meets both of the following qualifications:

1) Each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and

2) All other wireless equipment associated with the small wireless facility is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed

e) "Stealth Design" – design intended to minimize visual impact of an object on its surroundings. Examples of stealth telecommunication design include: eliminating horizontal projections; screening with other architectural elements; nestling into surrounding landscape such that natural topography or vegetation reduces views; locating in areas that would result in the least amount of visibility to the public; minimizing size; and designing a telecommunications facility to appear as something other than a telecommunications facility.

f) "Support Structure" – an existing structure on which antenna can be mounted without increasing the mass of the existing structure. Examples of support structures include: telecommunication tower, building, water tower, electrical transmission tower.

g) "Telecommunication Facility" – antennas, associated equipment, and support structures.

h) "Tower" – a freestanding, self-supported structure constructed from grade for the purpose of supporting one or more antenna.

3. Citation; Administration and Enforcement.

a) Citation. This section 310.03 may be cited as the Minnetonka Telecommunications Ordinance.

b) Administration and Enforcement. Administration and enforcement of this section 310.03 is governed by section 300.03.

4. Permits; Procedures and Variances.

a) **Administrative Permits.** The city planner or their designee may administratively approve permits for the following telecommunication facilities, provided the facilities do not

involve a variance or any other matter requiring consideration by the planning commission or city council:

- 1) Telecommunication facilities located on electric transmission towers carrying over 200 kilo volts of electricity.
- 2) Telecommunication facilities located on a telecommunication support structure for which a conditional use permit has already been approved
- 3) A one-time 15-foot extension of an existing telecommunication tower or one-time replacement of a telecommunication tower by a tower no greater than 15 feet taller than the original, existing tower up to a maximum height of 90 feet.

4) Telecommunication facilities located on public utility structures within public rights-of-way, if the facility:

a. Does not extend above the top of the existing utility structure by more than 10 feet;

b. Is a replacement utility structure that does not exceed 50 feet in height or the height of the existing utility structure, whichever is greater, and does not exceed the diameter of the existing utility structure by more than 50 percent; and

c. Includes no component larger than six cubic feet in size.

5) Small wireless facilities located on new support structures within public rights-of way, if the facility is an office, commercial, or industrial zoning district.

b) **Conditional Use Permits.** Any telecommunication facility that is not eligible for an administrative permit may be allowed only by conditional use permit.

c) **Permit Application Procedure.**

1) Applications for both administrative and conditional use permits must be on the appropriate form provided by the city and must include all of the following, unless otherwise waived by city staff:

- Name of the wireless telecommunication provider that will utilize the facility and provider's consent to the application;
- Registered land survey;
- Site plan;
- Any necessary easements and easement exhibits;
- Support structure elevations;
- Construction drawings signed by a registered architect, civil engineer, landscape architect or other appropriate design professional;
- Coverage and capacity analysis prepared by a radio or electrical engineer that demonstrates that the location of the proposed facility is necessary to meet the coverage and capacity needs of the wireless telecommunication providers system; and

- Cash escrow to cover the reasonable expense of a radio or electrical engineer retained by the city, at its option, to review the coverage and capacity analysis and to conduct an interference study.

2) Administrative permit applications are subject to the review of the city planner or their designee, who will render a decision within time periods provided by Minnesota Statute 15.99 and Minnetonka City Code 1120, as applicable, and will serve a copy of that decision upon the applicant by mail. Any person aggrieved by the decision of the city planner, or their designee, may appeal the decision to the planning commission in the manner specified in section 300.04 of this ordinance.

3) Conditional use permit applications are subject to the review procedures outlined in section 300.06 of this ordinance.

4) A variance from the regulations in this ordinance requires a separate application, according to the procedures in section 300.07 of this code.

5. General Regulations

a) **All facilities.** All telecommunication facilities, administratively or conditionally permitted, are subject to the following general regulations:

1) **Service Provider.** A telecommunications service provider must be identified for the proposed telecommunication facility and must occupy the facility within twelve months of approval.

2) **Historic Places.** No telecommunications facility may be located within 400 feet of the boundary of any property that contains a facility or structure listed on the national register of historic places.

3) **Location.** Facilities must be located in an area that will meet the applicant's reasonable coverage and capacity needs. However, the city may require that a different location be used if it would result in less public visibility, is available, and would continue to meet the applicant's reasonable capacity and coverage needs.

4) **Collocation.** New towers must be designed to accommodate more than one telecommunication provider at more than one height within the tower, unless it is physically impossible or impractical to do so at the tower's proposed location. In addition, the applicant, tower owner, landlord, and their successors must agree in writing to: (1) meet reasonable terms and conditions for shared use; (2) submit a dispute over the potential terms and conditions to binding arbitration.

5) **Stealth Design.** Facilities must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques.

6) **Construction.** Telecommunications facilities must be in compliance with all building and electrical code requirements. A tower must be designed and certified by an engineer to be structurally sound and in conformance with the building code. Structural design,

mounting and installation of the telecommunications facilities must be in compliance with the manufacturer's specifications.

7) Landowner authorization. When applicable, the applicant must provide written authorization from the property owner. The property owner must sign the approval document provided by the city agreeing to the permit conditions, agreeing to remove the telecommunication facilities when they are unused, obsolete, or become hazardous, and agreeing to the city's right to assess removal costs under paragraph (l) below.

8) Removal. Obsolete telecommunications facilities must be removed within 90 days after cessation of their use at the site, unless an exemption is granted by the city council. Unused telecommunications facilities and all related equipment must be removed within one year after cessation of operation at the site, unless an exemption is granted by the city council. Telecommunications facilities and related equipment that have become hazardous must be removed or made not hazardous within 30 days after written notice to the current owner and to any separate landowner, unless an exemption is granted by the city council. Notice may be made to the address listed in the application, unless another one has subsequently been provided, and to the taxpayer of the property listed in the Hennepin County tax records. Telecommunications facilities and all related equipment that are not removed within this time limit are declared to be public nuisances and may be removed by the city. The city may assess its costs of removal against the property.

b) **Facilities located within public right-of-way.** In addition to the regulations outlined in the previous section, telecommunication facilities located within the public right-of-way are subject to the following general regulations:

1) Facilities are subject to the requirements of Section 1120, Right-of-Way Management. To the extent that the provisions of Section 1120 are more restrictive than this ordinance, the provisions of Section 1120 govern.

2) Facilities may not impact the public health, safety, or welfare, interfere with safety and convenience of ordinary travel over the right-of-way, or otherwise negatively impact the right-of-way or its users. In determining compliance with this standard, the city may consider one or more of the following factors:

a. The extent to which right-of-way space is available for the proposed facility, including accessory equipment.

b. The potential demand for the particular space in the right-of-way

c. The availability of other locations in the right-of-way that would have less public impact.

d. The extent to which the facility placement minimizes impacts on adjacent property.

e. The applicability of ordinances or other regulations that may affect the location of the facility or accessory equipment.

- 3) Facilities must be removed when required by the road authority.

6. Specific Regulations

a) **Facilities located outside of public right-of-way.** All telecommunication facilities, administratively or conditionally permitted, are subject to the following specific regulations:

1) **Location.** Telecommunication facilities may be located within any zoning district. However, on properties guided low-density residential, facilities may only be located on public or institutional property.

2) **Height.** Maximum tower height, excluding lightning rods, is restricted based on the land use designation of property on which the tower is located:

Land Use Designation	Single-User Tower	Multiple-User Tower
Low and Medium Density Residential	60 feet	90 feet
High Density Residential	75 feet	90 feet
Office, Commercial	75 feet	90 feet
Industrial	150 feet	150 feet
Institutional	60 feet	90 feet

The city council may increase height if the applicant can demonstrate that the increase would not have a significant impact on surrounding properties because of things like proximity, topography, or screening by trees or buildings. The council may likewise waive height restrictions for towers wholly or partially for essential public services, such as public safety.

3) **Setbacks.** Towers located adjacent to low or medium-density residential properties must meet the minimum setback requirements established for principal structures within the associated residential zoning district, but only from the property line abutting the residential district. The city council may waive the setback requirement if necessary to implement stealth design techniques. Accessory equipment must meet minimum setback requirements established for accessory structures within the zoning district.

4) **Horizontal Projection.** Antennas may not project out from an antenna support structure or tower, unless it is physically impossible to locate the antenna with the structure or tower, in which case they may not project out more than three feet.

5) **Vertical Projection.** Antennas mounted on an antenna support structure may not extend more than 15 feet above the structure to which they are attached. Wall or façade-mounted antennas may not extend above the cornice line and must be constructed of a material or color that matches the exterior of the building.

6) **Accessory Equipment.** Accessory equipment or buildings must be architecturally designed to blend in with the surrounding natural or built environment or must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. No more than one accessory building is permitted for each tower. If additional space is needed to accommodate the co-location of antennas, the existing accessory building must be expanded or a new accessory building must be constructed adjacent and complementary to the existing building. Design of the building or equipment cabinet, screening and landscaping are subject to a site plan review under section 300.27 of this code.

7) **Color.** Antennas and towers must be painted a non-contrasting color consistent with the surrounding area such as: blue, gray, brown, or silver, or have a galvanized finish to reduce visual impact. Metal towers must be constructed of, or treated with, corrosion-resistant material.

8) **Lighting.** Telecommunications facilities may not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety or unless necessary to facilitate service to ground-mounted equipment.

b) **Facilities located within public right-of-way.** All telecommunication facilities, administratively or conditionally permitted, are subject to the following specific regulations:

1) **Location.**

a. Within residential zoning districts, facilities are only permitted within the rights-of-way of collector or arterial streets as defined in the Comprehensive Guide Plan. However, in no case are facilities permitted within certain village centers as designated in Subdivision 3 of this section.

b. Facilities are not permitted adjacent to residentially zoned property unless an applicant demonstrates, by providing a study prepared by a radio or electrical engineer, that the proposed location is necessary to reasonably meet the coverage and capacity needs of its system and no other location is feasible in a non-residential area.

2) **Height.** Maximum height, including attachments other than lightning rods, is restricted based on the land use designation of property adjacent to the proposed facility:

Adjacent Land Use Designation	Maximum Height
Residential	60 feet
Office, Commercial	60 feet
Industrial	75 feet
Institutional	60 feet

The council may waive height restrictions for facilities wholly or partially for essential public services, such as public safety.

3) Width. The support structure or tower cannot exceed the width of the closest public utility pole by more than 50 percent, but in no case may it exceed 18 inches in diameter.

4) Horizontal Projection. Antennas may not project out from a support structure or tower, unless it is physically impossible to locate the antenna with the structure or tower, in which case they may not project out more than two feet.

5) Vertical Projection. Antennas mounted on an antenna support structure may not extend more than 10 feet above the structure to which they are attached.

6) Facility Separation. Telecommunication facilities must be separated by at least 330 feet.

7) Ground mounted accessory equipment.

a. Equipment will be allowed only if it will not adversely impact public health, safety, or welfare of the community. In determining compliance with this standard, the city may consider one or more of the following factors:

1. Whether the equipment will disrupt vehicle traffic or pedestrian circulation.

2. Whether the equipment location and screening minimizes impact on adjacent properties.

b. Equipment must not exceed the following size limits:

Adjacent Land Use Designation	Maximum Height	Maximum Volume
Residential	3 feet	28 cubic feet
Non-Residential	5 feet	81 cubic feet

c. Equipment must meet the follow setbacks requirements.

	Minimum Setback
Existing or planned edge of roadway pavement	10 feet
Existing or planned edge of sidewalk or trail	3 feet
Nearest intersection right-of-way line	50 feet
Nearest principal residential structure	50 feet

d. Equipment must be screened by vegetative or other screening compatible with the surrounding area, as required by the city.

8) **Color.** The support structure or tower must match the materials and colors of the closest public utility structures located within the right-of-way, or as required by the city.

9) **Lighting.** Telecommunications facilities may not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety or unless necessary to facilitate service to ground-mounted equipment.

c) **Facilities located within certain village centers.** All telecommunication facilities, administratively or conditionally permitted, are subject to the following specific regulations:

1) The Glen Lake Station and Minnetonka Boulevard/County Road 101 Community Village Centers, and the Minnetonka Mills Area Special Purpose Village Center are recognized within the Comprehensive Guide Plan as unique commercial nodes. These village centers represent the earliest developed commercial areas in the city. They have existing and anticipated pedestrian designs unique within Minnetonka, typified by sidewalks, trails, landscaped boulevards, street lights, and buried utilities. Accordingly, there is a presumption that telecommunication facilities are prohibited in these areas. An applicant may overcome this presumption by submitting an analysis prepared by a radio or electrical engineer showing that no other available location allowed under this ordinance would meet is reasonable coverage and capacity needs.

2) If telecommunication facilities are permitted in these special village centers under paragraph (a) above, then the installation of the facilities must meet the following additional standards:

a. Accessory equipment must be located within a principal building. If space is not available in the principal building, an accessory building may be used. The accessory building must meet the construction standard of the applicable zoning district and must complement the principal structure design and materials.

b. Telecommunication facilities may not be located within public right-of-way or within any front yard. The council may waive one or both of these restrictions if the proposal would provide a public benefit, such as improving the existing site aesthetics.

7. Exceptions

This ordinance does not apply to any facility or device that is used for the private enjoyment of those on the premises where it is located. Examples include: amateur radio antennas and antennas receiving television signals for viewing on site. Such facilities or devices are considered accessory uses and are regulated as such in each zoning district.

Minnetonka Planning Commission Meeting

March 1, 2018

Agenda Item 9

Other Business

MINNETONKA PLANNING COMMISSION
Mar. 1, 2018

Brief Description	Concept plan review for Morrie's Ford at 13400 Wayzata Boulevard and 13205 Southridge Road.
Action Requested	Discuss concept plan with the applicant. No formal action required.

Background

Morrie's Minnetonka Ford is located at 13400 Wayzata Boulevard. The 7.6-acre property has been used for automobile sales for nearly 60 years. It is zoned PID, planned I-394 development, and guided commercial. In 2012, Morrie's Minnetonka Ford purchased the adjacent 0.6-acre property at 13205 Southridge Road. That property is zoned R-1, low-density residential, and guided medium-density residential.

Concept Plan

The property owner has submitted a concept plan for a major remodel of the dealership building and site. The remodel includes additions to both the east and west sides of the building, as well as exterior façades upgrades. In addition, the concept plan incorporates the Southridge Road property into the larger Morrie's site. The smaller parcel would be used for employee parking.

Key Issues

City staff has identified the following considerations for any development of the subject properties:

- **Guide Plan Amendment.** The Southridge Road property is currently guided for residential use. As presented, an amendment to the guide plan designation would be required. The potentially larger development implications of such amendment must be considered.
- **Site Design.** Setbacks, neighborhood buffering, impervious surface, and stormwater management must be evaluated.

Review Process

The Concept Plan Review process includes the following:

- **Neighborhood Meeting.** A neighborhood meeting will be held on Tuesday, February 27. Staff will report on that meeting during the planning commission Concept Plan Review.
- **Planning Commission Concept Plan Review.** The planning commission Concept Plan Review is intended as a follow-up to the neighborhood meeting. The objective of this meeting is to identify major issues and challenges in order to inform the subsequent review and discussion. The meeting will include a presentation by the property owner of conceptual sketches and ideas, but not detailed engineering plans. No staff

recommendations are provided, the public is invited to offer comments, and planning commissioners are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

- **City Council Concept Plan Review.** The city council Concept Plan Review is intended as a follow-up to the planning commission meeting and would follow the same format as the planning commission Concept Plan Review. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

Staff Recommendation

Staff recommends the planning commission provide comment and feedback on the identified key issues and any others the planning commission deems appropriate. The discussion is intended to assist the applicant with the preparation of more detailed development plans and a formal application.

Originator: Susan Thomas, AICP, Assistant City Planner

Through: Loren Gordon, AICP, City Planner

ADDITIONAL INFORMATION

Making versus Applying Law

“When creating, adopting and amending land use plans and zoning ordinances, a city is making law by exercising so-called “legislative” authority. The council sits as a body of elected representatives to make plans and laws (ordinances) for an entire community to advance health, safety, and welfare. When acting legislatively, the council has broad discretion and will be afforded considerable deference by any reviewing court. In contrast, when applying existing plans and laws, a city council is exercising so-called “quasi-judicial” authority. The limited task is to determine the facts associated with a particular request, and then apply those facts to the relevant law. A city council has less discretion when acting quasi-judicially, and a reviewing court will examine whether the city council applied rules already in place to the facts before it.”¹

Next Steps

- **Formal Application.** If the property owner chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city’s website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can “follow” projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) and staff can review resident comments.
- **Planning Commission Review.** The planning commission would hold an official public hearing on the formal application and would subsequently recommend action to the city council.
- **City Council Action.** Based on input from the planning commission, professional staff and general public, the city council would take final action.

Roles and Responsibilities

- **Applicants.** Applicants are responsible for providing clear, complete and timely information throughout the review process. They are expected to be accessible to both the city and to the public, and to respect the integrity of the public process.
- **Public.** Neighbors and the general public will be encouraged and enabled to participate in the review process to the extent they are interested. However, effective public participation involves shared responsibilities. While the city has an obligation to provide information and feedback opportunities, interested residents are expected to accept the responsibility to educate themselves about the project and review process, to provide constructive, timely and germane feedback, and to stay informed and involved throughout the entire process.

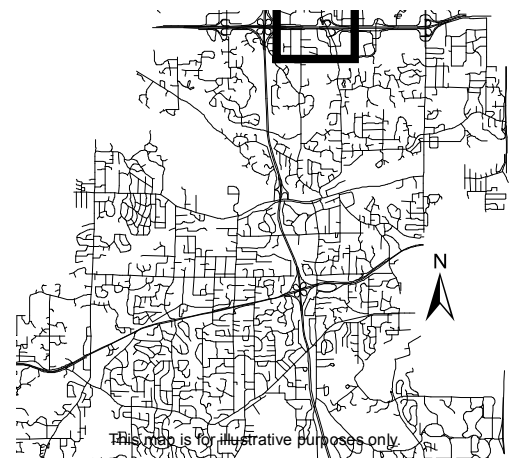
¹ League of Minnesota Cities. *Planning and Zoning 101* (Saint Paul, 2017), 2.

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



Location Map

Project: Morrie's Ford
 Address: 13400 Wayzata Blvd



This map is for illustrative purposes only.



Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060

GENERAL: 952-835-3800
FAX: 952-896-3333
WEB: www.larkinhoffman.com

February 5, 2018

Susan Thomas
City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, Minnesota 55345

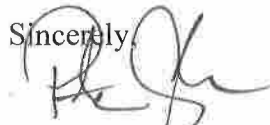
Re: Morrie's Automotive Group
Morrie's Ford Site Plan Amendment

Dear Susan:

Morrie's Automotive Group requests that the City of Minnetonka initiate review of a concept site plan relating to proposed site and building plan modifications for the existing Morrie's Minnetonka Ford dealership located at the northwest quadrant of Plymouth Road and Wayzata Boulevard. The concept site plan includes a proposed 12,041 sf service area addition, together with a 4,483 sf two-level addition on the west side of the display area. Finally, Morrie's proposes to incorporate into its site plan the vacant Morrie's parcel situated at the corner of Plymouth Road and Southridge Road; Morrie's would use the parcel addition for employee parking.

In recent months, Morrie's has relocated its Lincoln dealership out of the formerly combined Minnetonka Ford Lincoln dealership. Morrie's intends to make a substantial investment into the consolidated Minnetonka Ford dealership location. Morrie's understands that this request will most likely trigger Master Development Plan review. Pursuing concept level review at this time will allow Morrie's to determine the final make-up of its application.

We are attaching detailed site plan information, together with a conceptual exterior rendering of the remodeled Minnetonka Ford site. Please let us know if you require additional information in order to schedule this request for review by the City's Planning Commission and City Council.

Sincerely,


Peter J. Coyle, for
LARKIN HOFFMAN DALY & LINDGREN, Ltd.

Cc: Lynn Robson
Attachments
4832-1161-5324, v. 1



Morrie's Minnetonka Ford

Minnetonka, MN

10.31.2017

Dealer Submitted Design





BUILDING ALTERATIONS & ADDITION FOR:

MORRIES MINNETONKA FORD
MINNETONKA, MINNESOTA

date	01/28/2018
job	16-043
d. by	user
rev	

A-0.1



Cries
Architectural Group Inc.
100 Bank Lane
Minnetonka, MN 55345
Phone: 952-222-2215 Fax: 952-222-4985
www.cries.com

I warrant that the Company has prepared this plan in accordance with the laws of the State of Minnesota and that I am a duly Licensed Professional Engineer in the State of Minnesota.

DATE PLOTTED: 1/28/2018 7:05:49 PM
PLOT BY: user



1 SITE PLAN
1" = 40'-0"



NOTICES

The City notes that this plan, specification, or report was prepared by me, or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.
 See Note: Building Alterations
 Signature: Theresa A. Ryan
 Date: 08/25/2017 License # 40762

date: 08/25/2017
job#: 16-043
d by: TAP
rev: _____

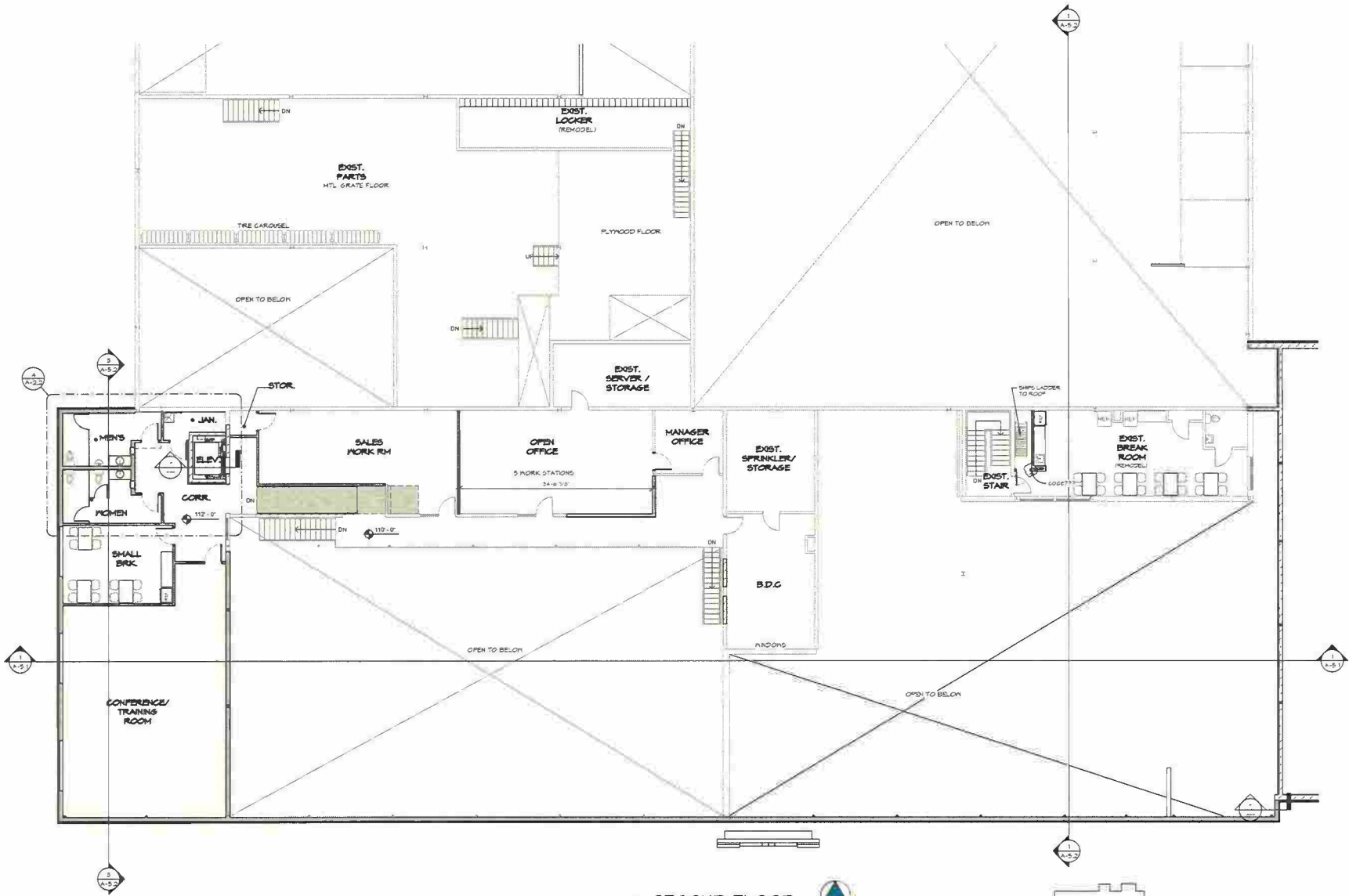
A-0.1

BUILDING ALTERATIONS & ADDITION FOR:
MORRIES MINNETONKA FORD
 MINNETONKA, MINNESOTA

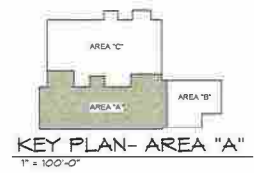
Company: 16000 16th Avenue S
 55120-4000
 Phone: 763-222-2212 Fax: 763-222-4868
 www.grics.com



Gries
 Architectural Group Inc.



SECOND FLOOR
 1/16" = 1'-0" 4574 S.F.



ADDITIONS
 THESE CORRS. AND THE STAIR, RECEPTIONIST'S ROOM WAS PROVIDED BY ME OR UNDER MY DIRECT SUPERVISION AND THEY ARE IN FULL COMPLIANCE WITH ALL APPLICABLE CODES UNDER THE LAWS OF THE STATE OF MINNESOTA.
 Print Name: Stephen Andrew Gies
 Registered: Professional Engineer
 Date: 08-25-2017 License # 4892

Gries
 Architectural Group Inc.
 1500 Lake Avenue North
 Minneapolis, MN 55412-1111
 Tel: 612-338-1111 Fax: 612-338-1111

I, Stephen Andrew Gies, the Designer, do hereby certify that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota and that I am the Designer of the above described project.

BUILDING ALTERATIONS & ADDITION FOR:
MORRIS MINNETONKA FORD
 MINNETONKA, MINNESOTA

date:	2/25/2018
job:	15-045
d by:	SAJ/LCJ
rev:	

A-1.5



3 EXTERIOR PERSPECTIVE
A-4.1

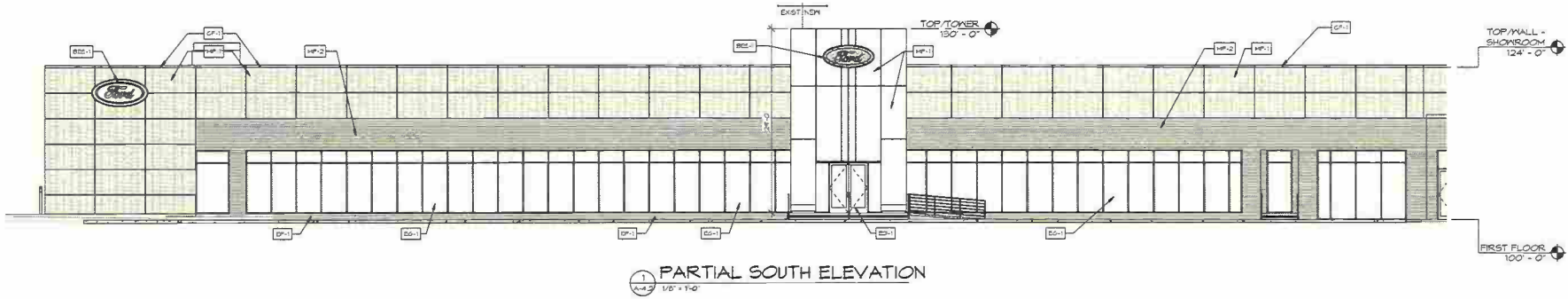
GLAZING PANEL SUPPORT JOINTS:
 PROVIDE PREFINISHED ALUMINUM SIP HEAD TO MATCH ALUMINUM STOREFRONT/ CURTAIN WALL SYSTEM.
 PROVIDE PREFINISHED EXTENDED ALUMINUM THERMALLY BROKEN SILL FLASHING WITH BFO CHAIR. INSTALL WITH A POSITIVE SLOPE AWAY FROM INTERIOR AND SET IN SQUARE AND INSTALL PER MANUFACTURER'S METHOD/ SPECIFICATION.
 PROVIDE ALL SIPS, SEALANT & BRACKER ROD PER MANUFACTURER'S SPECIFICATIONS.

GLAZING JOINT NOTES:
 PROVIDE MASONRY CONTROL JOINTS AS RECOMMENDED BY MASONRY CONTRACTOR AND BRICK SUPPLIER. CONTROL JOINTS NOT TO EXCEED 30" MAX AND 30° OF HP.
 ALL CONTROL JOINT LAYOUTS TO BE REVIEWED BY ARCHITECT/ ENGINEER AT TIME OF CONSTRUCTION SHOP DRAWING SUBMITTAL.
 ALL ELEVATIONS AND LAYOUT ARE BASE ON STATIONED REGULAR BLOCK SIZE. CONTRACTOR RESPONSIBLE FOR ANY ADJUSTMENTS & SIZES REQUIRED IF THEY CHANGE MATERIALS SIZE.

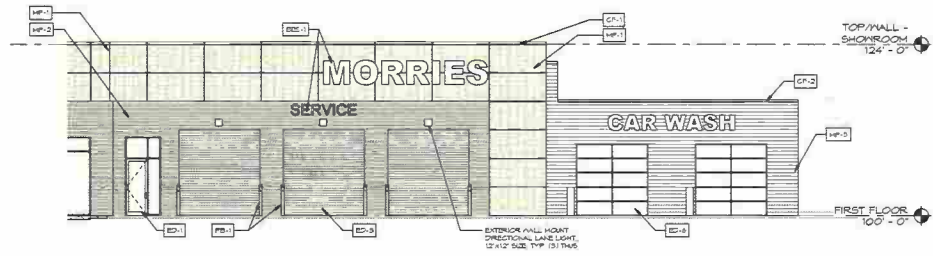
KEY NOTE	MATERIAL SUMMARY	CP-2	CP-1	CP-3	CP-4	CP-5	CP-6	CP-7	CP-8	CP-9	CP-10	CP-11	CP-12	CP-13	CP-14	CP-15	CP-16	CP-17	CP-18	CP-19	CP-20	CP-21	CP-22	CP-23	CP-24	CP-25	CP-26	CP-27	CP-28	CP-29	CP-30	CP-31	CP-32	CP-33	CP-34	CP-35	CP-36	CP-37	CP-38	CP-39	CP-40	CP-41	CP-42	CP-43	CP-44	CP-45	CP-46	CP-47	CP-48	CP-49	CP-50	CP-51	CP-52	CP-53	CP-54	CP-55	CP-56	CP-57	CP-58	CP-59	CP-60	CP-61	CP-62	CP-63	CP-64	CP-65	CP-66	CP-67	CP-68	CP-69	CP-70	CP-71	CP-72	CP-73	CP-74	CP-75	CP-76	CP-77	CP-78	CP-79	CP-80	CP-81	CP-82	CP-83	CP-84	CP-85	CP-86	CP-87	CP-88	CP-89	CP-90	CP-91	CP-92	CP-93	CP-94	CP-95	CP-96	CP-97	CP-98	CP-99	CP-100
HP-1	ALUMINUM GLAZING PANEL (GCH) MET. ALU/SG OR EQUAL SILE. ANGLE. THICK BORED METAL PANEL IV TOP BRACKER ROD. FINISH-SCREEN TYPE JOINTS TO BE 1/2" TYPED DRY JOINT SYSTEM WITH EXTENDING TO MATCH PANELS (MAN SCREEN 50" MAX) COLOR: HORIZAL ALUMINUM H-2 LOCATION: ENTRY TOWER, FORD BRAND WALL, & QUICK LANE BRAND-WALL FACADE	CP-2	CP-1	CP-3	CP-4	CP-5	CP-6	CP-7	CP-8	CP-9	CP-10	CP-11	CP-12	CP-13	CP-14	CP-15	CP-16	CP-17	CP-18	CP-19	CP-20	CP-21	CP-22	CP-23	CP-24	CP-25	CP-26	CP-27	CP-28	CP-29	CP-30	CP-31	CP-32	CP-33	CP-34	CP-35	CP-36	CP-37	CP-38	CP-39	CP-40	CP-41	CP-42	CP-43	CP-44	CP-45	CP-46	CP-47	CP-48	CP-49	CP-50	CP-51	CP-52	CP-53	CP-54	CP-55	CP-56	CP-57	CP-58	CP-59	CP-60	CP-61	CP-62	CP-63	CP-64	CP-65	CP-66	CP-67	CP-68	CP-69	CP-70	CP-71	CP-72	CP-73	CP-74	CP-75	CP-76	CP-77	CP-78	CP-79	CP-80	CP-81	CP-82	CP-83	CP-84	CP-85	CP-86	CP-87	CP-88	CP-89	CP-90	CP-91	CP-92	CP-93	CP-94	CP-95	CP-96	CP-97	CP-98	CP-99	CP-100
HP-2	METAL PANEL (CORROSIORATED ALUMINUM) MET. ALU/SG SILE. ANGLE. THICK BORED METAL PANEL 1/2" THK. 1/2" RECES. BRACKER WITH EXPOSED FASTENERS (FASTENERS FINISH TO MATCH PANEL COLOR) JOINTS: LAP JOINTS PER HP1, RECOMMENDATIONS COLOR: COLORFIELD 300- SLATE GREY (BENTHANE) 50% GLOSS LOCATION: EXTERIOR FACADE	CP-2	CP-1	CP-3	CP-4	CP-5	CP-6	CP-7	CP-8	CP-9	CP-10	CP-11	CP-12	CP-13	CP-14	CP-15	CP-16	CP-17	CP-18	CP-19	CP-20	CP-21	CP-22	CP-23	CP-24	CP-25	CP-26	CP-27	CP-28	CP-29	CP-30	CP-31	CP-32	CP-33	CP-34	CP-35	CP-36	CP-37	CP-38	CP-39	CP-40	CP-41	CP-42	CP-43	CP-44	CP-45	CP-46	CP-47	CP-48	CP-49	CP-50	CP-51	CP-52	CP-53	CP-54	CP-55	CP-56	CP-57	CP-58	CP-59	CP-60	CP-61	CP-62	CP-63	CP-64	CP-65	CP-66	CP-67	CP-68	CP-69	CP-70	CP-71	CP-72	CP-73	CP-74	CP-75	CP-76	CP-77	CP-78	CP-79	CP-80	CP-81	CP-82	CP-83	CP-84	CP-85	CP-86	CP-87	CP-88	CP-89	CP-90	CP-91	CP-92	CP-93	CP-94	CP-95	CP-96	CP-97	CP-98	CP-99	CP-100
HP-3	METAL PANEL (CORROSIORATED ALUMINUM) MET. ALU/SG SILE. ANGLE. THICK BORED METAL PANEL 1/2" THK. 1/2" RECES. BRACKER WITH EXPOSED FASTENERS (FASTENERS FINISH TO MATCH PANEL COLOR) JOINTS: LAP JOINTS PER HP1, RECOMMENDATIONS COLOR: COLORFIELD 300- SLATE GREY (BENTHANE) 50% GLOSS LOCATION: EXTERIOR FACADE	CP-2	CP-1	CP-3	CP-4	CP-5	CP-6	CP-7	CP-8	CP-9	CP-10	CP-11	CP-12	CP-13	CP-14	CP-15	CP-16	CP-17	CP-18	CP-19	CP-20	CP-21	CP-22	CP-23	CP-24	CP-25	CP-26	CP-27	CP-28	CP-29	CP-30	CP-31	CP-32	CP-33	CP-34	CP-35	CP-36	CP-37	CP-38	CP-39	CP-40	CP-41	CP-42	CP-43	CP-44	CP-45	CP-46	CP-47	CP-48	CP-49	CP-50	CP-51	CP-52	CP-53	CP-54	CP-55	CP-56	CP-57	CP-58	CP-59	CP-60	CP-61	CP-62	CP-63	CP-64	CP-65	CP-66	CP-67	CP-68	CP-69	CP-70	CP-71	CP-72	CP-73	CP-74	CP-75	CP-76	CP-77	CP-78	CP-79	CP-80	CP-81	CP-82	CP-83	CP-84	CP-85	CP-86	CP-87	CP-88	CP-89	CP-90	CP-91	CP-92	CP-93	CP-94	CP-95	CP-96	CP-97	CP-98	CP-99	CP-100
HP-4	METAL PANEL (CORROSIORATED ALUMINUM) MET. ALU/SG SILE. ANGLE. THICK BORED METAL PANEL 1/2" THK. 1/2" RECES. BRACKER WITH EXPOSED FASTENERS (FASTENERS FINISH TO MATCH PANEL COLOR) JOINTS: LAP JOINTS PER HP1, RECOMMENDATIONS COLOR: COLORFIELD 300- SLATE GREY (BENTHANE) 50% GLOSS LOCATION: EXTERIOR FACADE	CP-2	CP-1	CP-3	CP-4	CP-5	CP-6	CP-7	CP-8	CP-9	CP-10	CP-11	CP-12	CP-13	CP-14	CP-15	CP-16	CP-17	CP-18	CP-19	CP-20	CP-21	CP-22	CP-23	CP-24	CP-25	CP-26	CP-27	CP-28	CP-29	CP-30	CP-31	CP-32	CP-33	CP-34	CP-35	CP-36	CP-37	CP-38	CP-39	CP-40	CP-41	CP-42	CP-43	CP-44	CP-45	CP-46	CP-47	CP-48	CP-49	CP-50	CP-51	CP-52	CP-53	CP-54	CP-55	CP-56	CP-57	CP-58	CP-59	CP-60	CP-61	CP-62	CP-63	CP-64	CP-65	CP-66	CP-67	CP-68	CP-69	CP-70	CP-71	CP-72	CP-73	CP-74	CP-75	CP-76	CP-77	CP-78	CP-79	CP-80	CP-81	CP-82	CP-83	CP-84	CP-85	CP-86	CP-87	CP-88	CP-89	CP-90	CP-91	CP-92	CP-93	CP-94	CP-95	CP-96	CP-97	CP-98	CP-99	CP-100
HP-5	GLAZING PANEL: SUPPLER: LOCAL SUPPLIER PAINT: SILE. THERMOPLASTIC ELASTOMERIC COATING (OR EQUAL) COLOR: GLEDDEN PROFESSIONAL UNIVERSAL GREY- COGN 83-0000, M3004 LOCATION: EXTERIOR WALLS REFER TO PLANS & ELEVATIONS	CP-2	CP-1	CP-3	CP-4	CP-5	CP-6	CP-7	CP-8	CP-9	CP-10	CP-11	CP-12	CP-13	CP-14	CP-15	CP-16	CP-17	CP-18	CP-19	CP-20	CP-21	CP-22	CP-23	CP-24	CP-25	CP-26	CP-27	CP-28	CP-29	CP-30	CP-31	CP-32	CP-33	CP-34	CP-35	CP-36	CP-37	CP-38	CP-39	CP-40	CP-41	CP-42	CP-43	CP-44	CP-45	CP-46	CP-47	CP-48	CP-49	CP-50	CP-51	CP-52	CP-53	CP-54	CP-55	CP-56	CP-57	CP-58	CP-59	CP-60	CP-61	CP-62	CP-63	CP-64	CP-65	CP-66	CP-67	CP-68	CP-69	CP-70	CP-71	CP-72	CP-73	CP-74	CP-75	CP-76	CP-77	CP-78	CP-79	CP-80	CP-81	CP-82	CP-83	CP-84	CP-85	CP-86	CP-87	CP-88	CP-89	CP-90	CP-91	CP-92	CP-93	CP-94	CP-95	CP-96	CP-97	CP-98	CP-99	CP-100
HP-6	GLAZING PANEL: SUPPLER: LOCAL SUPPLIER PAINT: SILE. THERMOPLASTIC ELASTOMERIC COATING (OR EQUAL) COLOR: GLEDDEN PROFESSIONAL UNIVERSAL GREY- COGN 83-0000, M3004 LOCATION: EXTERIOR WALLS REFER TO PLANS & ELEVATIONS	CP-2	CP-1	CP-3	CP-4	CP-5	CP-6	CP-7	CP-8	CP-9	CP-10	CP-11	CP-12	CP-13	CP-14	CP-15	CP-16	CP-17	CP-18	CP-19	CP-20	CP-21	CP-22	CP-23	CP-24	CP-25	CP-26	CP-27	CP-28	CP-29	CP-30	CP-31	CP-32	CP-33	CP-34	CP-35	CP-36	CP-37	CP-38	CP-39	CP-40	CP-41	CP-42	CP-43	CP-44	CP-45	CP-46	CP-47	CP-48	CP-49	CP-50	CP-51	CP-52	CP-53	CP-54	CP-55	CP-56	CP-57	CP-58	CP-59	CP-60	CP-61	CP-62	CP-63	CP-64	CP-65	CP-66	CP-67	CP-68	CP-69	CP-70	CP-71	CP-72	CP-73	CP-74	CP-75	CP-76	CP-77	CP-78	CP-79	CP-80	CP-81	CP-82	CP-83	CP-84	CP-85	CP-86	CP-87	CP-88	CP-89	CP-90	CP-91	CP-92	CP-93	CP-94	CP-95	CP-96	CP-97	CP-98	CP-99	CP-100
HP-7	GLAZING PANEL: SUPPLER: LOCAL SUPPLIER PAINT: SILE. THERMOPLASTIC ELASTOMERIC COATING (OR EQUAL) COLOR: GLEDDEN PROFESSIONAL UNIVERSAL GREY- COGN 83-0000, M3004 LOCATION: EXTERIOR WALLS REFER TO PLANS & ELEVATIONS	CP-2	CP-1	CP-3	CP-4	CP-5	CP-6	CP-7	CP-8	CP-9	CP-10	CP-11	CP-12	CP-13	CP-14	CP-15	CP-16	CP-17	CP-18	CP-19	CP-20	CP-21	CP-22	CP-23	CP-24	CP-25	CP-26	CP-27	CP-28	CP-29	CP-30	CP-31	CP-32	CP-33	CP-34	CP-35	CP-36	CP-37	CP-38	CP-39	CP-40	CP-41	CP-42	CP-43	CP-44	CP-45	CP-46	CP-47	CP-48	CP-49	CP-50	CP-51	CP-52	CP-53	CP-54	CP-55	CP-56	CP-57	CP-58	CP-59	CP-60	CP-61	CP-62	CP-63	CP-64	CP-65	CP-66	CP-67	CP-68	CP-69	CP-70	CP-71	CP-72	CP-73	CP-74	CP-75	CP-76	CP-77	CP-78	CP-79	CP-80	CP-81	CP-82	CP-83	CP-84	CP-85	CP-86	CP-87	CP-88	CP-89	CP-90	CP-91	CP-92	CP-93	CP-94	CP-95	CP-96	CP-97	CP-98	CP-99	CP-100
HP-8	GLAZING PANEL: SUPPLER: LOCAL SUPPLIER PAINT: SILE. THERMOPLASTIC ELASTOMERIC CO																																																																																																				



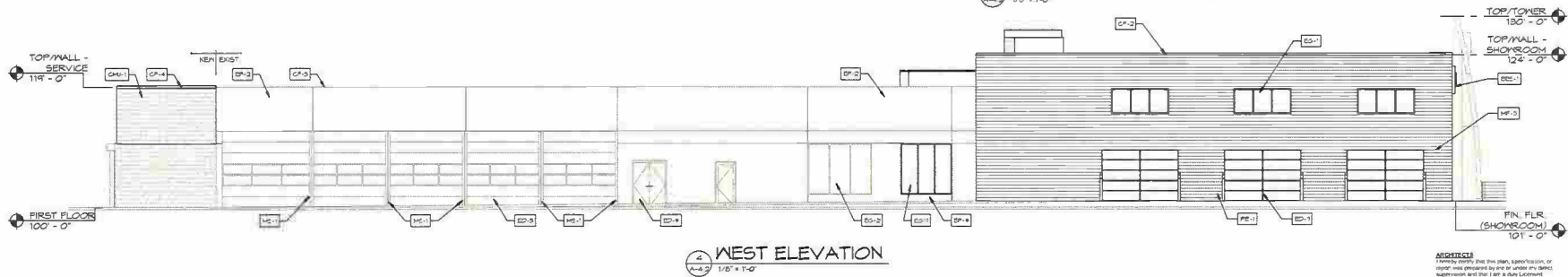
3 SOUTH ELEVATION
1/8" = 1'-0"



1 PARTIAL SOUTH ELEVATION
1/8" = 1'-0"



2 PARTIAL SOUTH ELEVATION
1/8" = 1'-0"



4 WEST ELEVATION
1/8" = 1'-0"

ARCHITECT
 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 Architect under the laws of the State of Minnesota.
 My Name: William Arthur Gies
 Signature: William Arthur Gies
 Date: 08-25-2017 License # 401762

Gries Architectural Group Inc.
 100 West 10th Street, Suite 200
 Minneapolis, MN 55402
 Phone: 612-332-1111 Fax: 612-332-1199
 www.griesarch.com

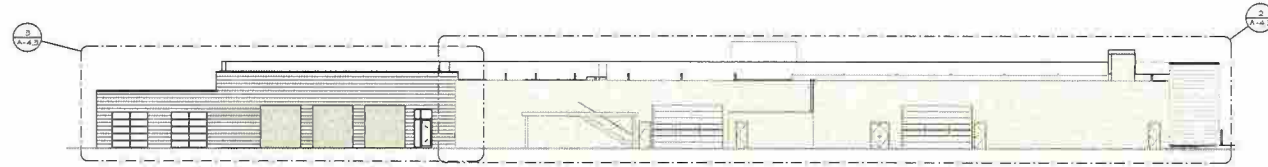


© 2018. All rights reserved.
 No part of this document may be reproduced without the written permission of Gries Architectural Group Inc.

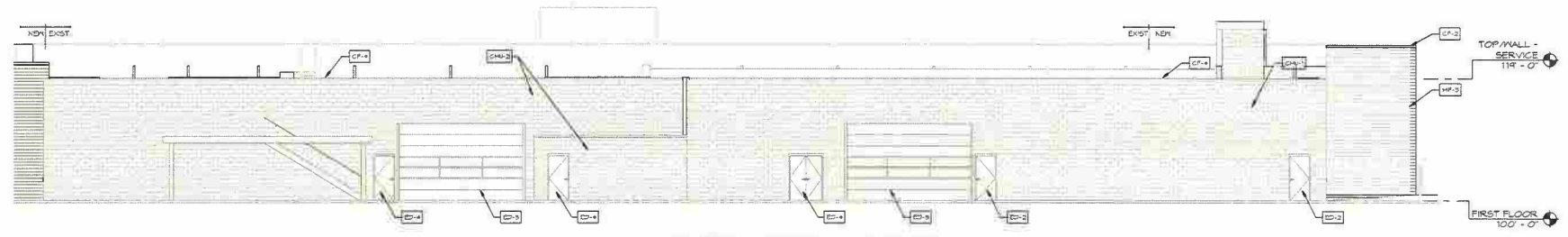
BUILDING ALTERATIONS & ADDITION FOR:
MORRIES MINNETONKA FORD
 MINNETONKA, MINNESOTA

date	01/28/2018
job	16-043
d. by	WAG
rev	

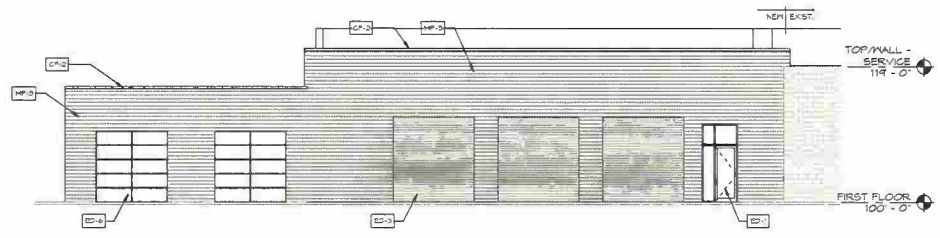
A-4.2



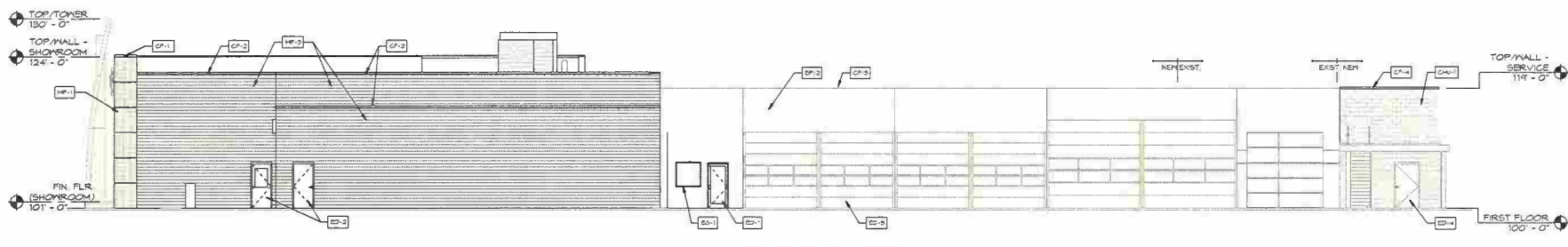
1 NORTH ELEVATION
1/8" = 1'-0"



2 PARTIAL NORTH ELEVATION
1/2" = 1'-0"



3 PARTIAL NORTH ELEVATION
1/8" = 1'-0"



4 EAST ELEVATION
1/8" = 1'-0"

ARCHITECTS
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 Architect under the laws of the State of Minnesota.
Name: Stephen J. Giza
Signature: [Signature]
Date: 08-21-2017 License #: 60792

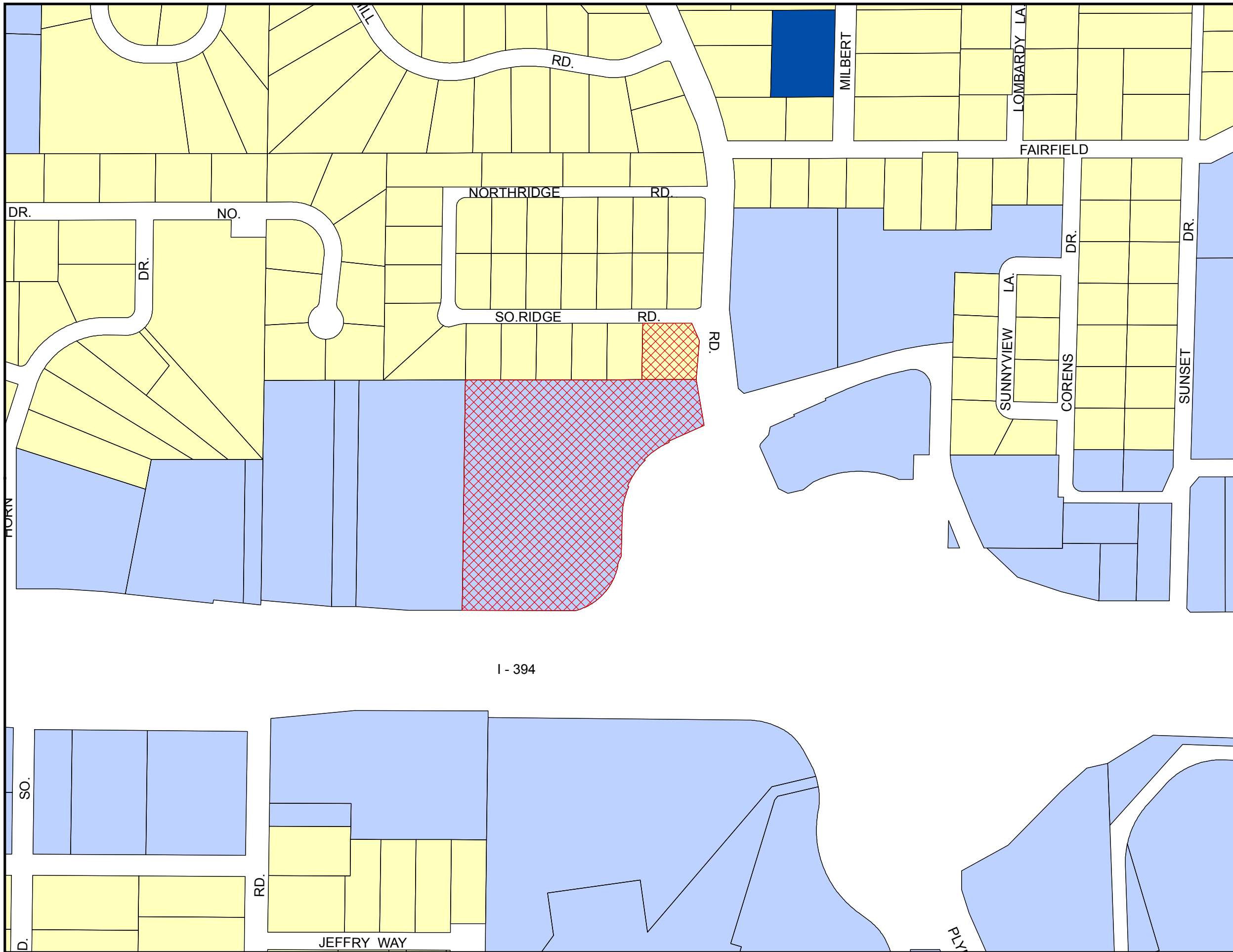


I warrant that this proposal is a true and correct copy of the Plans, Specifications and Contract Documents as approved by the Board of Directors of Morris Minnetonka Ford.

BUILDING ALTERATIONS & ADDITION FOR:
MORRIES MINNETONKA FORD
MINNETONKA, MINNESOTA

date: 01/20/2018
job: 16-043
d. by: JWG
rev:

A-4.3



CITY OF
MINNETONKA

Zoning

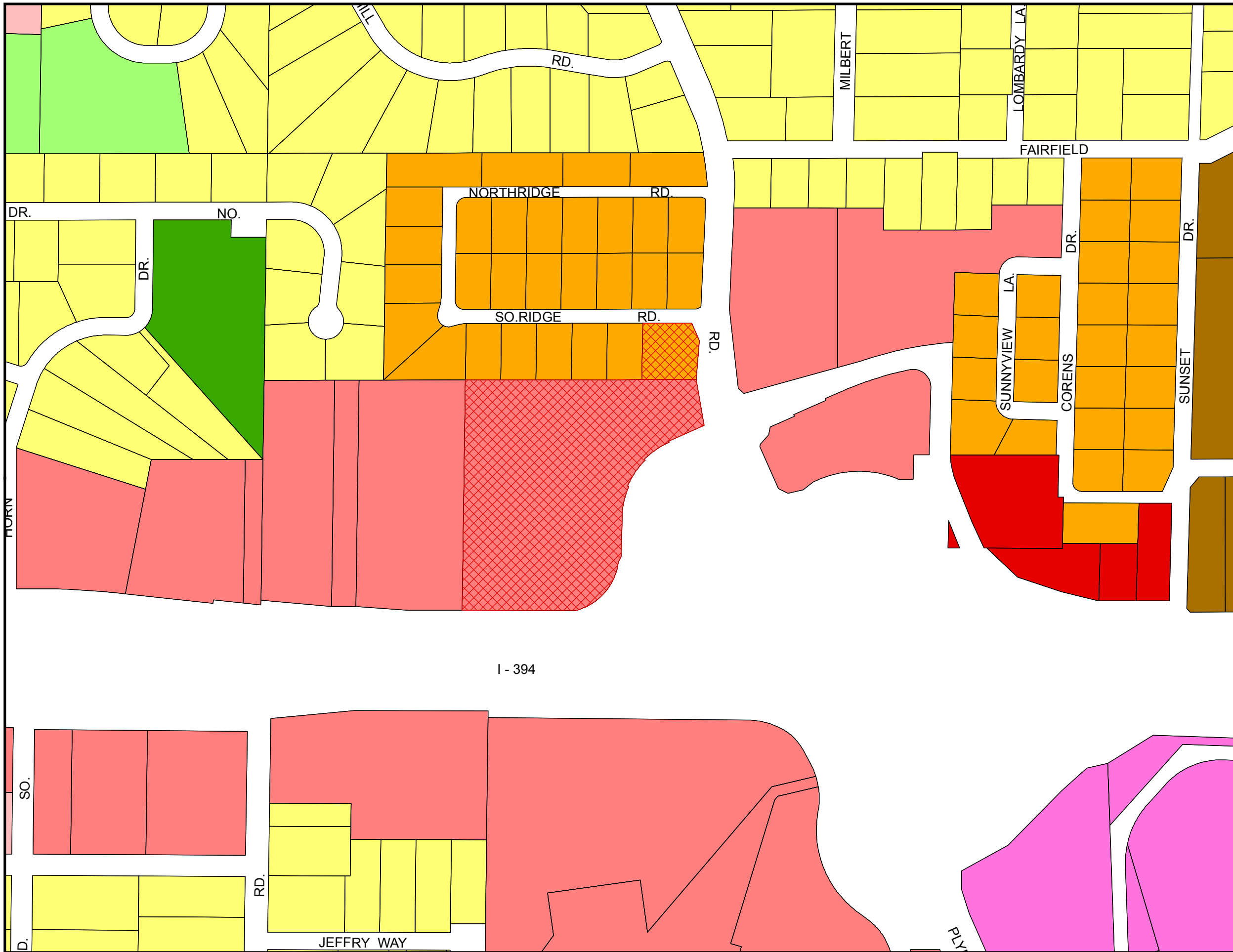
Parcels

ZONING

- B-1
- B-2
- B-3
- I-1
- PID
- PURD
- PUD
- R-1
- R-1 PURD
- R-2
- R-2 PURD
- R-3
- R-3 PURD
- R-4
- R-4 PURD
- R-5



**Morrie's
Minnetonka Ford**



Legend

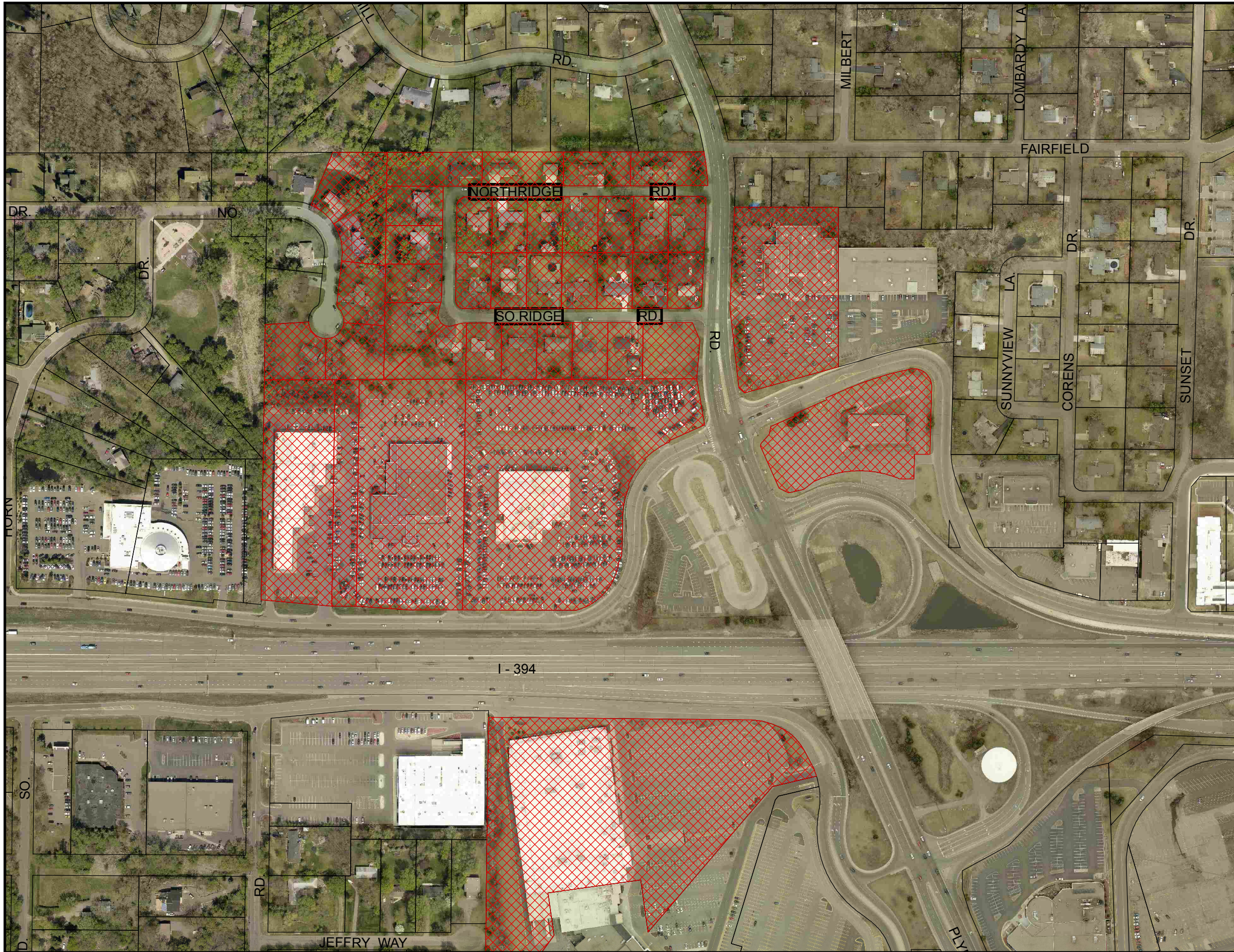
2030 Land Use

2030_LU

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Office
- Commercial
- Service Commercial
- Mixed Use
- Industrial
- Institutional
- Open Space
- Parks
- Right of Way
- Lakes





**Morrie's
Minnetonka Ford**



CITY OF
MINNETONKA

Mailing Area

-  Parcels
-  City Boundary

1 inch = approx. 50 feet



**Morrie's
Minnetonka Ford**

MINNETONKA PLANNING COMMISSION
March 1, 2018

Brief Description	Election of Planning Commission Officers
Recommendation	Hold an election for the positions of Chair and Vice Chair

Background

The Planning Commission Bylaws state that the commission shall have officers consisting of a chair and a vice chair. The officers shall be elected for a one-year period at the first meeting in March of every year. If there is no quorum at the first regular meeting in March, the election shall be held at the next regular meeting having a quorum. Officer roles are:

- Chair: The chair shall preside over all meetings of the commission. If the chair and vice chair are absent, the commission members present shall designate one of themselves to serve as chair.
- Vice Chair: The vice chair shall perform all the duties of the chair in the absence of the chair.

Planning commission officers for 2017 were Brian Kirk, who served as chair and Deb Calvert, who served as vice chair. Deb Calvert left the planning commission to begin serving as a councilmember in January. The planning commission roster for 2018 includes:

- Brian Kirk
- David Knight
- John Powers
- Sean O'Connell
- Rebecca Schack
- Josh Sewell
- Alex Hanson

Staff Recommendation

Hold an election for the positions of Chair and Vice Chair

Originator: Loren Gordon, AICP, City Planner

MINNETONKA PLANNING COMMISSION
March 1, 2018

Brief Description	Review of the Planning Commission's Bylaws and Policies
Recommendation	Readopt the bylaws and policies

Introduction

The Planning Commission's Bylaws require that the Commission review its bylaws and policies each year. The current bylaws and policies are attached.

Comments

Staff is recommending two areas of change to the planning commission policies. The proposed changes include the following:

- The inclusion of "expansion permits" in the policy considerations.
- The addition of "dimensional standards" when considering undersized lots.
- The addition of considerations for volume additions that don't increase the building floor area or building height. An example would be dormer and bay window additions.

Commissioners should review the bylaws and policies and advise staff of any suggested changes.

Staff Recommendation

Readopt the proposed bylaws and policies, with any suggested changes.

Originator: Loren Gordon, AICP, City Planner

CITY OF MINNETONKA PLANNING COMMISSION BYLAWS

ARTICLE I - GENERAL

The Minnetonka Planning Commission is established under City Code section 300.04 and Minnesota State Statutes Annotated section 462.354, subdivision 1(2).

ARTICLE II - PURPOSE

The commission is appointed by the City Council to assist and advise the City Council in the administration of the City Zoning Ordinance, Guide Plan and Subdivision Ordinance: to conduct public hearings upon matters as required by the provisions of City Code, section 300, and on any other matters referred by the City Council.

ARTICLE III - MEETINGS

Section I. Regular Meetings

The regular meetings of the commission will be held at the offices of the City of Minnetonka, located at 14600 Minnetonka Boulevard. The meeting schedule will be as designated on the official city calendar. All meetings will be open to the public, except as otherwise provided by law.

The planning commission meeting will convene at 6:30 P.M. and conclude no later than 11:00 P.M. unless a majority of the members present vote to continue the meeting beyond 11:00 P.M. for a single item. Items not covered by 11:00 P.M. will be automatically continued to the next planning commission meeting and given priority placement on the agenda.

Before opening a public hearing, the chair will ask for a presentation from the applicant. The chair will then open the public hearing. At larger public hearings, the chair will request a presentation from any neighborhood representatives. Following that, the chair will ask for comments from any other members of the public. The chair will encourage the applicant and neighborhood representatives to limit their presentations to about fifteen minutes each. The chair will encourage other public speakers to limit their time to about eight minutes, so everyone has time to speak at least once. However, time limits will be at the discretion of the chair. Once everyone has spoken, the chair may allow speakers to return for additional comments. The public hearing will remain open until the chair determines that all information and statements have been heard. The chair may then close the public hearing and limit discussion to members of the commission.

The voting order shall be alphabetical according to the last name of each commissioner. The voting order shall rotate alphabetically at each planning commission meeting. The presiding officer shall always vote last.

Section II. Special Meetings

A special meeting may be held when deemed necessary by four members of the commission or by the request of the city council.

Section III. Quorums

At any duly called meeting of the commission, a majority of the active members shall constitute a quorum.

Section IV. Agendas

An agenda for each meeting shall be prepared by the Planning Department for the City in cooperation with the chair. The agenda shall be delivered to all members of the commission along with supporting data on the Friday before the next regular meeting.

The commission may continue consideration of any scheduled item when supportive material for that item has not been delivered to the members five (5) full business days before the meeting at which it is considered.

The city planner shall add items to the consent agenda that he or she considers to be routine. The planning commission shall hold one public hearing and then approve all such items with one motion. Before voting on the consent agenda, the chair will open the hearing, announce each item and ask if anyone wishes to have a separate discussion or vote on that item. If so, the commission will then remove that item from the consent agenda and hold a separate hearing on it after voting on the consent agenda items. There will be no staff presentation or discussion by the public or commission on the items remaining on the consent agenda. However, the chair may allow informational questions without removing an item from the consent agenda. Items approved under the consent agenda are approved subject to the staff recommendations.

Section V. Voting

Any vote that requires a two-thirds majority shall be based on the current planning commission membership, excluding any vacant positions. Members present must vote on all agenda items, unless disqualified because of a conflict of interest under the City's Code of Ethics or State law.

ARTICLE IV - OFFICERS

Officers of the commission shall consist of the chair and a vice chair. The officers shall be elected for a one-year period at the first meeting in March of every year. If there is no quorum at the first regular meeting in March, the election shall be held at the next regular meeting having a quorum.

A. Chair: The chair shall preside over all meetings of the commission. If the chair and vice chair are absent, the commission members present shall designate one of themselves to serve as chair.

- B. Vice Chair: The vice chair shall perform all the duties of the chair in the absence of the chair.
- C. Secretary: The Secretary is a non-elected member of the Planning Department staff. The secretary shall keep an accurate account of meetings and proceedings of meetings, send written notices and agendas of all meetings to members, keep a policy file of all commission records and documents, and notify the city council in writing of all commission conclusions and recommendations.

ARTICLE V - CODE OF ETHICS

The planning commission members shall abide by the Code of Ethics established in Section 115 of the Minnetonka Code as amended from time to time. Additionally, no planning commissioner shall act as a representative for someone else for any planning or zoning item that comes before the Minnetonka Commission or Council. A planning commissioner may represent a planning or zoning item for their own property or property in which they have a real interest.

ARTICLE VI - PARLIAMENTARY PROCEDURE

The proceedings of the commission shall be governed by and conducted according to the latest rules of Roberts Rules of Order, as revised.

ARTICLE VII - AMENDMENTS

The commission shall review its bylaws and policies at the first meeting in March of each year. These bylaws may be amended or altered by a majority vote of the members of the commission at any regular or special meeting, having a quorum, provided the amendment was mailed or delivered to the commission members at least five days before the meeting.

CITY OF MINNETONKA PLANNING COMMISSION POLICIES

General Policies regarding specific types of variance and expansion permit requests:

The following policies are not intended to be hard and fast rules, since each variance or expansion permit request is unique unto itself. The policies have evolved from past decisions of the City along with administrative interpretation of the zoning ordinance. The primary purpose of the following sections is to establish a framework whereby reasonable use of single-family residential property is outlined and fair treatment can be applied to all properties.

A. Garages

1. A two-car garage on single-family residential property and a one-car garage on a double dwelling property is generally considered to be a reasonable use. Larger garages may be approved if consistent with neighborhood characteristics and the findings for a variance.
2. Maximum standard two-car garage dimensions are 24' x 24'. Maximum standard one-car garage dimensions are 13' x 24'.
3. Garages that require variances should minimize setback intrusion to the greatest extent possible.
4. Conversion of garage area to living space does not justify a variance for new garage space.
5. Neighborhood characteristics may dictate the size and setbacks of a garage considered to be a reasonable use.
6. Variances are considered in light of mature tree location and preservation opportunities.

B. House Additions

1. Reasonable use of property is considered in light of general City-wide development standards.
2. Variances and expansion permits to allow setback intrusion are considered in light of reasonable use as long as the variance or expansion permits are is limited to the greatest extent practicable.
3. Variances and expansion permits are considered in light of providing room additions of functional size with adequate internal circulation.
4. Variances and expansion permits that do not increase the floor area or building height are considered reasonable use.

54. The configuration and position of the existing house is considered when reviewing variance and expansion permit requests.

65. The proposed addition should be designed to conform to development constraints of the property.

76. Variances and expansion permits are considered in light of mature tree location and preservation opportunities.

C. Accessory Attached Structures

1. Decks, screen porches, and bay windows are by definition accessory uses or uses incidental to the principal use.

2. The need for accessory structures primarily results from personal circumstances rather than hardship inherent in the property.

3. Variances and expansion permits are considered in light of the size and configuration of the structure so that the variance or expansion permit s-are- is limited to the greatest extent possible.

4. Variances and expansion permits are considered in light of impacts to adjoining properties.

5. Neighborhood characteristics may be considered for review of accessory attached structures.

6. Deck variances and expansion permits will be reviewed in light of ordinance provisions that permit encroachment into required setbacks.

D. Accessory Detached Structures Other Than Garages

1. Sheds, barns, utility buildings, and recreational facilities are by definition accessory uses or uses incidental to a principal use.

2. The need for accessory structures primarily results from personal circumstances rather than hardship inherent to the property.

3. In light of the above policy to allow two-car garages, accessory structures are, in most cases, above and beyond the reasonable use of the property.

4. Mitigating circumstances may exist whereby accessory structure variances may be considered. These circumstances primarily relate to unique conditions resulting from extraordinarily burdensome regulations applied to a property.

5. Where mitigating circumstance exists, neighborhood characteristics can be considered.

E. Undersized Lots

1. Undersized lots of record not meeting the minimum dimensional requirements, may be considered for variances to apply a buildable status.
2. Buildable status will be applied only if a reasonable development opportunity will result.
3. The size and dimensional standards of the lot should be consistent with the average neighborhood lot area.
4. Efforts to obtain additional property should be exhausted.
5. The house should be designed to fit the dimensional constraints of the lot and conform to all setback requirements.
6. If the property is and has been assessed and taxed as a buildable lot, strong consideration will be given to dimensional and setback variances.
7. If an undersized lot was in common ownership with an adjacent lot after adoption of the zoning ordinance, then no hardship exists.
8. If an undersized lot was purchased after adoption of the zoning ordinance, then the hardship is self-created.

Revised March 2, 2001

Readopted with changes March 3, 2011: March 1, 2018