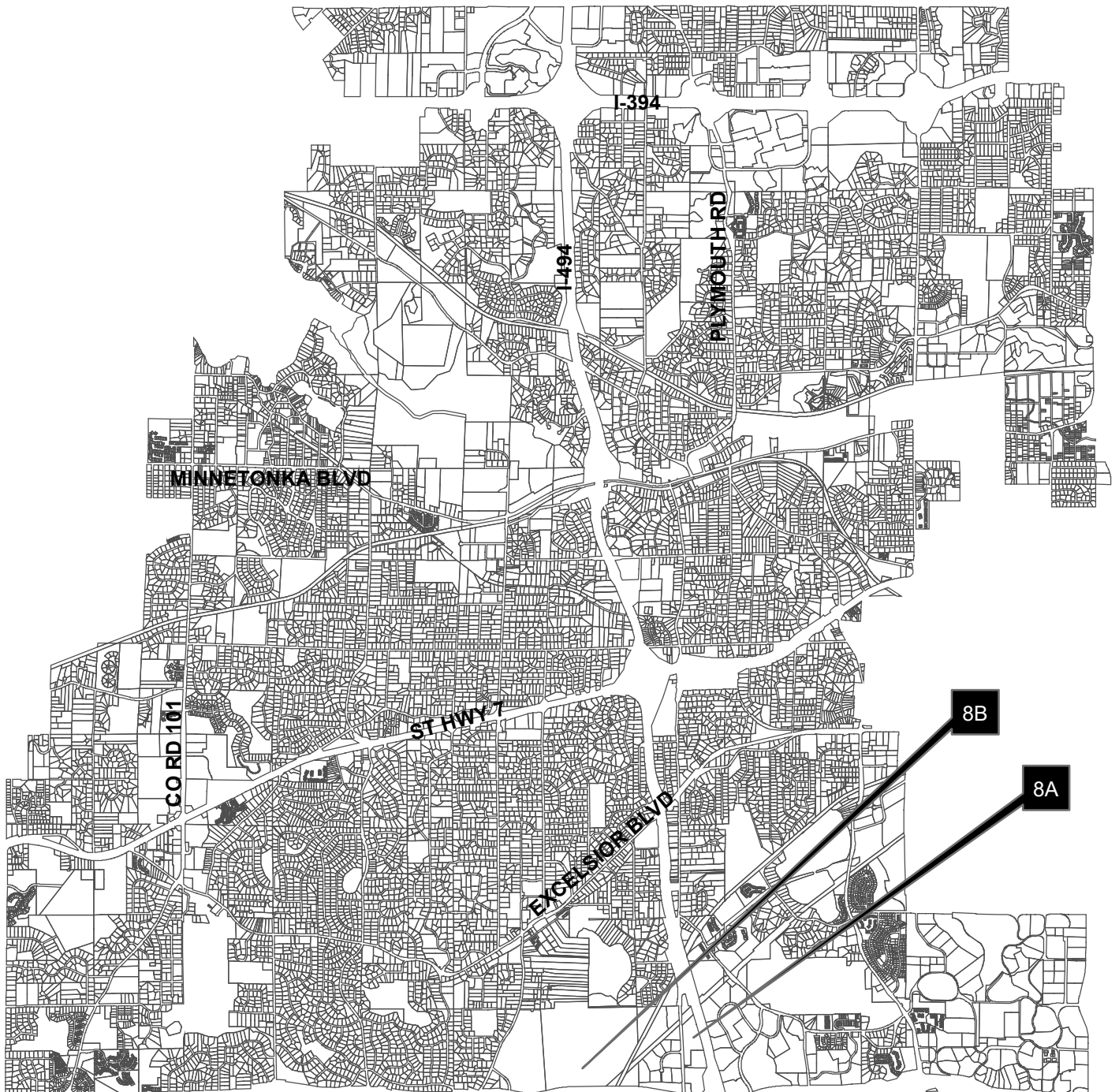




CITY OF  
MINNETONKA

CITY OF MINNETONKA  
PLANNING COMMISSION  
FEB. 21, 2019

14600 Minnetonka Blvd. • Minnetonka, MN 55345  
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eminnetonka.com





**Planning Commission Agenda**

**Feb. 21, 2019 – 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. 7, 2019
- 5. Report from Staff**
- 6. Report from Planning Commission Members**
- 7. Public Hearings: Consent Agenda**
- 8. Public Hearings: Non-Consent Agenda Items**
  - A. Resolution approving a conditional use permit for a microbrewery and taproom at 5959 Baker Road.  
  
Recommendation: Recommend the city council approve the proposal (4 votes)
    - Recommendation to City Council (Mar. 18, 2019)
    - Project Planner: Susan Thomas
- 9. Adjournment**

**Planning Commission Agenda**

**Feb. 21, 2018**

**Page 2**

**Notices**

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
2. Applications and items scheduled for the Mar. 7, 2019 planning commission meeting:

<b>Planner Assigned</b>	Susan Thomas
<b>Project Name</b>	Cargill Driveway Reconfiguration
<b>Address or Location</b>	15407 McGinty Road W
<b>Councilmember</b>	Mike Happe, Ward 3
<b>Section</b>	9

<b>Planner Assigned</b>	Ashley Cauley
<b>Project Name</b>	Housekeeping Ordinances
<b>Address or Location</b>	City Wide
<b>Councilmember</b>	City Wide
<b>Section</b>	City Wide

<b>Planner Assigned</b>	Loren Gordon
<b>Project Name</b>	Hennepin County Medical Examiner's Office
<b>Address or Location</b>	14300 Co. Rd. 62
<b>Councilmember</b>	Bob Ellingson, Ward 1
<b>Section</b>	34

### **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. 7, 2019**

**1. Call to Order**

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

**2. Roll Call**

Commissioners Sewall, Hanson, Henry, Knight, Luke, and Kirk were present. Powers was absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, and Planner Drew Ingvanson.

**3. Approval of Agenda**

***Hanson moved, second by Luke, to approve the agenda as submitted with the modifications provided in the change memo date Feb. 7, 2018.***

***Sewall, Hanson, Henson, Knight, Luke, and Kirk voted yes. Powers was absent. Motion carried.***

**4. Approval of Minutes: Jan. 17, 2019**

***Luke moved, second by Hanson, to approve the Jan. 17, 2019 meeting minutes as submitted.***

***Sewall, Hanson, Henry, Knight, Luke, and Kirk voted yes. Powers was absent. Motion carried.***

**5. Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of Jan. 28, 2019:

- Adopted a resolution approving a plat for Inverness Estates.
- The applicant pulled an application from the agenda for a plat for Williston Heights.
- Adopted a resolution approving vacation of easements for Waterstone Place.
- Adopted a resolution approving items for the Minnetonka Police and Fire facilities improvements.

There will be meetings with councilmembers, planning commissioners and EDAC commissioners scheduled in the near future to discuss the Opus area.

The next planning commission meeting will be Feb. 21, 2019.

**6. Report from Planning Commission Members**

Hanson appreciated those who attended the last public meeting to discuss Opus.

Henry enjoyed the State of the City address and encouraged others to attend or watch it online at [eminnetonka.com](http://eminnetonka.com).

**7. Public Hearings: Consent Agenda**

No items were removed from the consent agenda for discussion or separate action.

***Knight moved, second by Sewall, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:***

**A. Resolution approving a conditional use permit for an accessory apartment at 13615 Spring Lake Road.**

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 13615 Spring Lake Road.

**B. Resolution approving that the development program and tax increment financing plan for Marsh Run increment financing district conforms to the general plans for development and redevelopment of the city.**

Adopt the resolution approving the development program and a tax increment financing plan for Marsh Run which conforms to the general plans for development and redevelopment of the city.

***Sewall, Hanson, Henry, Knight, Luke, and Kirk voted yes. Powers was absent. Motion carried and the items on the consent agenda were approved as submitted.***

**8. Public Hearings**

**A. Resolution denying a sign variance to allow two wall signs that exceed the maximum wall sign height at 13512 Wayzata Blvd.**

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

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

Ingvalson stated that the sign plan was revoked in 2013 and no longer applies to the site.

Bill Baley, owner of Carpet King and applicant, introduced himself and Mike Pankey, his sign contractor. Mr. Baley stated that:

- He has operated Carpet King on the site for 22 years. He was changing the sign to reflect that additional types of flooring are also sold besides carpet. All 12 of the Carpet King locations will change their signs to match his proposed sign.
- He is applying for a variance. His proposal does not meet all five requirements to approve a variance.
- The area is a vibrant, retail area. Every business in the area has a sign that is significantly taller than his proposed sign. The Jimmy John's sign is 45 inches and the business has 1,500 square feet. Forty percent of his business is drive-by traffic. The sign is a big deal.
- Ingvalson wrote an incredible report that compares the signs in the area. The tenants with 1,500 square feet have 45-inch signs.
- There is a tenant in his building that does not conform. When the sign plan for the building was revoked, there was a policy that the lips could be averaged. He proposed aggregating the letter heights just like the height of the letters was averaged in 2013. Then his proposal would pass the 26-inch test. Mr. Pankey agrees with him.

Mr. Pankey stated that:

- "Flooring Expo by Carpet King" is the applicant's new brand.
- A 40-foot reader board has been located out by the road for the last few years. The location needs a sign recognizable to the brand.
- Four of the five criteria to approve a variance would be met. He requested the application for a variance be approved.

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

Sewall asked the applicant if he considered staff's alternative that would allow for taller letters. Mr. Baley stated that it could be done, but the issue he has is that it would change the sign. His signs need to be consistent. He needs a standardized presentation for the 12 locations.

In response to Hanson's question, Ingvalson explained that the sign ordinance has a 36-inch height requirement, but no width restriction for logos. Hanson was sympathetic to the owner's understanding of marketing, but approval of the variance request would set a precedent. He was conflicted. He asked what could be considered part of the logo. Ingvalson explained that words are considered copy.

Chair Kirk empathized with the building owner, but setting a precedent that would allow other tenants to request the same variance would violate the sign ordinance. He thought a sign plan would be able to make the proposal comply. Ingvalson explained that a sign plan would be created by a property owner. This tenant does not meet the limited visibility or major tenant exceptions generally required for sign plans.

Luke stated that the ordinance would allow a sign 36 inches tall and the proposed sign would be 38 inches tall. The two-inch difference would not be distinguishable by a motorist. She appreciated that staff recommends enforcing the sign ordinance, but she did not think the request would be unreasonable. The business is a small retailer with a brand. Ingvalson clarified that the ordinance allows letters to be up to 26 inches tall and a logo 36 inches tall, so the variance would be 14 inches. A variance must meet all five standards for approval. Staff could not find a unique circumstance for the property.

Hanson thought the copy should be considered part of the brand. Wischnack stated that commissioners could vote to approve the variance application. Hanson supports approval of the variance application.

Knight asked if the proposed sign would be larger than surrounding signs allowed by the previous sign ordinance. Ingvalson referred to the signs in the staff report. All of the signs were required to meet the 26-inch, maximum-letter height. Knight noted that the gap between the words could be decreased.

Chair Kirk noted that clear findings should be provided by commissioners to justify approval of a sign variance for this tenant and not a neighboring tenant. An appeal of the planning commission's decision may be made to the city council if made in writing to staff within 10 days.

Sewall would abide by the ordinance, but he does not think the proposal would be unreasonable.

Luke thought the ordinance is unreasonable and she considers the letters part of the logo.

Chair Kirk understood how, in this case, the text may be considered part of the logo.

Henry stated that all of the text could be considered a logo and, therefore, allowed to be up to 36 inches in height.

Wischnack requested commissioners provide specific reasons related to the sign ordinance and variance standards if commissioners support approving the variance application.

***Knight moved, second by Henry, to adopt the resolution denying the sign variances at 13512 Wayzata Blvd. due to the findings listed in the staff report.***



***Sewall, Henry, Knight, and Kirk voted yes. Hanson and Luke voted no. Powers was absent. Motion failed.***

***Hanson moved, second by Luke, to adopt a resolution approving a sign variance at 13512 Wayzata Blvd. with a maximum height of 36 inches measured from the top of the "F" to the bottom of the logo because of the site's location on I-394.***

***Hanson, Luke, and Kirk voted yes. Sewall, Henry, and Knight voted no. Powers was absent. Motion failed.***

Sewall felt that there is a difference between the south-facing sign and east-facing sign. He would support a larger sign facing south, but not a larger sign facing east.

***Henry moved, second by Hanson, to adopt a resolution approving a sign variance for 36 inches in height for the south-facing sign at 13512 Wayzata Blvd.***

***Sewall, Hanson, Henry, Knight, Luke, and Kirk voted yes. Powers was absent. Motion carried.***

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

**B. Resolution approving site and building plans for an addition to Old Apostolic Church at 5617 Rowland Road.**

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.

Gerald Aldeen, representing Old Apostolic Church, the applicant, stated that he was present to answer questions.

Henry asked if the site currently ever experiences a parking shortage. Mr. Aldeen stated that most Sundays there are 40 empty parking stalls. Two days of the year shuttles transport visitors to the church from a parking lot not used by the owner on the weekends.

Chair Kirk asked if the proposal would increase the size of the congregation. Mr. Aldeen answered in the negative.

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

***Henry moved, second by Knight, to adopt the attached resolution approving final site and building plans for an addition at 5617 Rowland Road.***

***Sewall, Hanson, Henry, Knight, Luke, and Kirk voted yes. Powers was absent. Motion carried.***

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

There was a 10-minute recess.

**C. Resolution approving a conditional use permit and site and building plans for a religious institution located at 11021 Hillside Lane West; 2327, 2333 and 2339 Hopkins Crossroad; and 11170 Mill Run.**

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

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

Rabbi Mordechai Grossbaum, representing Chabad Jewish Community, applicant, stated that:

- He thanked the neighbors for their input to make sure the proposal would fit in the neighborhood.
- The applicant would continue to perfect the project to fit in the neighborhood.
- He introduced realtor Jeff Herman of Urban Anthology, architects Gabe Keller and Ryan Fish, and attorney Marvin Liszt.

Mr. Herman stated that the applicant is looking for a home with a welcoming feeling. The proposed site was for sale for one year. He understood the neighbors' concerns with the intensity of the use and public safety. Purchase of a second property would allow access to the site from Hillside Lane. He was excited to present a project that would make a lot of sense. There is a sidewalk system that goes along the street and another synagogue along that street. He requested that the project be approved.

Ryan Fish and Gabe Keller, architects with Peterssen Keller Architects, introduced themselves. Mr. Keller stated that:

- Thomas did a good job covering the history of the proposal in her report.
- The proposal would be similar to the residential houses that the architectural firm works on. The building would not be two stories or large. The building would be spread out and modestly scaled.
- He reviewed the revised site plan with neighbors who had previously expressed concerns. The landscape architect found a way to spread coniferous trees along the driveway, increase fencing, and grade the site to prevent vehicle lights from leaving the site.
- Finding the perfect elevation would help the building feel balanced.

- There would be more parking than required by code requirements. More would be available for special events.
- There would be plenty of green spaces.
- There would be no variances.
- Safety of the site would be improved. There would be no through traffic, so Mill Run would only have traffic from the private residences.
- The floor plan would remain the same. Activities would be contained inside the building and the court yard.
- The materials used would be beautiful and of high quality. Masonry, wood, and glass would be used.
- There is an existing drive to Hopkins Crossroads that would be removed.
- He reviewed the designs and explained how light would be mitigated.
- Native grasses would be used to soften the edges of the property.
- Lighting would have a residential feel. Shades would be on a timer and shut automatically in the evening.
- The applicant was not dismissing any of the neighbors' concerns.
- He was available for questions.

Chair Kirk asked how a pedestrian would access the building. Mr. Keller explained the foot-traffic pattern. Thomas explained that a trail on Hopkins Crossroads is scheduled to be constructed in 2023.

Mr. Keller encouraged residents to continue to reach out to him and continue the dialogue. He stated that the building would be 17 feet in height. The sanctuary space would extend to 23 feet in height. Thomas explained that the height of a home is measured at the midpoint of a pitched roof. The peak of the roof would be higher. Gordon provided that the maximum height of the roof would be 35 feet. The technical height of the proposed building is 17 feet.

In response to Henry's question, Mr. Keller stated that the neighbors did not mention a preference with the height of the proposed six-foot fence. Mr. Keller added that very specific light standards that restrict how much light may extend onto an adjacent property would be met. Software would be used to verify the coverage areas of the parking lot lights.

Luke confirmed with Thomas that the standard for surrounding cities for parking of a religious institution is one parking stall for three sanctuary seats.

The public hearing was opened.

Gregg Hoogeveen, 2525 Cedar Hills Drive, stated that:

- There are ten vehicles usually at each service.
- There is a path through the forest.
- There is plenty of parking on his street.

Sarina Harris, Golden Valley resident, stated that:

- Chabad would make really good neighbors.
- The synagogue is being built for herself and her family.
- She hoped commissioners would support the proposal.

Jo Soo, 2391 Vernon Circle, stated that:

- He likes the building design. It looks wonderful. The design and architecture would fit in well with the neighborhood. His concern with the building height has been addressed. The design and location of the courtyard shows that it was designed to minimize the noise of outside activities.
- The screening with trees and lighting plans will help minimize the impact on neighbors.
- The number of pedestrians would increase.
- There will be young drivers in the neighborhood.
- He questioned how large events would impact the neighborhood.
- He asked if the driveway location would be a safe location.
- This is a vibrant community.
- The proposal would have more visitors than the number listed in the application and would have a serious impact on the traffic.

Michael Lierdahl, 2390 Vernon Circle, stated that:

- The proposal has been greatly improved.
- He noted that trees or buffering would be needed to prevent headlights from hitting the houses on Vernon Circle.
- He wants a new fence rather than fixing the existing fence. He would like the good side of the fence facing his property. It should be tall enough to block the headlights.
- He was concerned with overflow parking for large events. Fifteen to 20 times a year would be a lot.

Tanya Farber, 11025 Joy Lane, stated that:

- She moved here to be part of the Chabad community.
- The design, location, and access from Hillside Lane would provide safety for pedestrians.
- The building looks beautiful. She is excited to have Chabad so close to where she lives and build relationships with the neighbors.
- She requested the application be approved.

Yvette, a resident of St. Louis Park, stated that:

- She is a member of Chabad.

- She wants to be part of a community that will embrace her and her family for years to come.
- Chabad would be an excellent addition to the community.

Sam Black, 2265 Cape Cod Place, stated that:

- The design is fantastic. It is much more harmonious with the neighborhood.
- Hillside Lane is already busy with drivers who do not stop at the stop sign in front of his house. There needs to be more marking and signs to provide pedestrian safety.
- He opposed monument signs being located on Hillside Lane.
- He suggested a long-term plan be created for the two residential lots on Hillside Lane and Hopkins Crossroads.

Susan Wiens, 2346 Vernon Circle, stated that:

- Many of her issues and concerns have been solved by removing the access from of Hopkins Crossroads.
- The proposal would have five lots. She questioned how many lots combined would be too many for an R-1 district. She suggested creating a policy to restrict the number of lots that could be combined.
- She asked how screening for the lot not included in the conditional use permit would be enforced.
- The traffic study looked at the normal, general use of the property. It did not include special events. There needs to be conditions to address large events that would cause overflow parking.

Mike Anderson, 11105 Hillside Lane, stated that:

- Tonight was the first he heard of screening for his property.
- He was concerned with noise from traffic on the driveway.
- He was concerned with headlights hitting his house and yard.
- The building would be attractive, but it would be larger than most of the houses in the neighborhood.
- After getting the easement, the rest of the property could be sold.
- It would be an intense use of the property.
- He was concerned with lighting hitting his property and house.
- It is difficult to drive onto Hillside Lane West.
- There would be several occasions where the capacity would be exceeded.

A current Edina resident who recently purchased 2600 Crescent Ridge Road, stated that:

- He and his wife purchased the residence to be close to Chabad and be part of the community.

Emilia Kvasnik, 14540 Woodruff Road, stated that:

- The new plan has addressed many issues and the applicant is willing to keep addressing and fixing concerns.
- She wants residents in the neighborhood to be as comfortable as possible.
- The proposal is balanced between the needs of the neighborhood and the benefits that Chabad would provide.
- She is very excited for Chabad to join the community.

Kristin Soo, 2391 Vernon Circle, stated that:

- She appreciated the building being changed to address her concerns.
- She requested protection from headlights for residences on Hillside Lane.
- Once the driveway location is confirmed, she requested that the sight distance be evaluated for the intersection.

No additional testimony was submitted and the hearing was closed.

Thomas explained that:

- The lot on the north would be laid out so that a new, single-family house could be constructed. The lot would exceed all minimum lot requirements for an R-1 lot. There does not need to be a plan for the property at this time. She clarified that the total site is over three acres in size. The space for the religious institution and drive area would utilize 2.86 acres and the site would still have additional land that could be used for a single-family residence.
- The driveway must be located as close to the crest of the hill on Hillside Lane as possible to provide good sight lines on both sides. The drive location would not be an issue for a single-family house lot, but would be for the driveway of a religious institution and is the reason for the conditional use permit making a distinction between the part of the site to be used for a religious institution and the part that could potentially be used for a residence in the future.
- The driveway easement would be recorded with the property. A change of owner would make no difference.
- A monument sign would be allowed in accordance with the sign ordinance.
- City staff does not have the authority to prevent a property owner from combining lots. That could be done by filling out a form with the county.

Chair Kirk noted that a logical course of action would be to create designated areas for pedestrians to cross Hillside Lane West and Hopkins Crossroad.

Thomas stated that:

- Property owners could petition the city to have “no parking” signs installed on the street. There would need to be a strong consensus among all property owners adjacent to the street. The city council has the authority to approve “no parking” signs.
- The city is not allowed to restrict the number of visitors to a site or the number of special events held.
- Fencing and landscaping would not be requirements of the conditional use permit. Commissioners could add fencing or landscaping as a condition of approval if it would mitigate the impact to or make the use more compatible with the surrounding area.
- A traffic study identifies what would occur on a regular basis rather than specific holidays or special life events.

Luke asked if there would be a setback requirement from the driveway. Thomas answered that the required setback would be 20 feet which is what is illustrated on the site plan.

Henry asked if there would be a setback requirement from parking spaces to the adjacent residence. Thomas answered in the negative. The existing house would be removed.

Henry is totally impressed with the improvements to the plan. He supports staff's recommendation.

Knight really likes the proposal. The building itself looks magnificent. The concern with traffic on Hopkins Crossroad has been remedied. Many drivers would turn right when exiting the site. He understood the initial concern neighbors felt, but he thought it would end up being a good fit for the neighborhood.

Luke was impressed with the drawing of the building. It would be beautiful. She was impressed with the partnership and the understanding between the neighbors and the applicant. Compromises have been made. She encourages the applicant to continue working with neighbors. She supports staff's recommendation.

Hanson was overall supportive of the project. He encouraged the applicant to maintain communication with the neighbors to address light and noise issues.

Sewall encouraged the applicant to finish strong by keeping neighbors informed and being open to changes to be the good neighbors he knows they would be.

Chair Kirk felt that the process has taken the proposal to a better conclusion than where it was a year ago. The neighborhood would be impacted by the project. He hoped the

landscaping plan would be more developed for the city council's review. He preferred more coniferous trees than fences. He would like to see a clear pedestrian access. He liked the use of glass and stone. It makes the building attractive and look more natural. He supports the project and appreciated the neighborhood and applicant working together.

***Henry moved, second by Hanson, to recommend that the city council adopt a resolution with modifications provided in the change memo dated Feb. 7, 2019 approving items for the Chabad Center for Jewish Life located at 11021 Hillside Lane West; 2327, 2333, and 2339 Hopkins Crossroad; and 11170 Mill Run.***

***Sewall, Hanson, Henry, Knight, Luke, and Kirk voted yes. Powers was absent. Motion carried.***

**9. Other Business**

**A. Concept plan for redevelopment of the property at 14525 Hwy. 7.**

Gordon reported. Staff recommends that the planning commission provide comments and feedback on the identified key issues and any other issues commissioners deem appropriate.

Sewall asked how this proposal is different from a previous application. Gordon explained that the commercial building was the back building and the apartment building was between the commercial building and the road in the previous proposal. This proposal would be the reverse. The commercial building would be located on the front of the property and the residential building in the rear.

Perry Ryan, of Lakewest Development, applicant, stated that staff's report described the proposal well. He stated that:

- The proposal would add an apartment building with four stories and underground parking.
- He plans on meeting with Gray to discuss affordable housing.
- A neighborhood meeting was conducted.
- The existing building is fairly empty. It has a hair salon, massage business, coffee shop, fitness space, and real estate and insurance office.
- It is a great location. Metro transit stops within a block of the site on Williston Road.
- There is a building permit being reviewed for exterior renovation of the existing building. He was hopeful to move forward with the exterior renovation. The proposed apartment building would have some matching features.



Knight noted that none of the apartments are labeled as having three bedrooms. He questioned what view a person standing on the hill at the adjacent park would have in relation to the proposed apartment building. Mr. Ryan explained that the top of the apartment building would be 10 or 12 feet taller than the park hill. The second-floor parking is at grade and then there would be four stories above that.

Henry asked how drivers would access second floor parking. Mr. Ryan explained that there would be two separate entrances for each level of enclosed parking. Henry asked if changing the access to allow both directions of traffic near Dunn Brothers had been considered. Mr. Ryan stated that having the drive-through makes the access trickier. There would be 146 stalls. Drivers exiting on the west side would need to take a right.

Henry asked if he had discussed pedestrian connectivity with owners of Famous Dave's and the General Store. Mr. Ryan answered affirmatively. He pointed out steps with rails connecting the site to Famous Dave's. The General Store representative was interested in pursuing adding a walkway between the sites.

Henry asked if a connection could be added south to the park. Mr. Ryan answered in the affirmative. He would support using park dedication funds to add a trail to the park. The building is also considering having rooftop amenities.

Luke asked how 174 vehicles would impact the nearby intersections. Mr. Ryan stated that a traffic study has not yet been done. The traffic would be traveling in the opposite direction during a.m. and p.m. peak times. Luke noted the existing congestion during peak travel times.

Hanson encouraged the developer to utilize the park and surrounding businesses. He likes the proposal. It would be visually in sync with what is happening at Opus and Ridgedale. He liked the materials, color scheme, and design.

Chair Kirk invited those present to comment. No one from the public chose to speak.

Chair Kirk noted that the mass of the building may seem large from the view from Hwy. 7. He would want to make sure the parking would be sufficient.

Sewall agreed with the concern with the mass. He suggested cut outs or changes to the elevations or height. One large, brick building may look very institutional. He challenged the architect to break up the mass. He would like to see more use of the drive on the west side as a two-way access.

Chair Kirk suggested that affordable housing be utilized.

Henry said that the addition is needed. It is a good location for higher density. It must be done in a thoughtful way. He suggested lowering the height of the building to allow an unimpeded view to the north. It is a great place to see. He would like to maintain the view.

Knight noted that a new development is not required to protect a view. He did not see a problem with the height of the building viewed from Hwy. 7. He has a friend who lives on Moonlight Hill Road and whose back yard faces the site. In this case, he did not think the mass of the building would be a problem. It is an appropriate place to have the proposed building.

***Hanson moved, second by Henry, to extend the planning commission meeting past 11 p.m. to 11:15 p.m. Motion carried unanimously.***

Gordon noted that the city council is scheduled to review this item February 25, 2019. The proposal would need a comprehensive guide plan amendment to guide the site as a mixed use instead of a commercial use. The comprehensive guide plan would have to be reviewed and acted on by the Metropolitan Council in July before an amendment may be considered. He felt that the mixed use would fit with the current commercial uses.

Gordon noted that this project may be followed on [eminnetonka.com](http://eminnetonka.com).

**10. Adjournment**

***Sewall moved, second by Hanson, to adjourn the meeting at 11:09 p.m. Motion carried unanimously.***

By: \_\_\_\_\_

Lois T. Mason  
Planning Secretary

# **Minnetonka Planning Commission Meeting**

**Feb. 21, 2019**

**Agenda Item 8**

**Public Hearing: Non-Consent Agenda**

**MINNETONKA PLANNING COMMISSION**  
**Feb. 21, 2019**

<b>Brief Description</b>	Conditional use permit for a microbrewery and taproom at 5959 Baker Road.
<b>Recommendation</b>	Recommend the city council adopt the resolution approving the conditional use permit.

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**History**

In 2018, the planning commission recommended approval of a conditional use permit for Brass Foundry Brewing Co. The applicant was proposing to operate a microbrewery and taproom in a vacant tenant space within the building at 5959 Baker Road. The applicant withdrew the request prior to city council consideration.

**Current Proposal**

Boom Island Brewing Company is now proposing to relocate its existing Minneapolis microbrewery and taproom to the same tenant space at 5959 Baker Road.

**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 on the east side of Baker Road, near its intersection with County Road 62. The 12-acre Baker Technology Plaza site is improved with three office/warehouse buildings. The proposed brewery and taproom would be located in the smallest and most southerly of the buildings.

- **Proposed Building.**

Boom Island Brewing Co. would occupy the southernmost tenant space within the existing building. The roughly 9,000 square-foot space would be divided between brewing operation and taproom/service areas. Interior remodeling would be necessary to accommodate the new business. While an outdoor seating space would be created west of the building, no exterior changes to the building are proposed at this time.

- **Proposed Hours.**

Anticipated brewery and taproom hours are as follows:

<b>DAYS</b>	<b>HOURS</b>
Mon – Thurs	3 p.m. – 10 p.m.
Fri – Sat	Noon – 11 p.m.
Sun	11 a.m. – 6 p.m.

## 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 brewery/taproom and staff's findings.

- **Is the proposed brewery and taproom use appropriate?**

Yes. Breweries and taprooms are conditionally-permitted uses in the industrial zoning district.

- **Would conditional use permit standards be met?**

Yes. The proposal would meet all CUP standards. These standards are outlined in the "Supporting Information" section of this report.

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

Yes. In staff's opinion, parking demand could be accommodated for several reasons.

1. The Baker Technology Plaza site is zoned for, and generally occupied by, office and warehouse uses. The 5959 Baker Road building is served by 111 parking spaces. The Institute of Transportation Engineers (ITE) parking demand data suggests that average peak parking demand for the building could be accommodated with 109 parking spaces.

Use	Area	Parking Rate	Peak Parking Demand
Taproom	4,000 sq.ft.	13.3 spaces/1000 sq.ft	53 spaces
Brewery	5,000 sq.ft.	0.41 spaces/1000 sq.ft.	2 spaces
Office	18,873 sq.ft.	2.84 spaces/1000 sq.ft.	54 spaces
<b>TOTAL REQUIRED</b>			109 spaces

2. ITE suggests – and anecdotal evidence confirms – that office and warehousing uses have a very different peak hour demand than the proposed brewery/tap room. The 109 parking spaces outlined in the chart above presumes that peak parking demand for *all* uses in the building occurs *at the same time*.
3. The 5959 Baker Road is the southernmost of three buildings located on the same property. The buildings have a shared parking agreement. This agreement significantly increases available parking.

- **Can future nuisance issues be addressed?**

Yes. While similar to a restaurant, staff recognizes a brewery/taproom could generate smells, noise, and activity of a different sort and level than other existing uses in the

office/warehouse area. However, the city has mechanisms in place to address issues associated with real and perceived nuisances:

1. The city's noise ordinance essentially establishes community "quiet hours" from 10:00 p.m. to 7:00 a.m.
2. As a condition of any conditional use permit, the city council may reasonably add or revise conditions to address any future unforeseen problems. In other words, if nuisance violations occur with frequency or regularity, the city may bring the conditional use permit back before the city council and additional conditions may be applied or the permit may be revoked.

### **Staff Recommendation**

Recommend the city council adopt the resolution approving a conditional use permit for a microbrewery and taproom at 5959 Baker Road.

Originators: Susan Thomas, AICP, Assistant City Planner

Through: Loren Gordon, AICP, City Planner

### Supporting Information

**Surrounding Land Uses**

The subject property is surrounded by other industrial zoned sites.

**Planning**

Guide Plan designation: Mixed Use  
Existing Zoning: I-1, industrial

**Breweries**

By city code, a microbrewery is defined as a facility that manufactures and distributes malt liquor or wine in total quantity not to exceed 250,000 barrels per year. A taproom is an area within or adjacent to a brewery where the products of the brewery may be sold and consumed.

**Parking Requirements**

Were staff to strictly calculate parking by rates outlined in the city code, the 5959 Baker Road building would be “under-parked.”

City Code Parking Requirement			
Use	Area	Parking Rate	Peak Parking Demand
Taproom	4,000 sq.ft.	1 space/50 sq.ft.	80 spaces
Brewery	5,000 sq.ft.	1 space/1000 sq.ft.	5 spaces
Office	18,873 sq.ft.	1 space/250 sq.ft.	76 spaces
<b>TOTAL REQUIRED</b>			161 spaces

However, in this case, staff has determined no parking variance is necessary due to some flexibility also provided in the code. By City Code §300.28 Subd.12(a)(4), “a land use may provide the required off-street parking area for additional land uses on the same development site if the following conditions are met:

- because of the hours of operation of the respective uses, their sizes and their modes of operation there will be available to each use during its primary hours of operation an amount of parking sufficient to meet the needs of such use; and
- the joint use of the parking facilities shall be protected by a recorded instrument, acceptable to the city.”

This code provision essentially allows the city to approve unique parking arrangements/provisions on unique sites. The applicant’s proposal presents just such a unique situation. The primary land use on the site is office/warehousing. The additional land use proposed is the brewery/taproom. The different peak parking demands and the shared parking agreement between several buildings mitigate any “under-parking.”

**CUP Standards**

The proposed microbrewery/taproom would meet the general CUP standards as outlined in City Code §300.21 Subd.2:

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

The proposal requires a variance from the specific conditional use permit standards for microbreweries and taprooms as outlined in City Code §330.21 Subd.4(s):

1. Parking requirements: microbrewery, one parking space for each 1000 square feet of floor area. Taproom: one parking space for each 50 square feet of floor area.

**Finding:** Given the varied peak parking demands of building users and shared parking agreement, this provision is met.

2. Shall have parking and vehicular circulation in compliance with the requirements of section 300.28 of this code and which items must be adequate to accommodate the restaurant.

**Finding:** Given the varied peak parking demands of building users and shared parking agreement, this provision is met.

3. Shall only be permitted when it can be demonstrated that operation will not significantly lower the existing level of service as defined by the Institute of traffic engineers on the roadway system.

**Finding:** The proposal is not anticipated to significantly impact existing traffic volumes or levels of service.

**Liquor License**

As part of the Boom Island Brewing Company proposal, the owners are requesting a liquor license. The city council has the authority to approve or deny liquor licenses; such licenses are not the purview of the planning commission. The commission must consider the

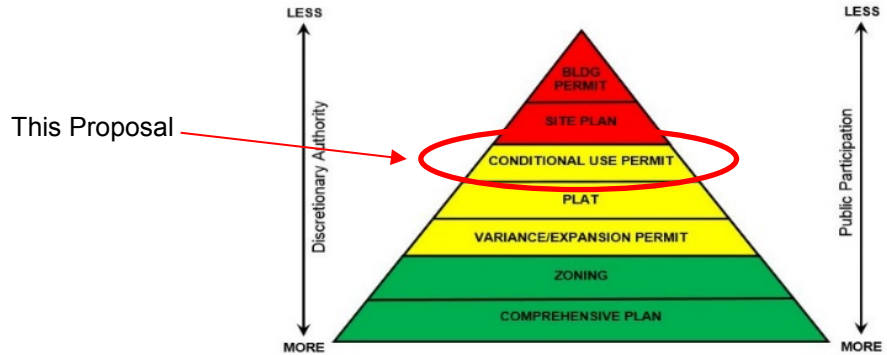


proposal's conformance with the requirements and intent of conditional use permit standards.

**Neighborhood Comments**

The city sent notices to 59 property owners and has received no comments to date.

**Pyramid of Discretion**



**Motion Options**

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the permit.
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.

**Voting Requirement**

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

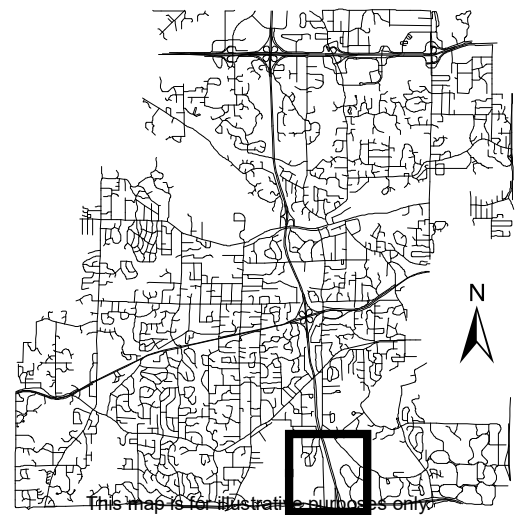
**Deadline for Action**

May 6, 2019



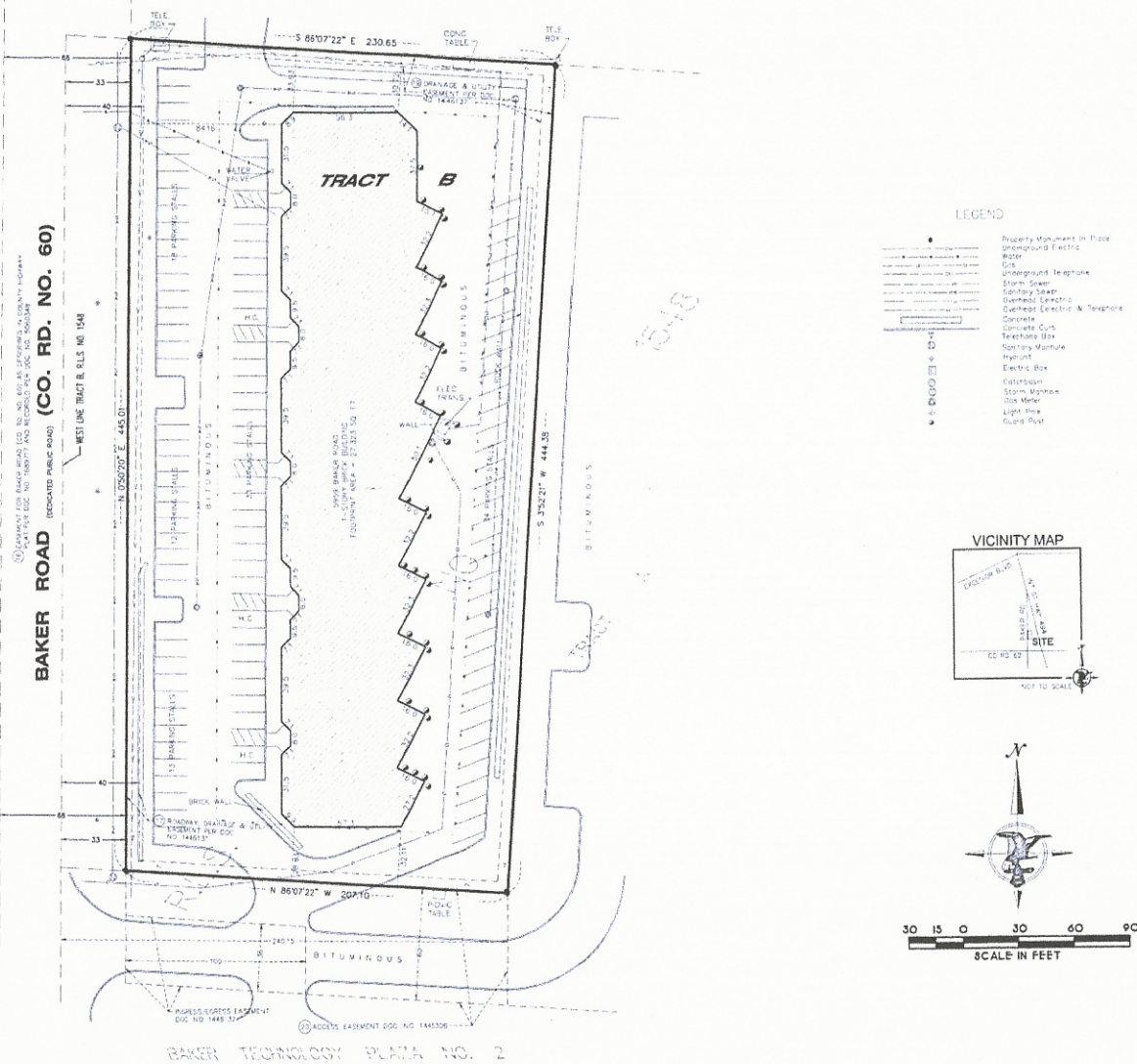
### Location Map

Project: Boom Island Brewing Co  
Address: 5959 Baker Rd

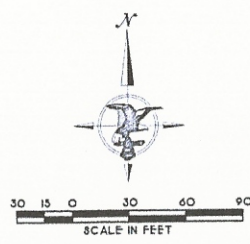
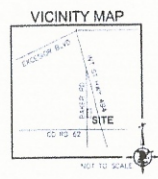


This map is for illustrative purposes only.

BAKER TECHNOLOGY PLAZA NO. 2



- LEGEND**
- Property Monument in Place
  - Underground Electric
  - Water
  - Underground Telephone
  - Gas
  - Storm Sewer
  - Sanitary Sewer
  - Overhead Electric
  - Overhead Electric & Telephone
  - Concrete
  - Concrete Curb
  - Teaching Area
  - Sprinkler Manhole
  - Hydrant
  - Electric Box
  - Catchbasin
  - Storm Manhole
  - Gas Meter
  - Light Pole
  - Guard Post



**LEGAL DESCRIPTION**

PARCEL 3  
 Tract B, Registered Land Survey No. 1548, Hennepin County, Minnesota  
 Together with a general non-exclusive easement for access over the Southern 60 feet of the westerly 282.15 feet of Tract A, Registered Land Survey No. 1548, as restated in Document No. 1445308.

**NOTES CORRESPONDING TO SCHEDULE B:**

15. Limitation of the right of access to Interstate Highway No. 494 owned by the State of Minnesota pursuant to Fuel Certificate dated June 15, 1967, received November 28, 1967, in Block 2613 of Deeds, page 587, as Document No. 3686479. DOES NOT AFFECT SUBJECT PROPERTY.
16. Easement for Baker Road (County Road No. 60) as shown in Hennepin County State Aid Highway No. 80, Proj. 63, filed December 4, 1980, as Register of Tolls Document No. 164874 and recorded December 10, 1980, as County Recorder Document No. 5063245. SHOW ON SURVEY.
17. Easement for roadway, drainage and utility purposes over the Eastern Seven (7) feet of the Western Forty (40) feet, and easement for drainage and utility purposes over the Northern, Eastern and Southern Seven (7) feet of Tract B, Registered Land Survey No. 1548 in favor of the City of Minnesota granted in Court Order filed dated October 23, 1981, filed November 2, 1981, as Document No. 1449137. SHOW ON SURVEY.
18. Terms and conditions, including maintenance obligations of location of Easements dated October 23, 1981, filed October 27, 1981, as Document No. 1445308 as amended by Amendment in connection of Easements and Grant of Easements dated February 21, 1986, filed March 11, 1986, as Document No. 1708871. SHOW ON SURVEY.

**STATEMENT OF ENCROACHMENTS:**

There are no visible above ground encroachments on subject property at the time of survey.

**GENERAL NOTES:**

1. The bearing system used is based on assumed datum.
2. The location of the underground utilities shown herein, if any, are approximate only. HORIZONTAL TO AREA 2103 CONTACT GEOPHYSICAL STATE DOT, FILE #1 (812) 454-5002. REFER TO A141 (3) (4) (7) (9).
3. Subject property is identified as being in "Zone C Area of Whining Flooding" on flood insurance rate map Community Plan No. 27017A (0508) effective date May 19, 1991.
4. Zoning is Presently - M1 (Industrial) per City of Minnesota.
5. Setback requirements per City of Minnesota:  
 A) Rpt. or Wpt. = 50 ft.  
 Rpt. = 30 ft.  
 Wpt. = 30 ft.
6. Site area:  
 84,188 square feet = 2.16 acres.
7. Number of striped parking stalls:  
 110 total of which there are 3 handicap.
8. All area measurements method requested dimensions within the precision requirements of ALTA/ACSM specifications.
9. This survey was made on the ground and in accordance with the Minimum Standard Detail Requirements for Land Title Surveys as adopted by ALTA and ACSM.

MAY 14 2002  
 HARRY S. JOHNSON CO. INC.

**ALTA/ACSM LAND TITLE SURVEY**  
 for:  
**UNITED PROPERTIES**  
**BAKER TECHNOLOGY BLDG. 3**  
**MINNETONKA, MN**

**CERTIFICATION**

This is to certify that the map or plat and the survey on which it is based were made in accordance with Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, as jointly established and adopted by ALTA, ACSM and NSPS in 1993, and includes items 1-4, 6, 10-12a, B-10, F103 and 13-16 of the ALTA/ACSM standard. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, the undersigned further certifies that the survey measurements were made in accordance with the Minimum Accuracy, Precision, and Detail Requirements for Survey Measurements from Control Land Boundaries for ALTA/ACSM Land Title Survey.

Date: April 16, 2002  
  
 THOMAS E. JOHNSON, L.S.  
 No. Reg. No. 23677

Sheet No. **1 OF 1** Scale **433** Form **40**  
 Date **2002202** LCC  
**1-3-4268A**

**HARRY S. JOHNSON CO., INC.**  
 LAND SURVEYORS & PLANNERS  
 1000 UNIVERSITY AVENUE  
 BLOOMINGTON, MINNESOTA  
 PHONE: 652-884-5341 FAX: 652-884-6344

**BAKER ROAD (DEDICATED PUBLIC ROAD)**  
 (CO. RD. NO. 60)  
 WESTLINE TRACT B, S&E NO. 1548  
 N. 0562707' E. 445.01'

BAKER TECHNOLOGY PLAZA NO. 2

**BOOM ISLAND  
BREWING**

5959 BAKER ROAD  
MINNETONKA, MN 55345

SHEET TITLE:

PROJECT #: 1587

DRAWN BY: SMA

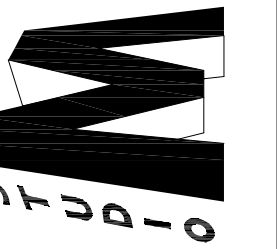
CHECKED BY: AM

ISSUE: DATE:

**STUDIO M ARCHITECTS, INC.**  
530 NORTH 3RD STREET, SUITE 230  
MINNEAPOLIS, MINNESOTA 55401

P. 612.824.8375  
F. 612.824.1243

WWW.STUDIOMARCHITECTS.NET

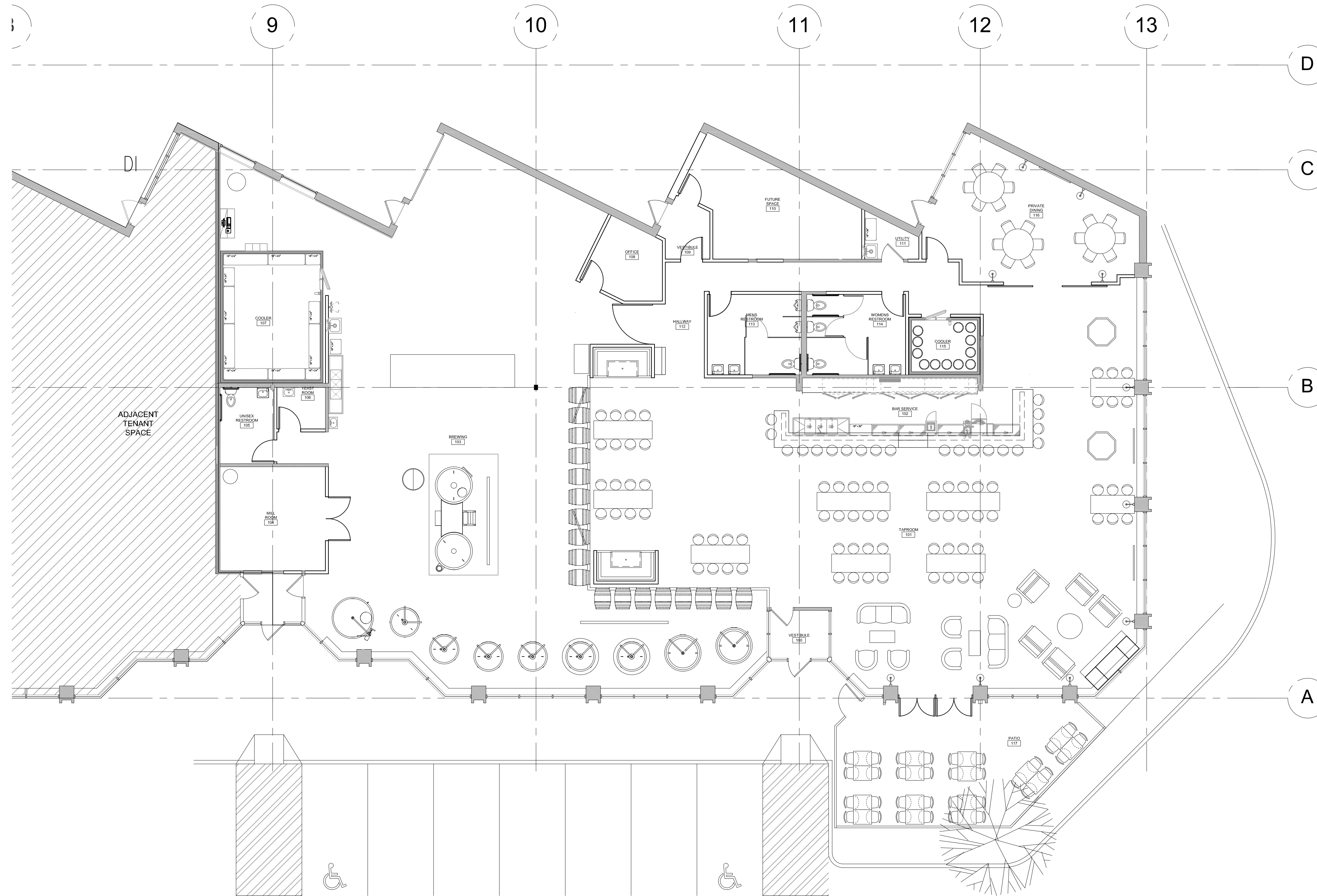


© 2013 STUDIO M ARCHITECTS

I hereby certify that this plan  
specification or report was prepared  
by me or under my direct supervision  
and that I am a duly registered  
architect under the law of  
the state of: MINNESOTA

name: ADAM MEYER  
date: reg. no. 45178

**SD-6**

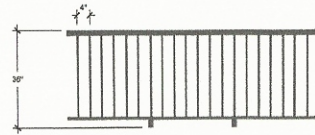


**1 FLOOR PLAN**

Scale: 1/8" = 1'-0"



KARL FOERSTER GRASS



ALUMINUM PATIO RAILING



GRASS AREA



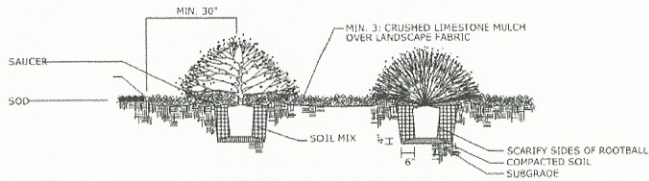
PLANTING BED WITH GRAVEL GROUND COVER



KARL FOERSTER



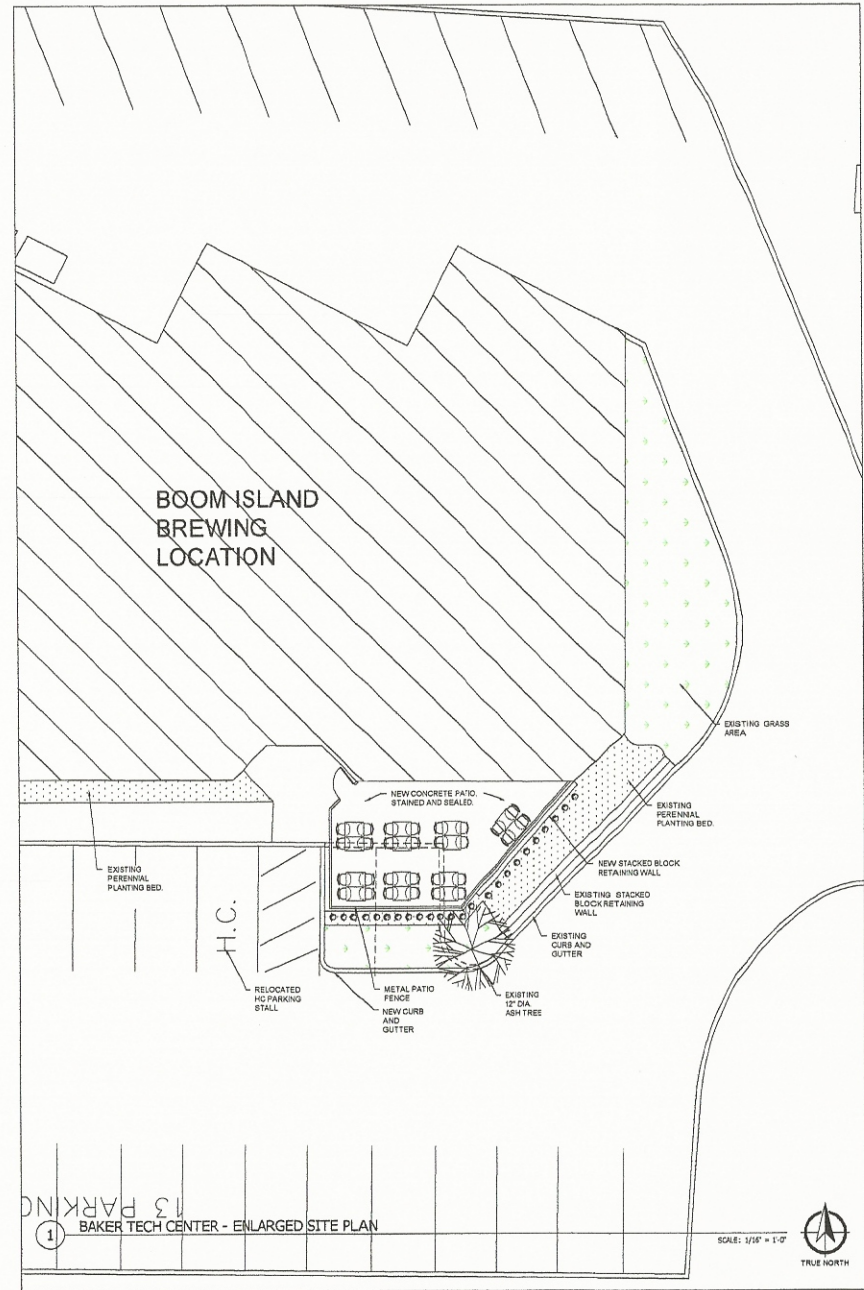
STACKED BLOCK RETAINING WALL LESS THAN 24" TALL.



SHRUB INSTALLATION



EXISTING CONDITIONS



BOOM ISLAND BREWING  
5808 BAKER ROAD  
MINNETONKA, MN 55346

SHEET TITLE:  
ENLARGED SITE  
SPECIFIC PLAN AND  
PROPOSED FLOOR  
PLAN

PROJECT #: 1587  
DRAWN BY: SMA  
CHECKED BY: AM  
DATE: 01.18.19  
C.U.P.

STUDIO M ARCHITECTS, INC.  
3830 HENRIETTA DRIVE, SUITE 100  
MINNETONKA, MN 55345  
P: 612.244.1240  
WWW.STUDIOMARCHITECTS.NET

I hereby certify that this plan  
specification or note was prepared  
by me or under my direct supervision  
and that I am a duly registered  
architect under the laws of  
the state of

DATE: 01.18.19

A0.3

**Resolution No. 2019-**

**Resolution approving a conditional use permit for a microbrewery and taproom  
at 5959 Baker Road**

---

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

Section 1. Background.

1.01 Boom Island Brewing Company, LLC. is requesting a conditional use permit to operate a microbrewery and taproom at 5959 Baker Road.

1.02 The property is legally described as:

Lot 1, Block 1, BAKER TECHNOLOGY PLAZA NO. 2

and

Lot 1, Block 1 BAKER TECHNOLOGY PLAZA NO. 3

Also

Tract B, RLS No. 1548

1.03 On Feb. 21, 2019 the planning commission held a hearing on the request. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve the conditional use permit.

Section 2. Standards.

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

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

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

2.02 City Code §300.21 Subd.4(s) lists the following specific conditional use permit standards for microbreweries and taprooms:

1. Parking requirements: microbrewery, one parking space for each 1000 square feet of floor area. Taproom: one parking space for each 50 square feet of floor area.
2. Shall have parking and vehicular circulation in compliance with the requirements of section 300.28 of this code and which items must be adequate to accommodate the restaurant.
3. Shall only be permitted when it can be demonstrated that operation will not significantly lower the existing level of service as defined by the Institute of Traffic Engineers on the roadway system.

2.03 By City Code §300.28 Subd.12(a)(4), "a land use may provide the required off-street parking area for additional land uses on the same development site if the following conditions are met:

1. Because of the hours of operation of the respective uses, their sizes and their modes of operation there will be available to each use during its primary hours of operation an amount of parking sufficient to meet the needs of such use; and
2. The joint use of the parking facilities shall be protected by a recorded instrument, acceptable to the city."

Section 3. FINDINGS.

3.01 The proposed microbrewery and taproom would meet the general conditional use permit standards as outlined in City Code §300.21 Subd. 2 and the staff report associated with the applicant's request.

3.02 The proposed microbrewery and taproom would meet the specific standards as outlined in City Codes §300.21 Subd.4(s) and the staff report associated with the applicant's request.

1. The site's existing 111 parking spaces could accommodate anticipated parking demand.
2. The proposal is not anticipated to significantly impact existing traffic volumes or levels of service.

3.03 Parking is provided consistent with City Code §300.28 Subd.12(a)(4):

1. The subject property is zoned for, and generally occupied by, office and warehouse uses. The existing building is served by 111 parking spaces. The Institute of Transportation Engineers (ITE) parking demand data suggests that average peak parking demand for the building could be accommodated with 109 parking spaces.
2. ITE suggests – and anecdotal evidence confirms – that office and warehousing uses have a very different peak hour parking demand than the proposed brewery/tap room.
3. The 5959 Baker Road is the southernmost of three buildings located on the same property. The buildings have a shared parking agreement. This agreement significantly increases available parking.

Section 4. City Council Action.

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

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
  - Site plan, dated Jan 17, 2019
  - Floor plan, dated Jan 17, 2019
2. Prior to issuance a building permit:
  - a) This resolution must be recorded at Hennepin County.
  - b) Submit a landscaping plan for review and approval of city staff. The plan must meet minimum requirements as outlined in city code.
3. The outdoor patio must:
  - a) be controlled and cordoned off with an uninterrupted enclosure, with access only through the principal building;
  - b) be equipped with refuse contains and regularly patrolled for litter



pick-up; and

4. The brewery/taproom must conform to all aspects of the City Code Chapter 8, Public Health and Public Nuisance Ordinances.
5. This resolution does not approve any signs. Sign permits are required.
6. The city council may reasonably add or revise conditions to address any future unforeseen problems.
7. Any change to the approved use that results in a significant increase in traffic or a significant change in character will require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Mar. 18, 2019.

\_\_\_\_\_  
Brad Wiersum, Mayor

Attest:

\_\_\_\_\_  
Becky Koosman, Acting City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Mar. 18, 2019.

\_\_\_\_\_  
Becky Koosman, Acting City Clerk

SEAL