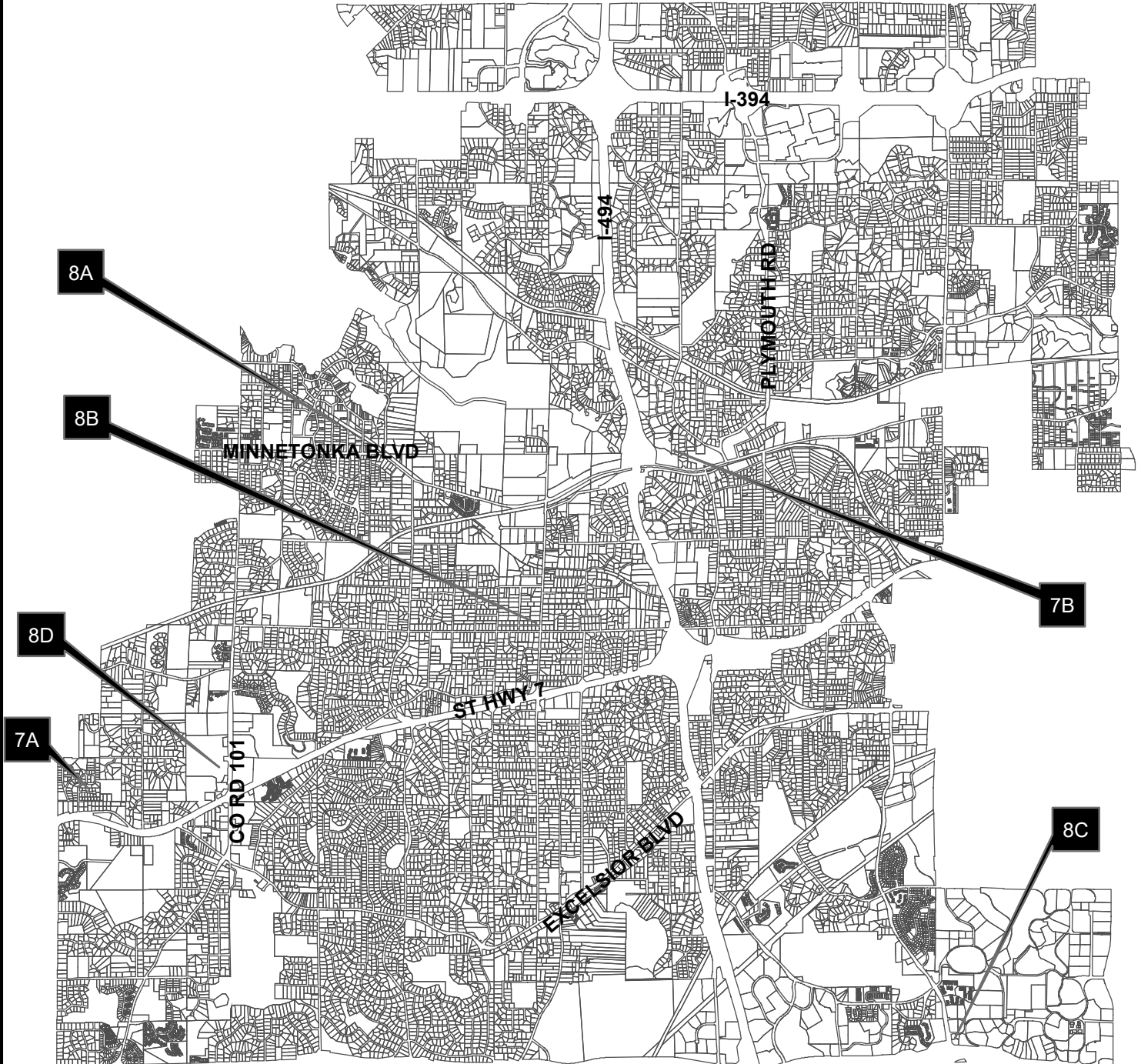




CITY OF
MINNETONKA

CITY OF MINNETONKA
PLANNING COMMISSION
OCT. 3, 2019

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





Planning Commission Agenda

Oct. 3, 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: Sept. 19, 2019

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

- A. Front yard setback variance and expansion permit for a covered stoop and mudroom additions at 18908 Shady Lane

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

- Final Decision, subject to appeal
- Project Planner: Drew Ingvalson

- B. Lot-behind-lot setback variances for a garage, with second-story living space, at 3337 Eldorado Trail W.

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

- Final Decision, subject to appeal
- Project Planner: Susan Thomas

8. Public Hearings: Non-Consent Agenda Items

- A. Expansion permit for a garage, with second-story living space, at 3217 Larchmore Ave.

Recommendation: Adopt the resolution approving the proposal (4 votes)

- Final Decision, subject to appeal
- Project Planner: Susan Thomas

Planning Commission Agenda

Oct. 3, 2019

Page 2

B. Conditional use permit for a structure in excess of 1,000 sq.ft. at 4124 Thomas Ave.

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

- Recommendation to City Council (Oct. 28, 2019)
- Project Planner: Ashley Cauley

C. Sign plan amendment for Chipotle at 10995 Red Circle Drive

Recommendation: Recommendation: Adopt the resolution denying the proposal (4 votes)

- Final Decision, subject to appeal
- Project Planner: Ashley Cauley

D. Conditional use permit for telecommunication facilities at 4848 County Road 101.

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

- Recommendation to City Council (Oct. 28, 2019)
- Project Planner: Ashley Cauley

9. Adjournment

Planning Commission Agenda

Oct. 3, 2019

Page 3

Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
2. There following applications are tentatively schedule for the Nov. 14, 2019 agenda.

Project Description	Verizon Wireless, CUP
Project Address	3717 Co Rd 101
Assigned Staff	Susan Thomas
Ward Councilmember	Tim Bergstedt, Ward 4

Project Description	Olshansky, REZ
Project Address	4144 Shady Oak Road
Assigned Staff	Drew Ingvalson
Ward Councilmember	Bob Ellingson, Ward 1

Project Description	Moore Addition, PPL
Project Address	5024 Beacon Hill Road
Assigned Staff	Susan Thomas
Ward Councilmember	Tim Bergstedt, Ward 4

Minnetonka Planning Commission Meeting
Oct. 3, 2019

Agenda Item 4

Previous Meeting Minutes from Sept. 19, 2019

**Unapproved
Minnetonka Planning Commission
Minutes**

Sept. 19, 2019

1. Call to Order

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

2. Roll Call

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

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley and Natural Resources Manager Leslie Yetka.

3. Approval of Agenda

Knight moved, second by Sewall, to approve the agenda as submitted with a modification provided in the change memo dated Sept. 19, 2019.

Henry, Knight, Luke, Sewell, and Kirk voted yes. Hanson and Powers were absent. Motion carried.

4. Approval of Minutes: Sept. 5, 2019

Sewall moved, second by Henry, to approve the Sept. 5, 2019 meeting minutes as submitted.

Henry, Knight, Luke, Sewell, and Kirk voted yes. Hanson and Powers were absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of Sept. 16, 2019:

- Adopted a resolution approving an accessory apartment on Stanton Drive.
- Adopted a resolution approving the final plat for Highwood Ridge.
- Adopted a resolution approving an accessory apartment on Westmill Road.
- Adopted a resolution approving a medical clinic on Whitewater Drive.
- Adopted a resolution approving the final plat for the Bird Song residential development.
- Introduced an ordinance amendment regarding lot-behind-lots.

- Introduced an ordinance amendment regarding items for the Hennepin County Medical Examiner's Office.
- Reviewed a concept plan for Villas at Woodhill.
- Reviewed a concept plan for Solbekken.
- Authorized design work for Ridgedale Park.

The second of four meetings is being held tonight to discuss ideas for city-owned property on Co. Rd. 101 and Covington Road. There will be two more meetings held in Oct.

The next planning commission meeting is scheduled to be held Oct. 3, 2019.

6. Report from Planning Commission Members

Henry noted that the house located on the Bird Song development site and designed by Frank Lloyd Wright, Jr. will be preserved and moved to a new location in PA.

7. Public Hearings: Consent Agenda

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

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

A. Front yard setback variance for a roof addition to the existing detached garage at 3910 Baker Road.

Adopt the resolution approving a front yard setback variance for a roof addition to the existing detached garage at 3910 Baker Road.

B. Front yard setback variance and expansion permit for a garage and living space addition at 16708 Seymour Drive.

Adopt the resolution approving the variance and expansion permit for a covered front stoop and home addition at 16708 Seymour Drive.

C. Expansion permit for an addition within the rear yard setback at 5208 Woodhill Road.

Adopt the resolution approving a rear yard setback expansion permit to construct a home addition at 5208 Woodhill Road.

D. Side setback variance for a living space addition at 16030 Woodland Curve.

Adopt the resolution approving an aggregate side yard setback variance for an addition onto the existing home at 16030 Woodland Curve.

E. Ordinance amending City Code 400.300, Subd. 6(3) pertaining to lot-behind-lot standards.

Recommend that the city council adopt the ordinance amendment.

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

Chair Kirk stated that an appeal of the planning commission's decision regarding Items 7A, 7B, 7C, and 7D must be made in writing to the planning division within 10 days. Item 7E is scheduled to be reviewed by the city council Oct. 7, 2019.

8. Public Hearings

A. Amendment to the Minnetonka Corporate Center sign plan at 6050 Clearwater Drive.

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.

Rick Ferraro, Spectrum Sign Systems, applicant, stated that Thomas did an excellent job covering the main points of the request. The business has thousands of patients and visitors who travel to the site every year, so identifying the facility from the major roadways is extremely important. He was available for questions.

Henry asked if the sign design was done with way-finding in mind. Mr. Ferraro answered that a rebranding is occurring system wide to make the sign more readable.

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

Chair Kirk noted that it is easier to read the proposed sign.

Sewall moved, second by Knight, to adopt the resolution amending the Minnetonka Corporate Center sign plan as it pertains to the building at 6050 Clearwater Drive.

Henry, Knight, Luke, Sewell, and Kirk voted yes. Hanson and Powers were absent. Motion carried.

B. Variances to expand the parking lot at 5400 Opportunity Court.

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.

Bill Marceau, owner of 5400 Opportunity Court, stated that more office space has replaced warehouse space in the building. He thanked staff for their support and help putting in the right number of parking stalls on the north side. He appreciated the commissioners' consideration. He was available for questions.

Henry was curious if the creek waters encroached on the property during the storm in 1987. Mr. Marceau answered in the negative. He recalled 17 inches of rain fell in one day and 10 inches the next day, but the property and parking area did not flood.

Luke asked if the expanded parking area is necessary or done just to comply with ordinance requirements. Mr. Marceau did not think the additional parking would be needed. The number of tenants in the building has been reduced from eight tenants to two tenants. The net effect has resulted in more parking spaces, but fewer employees to park there. The renovation would make the property look very nice when it is done.

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

Knight noted that Hwy 169 is different now than it was in 1987 and there is only one culvert traveling under Hwy 169. He questioned if the existing culvert would be able to handle the amount of water that fell in 1987. Cauley explained that the extension of Opportunity Court and the remaindering of the creek to the east were done after 1987 and would help handle water runoff. New water modeling will be done in Feb. of 2020.

Luke moved, second by Henry, to adopt the attached resolution approving variances to the setbacks and floodplain for a parking lot expansion at 5400 Opportunity Court with the modification provided in the change memo dated Sept. 19, 2019.

Henry, Knight, Luke, Sewell, and Kirk voted yes. Hanson and Powers were absent. Motion carried.

C. Items concerning the Hennepin County Medical Examiner's Office at 14300 Co. Rd. 62.

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

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

Tim Powers, project manager and architect, stated that:

- The new location and orientation of the building offers many advantages to the old site. He is happy with this alternative.

- The existing gate would be moved north.
- The current circulation would be utilized including the light on Hwy 62.
- The first right into the site would be for visitor parking.
- The traffic going east on the access road would be limited to Hennepin County Home School employees and deliveries to the home school and be designated as a fire lane.
- The existing access road would lead to staff parking. All of the parking areas would be secured with a six-foot-tall fence. There would be 21 visitor parking stalls.
- There is a 16-foot drop on the east side.
- Wetland buffer setback requirements would be met.

Jesse Symnykywica, landscape architect with Damon Farber, provided a presentation on landscape materials. He stated that:

- The fences and walls would appear as natural as possible. Wood would be used on the north side for a residential feel.
- The slope is being used as a natural barrier.
- He selected Minnesota-friendly trees including maple, birch, cottonwoods and white oak.
- The north side would have a lot of plants and trees including evergreens that would create a natural buffer.
- The vegetation would be sustainable. No irrigation would be needed.
- There would be more prairie grass and rain garden plantings than grass that would have to be mowed. The city hall campus has the same feel with sumac, dogwood and honeysuckle.
- A lot more trees would be preserved with this plan than the last one.

Luke asked how far it would be from the cottage to the back side of the building. Mr. Powers answered approximately 250 feet from the building to the south wall of the cottage. The south wall of the cottage would be significantly higher due to the topography. Landscaping and topography would create a buffer and prevent the need for a fence in that area. The cottage is one story. The building footprint would be about 58,000 square feet.

In response to Henry's questions, Mr. Powers stated that:

- There would be two retention ponds on each side of the visitor parking area. Those would end up being filters that would feed into the retention pond on the southeast side which has enough capacity for the entire site.
- The plants would be drought tolerant, so no irrigation would be needed.
- Light would not extend onto the home school site.
- The county forester helped select trees that would be drought tolerant.

In response to Chair Kirk's questions, Mr. Powers described the floor plan and court yard area.

Yetka explained the city's pollinator ordinance that requires 25 percent of plantings to be pollinator friendly. She did not foresee a problem with the landscape plan.

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

Henry likes the relocation. It would be nice to keep the east side natural. He suggested reducing the carbon footprint of the building with a solar garden or other option.

Chair Kirk likes the new location. It fits well on the site.

Wischnack reviewed Hennepin County's commitment to reducing its carbon footprint on its website. Gordon noted that the county is committed to its buildings meeting B3 requirements which are a level higher than typical practices of sustainability and energy efficiency.

Sewall thought this would be a much better location for the building. It looks great. He supports staff's recommendation.

Henry moved, second by Knight, to recommend that the city council adopt the ordinance and resolutions approving the medical examiner's office located at 14300 Co. Rd. 62.

Henry, Knight, Luke, Sewell, and Kirk voted yes. Hanson and Powers were absent. Motion carried.

9. Adjournment

Sewall moved, second by Luke, to adjourn the meeting at 7:45 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting
Oct. 3, 2019

Agenda Item 7

Public Hearing: Consent Agenda

MINNETONKA PLANNING COMMISSION
Oct. 3, 2019

Brief Description Variance and expansion permit for a covered front stoop and home addition at 18908 Shady Lane South.

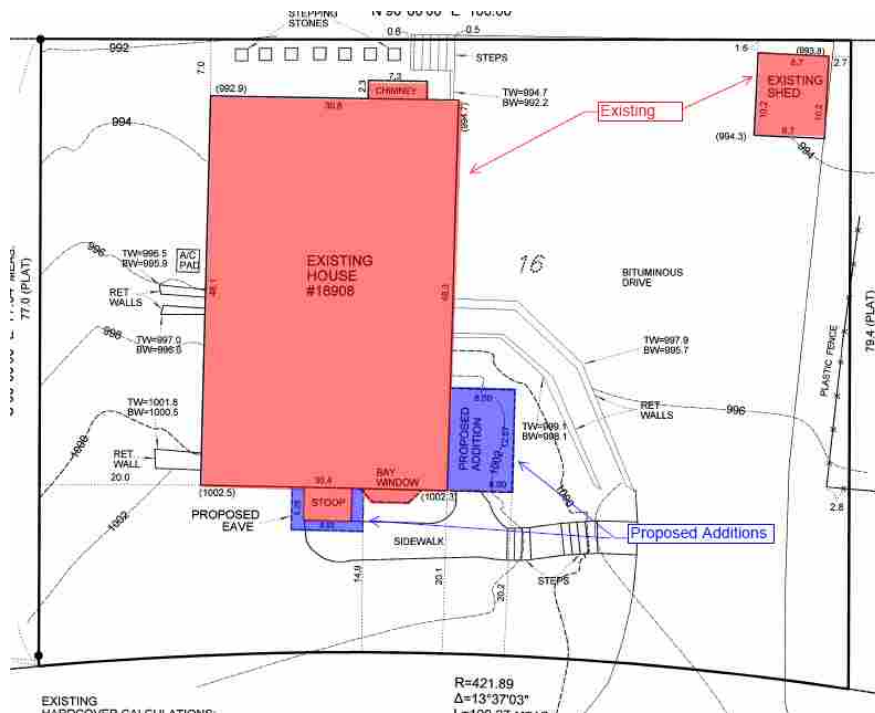
Recommendation Adopt the resolution approving the request

Proposal

Jeff McCall of McCall Construction, on behalf of the property owners, is proposing to construct a covered front stoop and home addition. The proposed home addition would be a mudroom.

Existing Property Information

- **Lot Size:** 7,572 square feet (platted in 1949)
 - Non-conforming lot area, lot width at setback, and lot depth
- **Use:** Residential Single Family Home
- **Buildings:**
 - Single Family Home: Rambler, 1,440 square feet (built 1951)
 - Attached two car garage (tuck under)
- **Non-Conforming Setbacks:** The existing home has a non-conforming front yard setback (20.1 feet) and rear yard setback (15.7 feet).



Proposal requirements

The proposed front stoop and home addition would not meet the current front yard setback requirements. Specifically, the front stoop would encroach further into the front yard setback than the existing structure, requiring a variance. The home addition would require an expansion permit, as it would maintain the same non-conforming front yard setback as the existing home. (See attached.)

	Required	Existing	Proposed
Front Yard Setback (Stoop)	24.5 ft.	16.3 ft.	14.9 ft.*
Front Yard Setback (Home Addition)	24.5 ft.	20.1 ft.	20.1 ft.**

* requires variance

**requires expansion permit

Staff Analysis

For purposes of this review, the staff analysis will be split into two sections. The first section will analyze the front yard setback variance request for the covered front stoop. The second section will analyze the expansion permit request for the home addition.

Front Stoop Variance

Staff finds that the applicant's proposal for the front stoop is reasonable as:

1. **Purpose and Intent of the Zoning Ordinance:** The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the front yard setback requirement is to provide consistent building lines within a neighborhood and to provide for adequate separation between homes and public right-of-ways. Several homes near the subject property are located within 35 feet of the right-of-way due to being constructed prior to the city ordinance or being allowed a closer setback because they are a "corner lot." As such, the proposed stoop would be generally consistent with setbacks of the other existing homes within the neighborhood and would be in harmony with the intent of the zoning ordinance.
2. **Consistent with the Comprehensive Plan:** The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.
3. **Practical Difficulties:** There are practical difficulties in complying with the ordinance.
 - **Reasonableness:** Staff finds that the request for a variance from the front yard setback is reasonable. The proposed stoop would extend only 1.4 feet further towards the street than the existing stoop. The proposed stoop would also be located a similar distance from property lines as other homes on Shady Lane South.
 - **Circumstance Unique to the Property:** The subject home was originally constructed in 1951, predating city ordinance by over a decade. The existing home is legal non-conforming, as it is located within the now required front yard setback. Due to the location of the home, city ordinance would not allow any front stoop on the home - as

such, the location of the subject home, in relation to the front property line, has created a practical difficulty for the property owners.

- Neighborhood Character: The immediate area is characterized by homes with front yard setbacks of less than 35 feet due to:
 - The early platting of the land (1949);
 - The construction of the homes prior to adoption of city ordinance (1966); and
 - Homes being permitted a 25-foot front yard setback because they are classified as a corner lot.

Based on aerial images, and a review of the area, it appears that there are 29 structures within 400 feet of the subject property that are located within 35 feet of their front property line. As such, approving a variance to construct the proposed stoop would not alter the essential character of the neighborhood.

Expansion Permit for Home Addition

Staff finds that the applicant's proposal for the home addition (mudroom) is reasonable as:

1. Reasonableness: The proposed addition would maintain the existing legal non-conforming front yard setback of the existing structure; it would enhance the use of the home and, it would meet all other setback requirements.
2. Circumstance Unique to the Property: As stated previously, the subject home was originally constructed in 1951, predating city ordinance by over a decade and has a legal non-conforming front yard setback. The current location of the home, with the front yard setback, creates a circumstance unique to the property and a practical difficulty for the property owners when attempting to add an addition onto the home.
3. Neighborhood Character: As stated previously, the immediate area is characterized by homes with front yard setbacks of less than 35 feet due to:
 - The early platting of the land (1949);
 - The construction of the homes prior to adoption of city ordinance (1966);
 - Homes being permitted a 25-foot front yard setback because they are classified as a corner lot.

Again, based on staff's review, there appears to be 29 structures within 400 feet of the subject property that are located within 35 feet of their front property line – as such, approving an expansion permit to construct the proposed addition would not alter the essential character of the neighborhood.

Staff Recommendation

Adopt the resolution approving the variance and expansion permit for a covered front stoop and home addition at 18908 Shady Lane South.

Originator: Drew Ingvalson, Planner

Through: Loren Gordon, AICP, City Planner

Supporting Information

Project No.	19039.19a
Property	18908 Shady Lane South
Applicant	Jeff McCall of McCall Construction
Owners	Phyllis and James Alsdurf/Lydia and Roiko Sponsler
Surrounding Land Uses	<p><u>East</u>: Single family home, zoned R-1, guided for low density residential</p> <p><u>West</u>: Single family home, zoned R-1, guided for low density residential</p> <p><u>North</u>: Single family home, zoned R-1, guided for low density residential</p> <p><u>South</u>: Single family home, zoned R-1, guided for low density residential</p>
Planning	<p>Guide Plan designation: low density residential</p> <p>Zoning: R-1</p>
Proposal	<p>The applicant has two specific proposals:</p> <p>First, the applicant is requesting to add a covered front stoop. The proposed stoop would be about 9 feet wide and extend 5.25 feet out from the home (47 square feet).</p> <p>Second, the applicant is requesting a home addition for a mudroom. The proposed mudroom would be approximately 8 feet by 13 feet (104 square feet).</p>
Small lot	<p>By City Code §300.10 Subd.7, properties that are defined as qualifying small lots are allowed lesser setbacks from property lines than “typical” properties. To be defined as a small lot, a property must be less than 15,000 square feet; have been a lot on record, prior to Feb. 12, 1966; and must be located in an area in which the average size of residential lots is less than 15,000 square feet.</p> <p>The subject property does meet these qualifications as:</p> <ul style="list-style-type: none"> - The property is 7,572 square feet in area; - The average lot size of lots in the surrounding neighborhood is approximately 10,289 square feet; and - The property has been a lot of record since 1949.
Small Lot Setbacks	Properties that qualify as a “small lot” are permitted reduced setbacks from other, conforming lots. These setbacks are as follows:

- Front: The average front setback of homes on adjoining parcels, but in no case less than 20 feet.
- Side: 10 percent of the lot width, but in no case less than seven feet
- Rear: 20 percent of the lot depth, but in no case less than seven feet.

For the subject lot, the setbacks are as follows.

- Front: 24.5 feet
 - o The applicant did not provide survey information with the existing structure setbacks for the adjoining parcels. As such, staff made a conservative estimate for the required setback – based on aerial photography – with the understanding that the stoop would require a variance, as it was located less than 20 feet from the front property line.

At this time, staff is under the assumption that an expansion permit is also required for the home addition.

- Side: 10 feet
- Rear: 15.7 feet

Front Yard Setback Exemption

City code permits a 5-foot exemption for unenclosed canopies or similar architectural features. However, per another section of city code, this exemption may not be used to allow structures to further encroach into small lot setbacks.

McMansion Policy

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

Staff did not use the McMansion Policy for the subject request as:

- The request requiring a variance (front stoop) would not add any additional living space to the subject home, thus not increasing the home's FAR.
- On the other hand, the home addition would add additional living space to the home, but this request requires only an expansion

permit, which does not trigger the McMansion Policy. The policy is specifically for variances.

As an exercise, staff ran the FAR for the subject property. Currently, the property's FAR is 0.19. The proposed additions would increase the FAR to 0.20, which would be less than the largest FAR within the area (0.28).

Expansion Permit v. Variance

An expansion permit is required for an expansion of a non-conforming structure when that expansion maintains the same setbacks as the existing non-conformity. A variance is required for expansion of a non-conforming structure when the expansion would intrude into one or more setback areas beyond the distance of the existing structure.

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

The existing home is considered non-conforming as the structure was built prior to the adoption of the city ordinance. The home addition requires an expansion permit as it would not encroach farther into the required setback. The front stoop addition requires a variance as it encroaches closer to the front property line than the existing home.

Expansion Permit

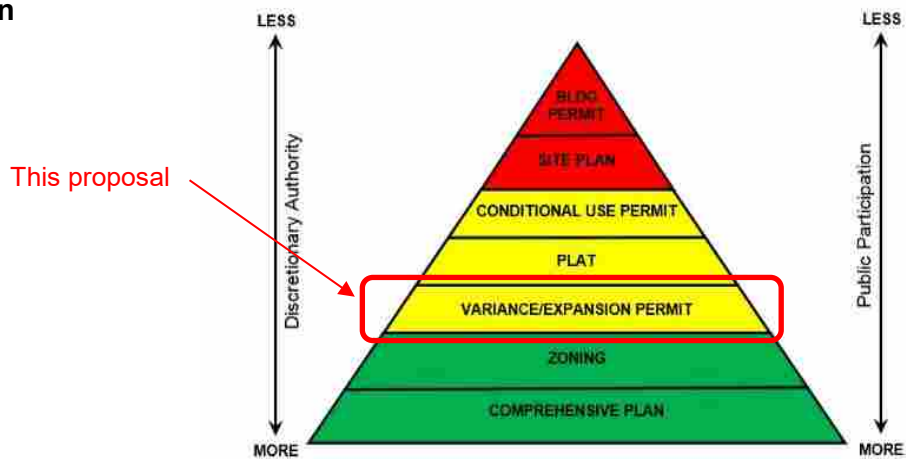
By City Code §300.29, an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

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

Variance Standard

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

Pyramid of Discretion



Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of erosion control and tree fencing.

Motion Options

The planning commission has three options:

1. Concur with staff's recommendation. In this case, a motion should be made approving the variance and expansion permit requests.
2. Disagree with staff's recommendation. In this case, a motion should be made denying the variance and expansion permit requests. This motion must include a statement as to why the requests are denied.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

Neighborhood Comments

The city sent notices to 65 area property owners and has received no comments.

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

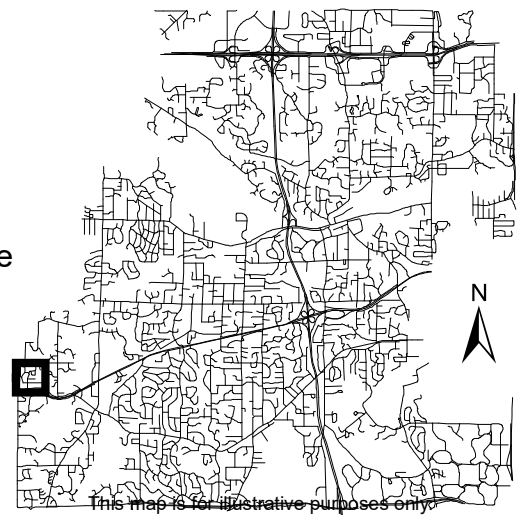
Appeals Any person aggrieved by the planning commission's decision about the requested variance may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

Deadline for Decision Dec. 16, 2019



Location Map

Project: Sponslier & Alsdurf Residence
Address: 18908 Shady Ln S



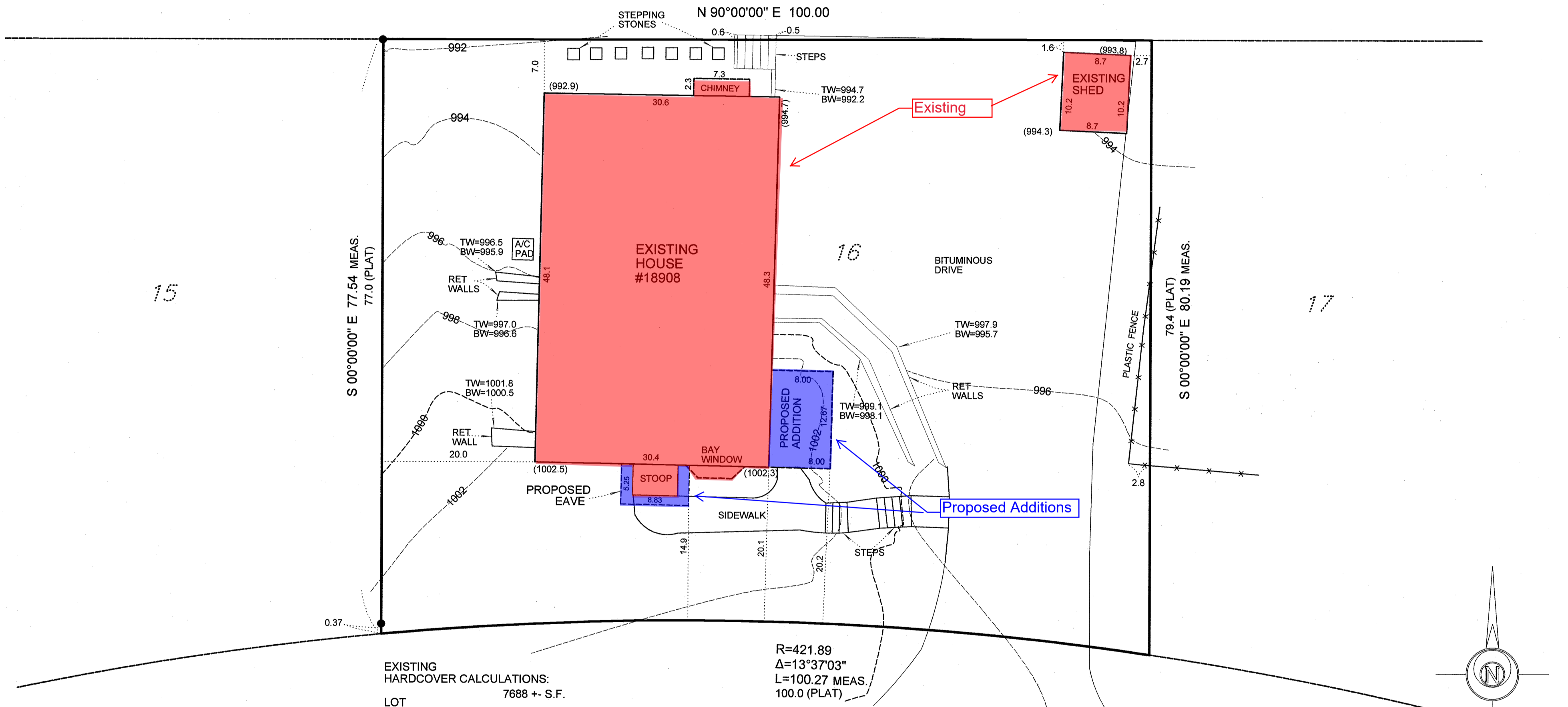
This map is for illustrative purposes only.

Proposed Front Stoop

Proposed Mudroom Addition



CERTIFICATE OF SURVEY FOR MCCALL CONSTRUCTION OF LOT 16, ACORN RIDGE HENNEPIN COUNTY, MINNESOTA



EXISTING HARDCOVER CALCULATIONS:		PROPOSED HARDCOVER CALCULATIONS:	
LOT	7688 +/- S.F.	PROPOSED ADDITION	+101+- S.F.
HOUSE	1471 +- S.F.	PROPOSED EAVE	+8+- S.F.
DRIVE	2394 +- S.F.	TOTAL	+109+- S.F.
STOOP/WALK	218 +- S.F.	4292+109	= 4401+- S.F.
RET. WALLS	75 +- S.F.		
SHED	89 +- S.F.		
STEPS	21 +- S.F.		
STEP STONE	16 +- S.F.		
A/C PAD	8 +- S.F.		
TOTAL	4292 +- S.F.		
	4401 / 7688 = 57.25%		
	4292 / 7688 = 55.83%		

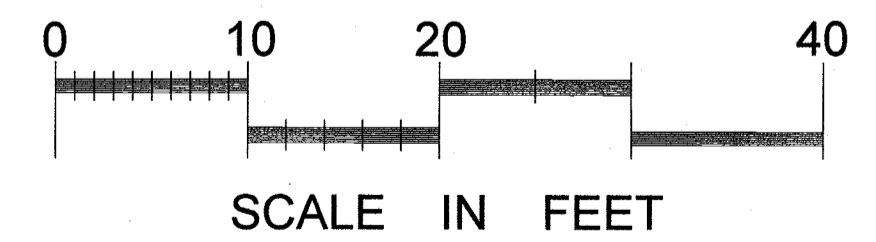
R=421.89
 $\Delta=13^{\circ}37'03"$
 L=100.27 MEAS.
 100.0 (PLAT)

LEGAL DESCRIPTION:

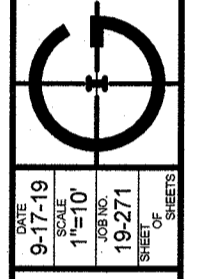
Lot 16, ACORN RIDGE

- : Denotes found iron marker
- 1002- : Denotes existing contour
- (1002.5): Denotes existing spot elevation

This survey intends to show the boundaries of the above described property, the locations of an existing house, shed, topography, and drive. It does not purport to show any other improvements or encroachments.



GRONBERG & ASSOCIATES, INC.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
 445 N. WILLOW DRIVE LONG LAKE, MN 55356
 PHONE: 952-473-4141 FAX: 952-473-4435



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 Surveyor under the laws of the State of Minnesota.
 DATE 9-17-19
 MINN. LICENSE NUMBER 22755

DESIGNED	DRAWN	CHECKED

REVISIONS	REMARKS

DATE 9-17-19
 19-271



Lydia & Rio
SPONSHER

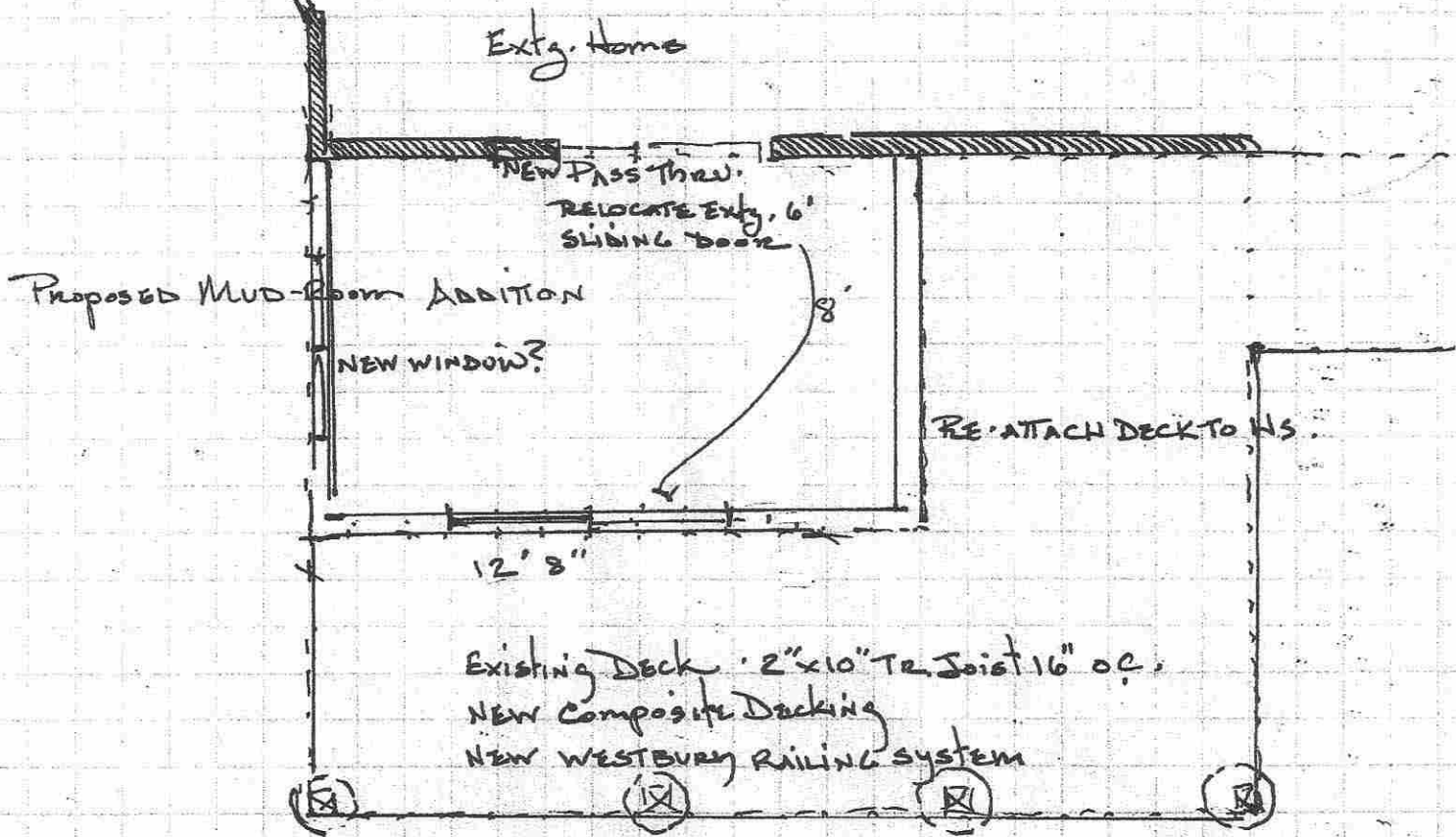
18908 SHADY LANE SOUTH, MINNETONKA, MN. 55345

Date Received:
Sept. 9, 2019

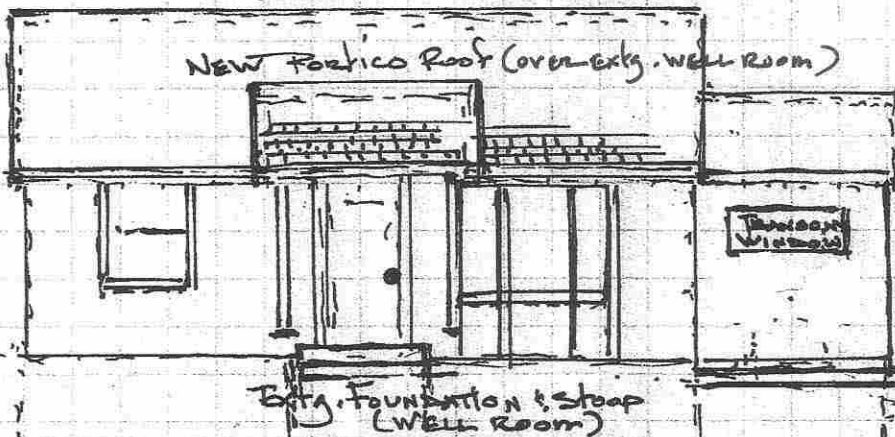
MUDROOM EXPANSION

1/4" = 1' SCALE

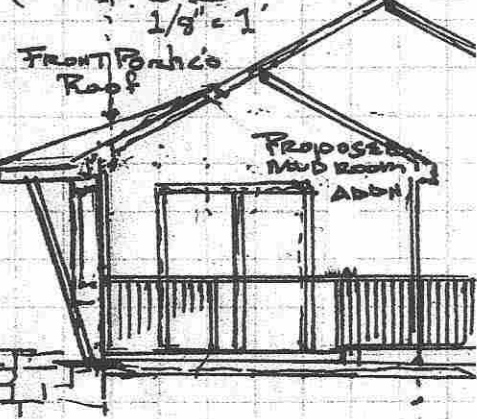
Extg. WALL 
NEW WALL 



FRONT ELEVATION 1/8" = 1' (SOUTH)

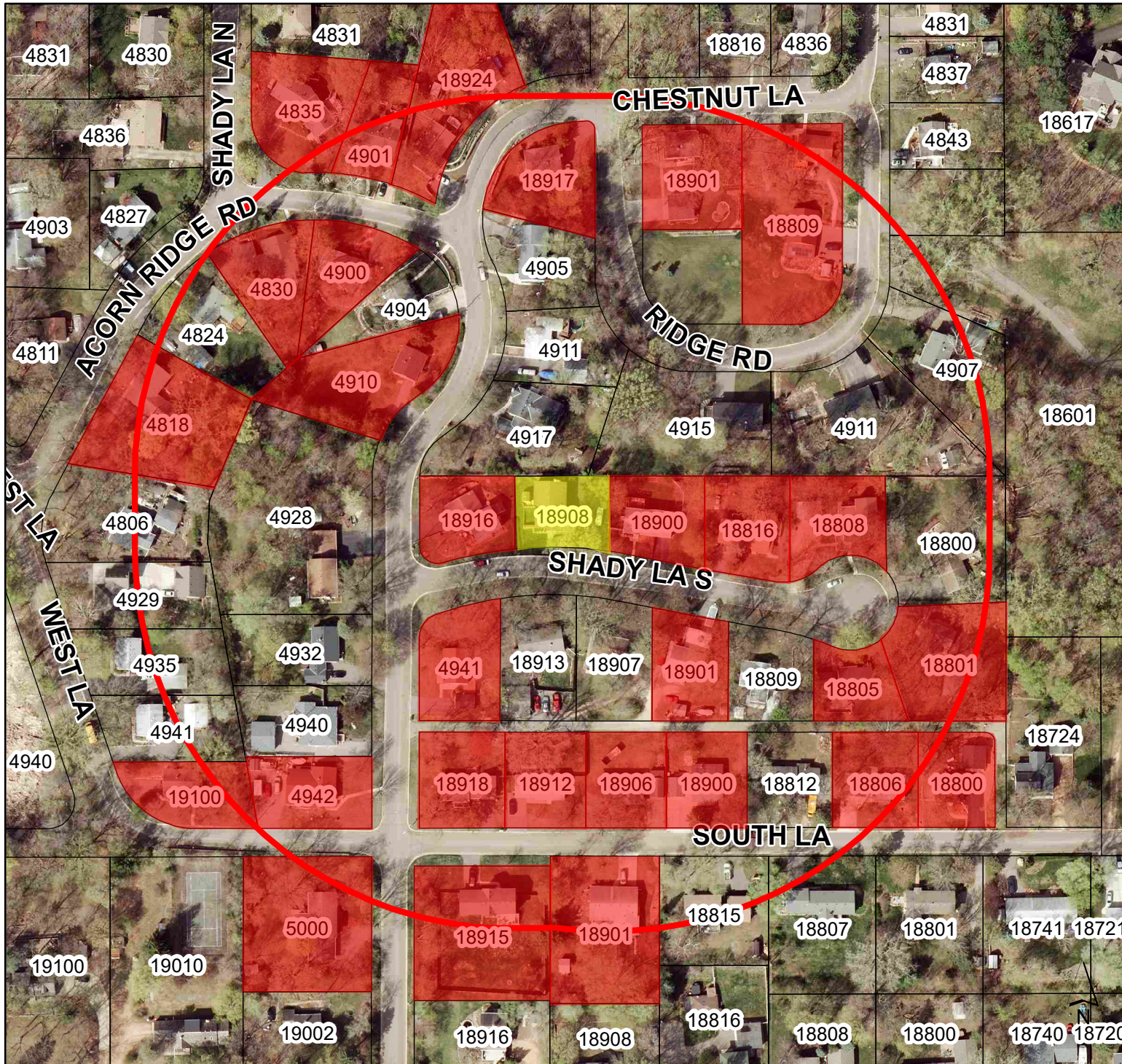


(EAST) SIDE ELEVATION

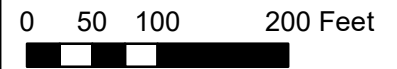


JEFF McCall CONST. CO. INC.
 MN. LIC. 5358 • 612.718.4345
 3603 CROFTVIEW TERRACE
 MINNETONKA, MN. 55345
 McCallINC@MSN.COM
 McCall-CONSTRUCTION.COM

Extg. FOUNDATION



- Subject Property
- Properties with homes located 35 feet or less from right-of-way
- 400 feet from the subject property



Not a Survey. Not to Scale

Map prepared by: City of Minnetonka

Planning Commission Resolution No. 2019-

Resolution approving a variance and an expansion for a front stoop and home addition at 18908 Shady Lane South

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

Section 1. Background.

1.01 Jeff McCall of McCall Construction, on behalf of the property owners, is proposing to construct a front stoop and home addition. The proposed front stoop and home addition would not meet the front yard setback requirements. Specifically, the front stoop will encroach farther into the front yard setback than the existing structure, requiring a variance. The home addition would require an expansion permit as it would maintain the same front yard setback as the existing home.

	Required	Existing	Proposed
Front Yard Setback (Stoop)	24.5 ft.	16.3 ft.	14.9 ft.*
Front Yard Setback (Home Addition)	24.5 ft.	20.1 ft.	20.1 ft.**

* requires variance

**requires expansion permit

1.02 The property is located at 18908 Shady Lane South. It is legally described as:

Lot 16, Acorn Ridge, Hennepin County, Minnesota.

1.03 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances and expansion permits.

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

1.05 City Code §300.07 authorizes the city to variances.

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

Section 2. Standards.

2.01 By City Code §300.29, an expansion permit for a non-conforming use may be granted, but is not mandated, when an applicant meets the burden of proving that:

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

2.02 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 proposed covered front stoop would meet the variance standards as outlined in City Code §300.07.

1. **PURPOSE AND INTENT OF THE ZONING ORDINANCE.** The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the front yard setback requirement is to provide consistent building lines within a neighborhood and to provide for adequate separation between homes and public right-of-ways. Several homes near the subject property are located within 35 feet of the right-of-way due to being constructed prior to the city ordinance or being allowed a closer setback because they are a "corner lot." As such, the proposed stoop would be generally consistent with setbacks of the other existing homes within the neighborhood and would be in harmony with the intent of the zoning ordinance.

2. **CONSISTENT WITH THE COMPREHENSIVE PLAN.** The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.

3. **PRACTICAL DIFFICULTIES.** There are practical difficulties in complying with the ordinance.
 - a) **REASONABLENESS.** Staff finds that the request for a variance from the front yard setback is reasonable. The proposed stoop would extend only 1.4 feet further towards the street than the existing stoop. The proposed stoop would also be located a similar distance from property lines as other homes on Shady Lane South.

 - b) **UNIQUE CIRCUMSTANCE.** The subject home was originally constructed in 1951, predating city ordinance by over a decade. The existing home is legal non-conforming, as it is located within the required front yard setback. Due to the location of the home, city ordinance would not allow any front stoop on the home. As such, the location of the subject home, in relation to the front property line, has created a practical difficulty for the property owners.

 - c) **NEIGHBORHOOD CHARACTER.** The immediate area is characterized by homes with front yard setbacks of less than 35 feet due to:
 - The early platting of the land (1949);
 - The construction of the homes prior to adoption of city ordinance (1966); and
 - Homes being permitted a 25-foot front yard setback because they are classified as a corner lot.

Based on aerial images, and a review of the area, it appears that there are 29 structures within 400 feet of the subject property that are located within 35 feet of their front property line. As such, approving a variance to construct the proposed stoop would not alter the essential character of the neighborhood.

3.02 The proposed home addition would meet the expansion permit standards as outlined in City Code §300.29

1. REASONABLENESS. The proposed addition would maintain the existing legal non-conforming front yard setback of the existing structure; it would enhance the use of the home and, it would meet all other setback requirements.
2. CIRCUMSTANCE UNIQUE TO THE PROPERTY. As stated previously, the subject home was originally constructed in 1951, predating city ordinance by over a decade and has a legal non-conforming front yard setback. The current location of the home, with the front yard setback, creates a circumstance unique to the property and a practical difficulty for the property owners when attempting to add an addition onto the home.
3. NEIGHBORHOOD CHARACTER. As stated previously, the immediate area is characterized by homes with front yard setbacks of less than 35 feet due to:
 - The early platting of the land (1949);
 - The construction of the homes prior to adoption of city ordinance (1966); and
 - Homes being permitted a 25-foot front yard setback because they are classified as a corner lot.

Section 4. Planning Commission Action.

4.01 The planning commission hereby approves the variance and expansion permit requests, based on the findings outlined in sections 3.01 and 3.02 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
 - Proposed Survey dated Sept. 17, 2019.
 - Floor plans and elevations dated Sept. 9, 2019.
2. A building permit is required for all additions. Prior to issuance of a building permit:
 - a) A copy of this resolution must be recorded with Hennepin County.
 - b) The applicant must install erosion control and tree protection fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
3. This variance will end on Dec. 31, 2020, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Oct. 3, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Oct. 3, 2019.

Fiona Golden, Deputy City Clerk

MINNETONKA PLANNING COMMISSION
Oct. 3, 2019

Brief Description Lot-behind-lot setback variances for a garage addition, with second-story living space, at 3337 Eldorado Trail East

Recommendation Adopt the resolution approving the request

Background

The subject property was platted in 1995, and the existing home was constructed shortly thereafter. As located, the home meets all minimum setback requirements as applied to a standard, R-1 lot. However, the property is not “standard;” it is a lot-behind-lot.

Setback	Required		Existing
	Standard	Lot-Behind-Lot	
Front Yard	35 ft	40 ft	60 ft
Side Yard	10 ft	25 ft	10 ft
Aggregate Side Yard	30 ft	25 ft	30 ft
Rear Yard	40 ft	40 ft	140 ft
Shoreland	50 ft	50 ft	≈155 ft

The current lot-behind-lot setback requirements were in place in 1995. Staff can find no information as to why these setbacks were not applied to the home on the subject property.

Proposal

Mackey Malin Architects, on behalf of the property owners, is proposing to construct a garage addition, with second story living space, on the northwest corner of the home. The addition requires lot-behind-lot variances from 40 feet to 32 feet and from 25 feet 10 feet.

Setback	Required	Existing	Proposed
Front Yard (North side)	40 ft	60 ft	32 ft
Side Yard (West side)	25 ft	10 ft	10 ft

Staff Analysis

Staff finds that the proposed addition would meet the variance standard outlined in city code:

- **Reasonableness and Neighborhood Character.** The intent of lot-behind-lot setback requirements is to maintain adequate separation between structures for both functional

and aesthetic reasons. The proposed addition is reasonable, as it would be located over 200 feet from the closed home to the west and 70 feet from the closest home to the north.

- **Unique Circumstance.** The existing home was constructed to comply with “standard” R-1 property setback requirements, though it is a lot-behind-lot. This a very unique circumstance not common to other residential properties.

Staff Recommendation

Lot-behind-lot setback variances for a garage addition, with second-story living space, at 3337 Eldorado Trail East.

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

Supporting Information

Surrounding Land Uses The subject property is surrounded by single-family properties zoned R-1

Subject Property

	Existing	Proposed
Use	Single-Family Home	No change
Zoning	R-1	
Guide Plan Designation	Low-Density Residential	

Driveway Easement The northerly 20 feet of the property is encumbered by a driveway easement. The proposed addition would not impact the easement area.

Non-Conformity By city code, a non-conforming structure is one that is not in full compliance with the regulations of this ordinance and either (1) was legally established before the effective date of the ordinance provision with which it does not comply, or (2) became non-conforming because of other governmental action, such as a court order or a taking by a governmental body under eminent domain or negotiated sale. The existing home is not, technically, considered non-conforming. There have been no ordinance changes since its construction nor any government taking. Rather, the incorrect ordinance standard was applied.

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

As proposed, the property would comply with the city's McMansion Policy. The proposed addition would result in a property FAR to 0.31. This would be equal to the largest FAR in the neighborhood, which is 0.31.

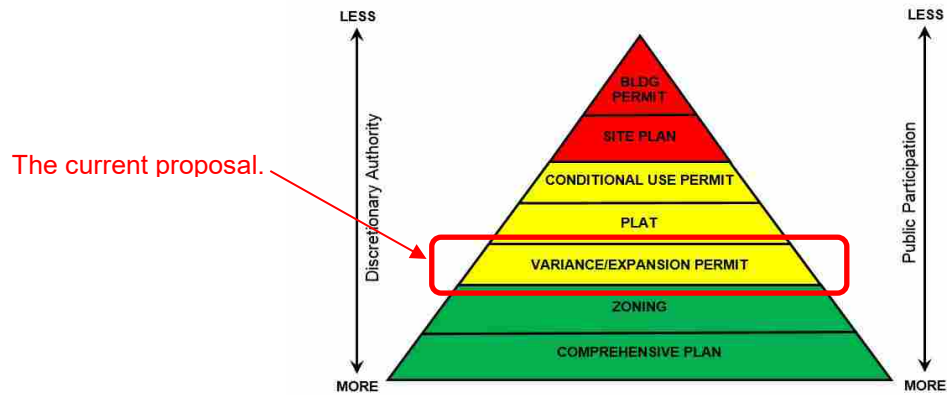
Variance Standard A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to

circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)

Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance erosion control fencing

Pyramid of Discretion



Voting and Appeals

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

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

Motion Options

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made to adopt the resolution approving the request.
2. Disagree with staff’s recommendation. In this case, a motion should be made denying the request. This motion must include a statement as to why the request is denied.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

Neighborhood Comments

The city sent notices to 19 area property owners and received no comments to date.

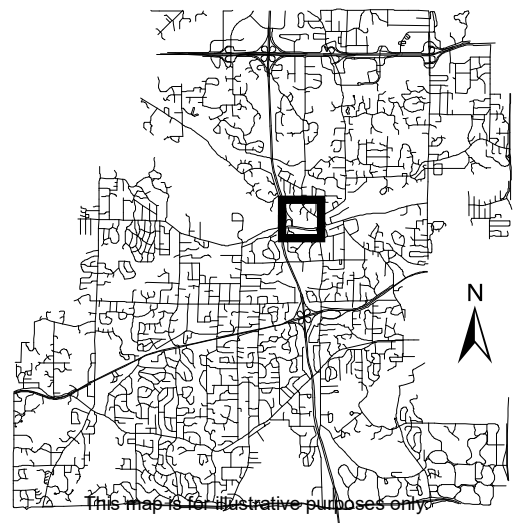
Deadline for Decision

Dec. 16. 2019



Location Map

Project: Ferrell Residence
Address: 3337 Eldorado Trail E



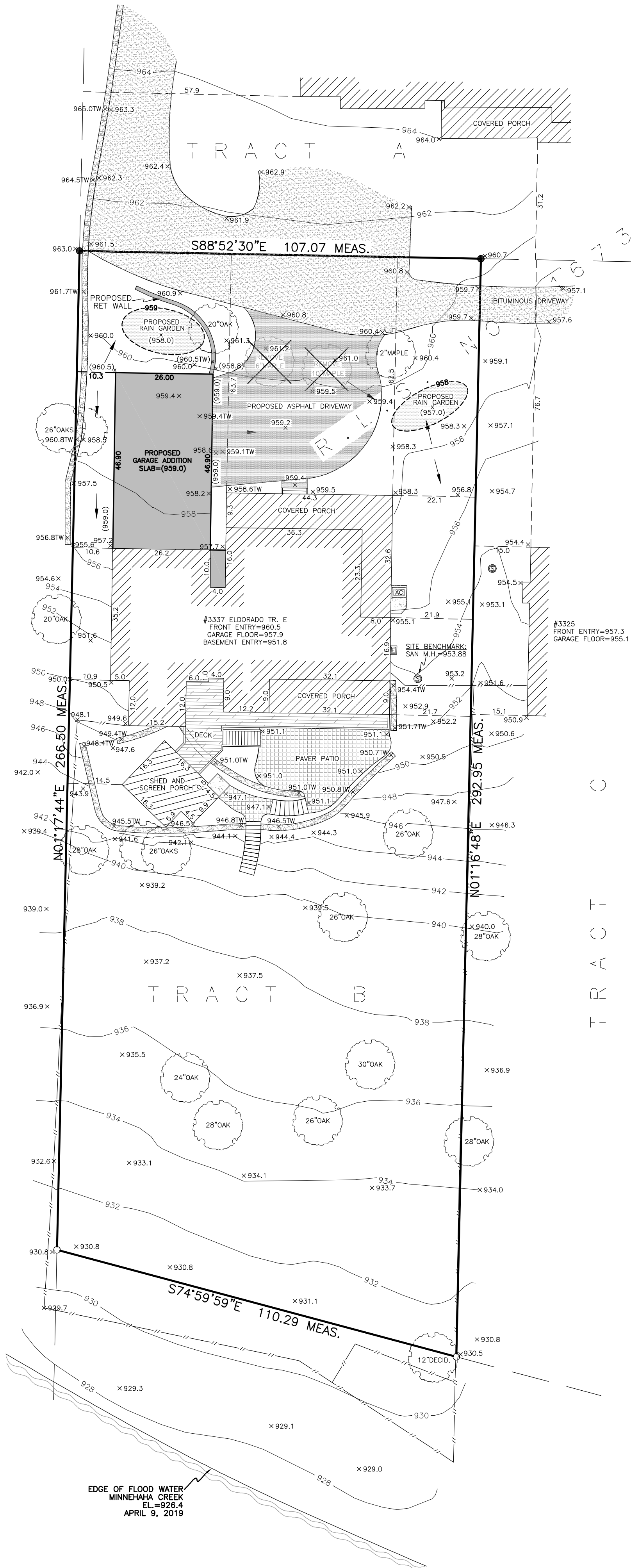
This map is for illustrative purposes only.

EXISTING CONDITION SURVEY FOR: BRYCE FERRELL

LEGEND

----	Fence
⊙	Sanitary Manhole
▬▬▬▬▬▬	Boulder Retaining Wall
x900.0	Existing Elevation
x900.0TW	Top of Wall Elevation
—○—	Existing Contour
●	Found Iron Monument
○	Set Iron Monument
x(900.0)	Inscribed R.L.S 15230
	Proposed Elevation

BRYCE FERRELL



EXISTING LOT AREA CALCULATION:

Lot Area = 29,961 SF

IMPERVIOUS SURFACE:

House = 2,906 SF
 Covered Porch Front = 598 SF
 Covered Porch Rear = 289 SF
 Shed/Screen Porch = 310 SF
 Deck = 455 SF
 Patio, Walks, Steps = 1,021 SF
 Driveway = 2,290 SF

Total = 7,869 SF
 = 26.3%

Shared roadway not included in lot area calculation.

PROPOSED LOT AREA CALCULATION:

Lot Area = 29,961 SF

IMPERVIOUS SURFACE:

House = 2,906 SF
 Covered Porch Front = 598 SF
 Covered Porch Rear = 289 SF
 Shed/Screen Porch = 310 SF
 Deck = 455 SF
 Patio, Walks, Steps = 1,021 SF
 Proposed Addition = 1,259 SF
 New Driveway = 1,646 SF

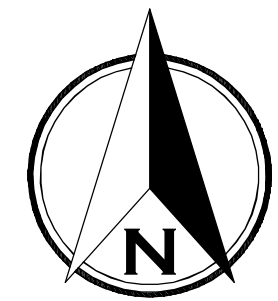
Total = 8,484 SF
 = 28.3%

Shared roadway not included in lot area calculation.

NOTES:

- All existing building dimensions are measured to the finished siding and not the building foundation.
- No search was made for any easements.
- The location of all utilities shown are from either observed evidence in the field and/or from plans furnished by the utility companies and are approximate. Utility companies should be notified for exact location before doing any excavation.

EDGE OF FLOOD WATER
 MINNEHAHA CREEK
 APRIL 9, 2019



JOB NO. 60-19A	SCALE 1" = 20'	SITE ADDRESS 3337 Eldorado Tr. E Minnetonka, MN 55305	I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota. W. BROWN LAND SURVEYING, INC. <i>Woodrow A. Brown</i> DATED: 08-16-2019 WOODROW A. BROWN, R.L.S. MN REG 15230		W. BROWN LAND SURVEYING, INC. 8030 CEDAR AVENUE So., SUITE 228. BLOOMINGTON, MN 55425 BUS: (952) 854-4055 FAX: (952) 854-4268 EMAIL: INFO@WBROWNLANDSURVEYING.COM
BOOK/PAGE 162/38	DRAWN CME	PROPERTY DESCRIPTION Tract B, Registered Land Survey No. 1673, Hennepin County, Minnesota.			
SHEET 1 of 1	REFERENCE	BENCHMARK Top of sanitary manhole on east side of house. Elevation = 953.88.			



MACKEY MALIN ARCHITECTS

612.220.6190
MACKEYMALIN.COM

FERRELL RESIDENCE
3337 ELDORADO TRAIL E
MINNETONKA, MN

PROJECT PHASE:
Schematic Design

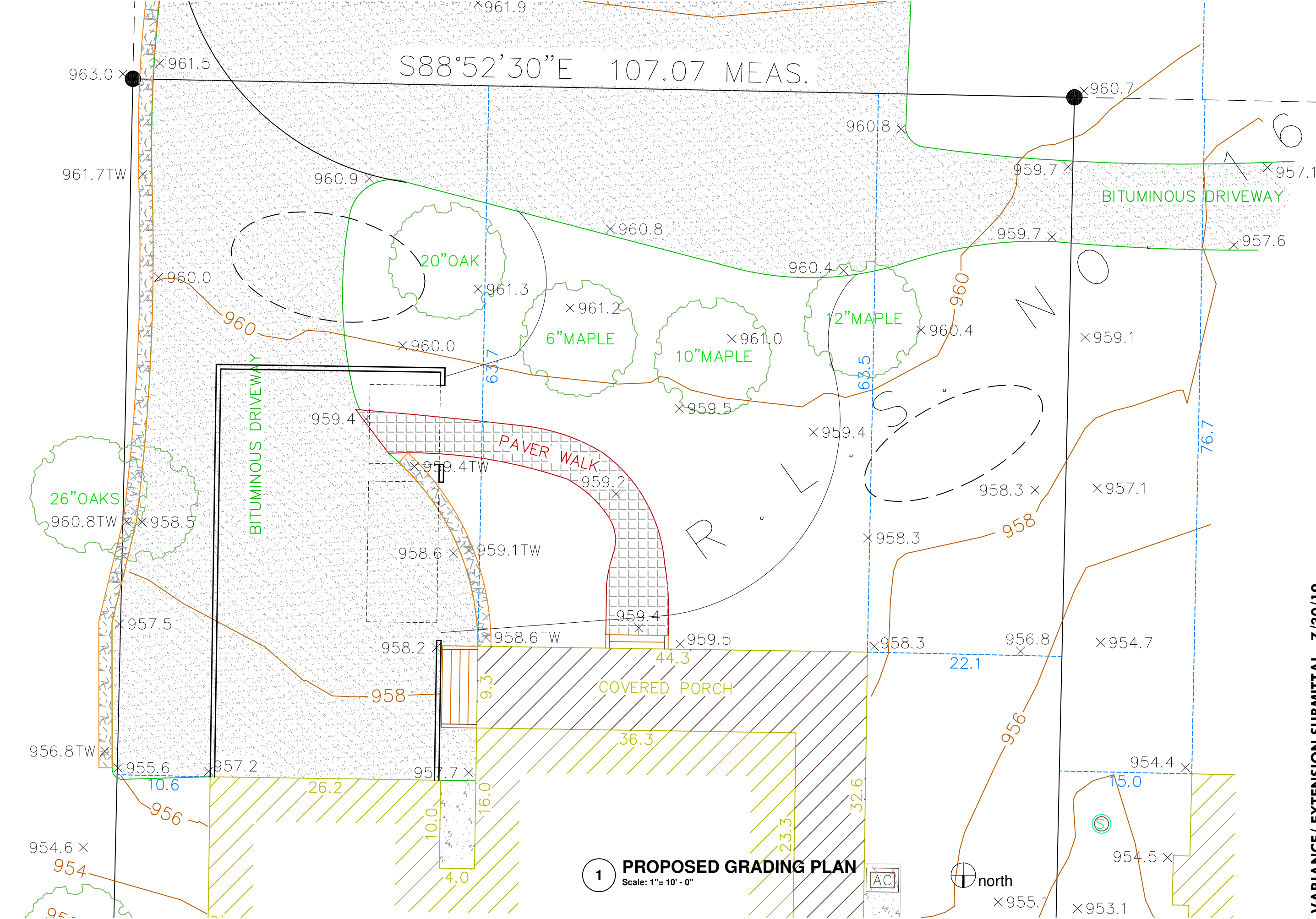
ISSUE DATE:
ISSUE DATE

DRAWN BY:
PM

GR
GRADING PLAN

VARIANCE/ EXTENSION SUBMITTAL - 7/30/19

S88°52'30"E 107.07 MEAS.



1 PROPOSED GRADING PLAN
Scale: 1" = 10' - 0"





MACKEY MALIN ARCHITECTS

612.220.6190
MACKEYMALIN.COM

FERRELL RESIDENCE
3337 ELDORADO TRAIL E
MINNETONKA, MN



1 NORTH ELEVATION - EXISTING
Scale: 1/8" = 1' - 0"



2 EAST ELEVATION - EXISTING
Scale: 1/16" = 1' - 0"



3 WEST ELEVATION - EXISTING
Scale: 1/16" = 1' - 0"

PROJECT PHASE:
Schematic
Design

PROJECT NUMBER:

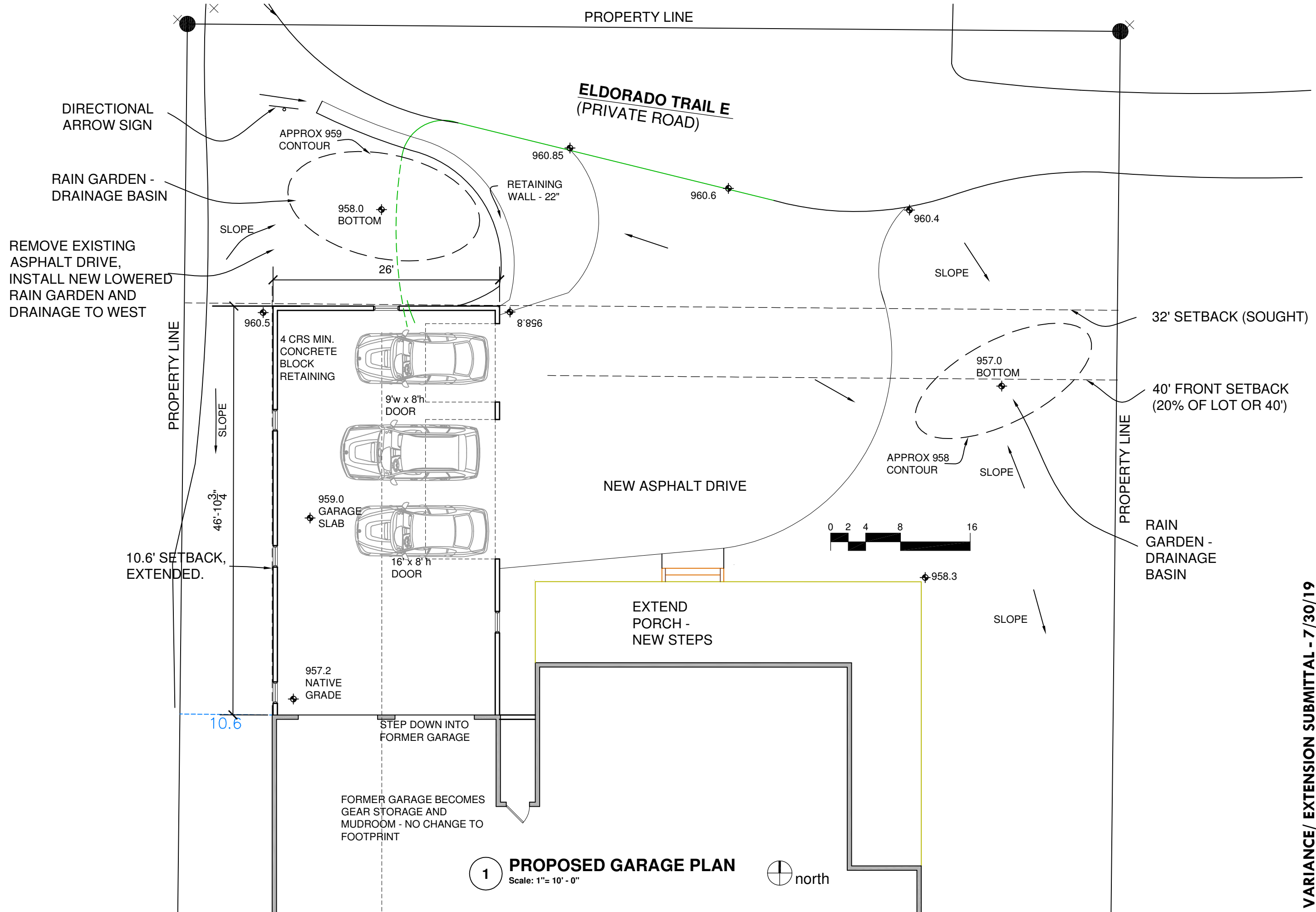
ISSUE DATE:
ISSUE DATE

DRAWN BY:
PM

VARIANCE/ EXTENSION SUBMITTAL - 7/30/19

X20

EXTERIOR
ELEVATIONS



1 PROPOSED GARAGE PLAN
Scale: 1" = 10' - 0"



MACKEY MALIN ARCHITECTS

612.220.6190
MACKEYMALIN.COM

FERRELL RESIDENCE
3337 ELDORADO TRAIL E
MINNETONKA, MN

PROJECT PHASE:
Schematic Design
PROJECT NUMBER:

ISSUE DATE:
ISSUE DATE

DRAWN BY:
PM

A1

MAIN LEVEL PLAN

VARIANCE/ EXTENSION SUBMITTAL - 7/30/19

EXISTING HOUSE - NO WORK
THIS END

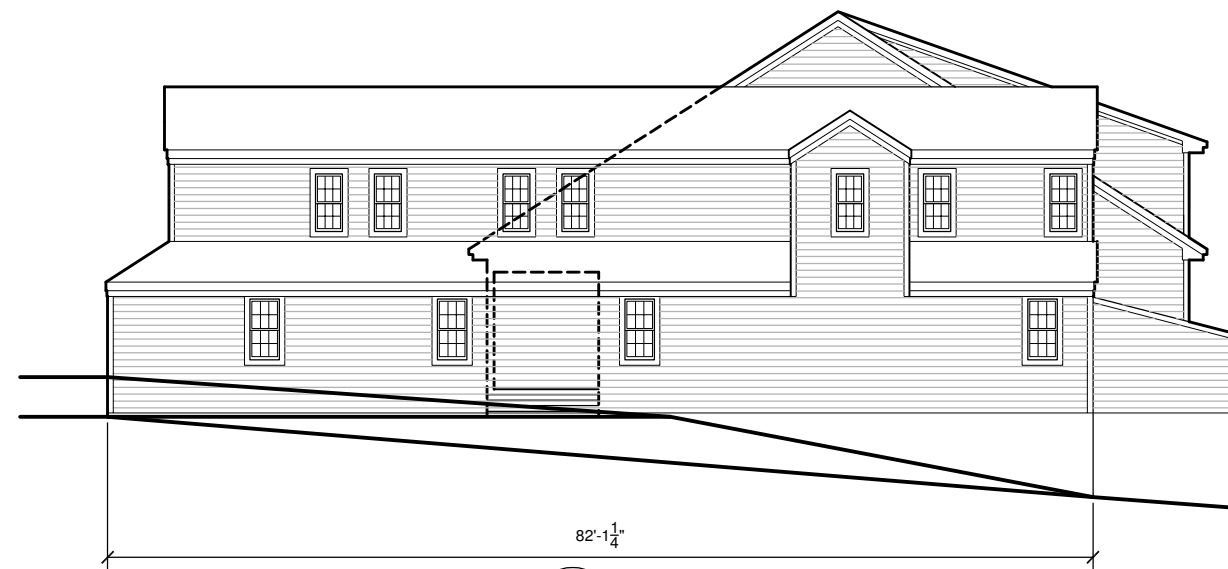
ROOFLINE SUBJECT TO
CHANGE, BUT IS GENERALLY
ACCURATE



1 NORTH ELEVATION - PROPOSED
Scale: 1/8" = 1' - 0"



2 EAST ELEVATION - PROPOSED
Scale: 1/16" = 1' - 0"



3 WEST ELEVATION - PROPOSED
Scale: 1/16" = 1' - 0"



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ARCHITECTS

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FERRELL RESIDENCE
3337 ELDORADO TRAIL E
MINNETONKA, MN

PROJECT PHASE:
Schematic
Design

PROJECT NUMBER:

ISSUE DATE:
ISSUE DATE

DRAWN BY:
PM

VARIANCE/ EXTENSION SUBMITTAL - 7/30/19

A20

EXTERIOR
ELEVATIONS

Planning Commission Resolution No. 2019-

Resolution approving lot-behind-lot setback variances for a garage addition, with second-story living space, at 3337 Eldorado Trail East

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

Section 1. Background.

- 1.01 The subject property is located at 3337 Eldorado Trail East. It is legally described as Tract B, Registered Land Survey No. 1673, Hennepin County, Minnesota.
- 1.02 The property was platted in 1995, and the existing home was constructed shortly thereafter. As located, the home meets all minimum setback requirements as applied to a standard, R-1 lot. However, the property is not “standard;” it is a lot-behind-lot.
- 1.03 Lot-behind-lot setback requirements were in place 1995. City staff can find no information as to why R-1 setbacks rather than lot-behind-lot setbacks were applied to the home.
- 1.04 Mackey Malin Architects, on behalf of the property owners, is proposing to construct a garage addition, with second story living space, on the northwest corner of the home. The addition requires lot-behind-lot variances from 40 feet to 32 feet and from 25 feet 10 feet.
- 1.05 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances.

Section 2. Standards.

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

Section 3. Findings.

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

1. **PURPOSE AND INTENT OF THE ZONING ORDINANCE:** The intent of lot-behind-lot setback requirements is to maintain adequate separation between structures for both functional and aesthetic reasons. The proposed addition is reasonable, as the addition would be located over 200 feet from the closed home to the west and 70 feet from the closest home to the north.

2. **CONSISTENT WITH COMPREHENSIVE PLAN:** The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide investment in the property to enhance its use.

3. **PRACTICAL DIFFICULTIES:** There are practical difficulties in complying with the ordinance:
 - a) **REASONABLENESS and UNIQUE CIRCUMSTANCE:** The intent of lot-behind-lot setback requirements is to maintain adequate separation between structures for both functional and aesthetic reasons. The proposed addition is reasonable, as the addition would be located over 200 feet from the closed home to the west and 70 feet from the closest home to the north.

 - b) **NEIGHBORHOOD CHARACTER:** The existing home was constructed to comply with “standard” R-1 property setback requirements, though it is a lot-behind-lot. This a very unique circumstance not common to other residential properties.

Section 4. Planning Commission Action.

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

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, excepted as modified by the conditions below:
 - Survey, dated Aug. 16, 2019
 - Building elevations and floor plans, dated July 30, 2019

2. Prior to issuance of a building permit:

- a) A copy of this resolution must be recorded with Hennepin County.
 - b) Confirm the location of utility services. Note, materials may need to be upgraded if utilities are located under the proposed addition, and a sewer and water permit would be necessary.
 - c) Provide approximate dimensions of two rain gardens and label the emergency overflow locations.
 - d) Install erosion control fencing as required by staff for inspection and approval. The fencing must be maintained throughout the course of construction.
3. This variance will end on Dec. 31, 2020, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Oct. 3, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Oct. 3, 2019.

Fiona Golden, Deputy City Clerk

Minnetonka Planning Commission Meeting
Oct. 3, 2019

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
Oct. 3, 2019

Brief Description Expansion permit for a garage addition, with second-story living space, at 3217 Larchmore Ave.

Recommendation Adopt the resolution approving the expansion permit

Background

The subject property was platted in 1916, and the original home was constructed on the site in 1955. Both the property and the home existed well before the adoption of the city's first subdivision and zoning ordinances. Both are non-conforming. In 2010, the existing home was removed, and a new home was constructed on the same foundation. With the addition of one course of foundation block – to increase the ceiling height in the basement from seven feet to eight feet – the home increased in total height by one foot. To accommodate this height increase within existing, non-conforming setbacks, the city approved an expansion permit.

		REQUIRED	EXISTING*
LOT	Area	22,000 sq.ft.	10,000 sq.ft.
	Buildable Area	3,500 sq.ft.	2,500 sq.ft.
	Width at Right of Way	80 ft	50 ft
	Width at Setback	110 ft	50 ft
	Depth	125 ft	200 ft
HOUSE	Front Yard	35 ft	45 ft
	Side Yard	10 ft	10 ft
	Aggregate Side Yard	30 ft	20 ft
	Rear Yard	40 ft	130 ft

* rounded down to nearest 5 sq.ft. or 5 ft.

Proposal

The current property owners, Michael and Keisa Truax, are proposing to remove the existing detached structures on the site and build an attached garage, with second-story living space, on the east side of the home. The proposal would maintain the existing, non-conforming aggregate side yard setback.

Staff Analysis

Staff finds that the proposed addition would meet the expansion permit standard outlined in city code:

- **Reasonableness and Unique Circumstance.** The subject property is just 10,000 sq.ft. in size and just 50 feet in width. However, because there are several larger lots in the area, the property cannot be considered a “small lot” by city code definition. Were the property classified as a “small lot,” a minimum side yard setback of 7 feet would be required, and no aggregate side yard setback requirement would be applied. In other words, the proposed setbacks would meet code requirements, and no expansion permit would be necessary. Given this unique circumstance, the proposed aggregate side yard setback is reasonable.
- **Neighborhood Character.** The proposed setback would not negatively impact the existing character of the neighborhood. Several similarly-sized properties on Larchmore Ave. have similar side yard setbacks.

Staff Recommendation

Adopt the resolution approving an expansion permit for a garage living space addition at 3217 Larchmore Ave.

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

Supporting Information

Surrounding Properties

The property is surrounded by other property zoned and guided for single-family residential development.

Subject Property

	Existing	Proposed
Use	Single-Family Home	No change
Zoning	R-1	
Guide Plan Designation	Low-Density Residential	

3-Stall Garage

By planning commission written policy, a two-stall garage is generally considered a reasonable use on a single-family property. Though the proposal is for a three-stall garage, the number of stalls is not the reason an expansion permit is necessary. Given the only 20-foot wide buildable area of property, an expansion permit – or variance – would be necessary regardless of the number of stalls or the orientation of these stalls.

Garage Access

While supporting the expansion permit to maintain existing setbacks, staff has expressed some concern to the property owners related to access. Specifically, the potential difficulty in making a 90-degree turn into the garage without encroaching on the adjacent lot to the south. However, the owners are comfortable with the configuration.

Small Lots

“Small lots” qualify for reduced structural setbacks. By city code, a “small lot” is one that:

- Is less than 15,000 square feet;
- Was a lot of record as of February 12, 1966; and
- Is located in an area in which the average size of all residential lots within 400 feet is less than 15,000 square feet.

Average lot size within 400 feet of the subject property is 20,000 square feet. As such, the subject property is not considered a “small lot” by city code definition.

Variance v. Expansion

A variance is required for any alteration that will intrude into one or more setback areas beyond the distance of the existing, non-conforming structure. An expansion permit is required for any alteration that maintains the existing non-conformity. The applicant’s proposal requires an expansion permit, as it maintains existing setbacks.

Burden of Proof

By city code, an expansion permit for a non-conforming use may be granted but is not mandate, when an applicant meets the burden of proving that:

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

Reduced Setbacks

Several properties on Larchmore Ave. have been granted variances or expansion permits for reduced setbacks. Several others appear to have non-conforming setbacks.

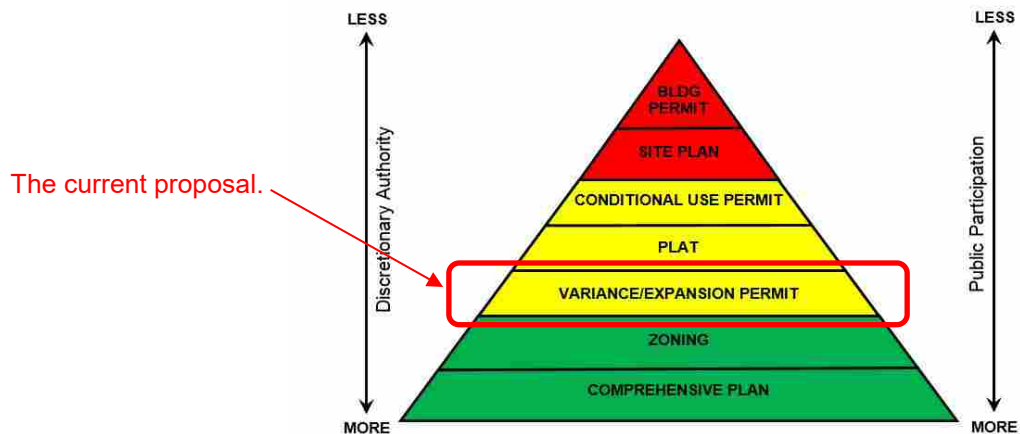
Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance erosion control fencing.

Neighborhood Comments

The city sent notices to 43 area property owners and received no comments to date.

Pyramid of Discretion



Motion Options

The planning commission has three options:

1. Concur with the staff recommendation. In this case, a motion should be made to adopt the resolution approving the request.
2. Disagree with staff's recommendation. In this case, a motion should be made denying the request. This motion must include a statement as to why the request is denied.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

Appeals

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

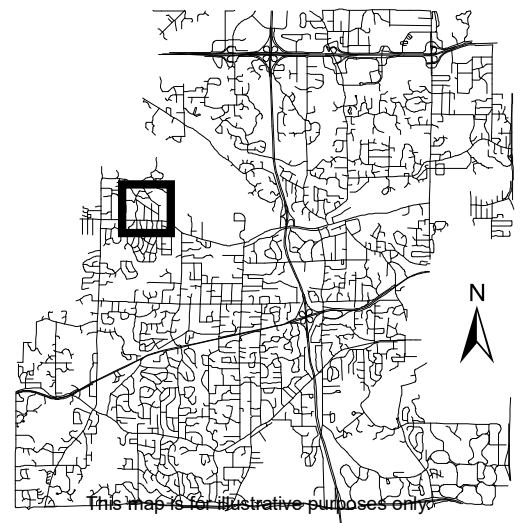
Deadline for Decision

Dec. 16, 2019



Location Map

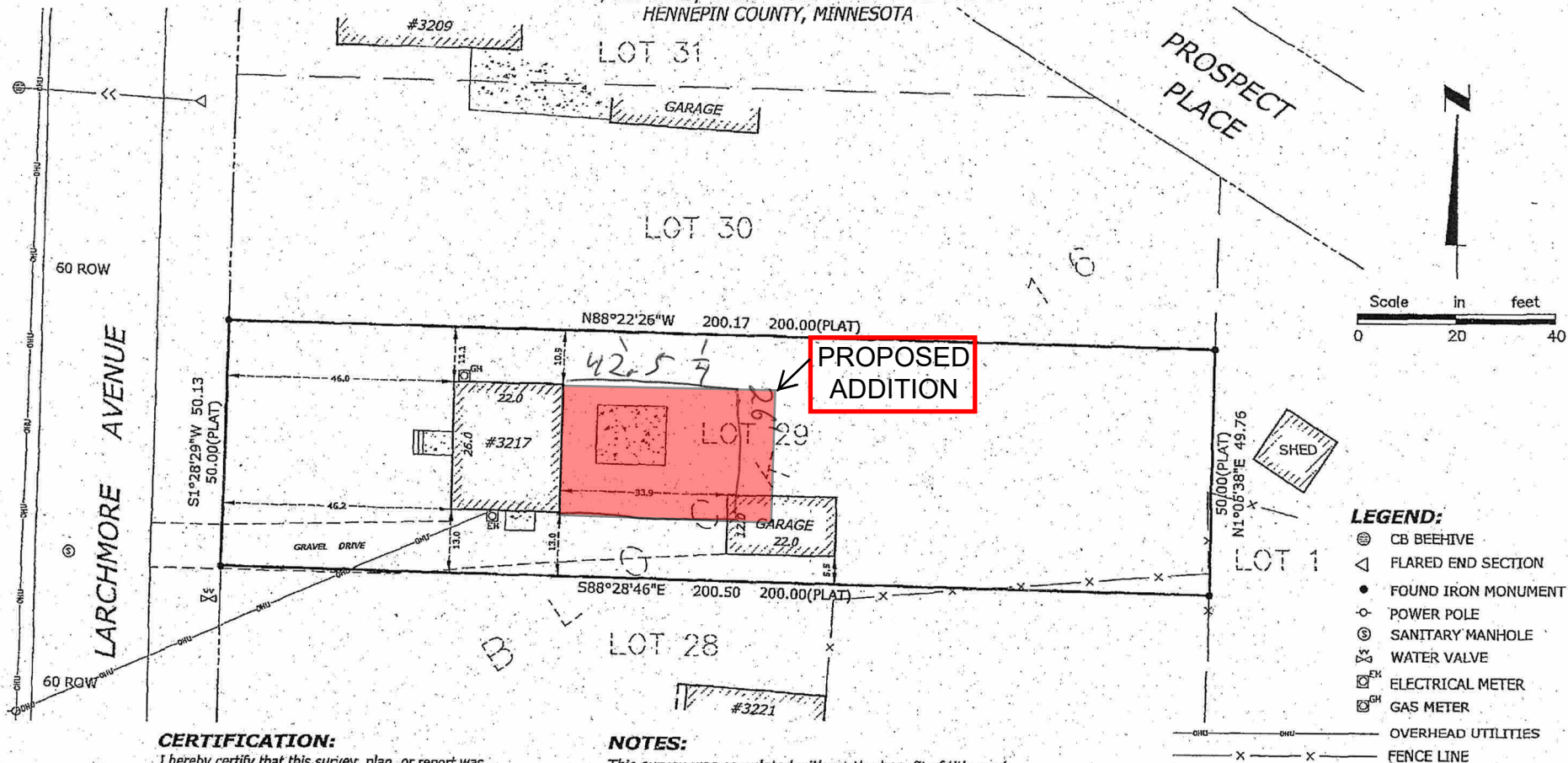
Project: Truax Residence
Address: 3217 Larchmore Ave



We currently live in a 21'x26 home with an open floor plan upstairs with a kitchen, 1/4 bath and living room. We have 1 bedroom, bathroom and laundry room in the basement. We are looking to add on for several reasons. We would really like to have a bedroom and bathtub for our 5yr old son, and to get out of the mechanical area of the house (laundry, furnace, water heater). We also currently have a detached garage that is very small and not very aesthetic for the property. I added a steel shed a few years ago which is also not helping the look of the property. Our goal is to remove both structures and use the new garage for our storage, vehicles and boat. Another reason is my Mother might eventually need to live with us due to financial reasons. Finally we would really like to have our Christmas tree in a place that doesn't block our bathroom.

CERTIFICATE OF SURVEY

PID 17-117-22-13-0062
 MICHELLE TRUAX
 3217 LARCHMORE AVE
 WAYZATA MN 55391
 LOT 29, BLOCK 29, THORPE BROS. GROVELAND SHORES
 HENNEPIN COUNTY, MINNESOTA



CERTIFICATION:

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

Paul Thorp
 Paul Thorp, Land Surveyor
 Minnesota License Number 13637
 Date: 11-3-10

NOTES:

This survey was completed without the benefit of title work.
 Exterior dimensions of all buildings are at ground level.
 All distances are in US Survey feet.

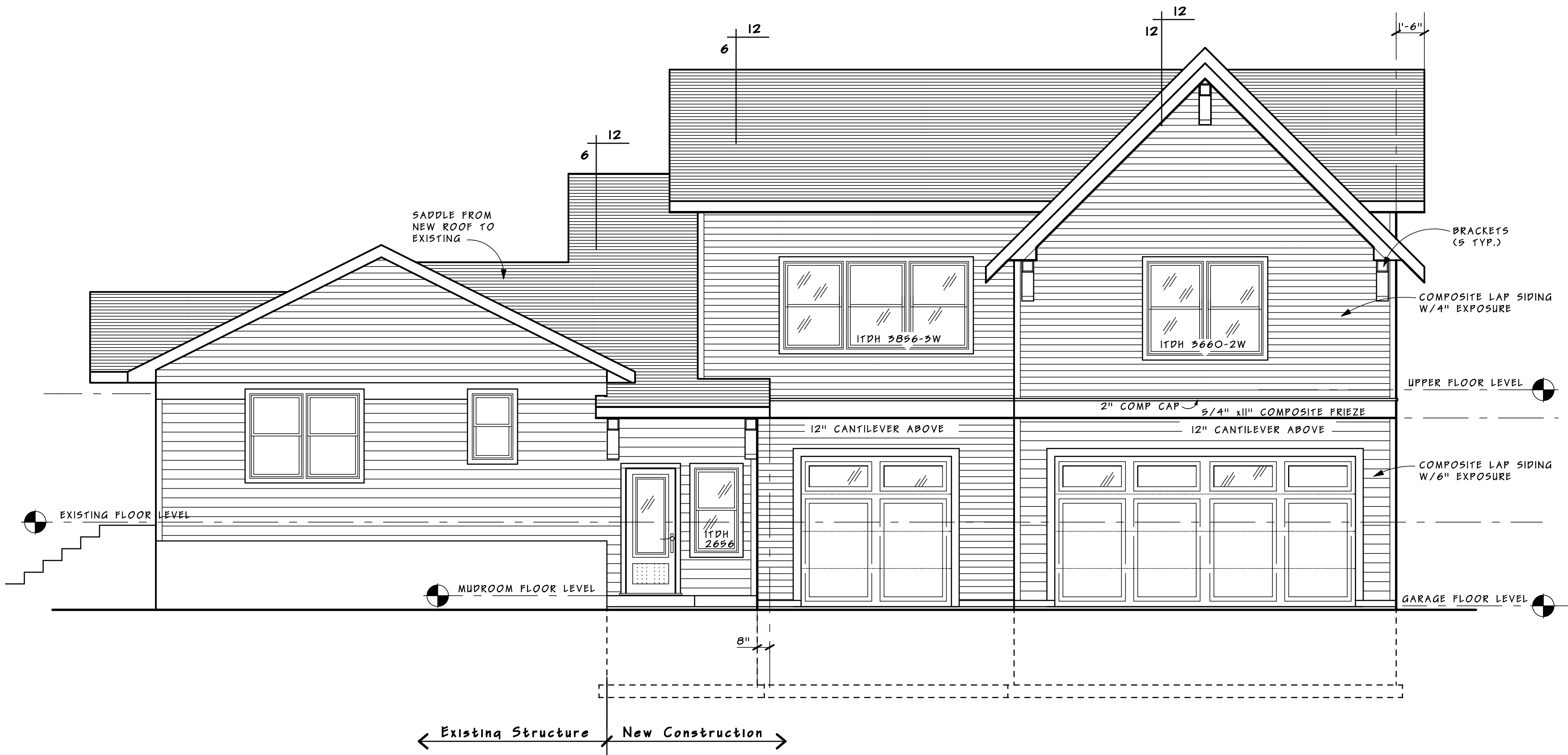
The basis of bearings is Grid North, Minnesota County Coordinate System - Hennepin County Projection, North American Datum 1983 (HPGN1996)

LEGEND:

- ⊙ CB BEEHIVE
- △ FLARED END SECTION
- FOUND IRON MONUMENT
- ⊕ POWER POLE
- ⊙ SANITARY MANHOLE
- ⊕ WATER VALVE
- ⊕^{EM} ELECTRICAL METER
- ⊕^{GM} GAS METER
- OHU — OVERHEAD UTILITIES
- X — FENCE LINE

HT PO Engineering • Surveying
 Landscape Architecture
HANSEN THORP PELLINEN OLSON, Inc.
 7510 Market Place Drive • Eden Prairie, MN 55344
 952-829-0700 • 952-829-7805 fax

FILE: P:\2010\10-0581\dwg\10-058_SURV.dwg LAYOUT: SURVEY
 SCALE: 50 DATE/TIME: Nov 02 2010 - 4:43pm
 USER: HTPO XREF(0)



New Elevation

SCALE: 1/4" = 1'-0"

TABLE OF CONTENTS

SHT 1 OF 6	RELATED ELEVATIONS
SHT 2 OF 6	RELATED ELEVATIONS
SHT 3 OF 6	FOUNDATION PLANS
SHT 4 OF 6	MAIN FLOOR PLAN
SHT 5 OF 6	SECOND FLOOR PLAN
SHT 6 OF 6	CROSS SECTION

GENERAL NOTES:

CONTRACTOR IS RESPONSIBLE TO REVIEW PLANS/DESIGN. ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO HART'S DESIGN SO THAT REVISIONS/CORRECTIONS CAN BE MADE PRIOR TO CONSTRUCTION.

ANY AND ALL STRUCTURAL SPECIFICATIONS/DETAILS THAT REQUIRE A STRUCTURAL ENGINEER SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

ALL ON-SITE MEASUREMENTS MUST BE FIELD VERIFIED BY THE CONTRACTOR.

ALL CONTRACTORS/SUBCONTRACTORS SHALL COMPLY WITH STANDARD BUILDING METHODS, LOCAL AND STATE CODES.

■ BEARING POINT OR POINT LOAD FROM ABOVE.

Traux Residence
3217 Larchmore Ave.
Wayzata, MN 55391
Residence/
Homeowner

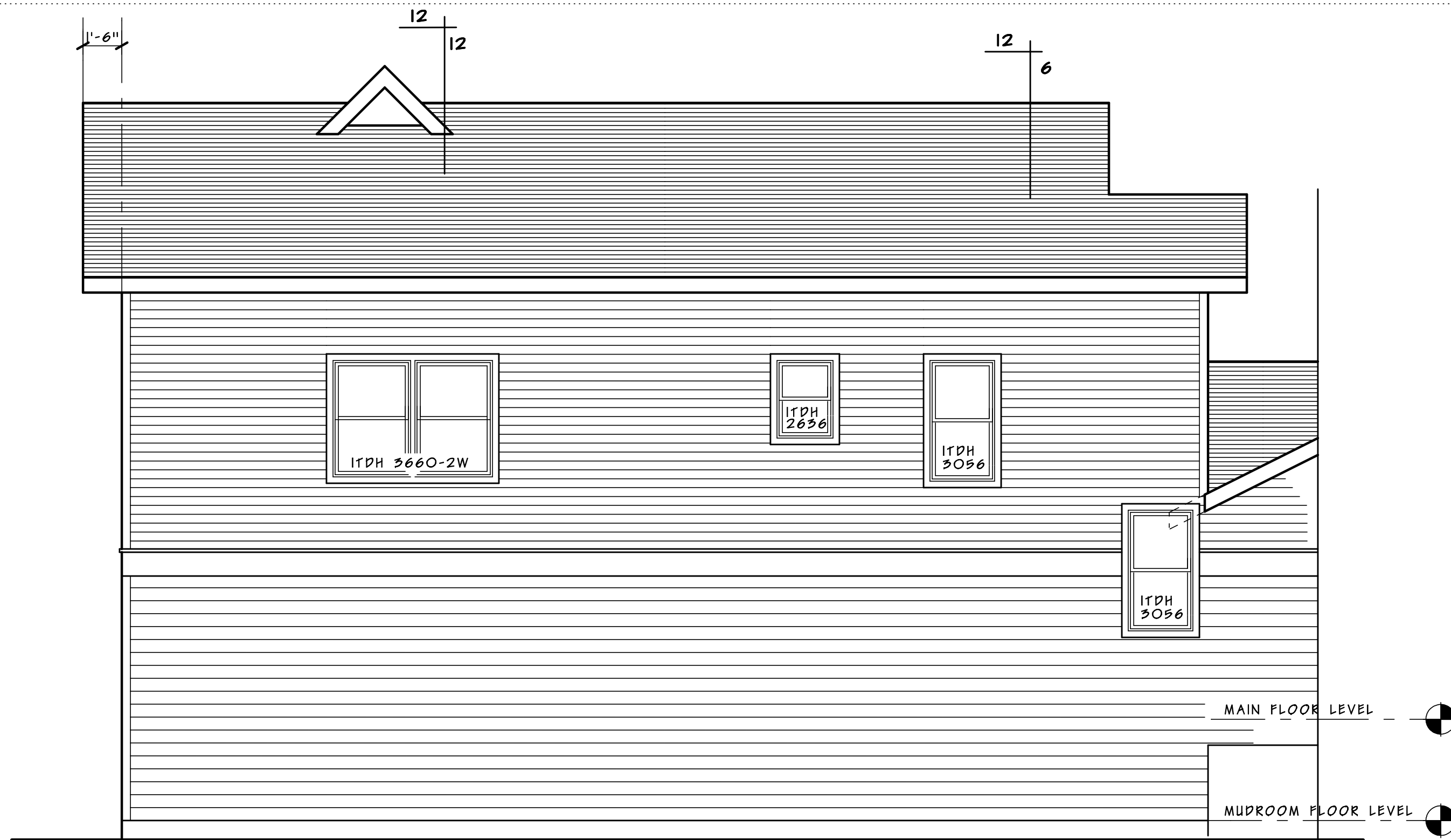
Builder/
Contractor

Hart's Design
New Home & Remodeling Design
952 - 828 - 9906
Eden Prairie, MN 55346
HartsDesign@Comcast.net

Date:
8 -28 -2019

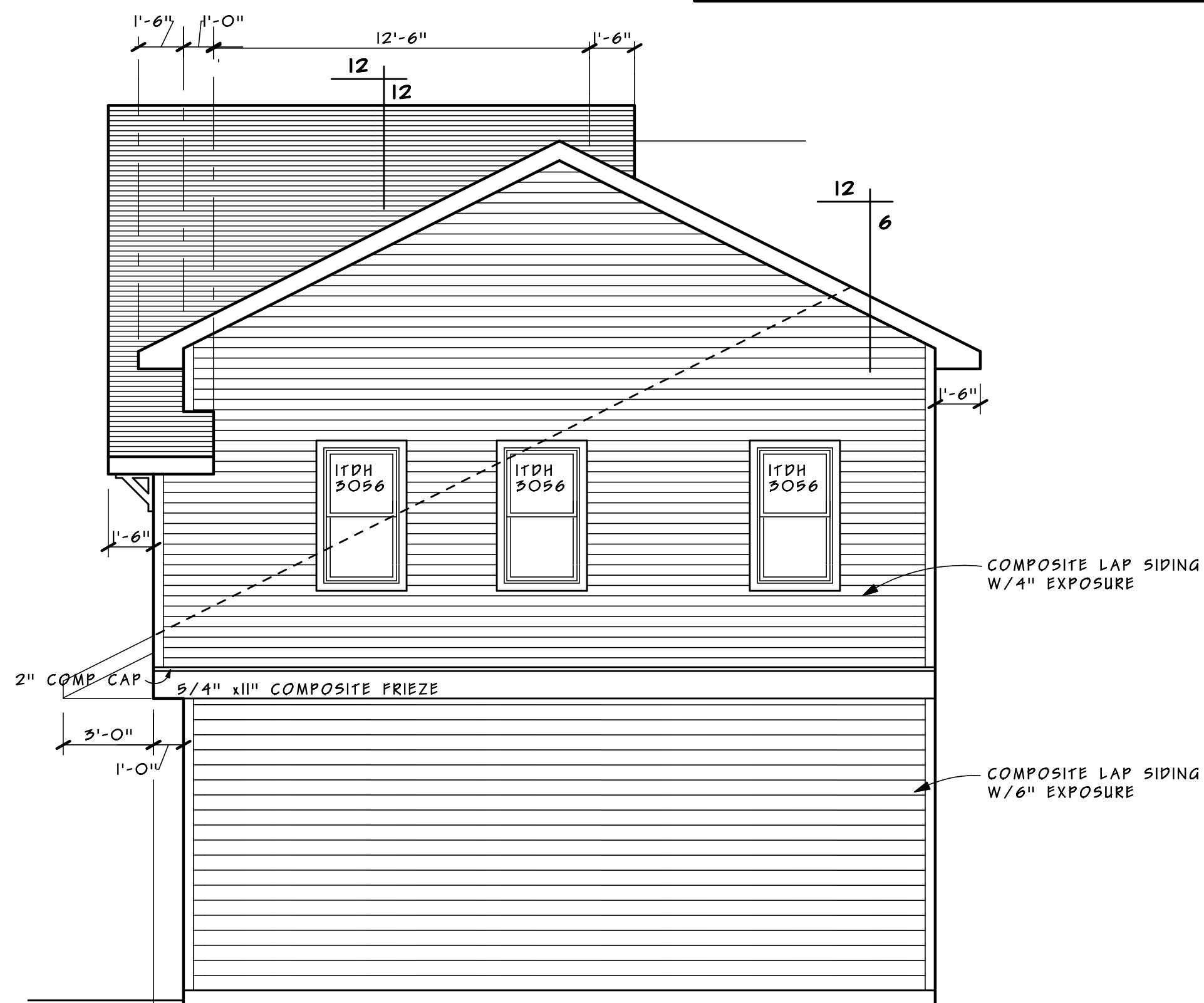
SCALE:
1/4" = 1'-0"

SHEET 1
of 6



Rear Elevation

SCALE: 1/4" = 1'-0"



Right Elevation

SCALE: 1/4" = 1'-0"

Traux Residence
3217 Larchmore Ave.
Wayzata, MN 55391

Residence/
Homeowner

Builder/
Contractor

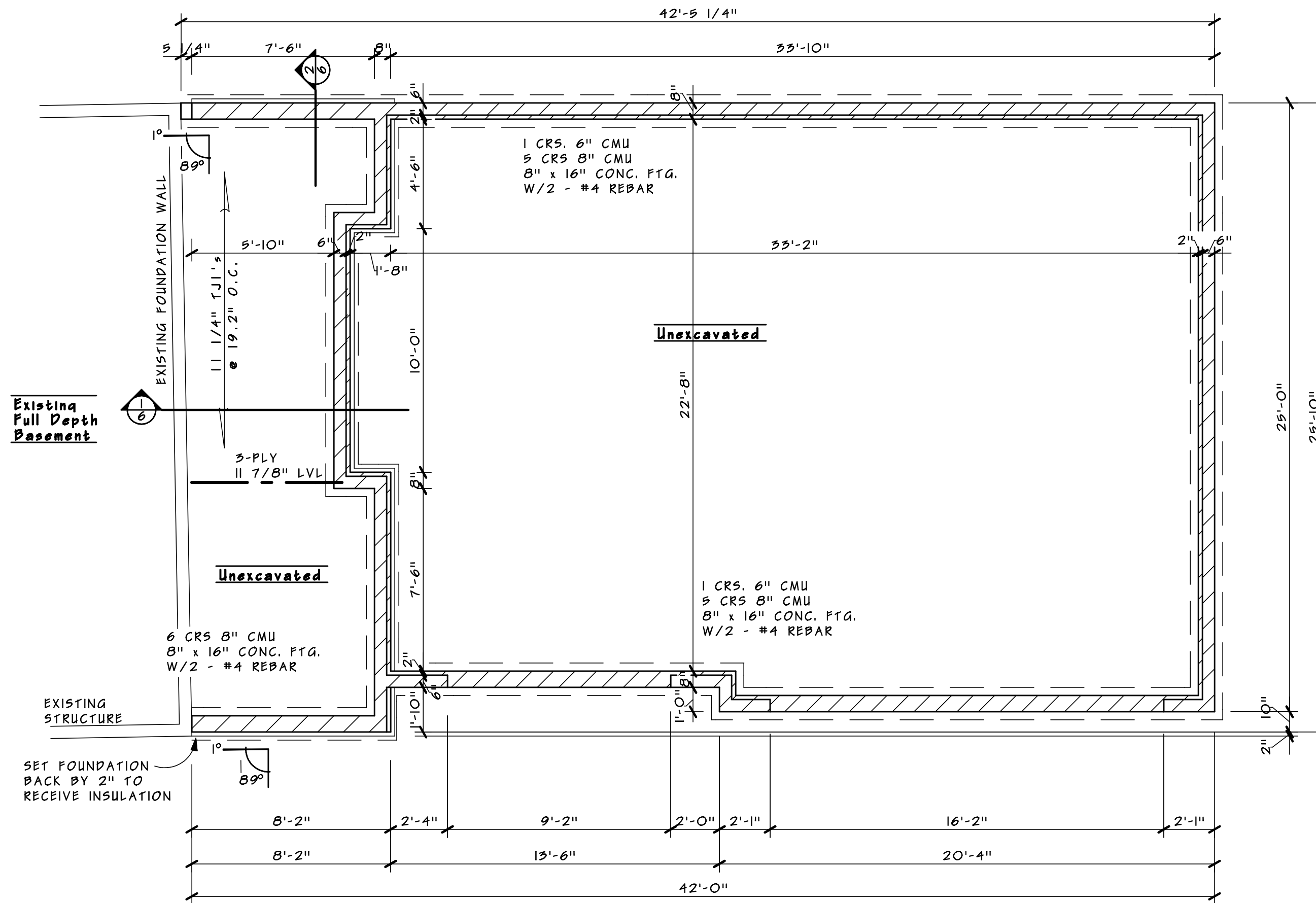
Hart's Design
New Home & Remodeling Design

952 - 828 - 9906
Eden Prairie, MN 55346
HartsDesign@Comcast.net

Date:
8 -28 -2019

SCALE:
1/4" = 1'-0"

SHEET 2
of 6



Foundation Level Plan

SCALE: 1/4" = 1'-0"

FOUNDATION LEVEL NOTES:

- BEARING POINT
- DIMENSIONS TO EXTERIOR ARE TO OUTSIDE OF 2" WATCHDOG R-10

Traux Residence
3217 Larchmore Ave.
Wayzata, MN 55391

Residence/
Homeowner

Builder/
Contractor

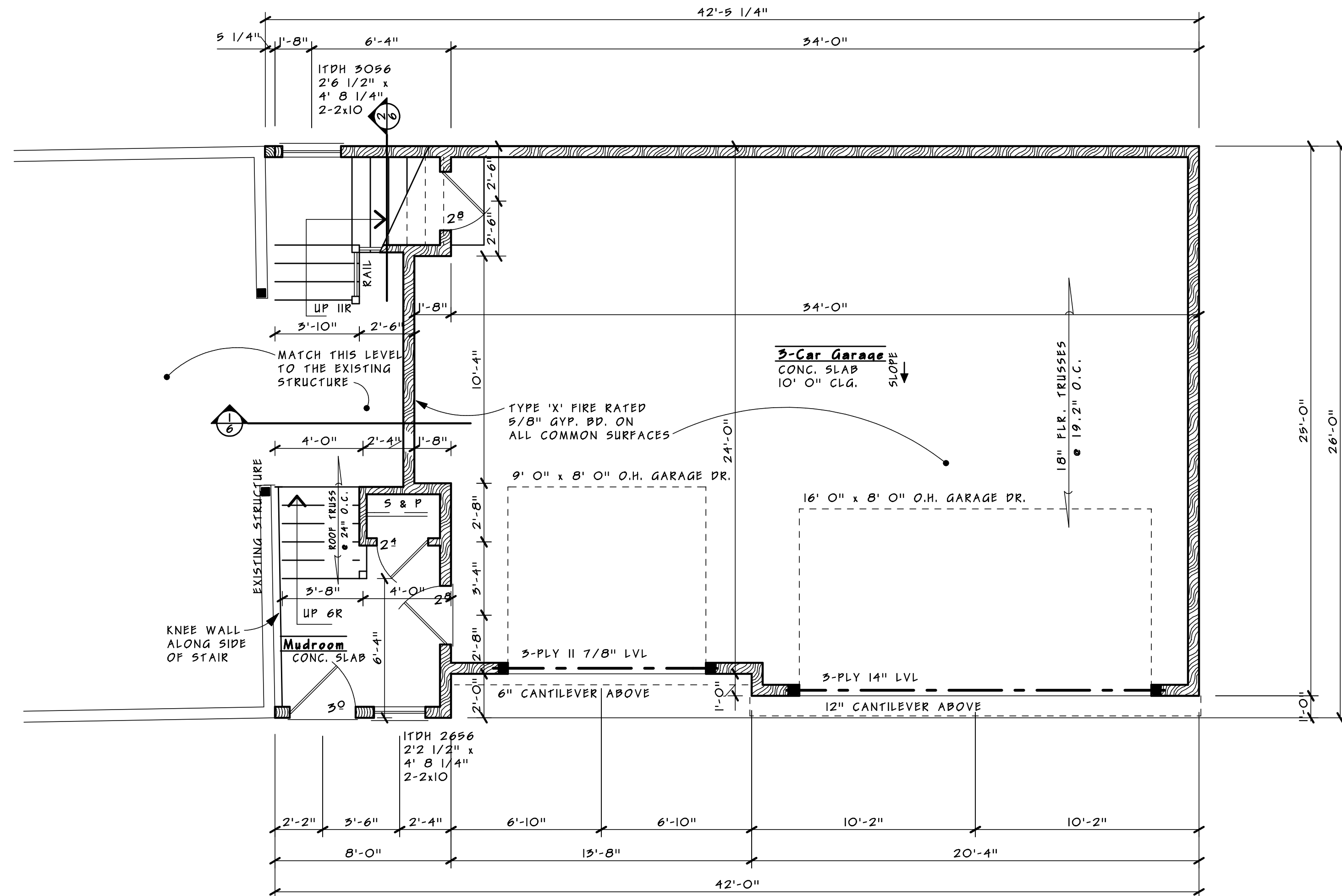
Hart's Design
New Home & Remodeling Design

952 - 828 - 9906
Eden Prairie, MN 55346
HartsDesign@Comcast.net

Date:
8 -28 -2019

SCALE:
1/4" = 1'-0"

SHEET 3
of 6



Garage-Main Floor Level Plan

SCALE: 1/4" = 1'-0"

	STRUCTURE TO REMOVE
	EXISTING STRUCTURE
	NEW CONSTRUCTION
	BEARING POINT

GARAGE LEVEL NOTES:

WINDOWS ARE TO BE MARVIN INTEGRITY

GARAGE CLG. HEIGHT TO BE OF 10'-0" HEIGHT

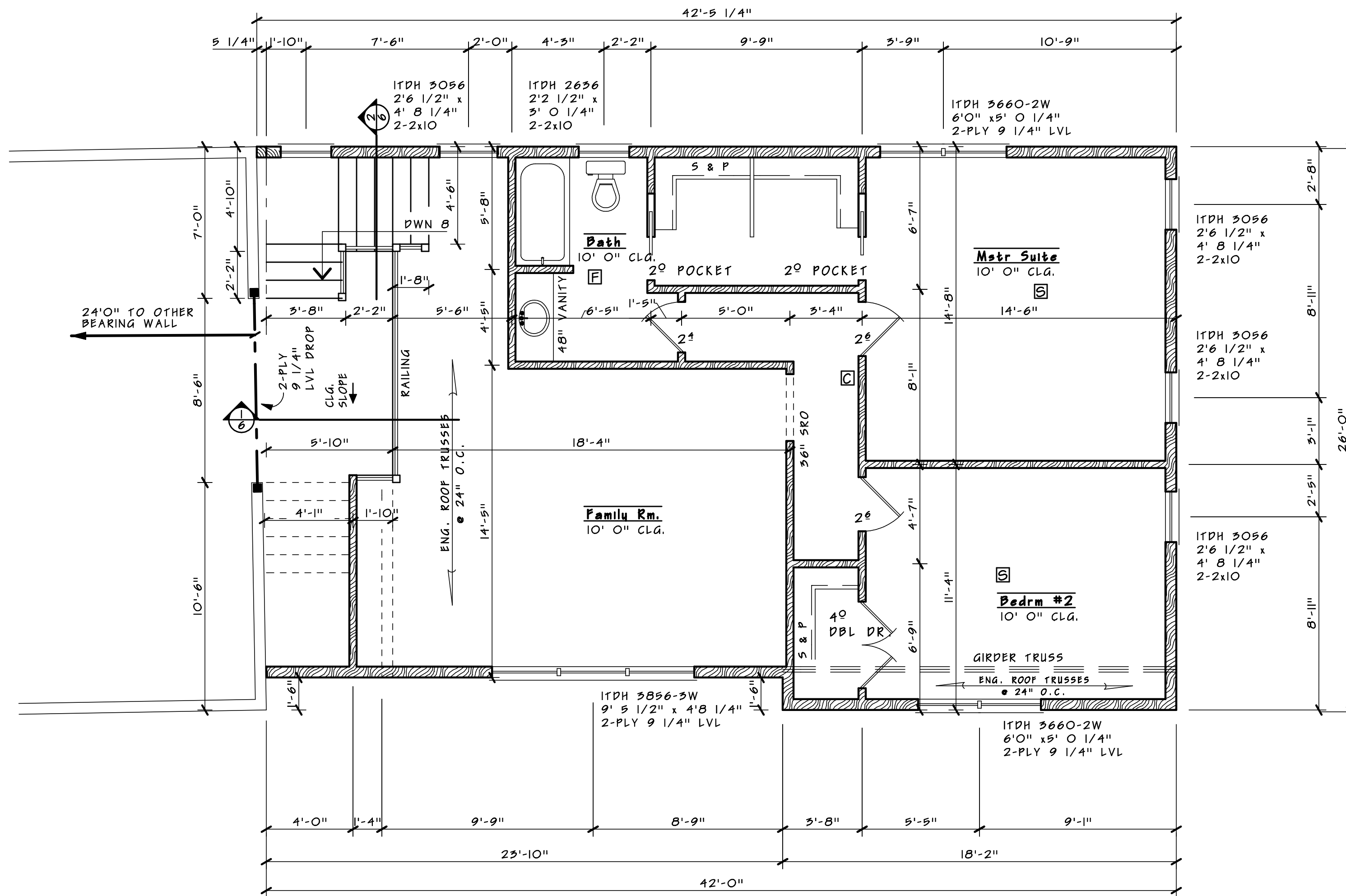
■ BEARING POINT

DIMENSIONS TO EXTERIOR ARE TO OUTSIDE OF 2" WATCHDOG R-10

ALL WINDOW HEADERS AND CASED OPNGS TO BE 6" H" HEIGHT UNLESS NOTED.

HEADER SPANS GREATER THAN 4' H" SHALL HAVE TWO TRIMMERS.

ALL EXTERIOR HDRS TO DOORS AND WINDOWS TO BE 2-2x10 UNLESS NOTED OTHERWISE.



Second Floor level Plan

SCALE: 1/4" = 1'-0"

SECOND FLOOR LEVEL NOTES:

WINDOWS ARE TO BE MARVIN INTEGRITY

SECOND FLOOR LEVEL TO BE OF 8' 1" HEIGHT

■ BEARING POINT

DIMENSIONS TO EXTERIOR ARE TO OUTSIDE OF 2" WATCHDOG R-10

ALL WINDOW HEADERS AND CASED OPNGS TO BE 6' 11" HEIGHT UNLESS NOTED.

HEADER SPANS GREATER THAN 4'11" SHALL HAVE TWO TRIMMERS.

ALL EXTERIOR HDRS TO DOORS AND WINDOWS TO BE 2-2x10 UNLESS NOTED OTHERWISE.

Date:
 8 -28 -2019

SCALE:
 1/4" = 1'-0"

SHEET 5
 of 6

Roof Const.

ASPHALT SHINGLE
 15# FELT
 1/2" OSB W/CLIPS
 ICE SHIELD TO
 24" ABOVE TOP PLATE
 INSULATION BAFFLES
 MINIMUM VENTILATION
 AS PER R806.2
 1/300 OF VENTED SPACE

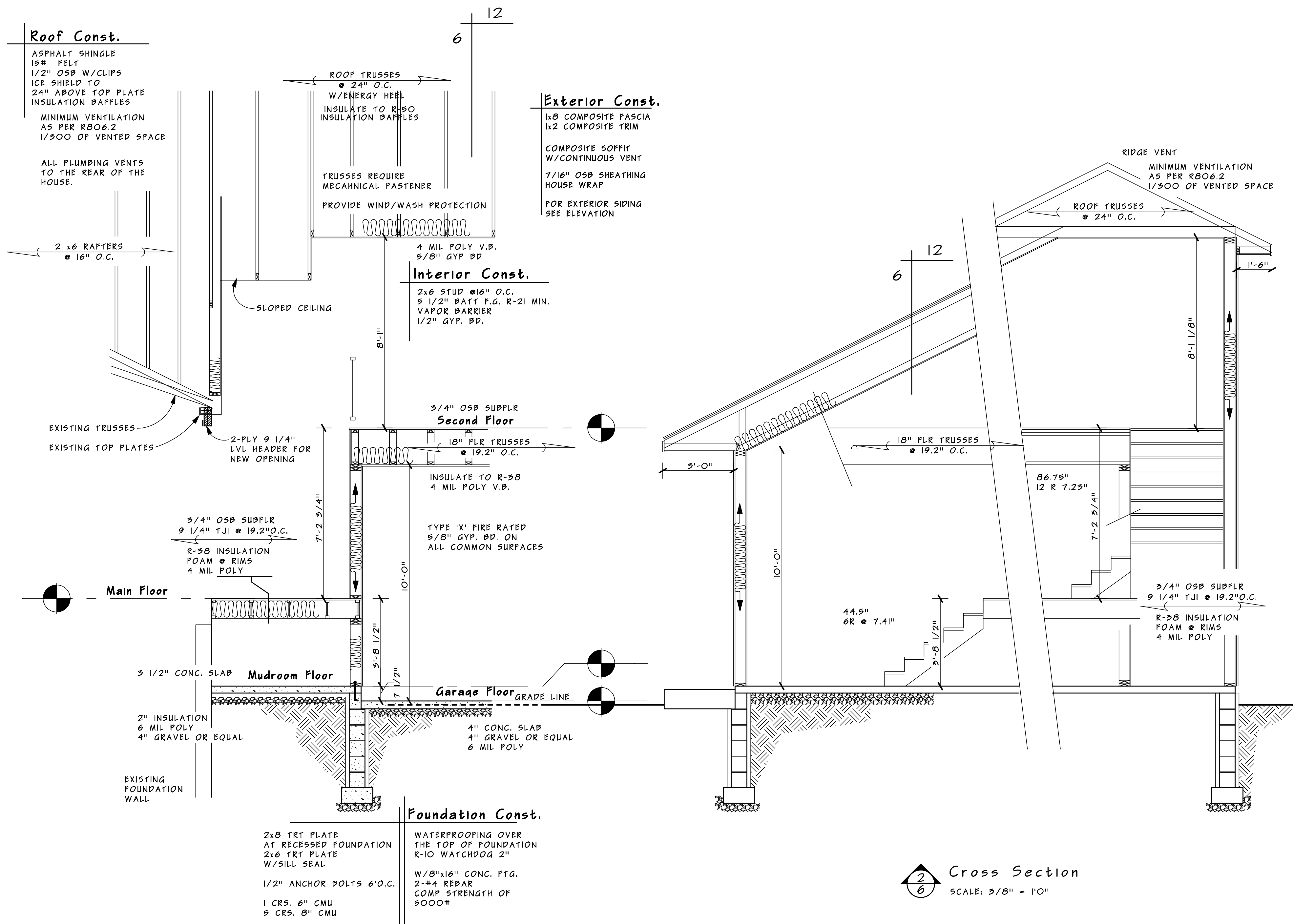
ALL PLUMBING VENTS
 TO THE REAR OF THE
 HOUSE.

Exterior Const.

1x8 COMPOSITE FASCIA
 1x2 COMPOSITE TRIM
 COMPOSITE SOFFIT
 W/CONTINUOUS VENT
 7/16" OSB SHEATHING
 HOUSE WRAP
 FOR EXTERIOR SIDING
 SEE ELEVATION

Interior Const.

2x6 STUD @16" O.C.
 5 1/2" BATT F.G. R-21 MIN.
 VAPOR BARRIER
 1/2" GYP. BD.



1
 Cross Section
 SCALE: 3/8" = 1'-0"

2
 Cross Section
 SCALE: 3/8" = 1'-0"

Traux Residence
 3217 Larchmore Ave.
 Wayzata, MN 55391
 Residence/
 Homeowner

Builder/
 Contractor

Hart's Design
 New Home & Remodeling Design
 952 - 828 - 9906
 Eden Prairie, MN 55346
 Hart'sDesign@Comcast.net

Date:
 8 -28 -2019

SCALE:
 1/4" = 1'-0"
 SHEET 6
 of 6

Planning Commission Resolution No. 2019

Resolution approving an expansion permit for a garage addition, with second-story living space, at 3217 Larchmore Ave.

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

Section 1. Background.

1.01 The subject property is located at 3217 Larchmore Ave. It is legally described as: Lot 29, Block 29, THORPE BROS GROVELAND SHORES, HENNEPIN COUNTY, MINNESOTA.

1.02 The property was platted in 1916, and the original home was constructed on the site 1955. Both the property and the home location predate the city's first subdivision and zoning ordinances. Both are non-conforming.

		REQUIRED	EXISTING*
LOT	Area	22,000 sq.ft.	10,000 sq.ft.
	Buildable Area	3,500 sq.ft.	2,500 sq.ft.
	Width at Right of Way	80 ft	50 ft
	Width at Setback	110 ft	50 ft
	Depth	125 ft	200 ft
HOUSE	Front Yard	35 ft	45 ft
	Side Yard	10 ft	10 ft
	Aggregate Side Yard	30 ft	20 ft
	Rear Yard	40 ft	130 ft

* rounded down to nearest 5 sq.ft. or 5 ft.

1.03 The property owners are proposing to are proposing to remove existing detached structures on the site and building an attached garage, with second story living space, on the east side of the home. The proposal would maintain the existing, non-conforming aggregate side yard setback.

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

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

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

Section 2. Standards.

2.01 City Code §300.29 Subd. 7(c) states that an expansion permit may be granted, but is not mandated, when an applicant meets the burden of proving that:

1. The proposed expansion is a reasonable use of the property, considering such things as functional and aesthetic justifications for the expansion; adequacy of off-site parking for the expansion; absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and improvement to the appearance and stability of the property and neighborhood.
2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowners convenience, and are not solely because of economic considerations; and
3. The expansion would not adversely affect or alter the essential character of the neighborhood.

Section 3. Findings.

3.01 The application for the expansion permit is reasonable and would meet the required standards outlined in City Code §300.29 Subd. 7(c):

1. Reasonableness and Unique Circumstance. The subject property is just 10,000 sq.ft. in size and just 50 feet in width. However, because there are several larger lots in the area, the property cannot be considered a “small lot” by city code definition. Were the property classified as a “small lot,” a minimum side yard setback of 7 feet would be required, and no aggregate side yard setback requirement would be applied. In other words, the proposed setbacks would meet code requirements, and no expansion permit would be necessary. Given this unique circumstance, the proposed aggregate side yard setback is reasonable.

2. Neighborhood Character. The proposed setback would not negatively impact the existing character of the neighborhood. Several similarly-sized properties on Larchmore Ave. have similar side yard setbacks.

Section 4. Planning Commission Action.

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

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, excepted as modified by the conditions below:
 - Staff-notated site plan attached to staff report dated Oct. 3, 2019.
 - Building elevations and floor plans dated Aug. 28, 2019.
2. Prior to issuance of a building permit:
 - a) This resolution must be recorded with Hennepin County.
 - b) Submit a revised survey showing the proposed addition.
 - c) Install a temporary erosion control and tree protection fencing for staff inspection. These items must be maintained throughout the course of construction
3. Prior to issuance of a certificate of occupancy:
 - a) Either: (1) the driveway must be paved with a surface acceptable to the city; concrete, bituminous, or pavers; or (2) submit cash escrow to ensure future pavement.
 - b) Existing detached garage must be removed.
4. This expansion permit will expire on Dec. 31, 2020, unless the city has issued a building permit for the project covered by this resolution or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Oct. 3, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent: Calvert

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Oct. 3, 2019.

Fiona Golden, Deputy City Clerk

MINNETONKA PLANNING COMMISSION
Oct. 3, 2019

Brief Description	Conditional use permit for an accessory structure in excess of 1,000 square feet at 4124 Thomas Ave
Recommendation	Recommend the city council approve the request

Introduction

Nicholas and Stephanie Gerten recently purchased the property at 4124 Thomas Ave. The property is 0.95 acres (41,700 square feet) in size and is improved with a single-family home.

The property owners were gathering the necessary information in order to submit a building permit application when it was discovered that a storm sewer pipe bisects the property. Restoration work appearing in aerial photography suggests that the pipe was installed in the early 1970s. The city currently does not have a recorded easement over the pipe.

Proposal

The property owners are proposing to construct an accessory structure in the southwest corner of the property. The structure would be 1,500 square feet in size with an 8-foot overhang along the north side of the structure. The existing driveway would be extended to provide access to the new structure.

The structure would be constructed into the hill in the rear of the property and would have a code-defined building height of 10.5 feet.

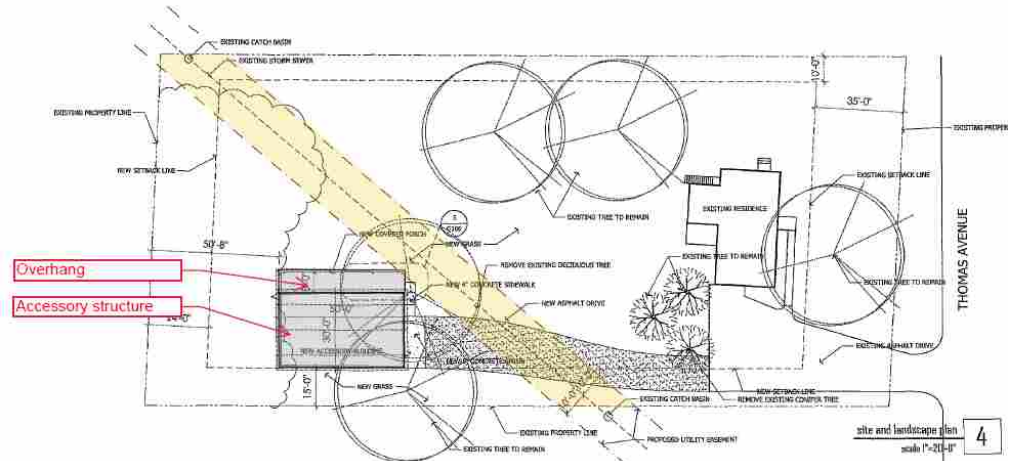
The proposal requires a conditional use permit to allow an accessory structure in excess of 1,000 square feet in size.



Staff Analysis

Staff finds that the applicant's proposal is reasonable as:

- The city does not have a record of a recorded easement over the existing five-foot deep storm sewer pipe. For a pipe at this depth, the city would typically reserve ten feet on either side of the pipe to ensure enough room to repair, maintain or



replace the pipe as needed. This 10-foot area is illustrated in yellow in the above image. But for two small intrusions, the property owner has located the accessory structure outside of this maintenance area. Both engineering and public works are comfortable with the location of the proposed structure in relation to the pipe.

- While the front of the structure – as viewed from the street – would be roughly 24 feet tall from grade to the peak, the structure would have a code-defined height of 10.5 feet¹. This is due to the accessory structure being “set into” the hill in the rear of the property.
- The structure would meet all of the conditional use permit standards outlined in city code, including setback requirements.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory structure in excess of 1,000 square feet at 4124 Thomas Ave.

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

¹ By City Code §300.02 building height is defined as the vertical distance between the ground elevation abutting a building and the midpoint of the highest gable of a pitched or hipped roof, the deck line of a mansard roof, or the highest point of a flat roof or a parapet wall. The ground elevation used to measure building height will be selected from one of the following, whichever results in the greater height:

- When the change in grade within the footprint of the building is equal to or less than 10 feet, highest ground elevation abutting the building will be used.
- When the change in grade within the footprint of the building is greater than 10 feet, an elevation 10 feet above the lowest ground elevation abutting the building will be used.

Supporting Information

Project No.	19040.19a
Property	4124 Thomas Ave
Applicant	Property owner, Nicolas Gerten
Surrounding Land Uses	All surrounding properties are zoned R-1, guided for low density residential and improved with single family homes.
Planning	Guide Plan designation: Low density residential Zoning: R-1, low density residential
Storm sewer	The city does not currently have an easement over the storm sewer pipe. The city and the property owners may choose to continue conversations regarding a potential easement in the future.
CUP Standards	<p>The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:</p> <ol style="list-style-type: none">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; and4. The use does not have an undue adverse impact on the public health, safety, or welfare. <p>The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd. 3(f) for detached garages, storage sheds, or other accessory structures in excess of 1,000 square feet or 12 feet in height:</p> <ol style="list-style-type: none">1. side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater; <p>Finding: The structure would have a code-defined height of 10.5 feet and would be set back 15 feet from the property line. This complies with this standard.</p> <ol style="list-style-type: none">2. no additional curb cuts to be permitted; <p>Finding: Access to the structure would be via an extension from the existing driveway. No additional curb cuts are proposed.</p>

3. not to be used for commercial activities;

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

4. structure to be architecturally consistent with the principal structure;

Finding: The intent of this standard is to ensure that accessory structures within residential zoning districts appear to be residential in nature. While the structure may have a different architectural form than the existing home, the structure would incorporate similar materials as the existing home. Staff finds that the design is residential in nature and would meet this standard.

5. landscaping to be required to buffer views when the structure is highly visible from adjoining properties; and

Finding: The structure would be reasonably screened by existing topography and vegetation along the property line.

6. site and building plan subject to review pursuant to section 300.27 of this ordinance.

Finding: The structure would meet the site and building plan standards as outlined in city code.

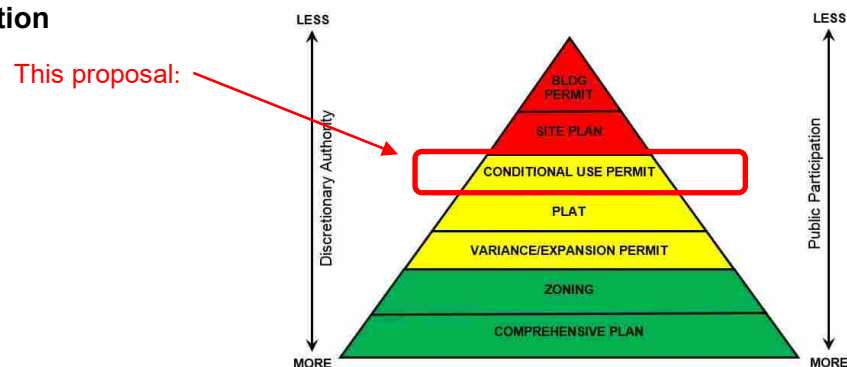
Review

The city's planning, building, engineering, natural resources, fire, and public works staff have reviewed this proposal to ensure general consistency with the city's water resources management plan and applicable codes and ordinances. Any concerns raised by staff during this review have already been addressed or have been included as conditions of approval in the staff drafted resolution. The proposal will require a building permit, at which time a more thorough review by staff will occur, and staff will ensure that any conditions of approval are addressed.

Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing.

Pyramid of Discretion



Voting Requirement The planning commission will make a recommendation to the city council. Both the commission's recommendation and the city council's final approval require an affirmative vote of a simple majority.

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.

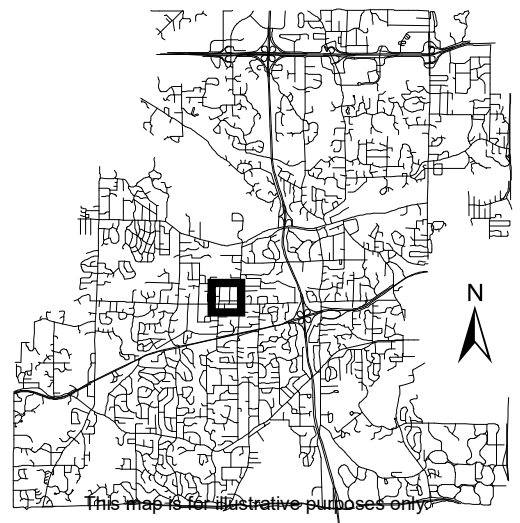
Neighborhood Comments The city sent notices to 20 area property owners and received no comments to date.

Deadline for Decision Jan. 10, 2020



Location Map

Project: Gerten Residence
Address: 4214 Thomas Ave



This map is for illustrative purposes only.

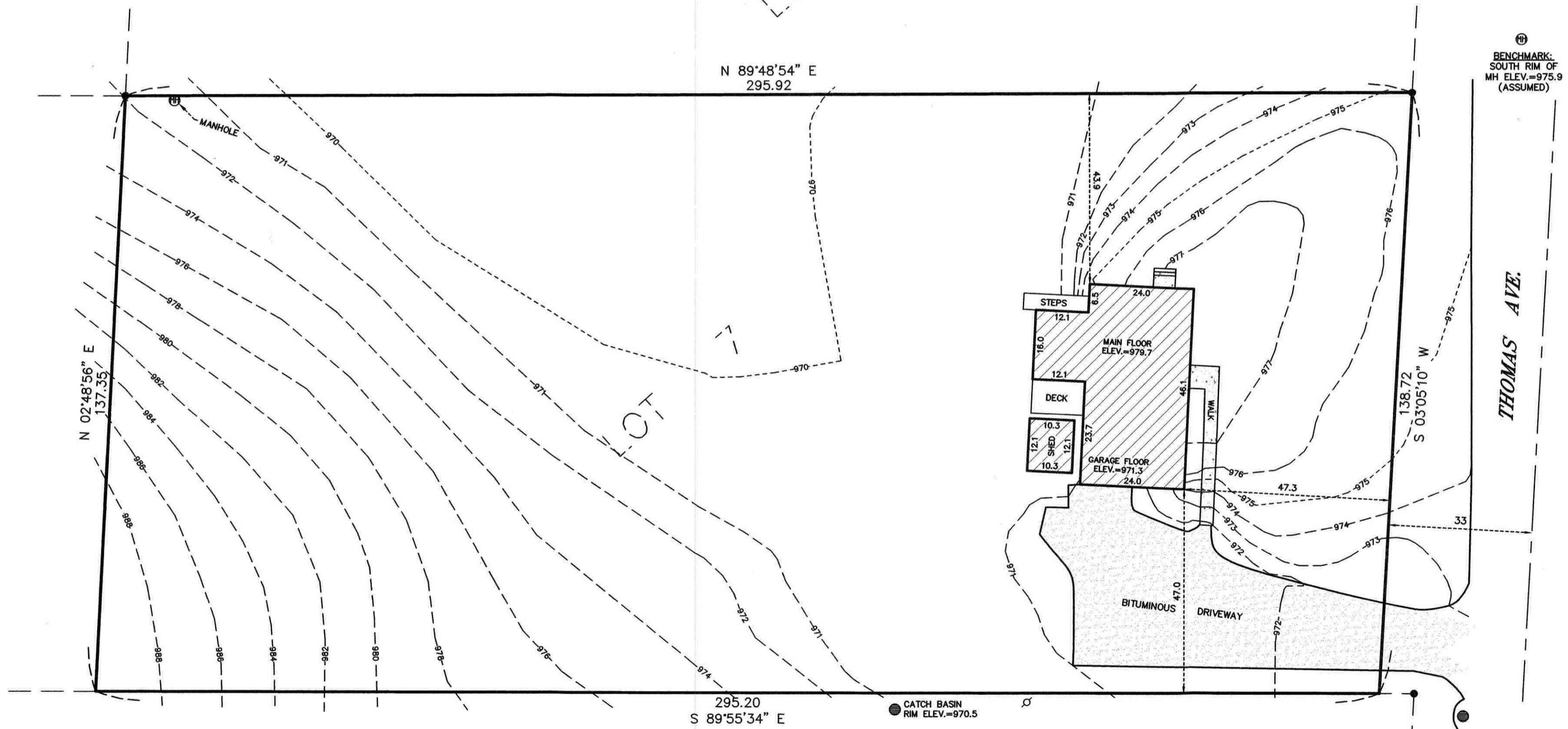
LEGAL DESCRIPTION:
 Lot 7, Block 2, First Subdivision Williston Park Acres, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. Existing building dimensions and setbacks measured to outside of siding or stucco.
5. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
6. While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.
7. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.

STANDARD SYMBOLS & CONVENTIONS:

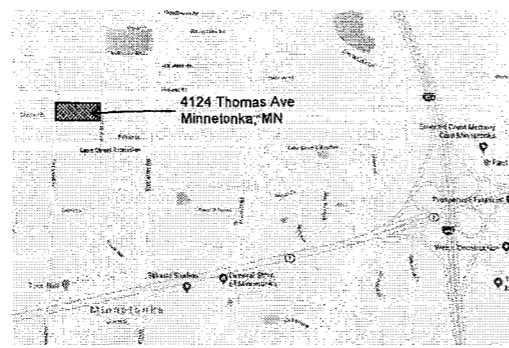
"●" Denotes iron survey marker, set, unless otherwise noted.



DATE	REVISION DESCRIPTION	DWG ORIENTATION	SCALE	CLIENT/JOB ADDRESS		DATE SURVEYED:	SHEET TITLE	SHEET NO.
				NICK GERTEN 4124 THOMAS AVE. MINNETONKA, MN	Advance Surveying & Engineering, Co. 17917 Highway No. 7 Minnetonka, Minnesota 55345 Phone (952) 474-7964 Web: www.advsur.com	AUGUST 26, 2019	EXISTING SURVEY	S1
							DATE DRAFTED:	
						AUGUST 31, 2019	191243 WP	

Gerten Accessory Building

4124 Thomas Avenue
Minnetonka, MN



DRAWING INDEX	
BDD	TITLE SHEET, ZONING, SITE PLAN
ASB	CONCEPT FLOOR PLANS
AGB	CONCEPT ELEVATIONS

drawing index **1**
nts

project:
Dan O'Hara
4915 Grand View Ave
Minnetonka, MN 55391
952.448.1377
dan@danohara.com

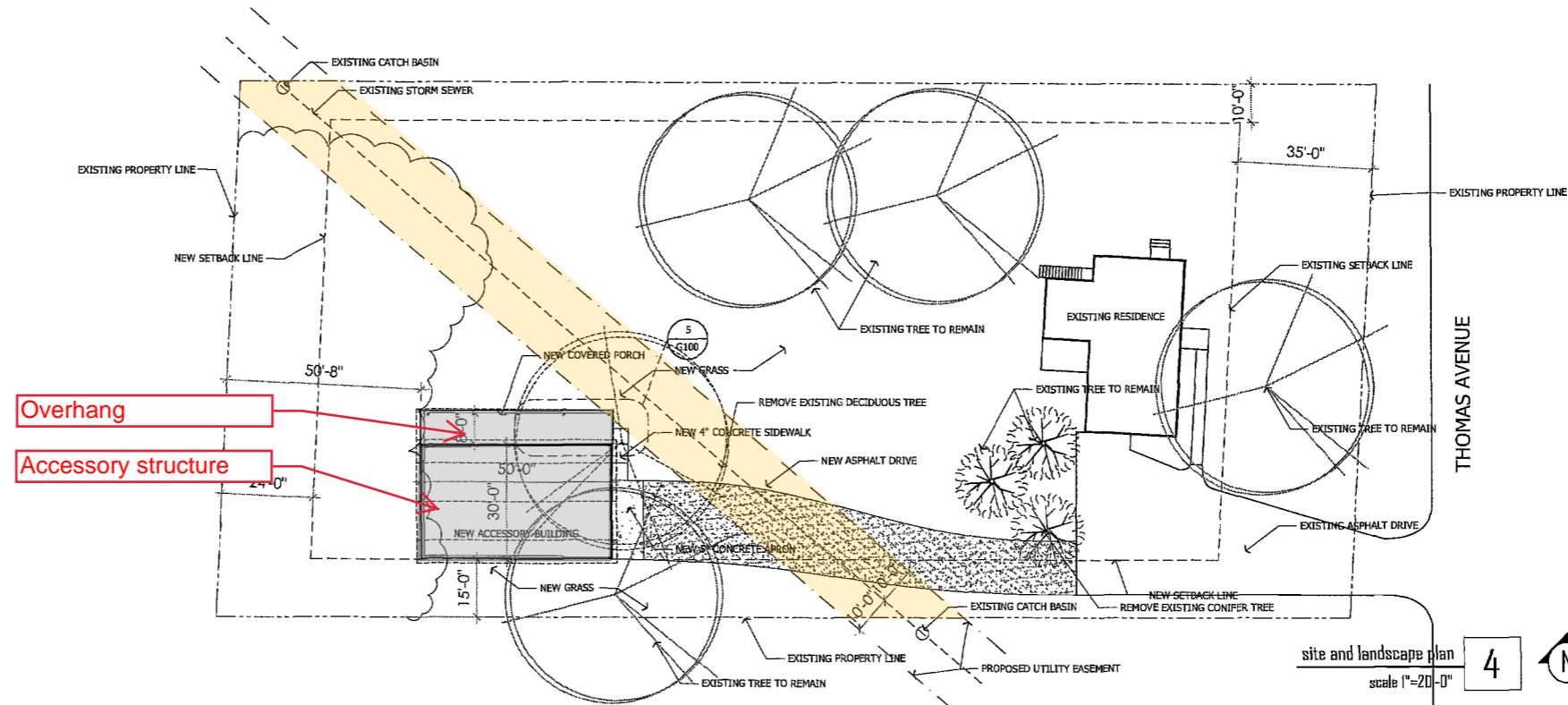
owner:
Alec Surman
4624 Thomas Avenue
Minnetonka, MN 55345
952.378.3102
alect@surman.com

city official:
City of Minnetonka
KEVIN HANSEN
4124 Thomas Ave
Minnetonka, MN 55345
952.838.8000
kevin@cityofmn.com

contacts **2**
nts

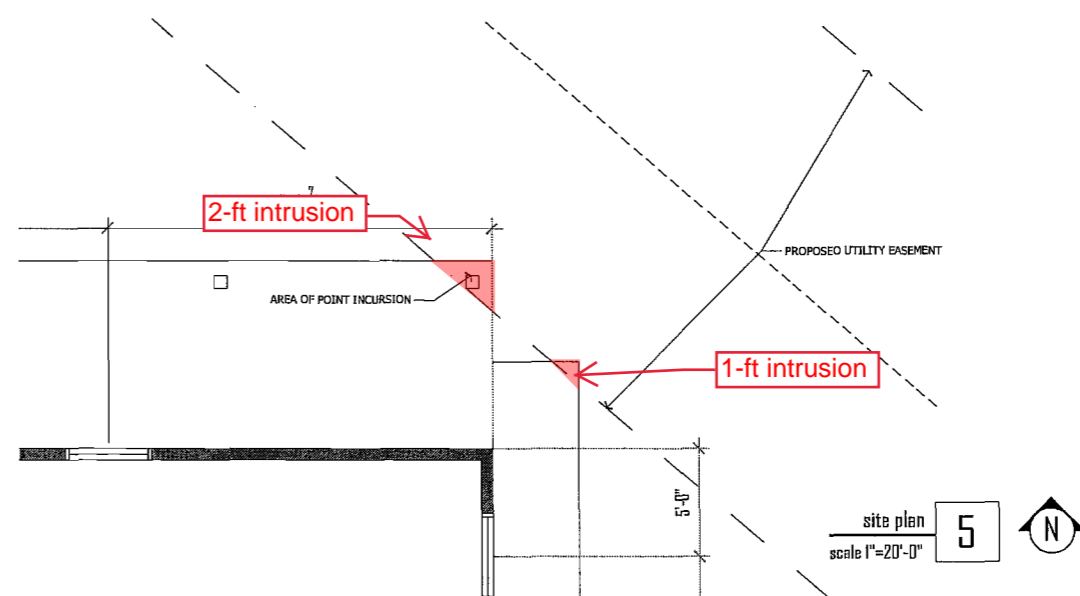
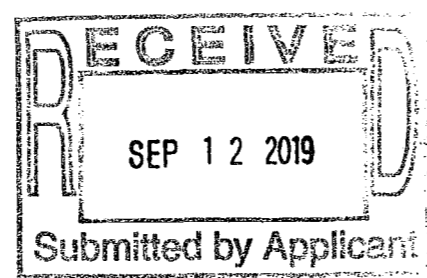
location map **3**
nts

ARCHITECTURE
CONSTRUCTION
MANAGEMENT



seal

revisions



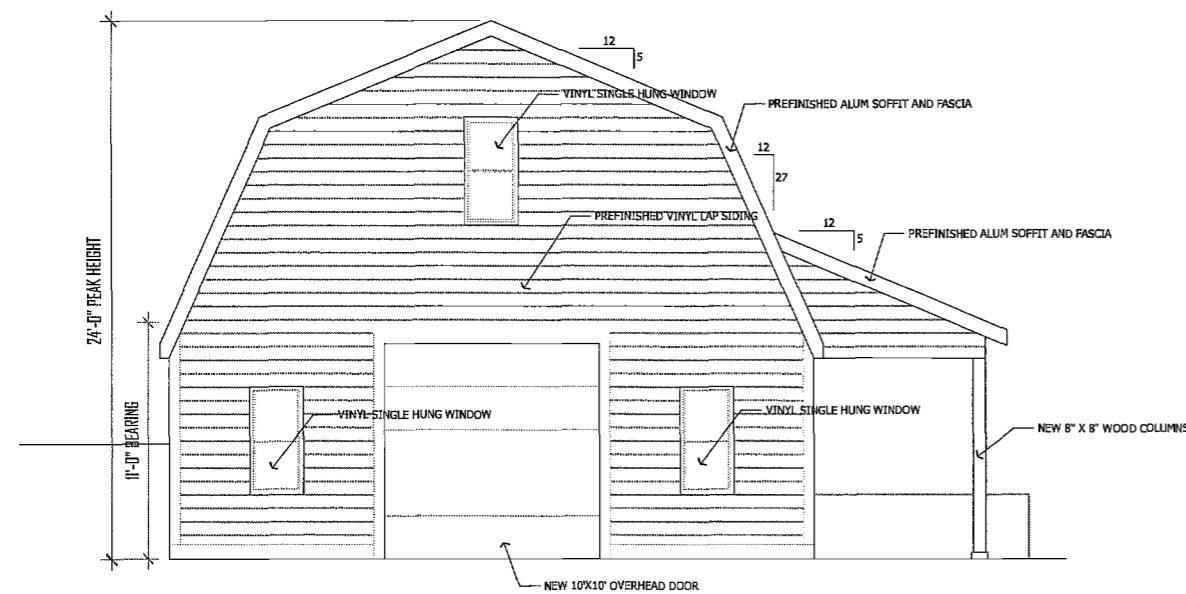
Gerten Accessory Building
4124 Thomas Avenue
Minnetonka, MN
site plan
egress plan
code review

September 11, 2019
date
AS NOTED
scale
PDD
drawn by
PDD
checked by

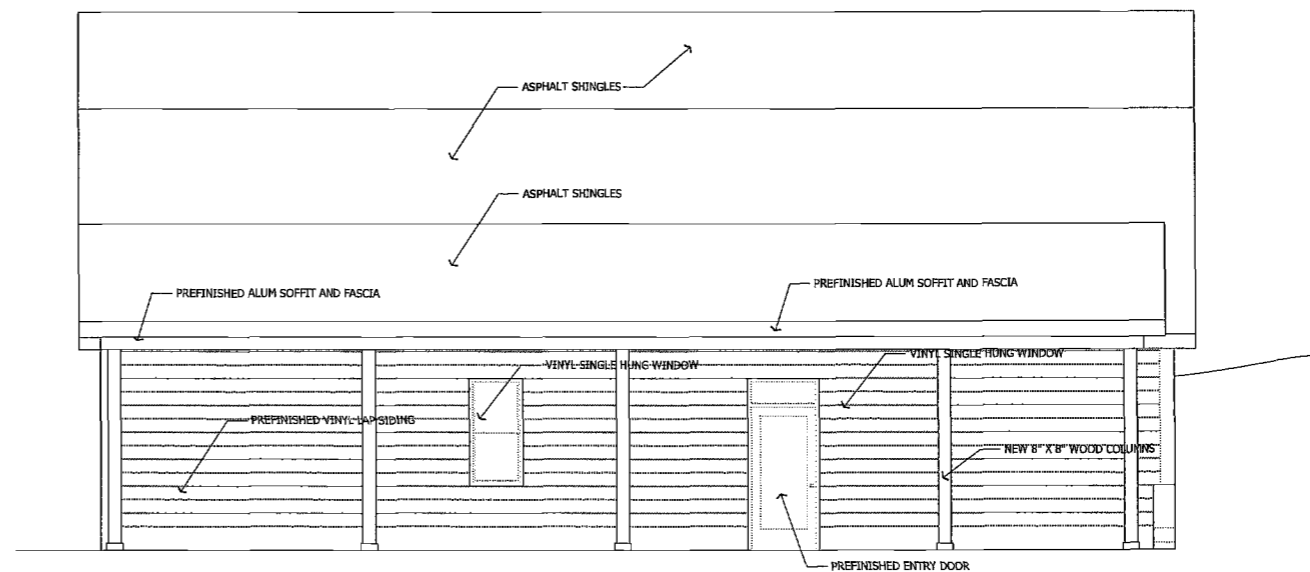
G100

15-005
job#

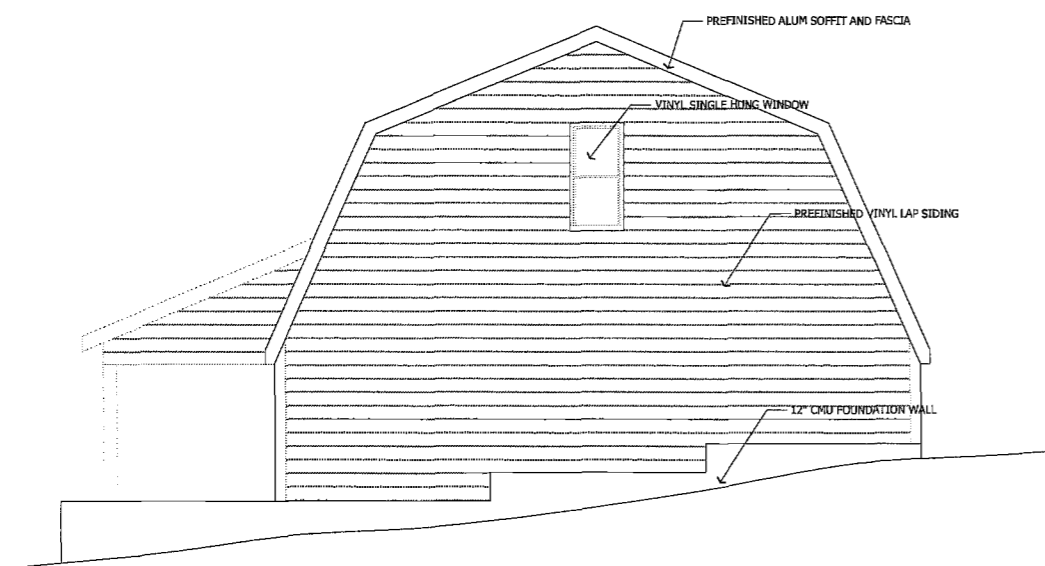
REVISIONS



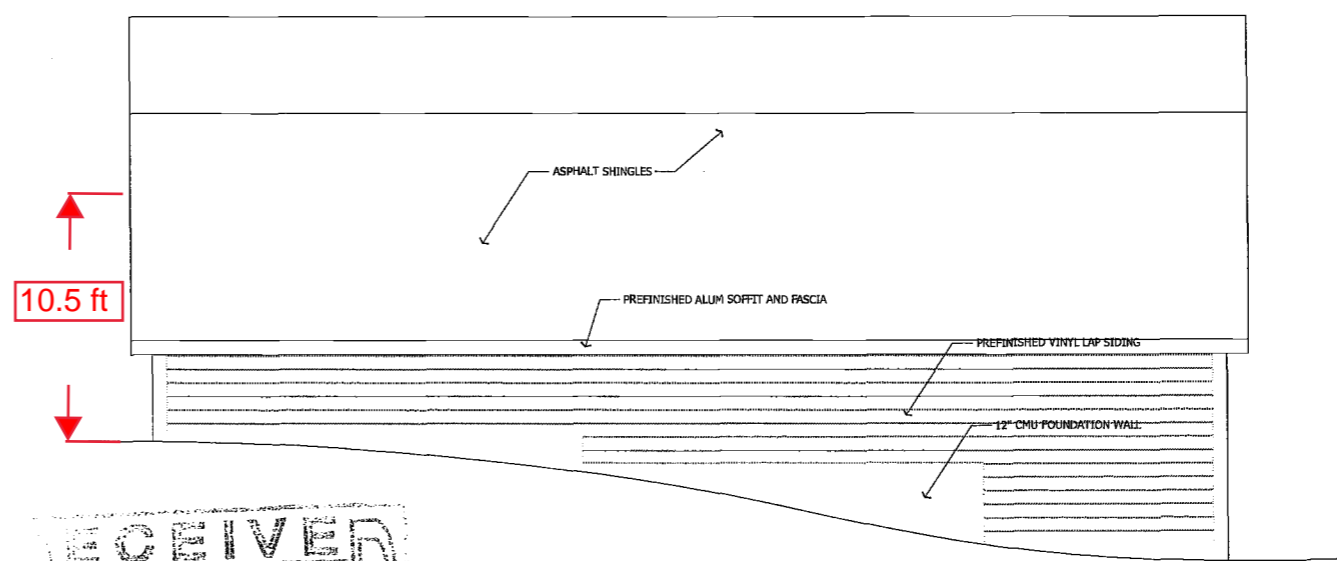
east elevation 1
scale 1/4"=1'-0"



north elevation 2
scale 1/4"=1'-0"



west elevation 3
scale 1/4"=1'-0"



south elevation 4
scale 1/4"=1'-0"

RECEIVED
SEP 12 2019
Submitted by Applicant

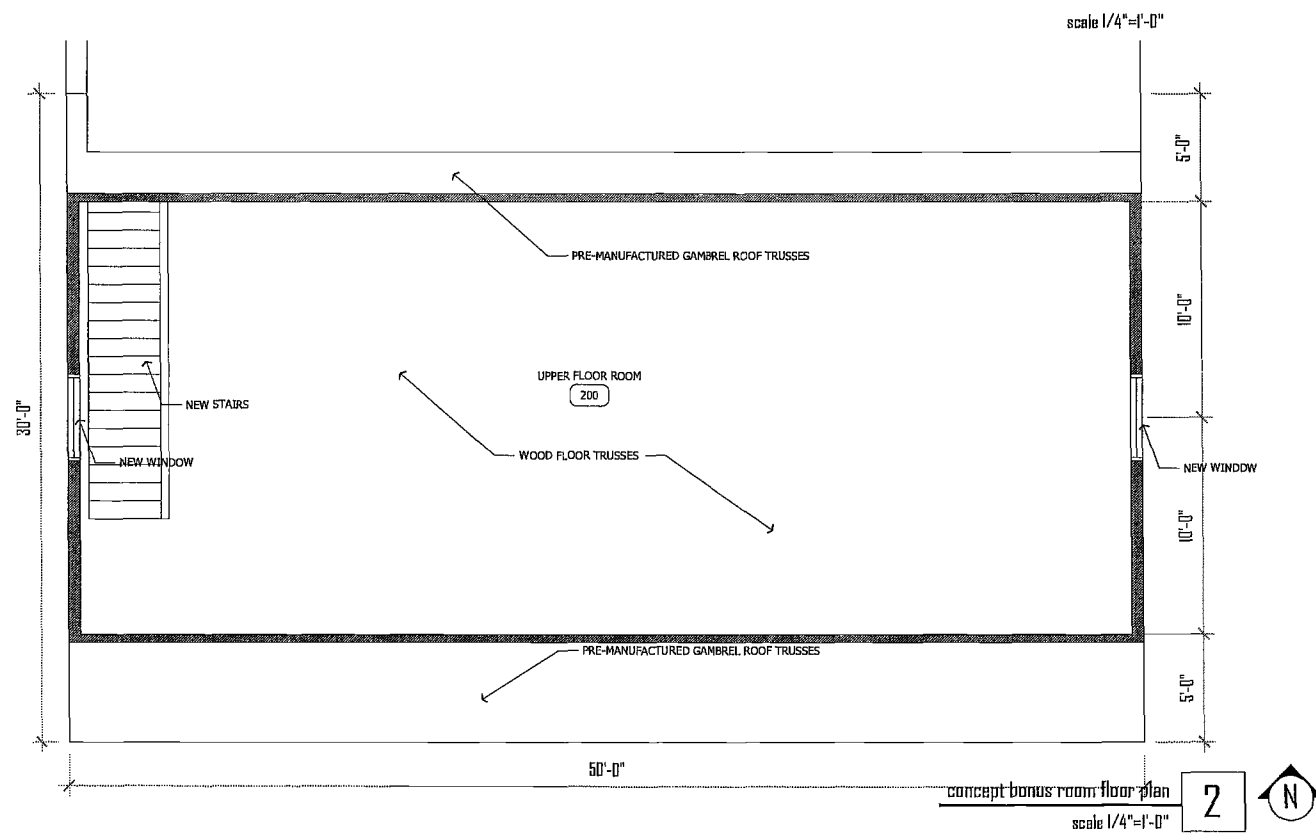
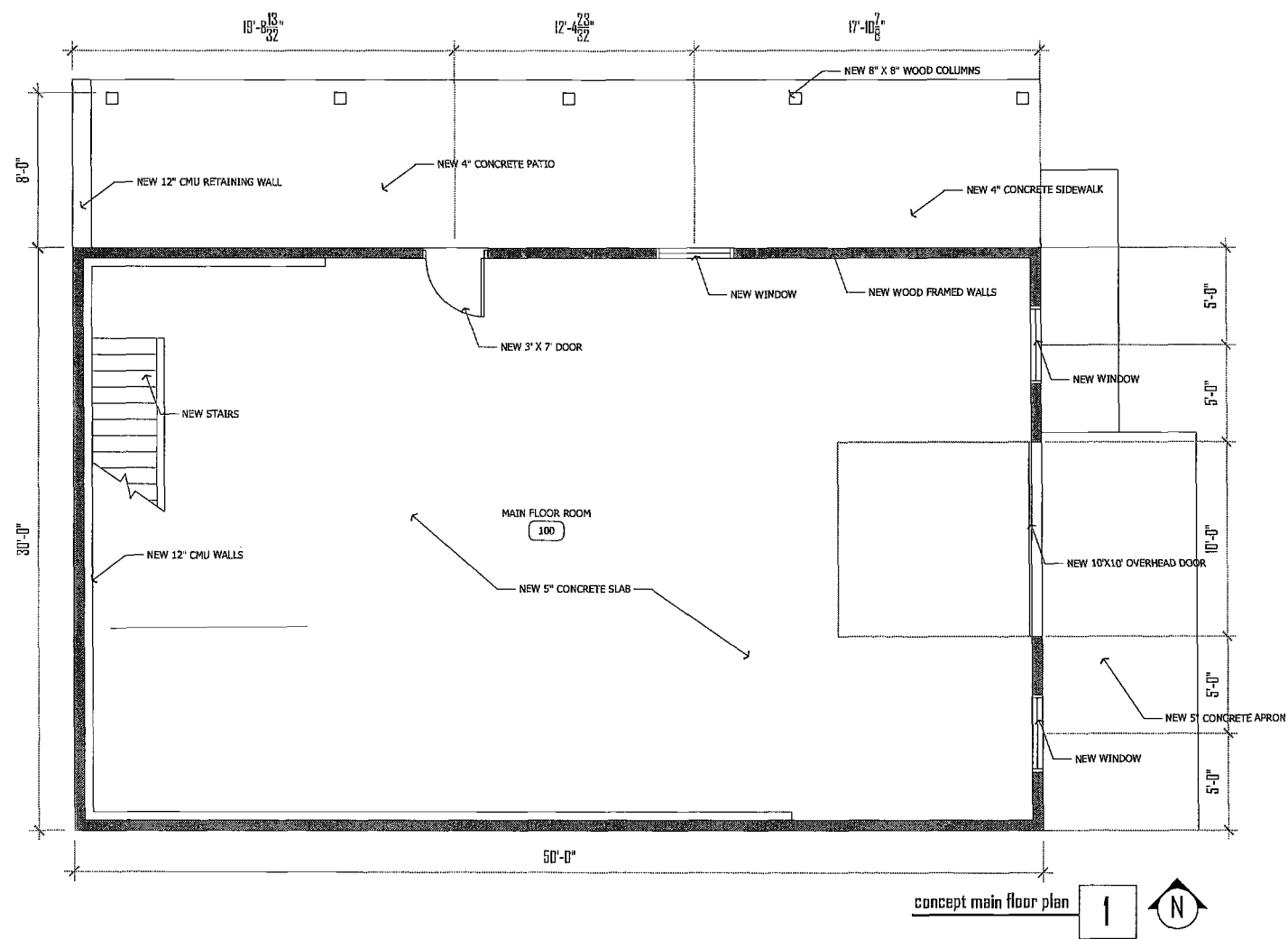
Gerten Accessory Building
4124 Thomas Avenue
Minnetonka, MN
concept exterior elevations

date September 10, 2019
scale AS NOTED
drawn by FJD
checked by FJD

A400

seal

revisions



RECEIVED
SEP 12 2019

Submitted by Amy

Berten Accessory Building
4124 Thomas Avenue
Minnetonka, MN

concept floor plans

September 10, 2016

date AS NOTED

scale FOO

drawn by FOO

checked by

A100

job# 16-005

Resolution No. 2019-

Resolution approving a conditional use permit for an accessory structure in excess of 1,000 square feet at 4124 Thomas Ave

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

Section 1. Background.

- 1.01 Property owners, Nicholas and Stephanie Gerten, are requesting a conditional use permit to construct a 1,500 square foot accessory structure, with an 8-foot overhang, at 4124 Thomas Avenue.
- 1.02 The property is legally described as:

Lot 7, Block 2, First Subdivision Williston Park Acres, Hennepin County, Minnesota.
- 1.03 On Oct. 3, 2019, 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 §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.
- 2.02 City Code §300.16 Subd. 3(f) outlines the following specific standards that must be met for granting a conditional use permit for such structures:
1. side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;
 2. no additional curb cuts to be permitted;
 3. not to be used for commercial activities;

4. structure to be architecturally consistent with the principal structure;
5. landscaping to be required to buffer views when the structure is highly visible from adjoining properties; and
6. site and building plan subject to review pursuant to section 300.27 of this ordinance.

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.16 Subd. 2.

3.02 The proposal meet all but one of the specific conditional use permit standards outlined in City Code 300.16 Subd. 3(f).

1. The structure would have a code-defined height of 10.5 feet and would be set back 15 feet from the property line. This complies with this standard.
2. Access to the structure would be via an extension from the existing driveway. No additional curb cuts are proposed.
3. As a condition of this resolution, the structure cannot be used for commercial activities.
4. While the structure may have a different architectural form than the home, the structure would incorporate similar materials as the existing home. The design is residential in nature.
5. The structure would be reasonably screened by existing topography and vegetation along the property line.
6. The structure would meet the site and building plan standards as outlined in city code.

Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.
2. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.
3. The accessory structure cannot be used for commercial activities.
4. The city council may reasonably add or revise conditions to address any future unforeseen problems.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 28, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, 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 Oct. 28, 2019.

Becky Koosman, City Clerk

MINNETONKA PLANNING COMMISSION
Oct. 3, 2019

Brief Description Sign plan amendment for Chipotle at 10995 Red Circle Drive

Recommendation Adopt the resolution denying the request

Background

In March 1997, the city approved several items to allow the construction of three restaurants – Boston Market, Caribou Coffee, and Einstein bagels – on the properties at 10995 and 10999 Red Circle Drive. At that time, a sign plan was proposed that include signs on all *three* sides – north, east and west elevations – of the Boston Market building. The signs were roughly two feet tall by 18 feet long, with an additional 32 square foot logo on the west elevation.



The council ultimately approved a sign plan, allowing up to *two* wall signs for each of the restaurants. As approved, the wall signs cannot exceed 36 square feet with a maximum letter height of 26 inches. The council denied the applicant’s request to have a third wall sign for Boston Market on the east elevation.

While the southern portion of the building – Caribou and Einstein Bagels – was constructed, Boston Market was not. The restaurant “pad” has since remained vacant.

On July 8, 2019, the city council approved several items for the construction of Chipotle. The building permit for the building has been submitted and is being reviewed by staff.

Proposal

The applicant, Marie Hashaw, on behalf of Adcon Signs, has submitted a sign package for Chipotle. Many of the signs would be allowed and can be approved administratively. However, two signs would require an amendment to the sign plan:

- A 27.5 square foot wall sign on the east elevation (shown as “A”), and
- A parking lot sign in excess of seven feet in sign area and six feet in height (shown as “B”).

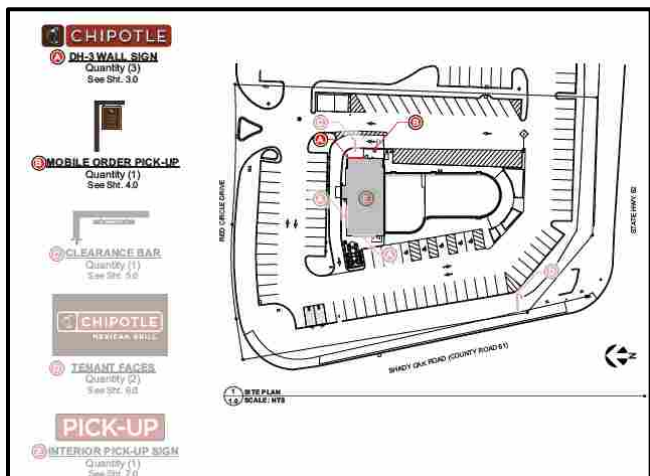


Figure 1: Sign Plan Package

		Allowed by code¹	Allowed by sign plan	Proposed
Requires amendment	East Elevation (A)	100 sq. ft. or 15 percent of the wall face, whichever is less, up to 150 sq. ft. for the property.	36 sq. ft. 26 in. max letter height Two wall signs per tenant	27.5 sq. ft. 19 in. letter height
	Parking lot sign (B)	Sign area: 7 sq. ft. Max height: 6 ft.	-	Sign area: 7.5 sq. ft. Max height: 6.5 ft.
Can be approved administratively	North Elevation (A)	100 sq. ft. or 15 percent of the wall face, whichever is less	36 sq. ft., 26 in. max letter height Two wall signs per tenant	27.5 sq. ft., 19 in. letter height
	West Elevation (A)			27.5 sq. ft., 19 in. letter height
	Monument sign tenant face (D)		Within one of the three panels of the 15 ft. sign	16.75 sq. ft. (within panel)
	Clearance bar (C)	Not regulated		
	Interior signage (E)	Interior signage is not regulated		

¹ Property is regulated by a sign plan. Code requirements provided for context.

Staff Analysis

Staff finds the applicant’s request is not reasonable as:

- **Wall sign.** Staff does not find the amendment request for the east façade wall sign reasonable, as:
 1. Chipotle is one of the three fast-food restaurants regulated by the sign plan. The sign plan organizes signage on the building while balancing the high visibility needs of the tenants with the high visibility of the building. Per the adopted sign plan, each tenant is allowed up to two signs, each up to 36 square feet in size. Allowing a third wall sign for Chipotle would allow one tenant to have more signage than the other restaurant tenants.
 2. The sign plan allows up to 216 square feet of wall signage for the property. This is already more than what would be allowed under the city’s current sign ordinance. Allowing a third wall sign would increase the amount of allowed signage on the building to 252 square feet, which is 100 more square feet than what the sign ordinance would allow.
 3. At the time of the sign plan adoption, the council denied a similar request from Boston Market and Einstein Bagel for a third wall sign.
- **Parking lot sign.** The parking lot sign would be allowed without a permit if the sign height and area were reduced. The request is the result of the applicant’s design choice and would not improve wayfinding.

Staff Recommendation

Adopt the resolution denying the sign plan amendment request.

Originator: Ashley Cauley, Senior Planner

Through: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding Land Uses

Northerly: restaurants and retail, zoned PUD
Easterly: Hotel, zoned PUD
Southerly: Eden Prairie
Westerly: Outlot, zoned PUD

Planning

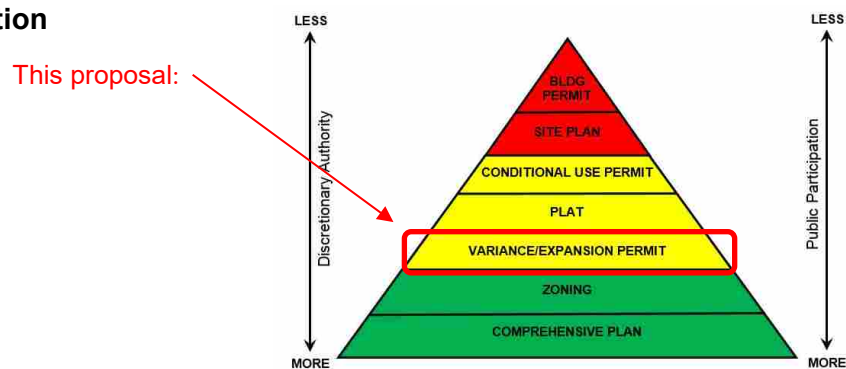
Guide Plan designation: Mixed Use Development
Zoning: PUD, Planned Unit Development

Sign Plan Review Standards

Within the PUD/PID zoning districts, a sign plan with differing requirements may be approved by the city. Factors which will be used in determining if an individual PUD/PID sign plan will be considered include the following:

- 1) The development includes a high-rise (greater than three -story) structure;
- 2) The development includes multiple structures and/or substantial site area;
- 3) The development includes mixed uses;
- 4) A sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high-quality signage; and
- 5) The sign plan includes permanent sign covenants, which can be enforced by the city.

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 to adopt the resolution denying an amendment to the sign plan to allow a wall sign on the east elevation and a 6.5-foot tall parking lot sign with a sign area of 7.5 square feet.

- 2) Disagree with staff's recommendation. In this case, a motion should be made directing staff to prepare a resolution for approving the sign plan amendment.
- 3) Table the proposal. In this case, a motion should be made to table the item. The motion should include a statement as to why the proposal is being tabled with direction to staff, the applicant, or both.

Appeals

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

**Neighborhood
Comments**

The city sent notices to 20 area property owners and received no comments to date.

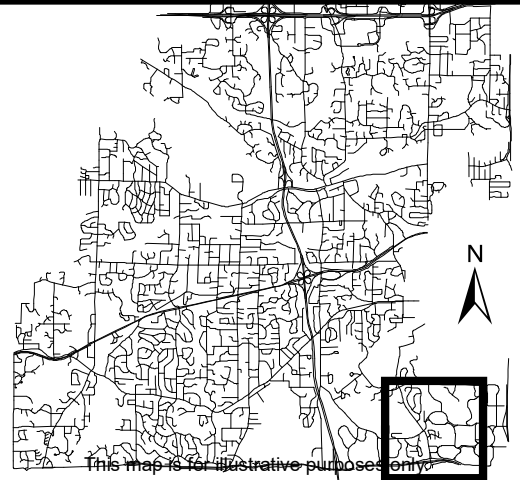
**Deadline for
Decision**

Dec. 16, 2019



Location Map

Project: Chipotle
Address: 10995 Red Cir Dr



This map is for illustrative purposes only.



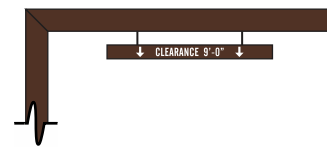
A DH-3 WALL SIGN

Quantity (3)
See Sht. 3.0



B MOBILE ORDER PICK-UP

Quantity (1)
See Sht. 4.0



C CLEARANCE BAR

Quantity (1)
See Sht. 5.0



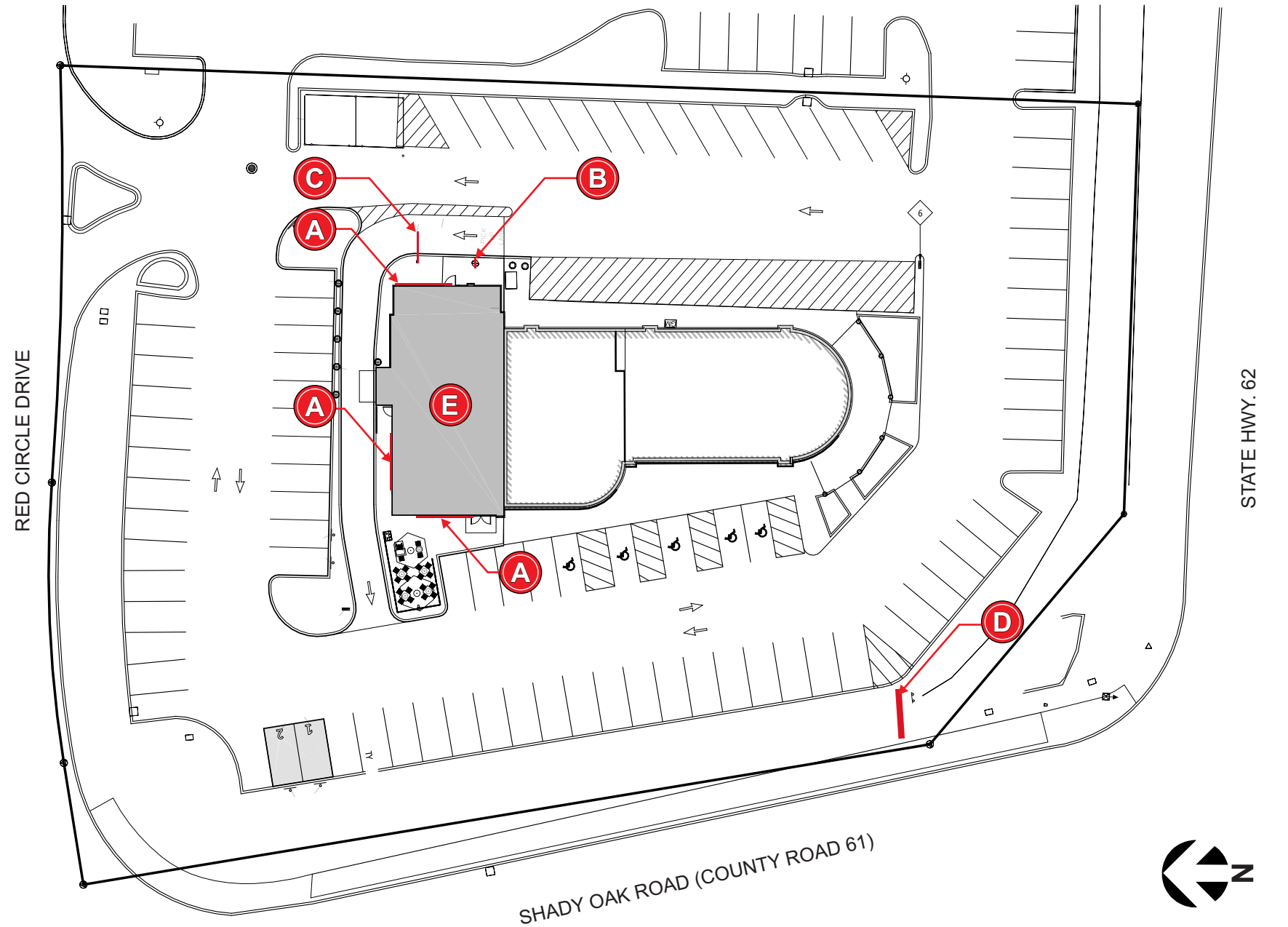
D TENANT FACES

Quantity (2)
See Sht. 6.0



E INTERIOR PICK-UP SIGN

Quantity (1)
See Sht. 7.0



1 SITE PLAN
SCALE: NTS



Design Proposal for:

Chipotle
Shady Oak
Store #3495
10995 Red Circle Dr.
Minnetonka, MN 55343

Sign Type: Site Plan With
Signage Placement

Date: August 02, 2019

Drawn by: G.J.

Account Manager: Kristi M.

Project Manager:

Design/ Quote #: 2781

File Name: 1.0 Site Plan

Client Approval

Signature

Date

NOTE: Please ensure all red line changes are noted on this drawing prior to returning it to ADCON. Subsequent to ADCON incorporating the red line changes requested on this drawing, any further changes will result in additional billing at the rate of \$86 per hour.

- Approved
- Approved As Noted
- Revise And Resubmit

Production Mgr. Approval Date

Project Mgr. Approval Date

Account Mgr. Approval Date

P&D Mgr. Approval Date

Revision Notes:

Seg. No. ★

W.O. No.

Rev. No. **B** Date: 08-06-19
By: GJ

Sheet No. **1.0**



CHIPOTLE

CHIPOTLE

myBURGER

myBURGER



 **CHIPOTLE**

myBUS

311



 **CHIPOTLE**





CHIPOTLE

THE BURGER

EINSTEIN BROS. BAKERIES

OPEN!

NO PARKING ACCESSIBLE

Specialty Coffee



 **CHIPOTLE**



myBURGER

10997

OPEN



Sign could be approved administratively

ADCON

Advertising Concepts Inc.
3725 Canal Drive,
Fort Collins, CO 80524
970 484 3637
www.adconsigns.com

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Design Proposal for:

Chipotle
Shady Oak
Store #3495
10995 Red Circle Dr.
Minnetonka, MN 55343

Sign Type: Elevations With Signage Placement

Date: August 02, 2019

Drawn by: G.J.

Account Manager: Kristi M.

Project Manager:

Design/ Quote #: 2781

File Name: 2.0 Elevations



1 NORTH ELEVATION
2.0 SCALE: 1/8" = 1'-0"

Client Approval

Signature

Date

NOTE: Please ensure all red line changes are noted on this drawing prior to returning it to ADCON. Subsequent to ADCON incorporating the red line changes requested on this drawing, any further changes will result in additional billing at the rate of \$86 per hour.

- Approved
- Approved As Noted
- Revise And Resubmit

Production Mgr. Approval Date

Project Mgr. Approval Date

Account Mgr. Approval Date

P&D Mgr. Approval Date

Revision Notes:

revise elevations

Seg. No. ★

W.O. No.

Rev. No. **B** Date: 08-06-19
By: JLL

Sheet No. **2.0**

Design Proposal for:
Chipotle
Shady Oak
Store #3495
10995 Red Circle Dr.
Minnetonka, MN 55343
 Sign Type: Elevations With Signage Placement
 Date: August 02, 2019
 Drawn by: G.J.
 Account Manager: Kristi M.
 Project Manager:
 Design/ Quote #: 2781
 File Name: 2.1 Elevations 2

Client Approval

Signature _____
 Date _____
 NOTE: Please ensure all red line changes are noted on this drawing prior to returning it to ADCON. Subsequent to ADCON incorporating the red line changes requested on this drawing, any further changes will result in additional billing at the rate of \$86 per hour.
 Approved
 Approved As Noted
 Revise And Resubmit

Production Mgr. Approval	Date
Project Mgr. Approval	Date
Account Mgr. Approval	Date
P&D Mgr. Approval	Date

Revision Notes:

Seg. No. ★
 W.O. No. _____
 Rev. No. **A** Date: _____
 By: _____
 Sheet No. **2.1**



1 EAST ELEVATION
2.1 SCALE: 3/32" = 1'-0"



2 WEST ELEVATION
2.1 SCALE: 3/32" = 1'-0"

Design Proposal for:

Chipotle
Shady Oak
Store #3495
10995 Red Circle Dr.
Minnetonka, MN 55343

Sign Type: _____ DH-3

Date: _____ August 02, 2019

Drawn by: _____ G.J.

Account Manager: _____ Kristi M.

Project Manager: _____

Design/ Quote #: _____ 2781

File Name: _____ 3.0 DH-3

Client Approval

Signature _____

Date _____

NOTE: Please ensure all red line changes are noted on this drawing prior to returning it to ADCON. Subsequent to ADCON incorporating the red line changes requested on this drawing, any further changes will result in additional billing at the rate of \$86 per hour.

- Approved
- Approved As Noted
- Revise And Resubmit

Production Mgr. Approval _____ Date _____

Project Mgr. Approval _____ Date _____

Account Mgr. Approval _____ Date _____

P&D Mgr. Approval _____ Date _____

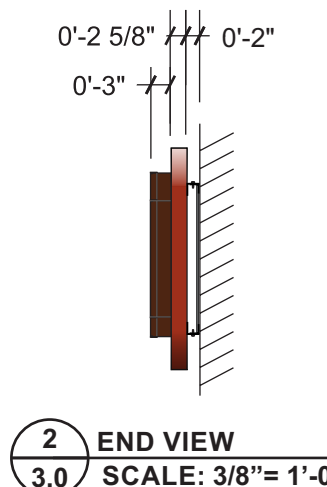
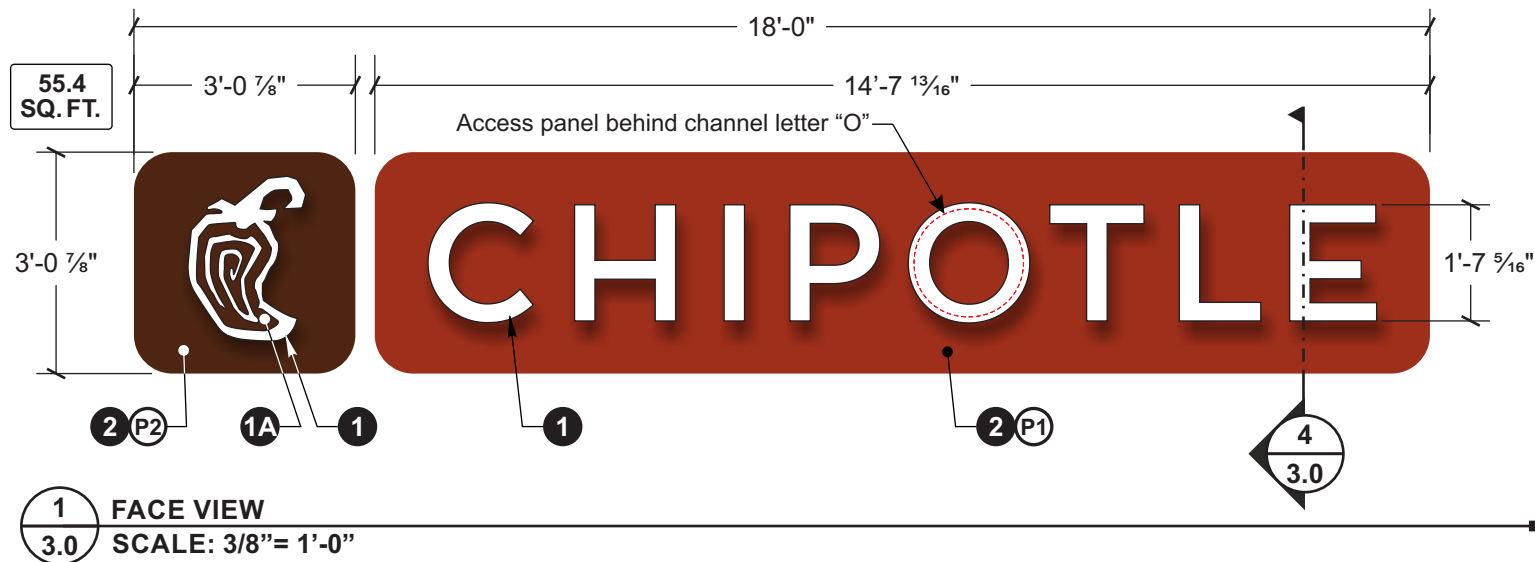
Revision Notes:

Seg. No. _____ ★

W.O. No. _____

Rev. No. **A** Date: _____ By: _____

Sheet No. **3.0**



SIGN TYPE DH-3 SPECIFICATIONS FOR (3) ILLUMINATED WALL SIGNS

- 1 CHANNEL LETTERS "CHIPOTLE" AND PEPPER LOGO**
LETTER TYPE=Face-Lit pan channel letters DEPTH=3"
FACES= 3/16" Cyro #2447 Milk-White acrylic
- 1A PEPPER GRAPHIC=040" pre-fin. Adobo brown alum. F.C.O. overlay**
TRIMCAP=1" Brown Jewelite
BACKS=.040" Pre-finished white aluminum
RETURNS=.040" Pre-finished Adobo Brown aluminum (w/ weep holes)
ILLUMINATION=White Sloan V180 HB Mini LEDs
MOUNTING=Mount flush to face of cabinets with #10 "blunt" ended screws as req.
- 2 BROWN & RED REVERSE PAN CABINETS**
CABINET TYPE=Halo-Lit reverse pan DEPTH=2 5/8"
FACE= 1/8" Aluminum
RETURNS=@ Top & bottom: 2 1/2" x 1/8" Alum. angle
@ Ends/corners: (one-piece) 1/8" Alum. hot glue and Versilok to face
BACK=.150 Clear lexan w/ perimeter angle clips for rev. pan attachment
ILLUMINATION=White Sloan V180 HB Mini LEDs
ATTACHMENT=(2) 1 1/2" x 1 1/2" x 1/8" alum. & (2) 2" x 2" x 1/8" alum angle spacer/mounting bars w/ 45° cut ends on back side of lexan back.
MOUNTING=Mount to existing fascia w/ 3/8" fasteners through aluminum angle mounting frame assembly

ELECTRICAL

- PRIMARY=120V power supply mounted inside Cabinet's internal raceway (leave 6'-0" pigtail on back of cabinet)**
- SECONDARY=12V LED wires & power supplies inside of cabinets**
- ACCESS PANEL=1/8" alum. "O" center attaches to back side of channel letter. Remove entire "O" for power supply access.**
- POWER DISCONNECT= Toggle switch on cabinet return**
- ELECTRICAL HOOK-UP= Final electrical connection of sign is by others**

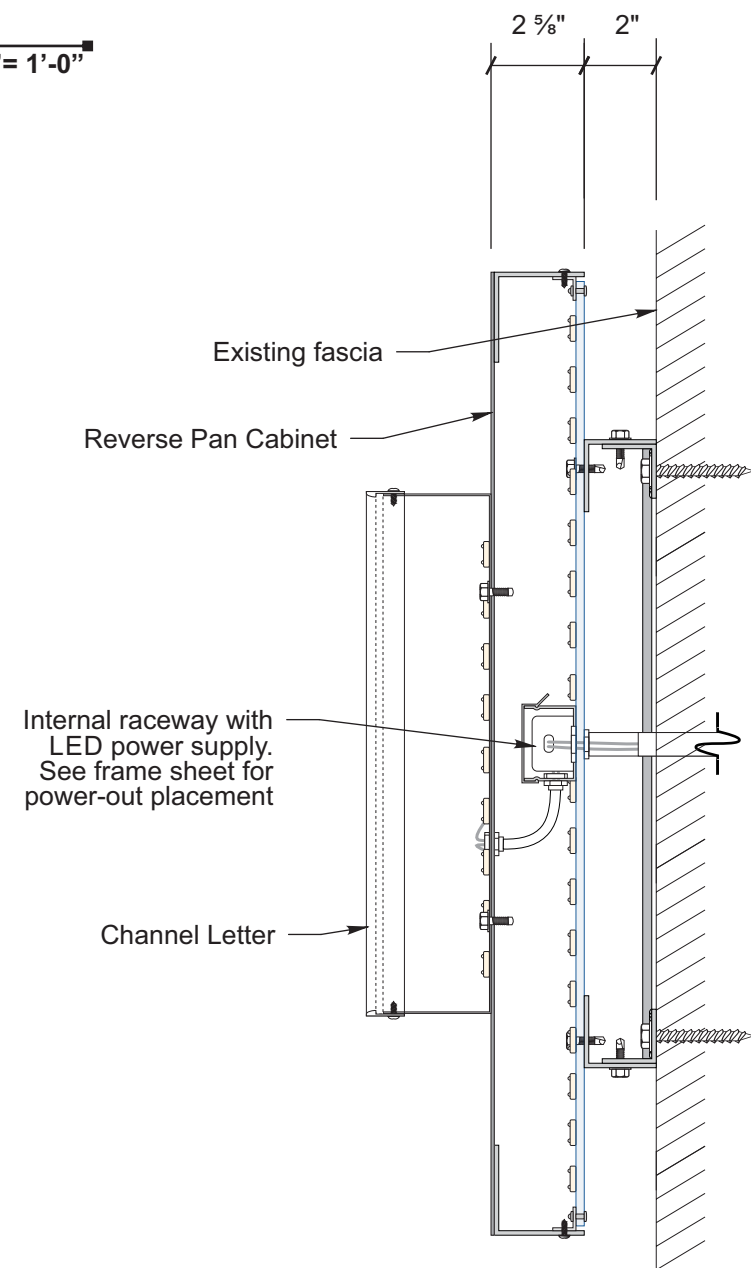
COLOR SPECIFICATIONS

- (P1) P.T.M. PMS #484C "Roasted Red" (Nuance)**
- (P2) P.T.M. PMS #4625C "Adobo Brown" (Nuance)**

NOTE: Paint all exposed fasteners to match adjacent finish

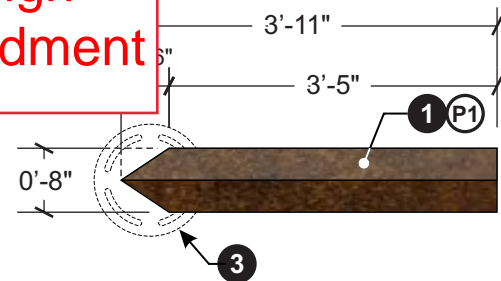


3 ILLUMINATION RENDERING
SCALE: N.T.S.

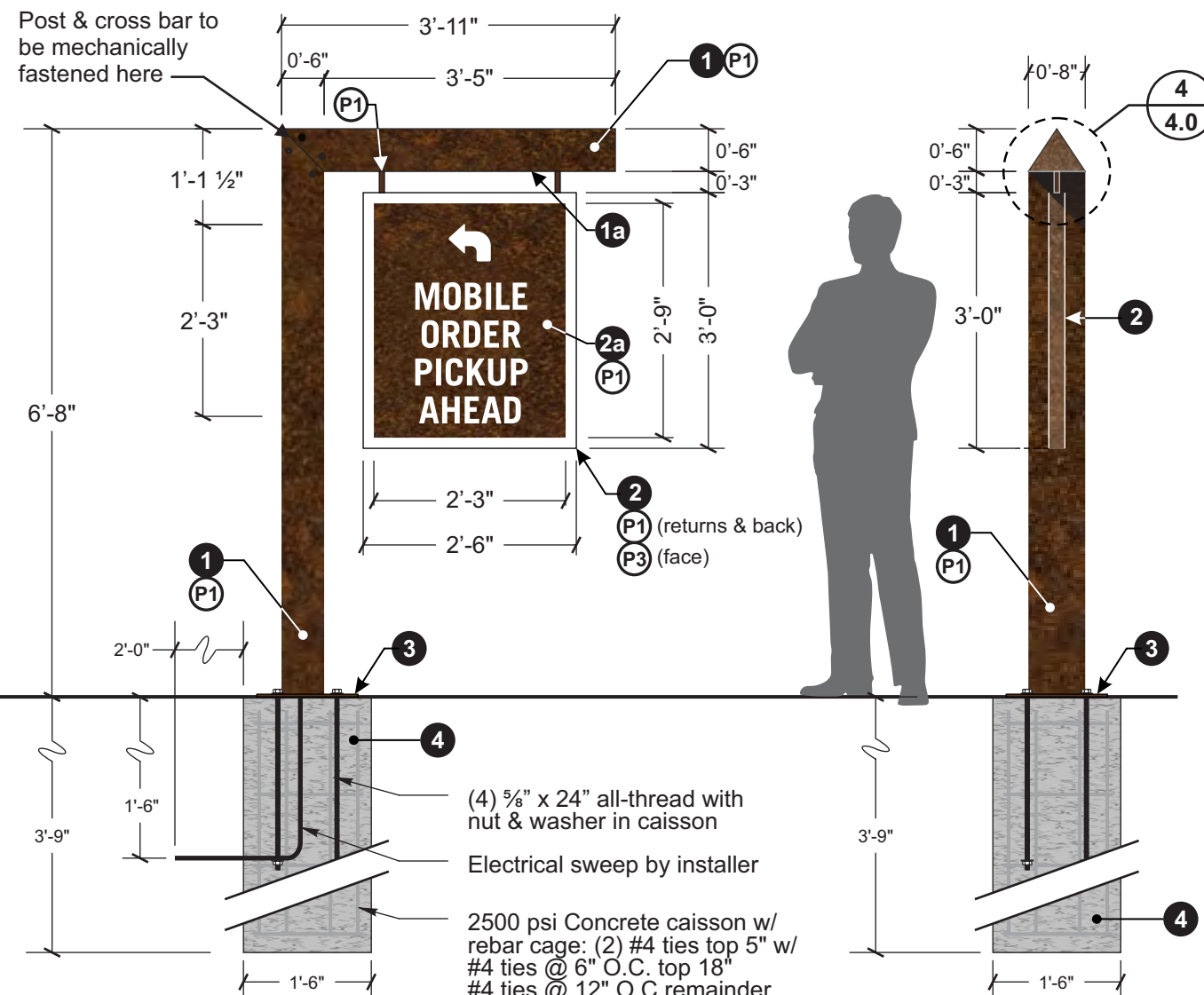


4 END SECTION
SCALE: N.T.S.

Requires sign plan amendment

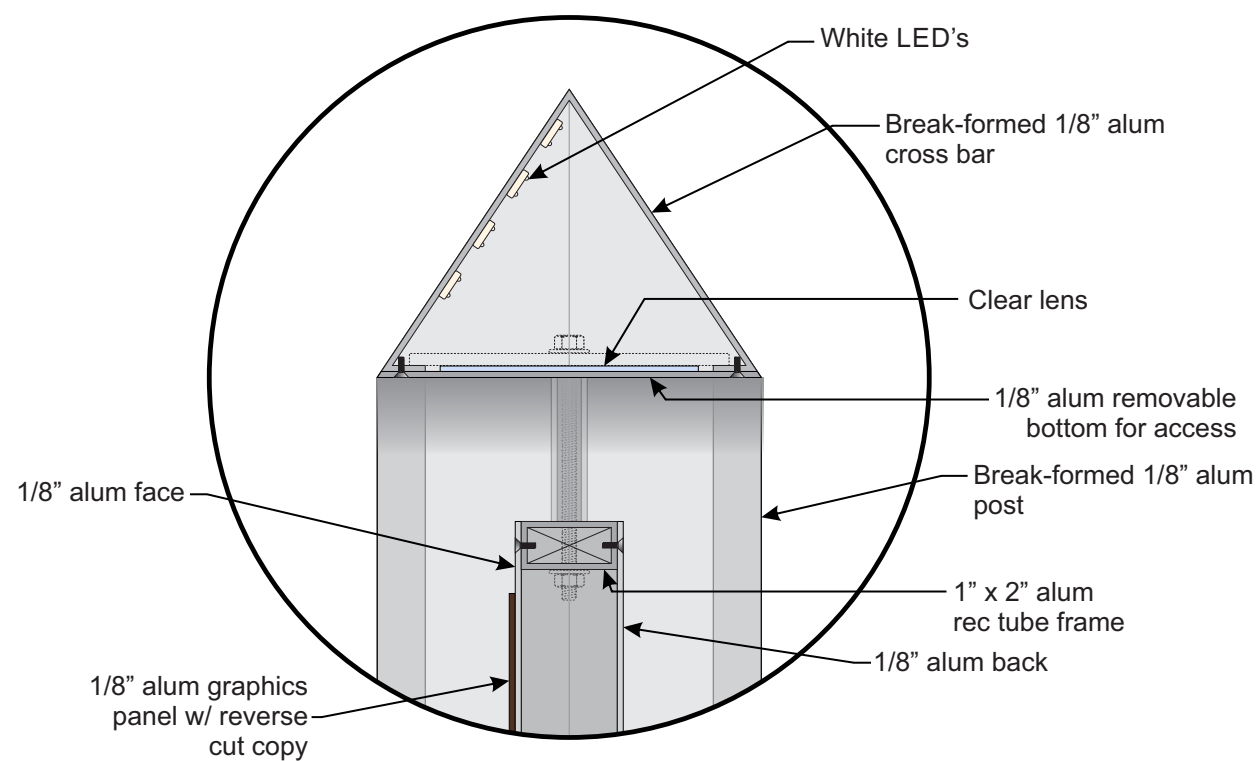


1 PLAN VIEW
4.0 SCALE: 1/2"=1'-0"



2 FRONT ELEVATION
4.0 SCALE: 1/2"=1'-0"

3 END VIEW
4.0 SCALE: 1/2"=1'-0"



4 EXPANDED VIEW
4.0 SCALE: 3"=1'-0"

SPECIFICATIONS FOR (1) ILLUMINATED S/F MOBILE ORDER PICK UP SIGN

- 1 POST/CROSS BAR**= Internal 3" dia. x 3/8" wall alum pipe w/ 1/2" alum. base plate- Waterjet cut & break-formed 1/8" alum. pole covers w/ removable bottom & side panels. Covers attach to pipe w/ 1/4" gussets
 - 1a Downlighting:** Clear lens on bottom of cross bar washes light onto graphics panel below
Illumination: Sloan Prism White LEDs
- 2 PANEL CABINET**= Perimeter 1" x 2" x 1/8" Alum rec tube frame w/ 1/8" face & back attached w/ countersink screws as req.
 - 2a Graphics Panel:** 1/8" Alum face w/ reverse-cut text & arrow graphics attaches flush to face of panel cabinet
Illumination: See above 1a "Downlighting"
- 3 MOUNTING**= Post/Cross bar's base plate attaches to embedded bolts in caisson
- 4 CONCRETE**= Concrete caisson & rebar by Adcon

COLOR SPECIFICATIONS

- P1** Prismatic Powder coat "Rustic Texture" UTB-5223 **P3** Paint A-N "White" (Satin)

NOTE: Paint all exposed fasteners to match adjacent finish

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Advertising Concepts Inc.
3725 Canal Drive,
Fort Collins, CO 80524
970 484 3637
www.adconsigns.com

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Design Proposal for:
Chipotle
Shady Oak
Store #3495
10995 Red Circle Dr.
Minnetonka, MN 55343
Sign Type: _____ Mobile Order
Pick-Up Sign
Date: _____ August 02, 2019
Drawn by: _____ G.J.
Account Manager: _____ Kristi M.
Project Manager: _____
Design/ Quote #: _____ 2781
File Name: _____ 4.0 MOPUS

Client Approval

Signature _____
Date _____

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- Approved
- Approved As Noted
- Revise And Resubmit

Production Mgr. Approval	Date
Project Mgr. Approval	Date
Account Mgr. Approval	Date
P&D Mgr. Approval	Date

Revision Notes:

Seg. No. _____ ★

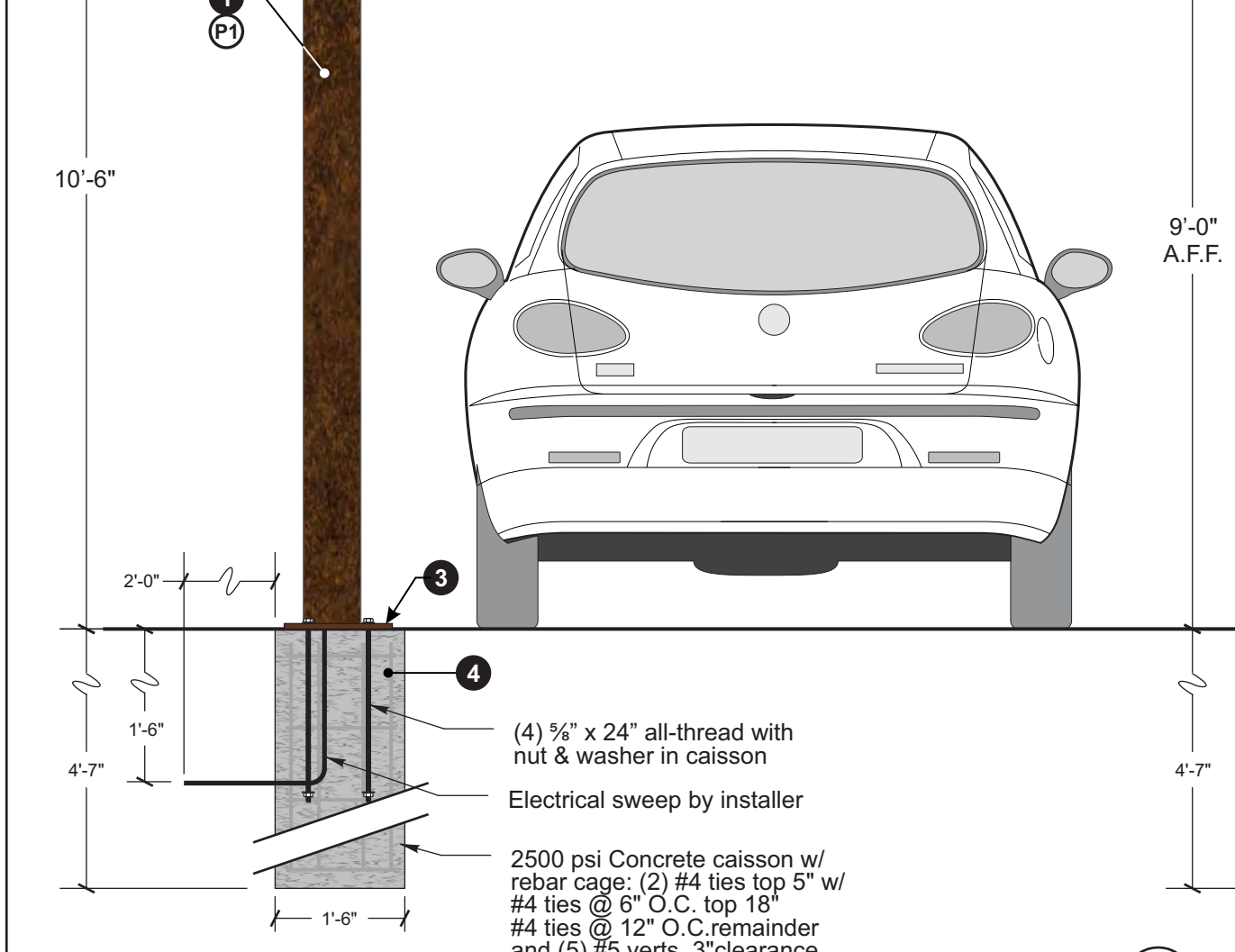
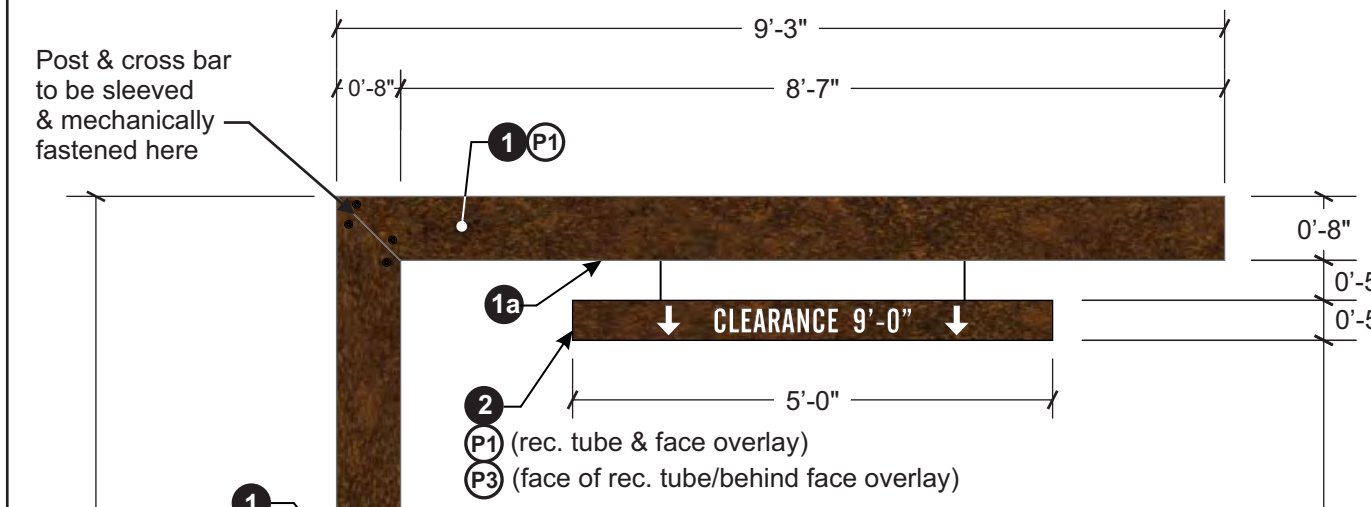
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Rev. No. **A** Date: _____
By: _____

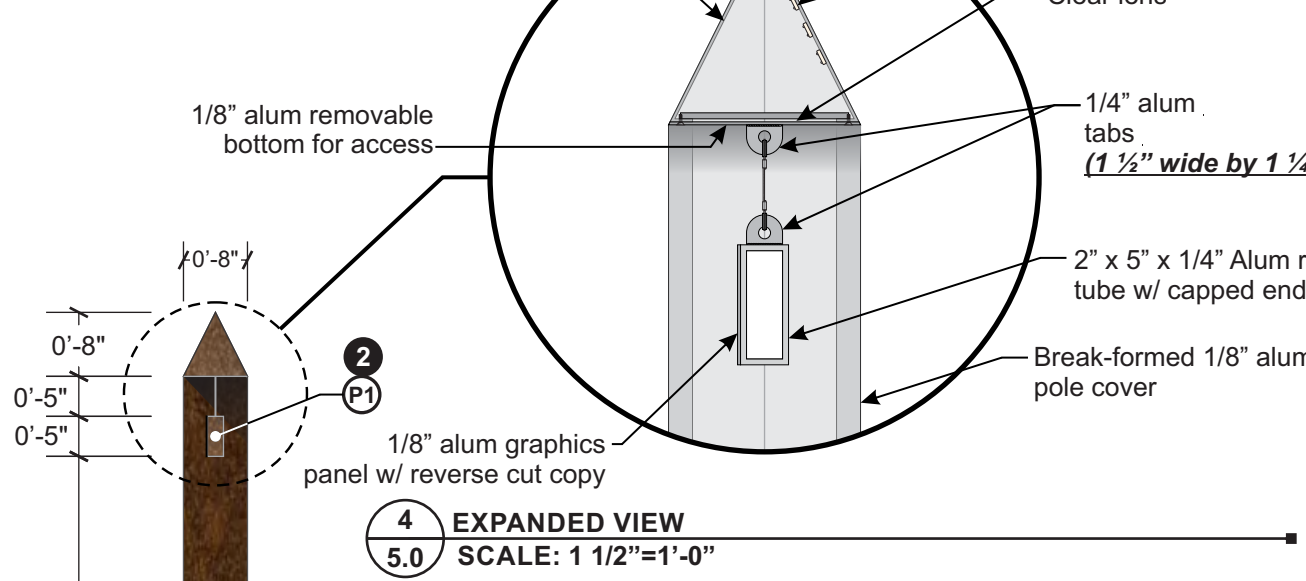
Sheet No. **4.0**

Sign could be approved administratively

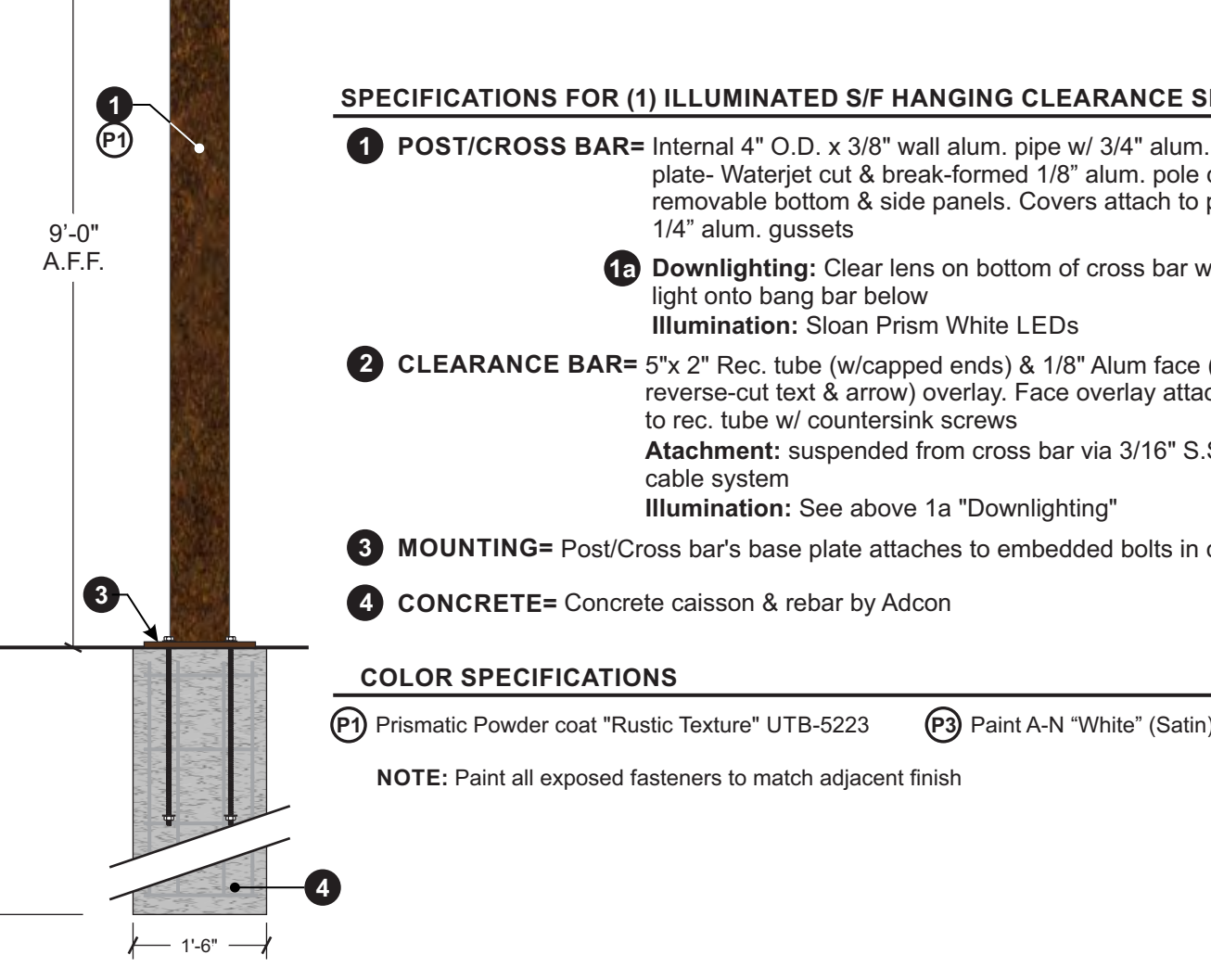
1 PLAN VIEW
5.0 SCALE: 1/2"=1'-0"



2 FRONT ELEVATION
5.0 SCALE: 1/2"=1'-0"



4 EXPANDED VIEW
5.0 SCALE: 1 1/2"=1'-0"



3 END VIEW
5.0 SCALE: 1/2"=1'-0"

SPECIFICATIONS FOR (1) ILLUMINATED S/F HANGING CLEARANCE SIGN

- 1 POST/CROSS BAR**= Internal 4" O.D. x 3/8" wall alum. pipe w/ 3/4" alum. base plate- Waterjet cut & break-formed 1/8" alum. pole covers w/ removable bottom & side panels. Covers attach to pipe w/ 1/4" alum. gussets
- 1a Downlighting**: Clear lens on bottom of cross bar washes light onto bang bar below
Illumination: Sloan Prism White LEDs
- 2 CLEARANCE BAR**= 5"x 2" Rec. tube (w/capped ends) & 1/8" Alum face (w/ reverse-cut text & arrow) overlay. Face overlay attaches to rec. tube w/ countersink screws
Attachment: suspended from cross bar via 3/16" S.S. cable system
Illumination: See above 1a "Downlighting"
- 3 MOUNTING**= Post/Cross bar's base plate attaches to embedded bolts in caisson
- 4 CONCRETE**= Concrete caisson & rebar by Adcon

COLOR SPECIFICATIONS

- P1** Prismatic Powder coat "Rustic Texture" UTB-5223 **P3** Paint A-N "White" (Satin)

NOTE: Paint all exposed fasteners to match adjacent finish

ADCON
Advertising Concepts Inc.
3725 Canal Drive,
Fort Collins, CO 80524
970 484 3637
www.adconsigns.com

These documents and plans have been created by and are the exclusive intellectual property of Adcon Inc. Any unauthorized use, disclosure, dissemination or duplication of any of the information contained herein may result in liability under applicable laws.

Design Proposal for:
Chipotle
Shady Oak
Store #3495
10995 Red Circle Dr.
Minnetonka, MN 55343
Sign Type: Clearance Bar

Date: August 02, 2019
Drawn by: G.J.
Account Manager: Kristi M.
Project Manager:
Design/ Quote #: 2781
File Name: 5.0 Clearance Bar

Client Approval

Signature	
Date	
<small>NOTE: Please ensure all red line changes are noted on this drawing prior to returning it to ADCON. Subsequent to ADCON incorporating the red line changes requested on this drawing, any further changes will result in additional billing at the rate of \$86 per hour.</small>	
<input type="checkbox"/> Approved	
<input type="checkbox"/> Approved As Noted	
<input type="checkbox"/> Revise And Resubmit	
Production Mgr. Approval	Date
Project Mgr. Approval	Date
Account Mgr. Approval	Date
P&D Mgr. Approval	Date

Revision Notes:

Seg. No. ★
W.O. No.
Rev. No. **A** Date:
By:
Sheet No. **5.0**

Sign could be approved administratively



1 FACE DETAIL
6.0 SCALE: 3/4" = 1'-0"

GRAPHICS SPECIFICATIONS FOR (2) PYLON TENANT PANELS

NOTE: Manufacture graphics for two existing tenant panels for existing pylon sign (one per side)

- 1 FACE PANELS= EXISTING White lexan. Remove blank faces, decorate & reinstall. *NOTE: Verify existing face cut size & V.O.*
- 2 GRAPHICS= Vinyl overlay. Center logo vert. & horiz. in face V.O.

COLOR SPECIFICATIONS

- (V1) Arlon cast vinyl #2100-3664 "Roasted Red" w/ reverse cut graphics
- (V2) Arlon cast vinyl #2100-3663 "Adobo Brown" w/ reverse cut graphics



2 ELEVATION
6.0 SCALE: 1/2" = 1'-0"

ADCON

Advertising Concepts Inc.
3725 Canal Drive,
Fort Collins, CO 80524
970 484 3637

www.adconsigns.com

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Design Proposal for:

Chipotle
Shady Oak
Store #3495
10995 Red Circle Dr.
Minnetonka, MN 55343

Sign Type: Tenant Monument
Faces

Date: August 02, 2019

Drawn by: G.J.

Account Manager: Kristi M.

Project Manager:

Design/ Quote #: 2781

File Name: 6.0 Tenant Faces

Client Approval

Signature _____

Date _____

NOTE: Please ensure all red line changes are noted on this drawing prior to returning it to ADCON. Subsequent to ADCON incorporating the red line changes requested on this drawing, any further changes will result in additional billing at the rate of \$86 per hour.

- Approved
- Approved As Noted
- Revise And Resubmit

Production Mgr. Approval _____ Date _____

Project Mgr. Approval _____ Date _____

Account Mgr. Approval _____ Date _____

P&D Mgr. Approval _____ Date _____

Revision Notes:

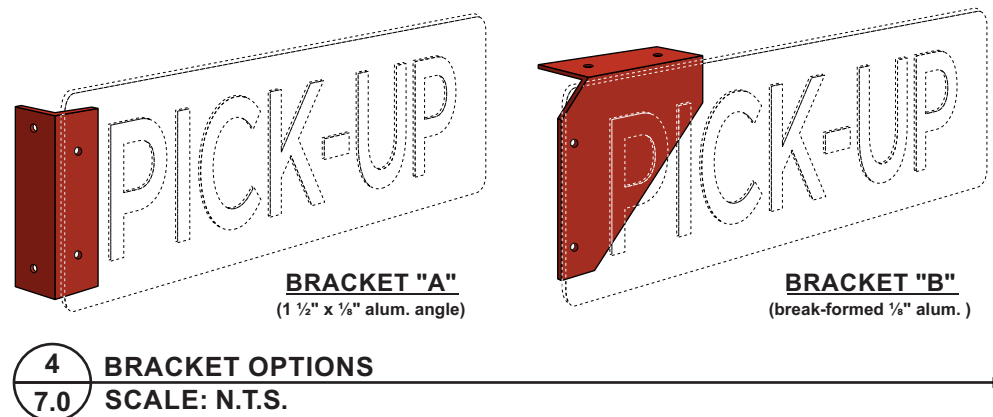
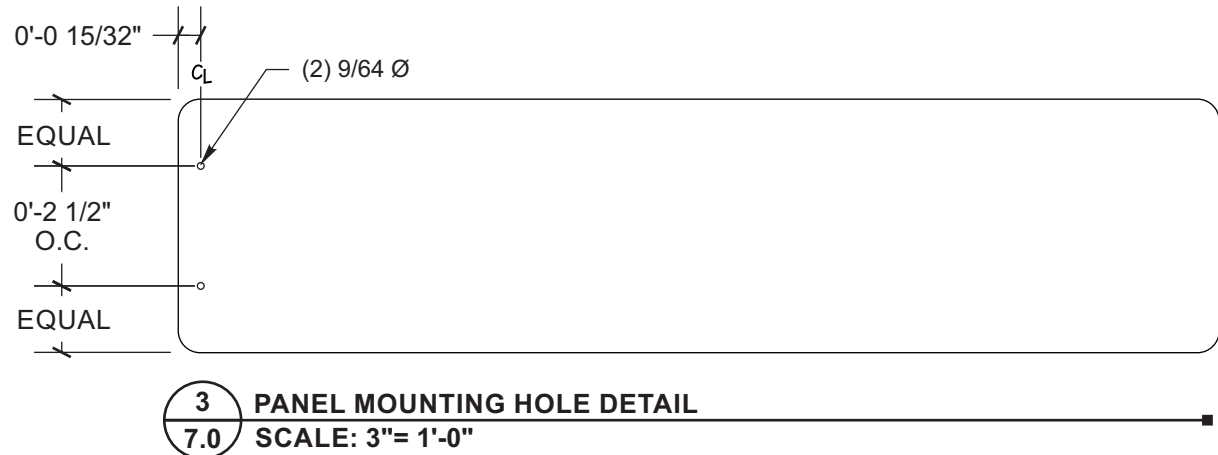
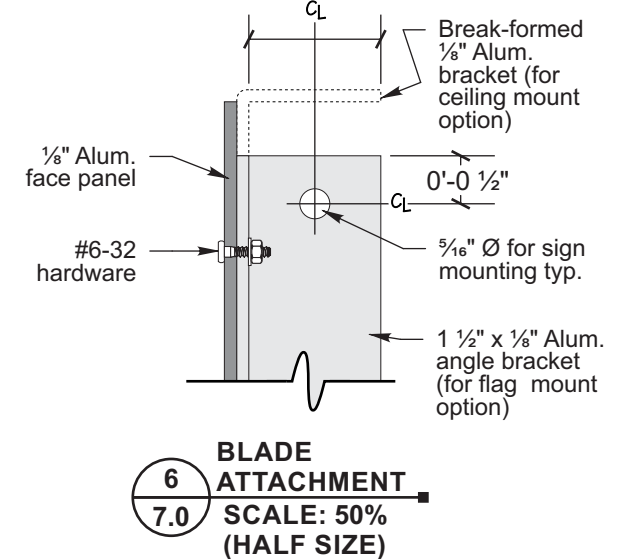
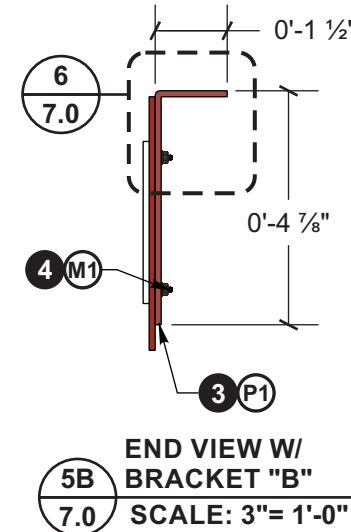
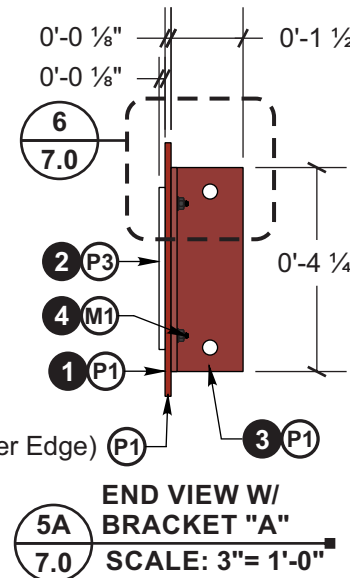
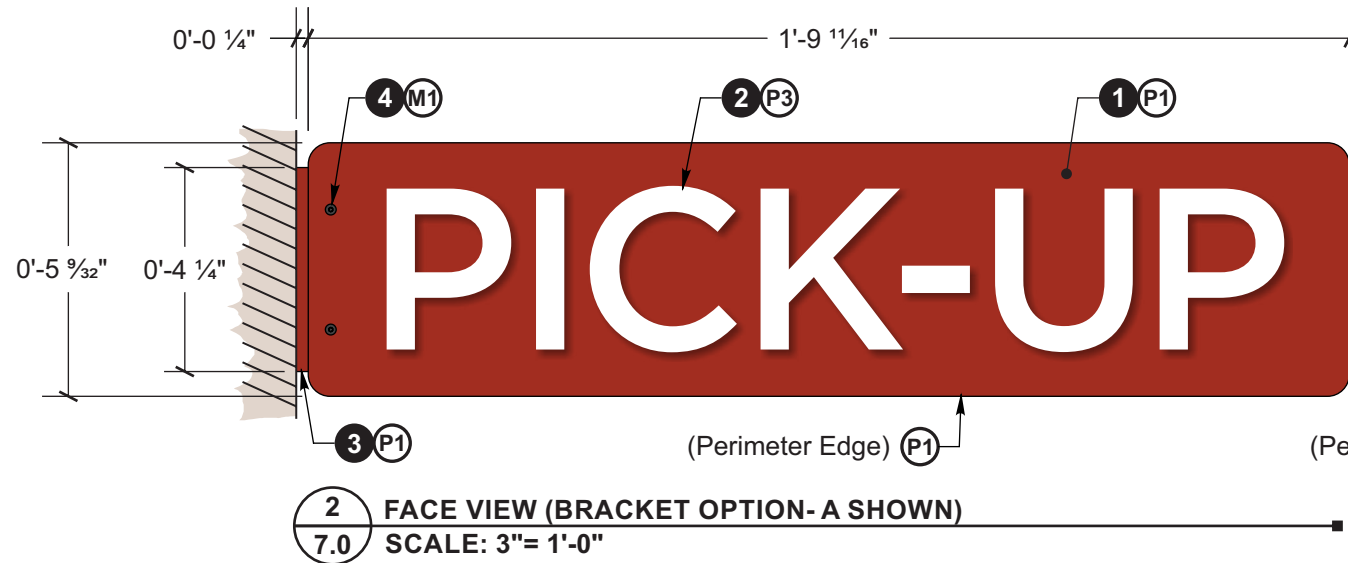
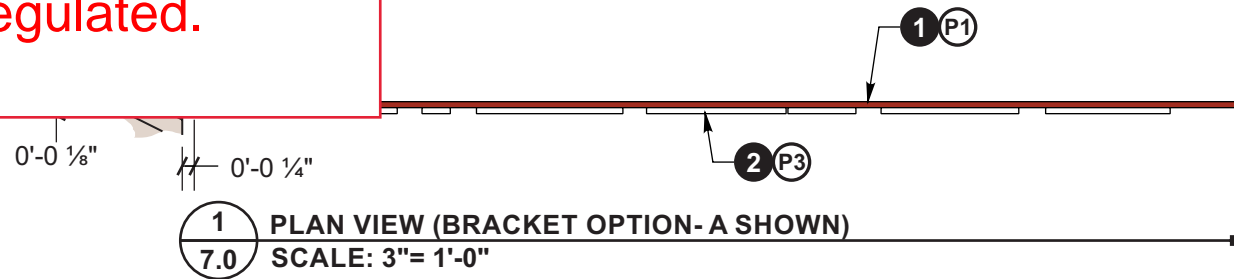
Seg. No. _____ ★

W.O. No. _____

Rev. No. **A** Date: _____
By: _____

Sheet No. **6.0**

Sign is interior and not regulated.



SPECIFICATIONS FOR (1) NON-ILLUMINATED S/F "PICK-UP" BLADE SIGN

- 1 FACE PANEL= 1/8" Aluminum
- 2 GRAPHICS= 1/8" Aluminum flat-cut-outs
Attachment: Versilok to panel as req.
- 3 BRACKET= Bracket "A": 1 1/2" x 1/8" Aluminum angle
Bracket "B": C.A.M Routed and break-formed 1/8" aluminum (see Sheet #1.1)
- 4 HARDWARE= Blade-to-bracket: Each sign ships with:
(2) McMaster-Carr #92220A144 5/8" x #6-32 Low-profile socket head cap screws
(2) McMaster-Carr #90618A116 #6 flat washers
(2) McMaster-Carr #96537A130 #6-32 hex nuts

HARDWARE= Sign mounting kit: Each sign ships with:
(2) Toggle #TC polypropylene hollow-wall toggle anchors
(2) Stafast #CW0750UHD #14 x 2" Socket Head multi purpose screws w/ flat washers

INSTALL TOOLS= Each sign ships with:
(1) 1/16" Hex L-key McMaster-Carr #7122A14
(1) 5/32" Hex L-key McMaster-Carr #7122A21

MOUNTING= Attachment to wall or ceiling w/ hardware as req.

COLORS AND FINISHES

- P1 P.T.M. PMS #484C "Roasted Red" (Nuance)
- P3 Paint MAP White
- M1 Black Oxide (Factory coated)

Design Proposal for:

Chipotle
Shady Oak
Store #3495
10995 Red Circle Dr.
Minnetonka, MN 55343
Sign Type: Pick-Up Sign

Date: August 02, 2019
Drawn by: G.J.
Account Manager: Kristi M.
Project Manager:
Design/ Quote #: 2781
File Name: 7.0 Pick-Up

Client Approval

Signature _____

Date _____
NOTE: Please ensure all red line changes are noted on this drawing prior to returning it to ADCON. Subsequent to ADCON incorporating the red line changes requested on this drawing, any further changes will result in additional billing at the rate of \$86 per hour.

Approved
 Approved As Noted
 Revise And Resubmit

Production Mgr. Approval _____ Date _____

Project Mgr. Approval _____ Date _____

Account Mgr. Approval _____ Date _____

P&D Mgr. Approval _____ Date _____

Revision Notes:

Seg. No. _____ ★

W.O. No. _____

Rev. No. **A** Date: _____ By: _____

Sheet No. **7.0**

Planning Commission Resolution No. 2019-
Resolution denying a request to amend the sign plan for the properties at
10995 and 10999 Red Circle Drive

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

Section 1. Background.

1.01 The subject property is located at 10995 Red Circle Drive. It is legally described as:

Lot 1, Block 1, SKARPHOL ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying Northerly of the following described line:

Commencing at the northwesterly corner of said Lot 1: thence South 13 degrees 09 minutes 43 seconds East, assumed bearing along the westerly line of said Lot 1, a distance of 157.17 feet to the point of the beginning of the line to be described; thence North 76 degrees 50 minutes 17 seconds East, a distance of 83.00 feet; thence North 13 degrees 09 minutes 43 seconds West, a distance of 12.76 feet; thence North 86 degrees 08 minutes 33 seconds East, a distance of 91.85 feet; thence South 42 degrees 42 minutes 37 seconds East, a distance of 28.03 feet; thence North 88 degrees 17 minutes 30 seconds East, a distance of 30.00 feet to the Easterly line of said Lot 1 and said line there terminating.

Hennepin County, Minnesota
Abstract Property

1.02 Signs for the three restaurants are governed by a sign plan approved by the city in 1997. The sign plan allows for each of the three restaurants to have up to two walls signs, not to exceed 36 square feet, with a maximum letter height of 26-inches.

1.03 City Code §300.05, Subd.3 allows for permanent freestanding signs on properties with more than 20 parking spaces, provided the signs comply with the requirements in Table 325.1

Table 325.1 Parking lot signs *	
Maximum sign area	7 sq. ft.
Maximum height	6 ft.
Location requirement	Within 5 ft. of the drive aisles in parking lots and located within the proximity of the change in direction.
Numerical limit	1 sign for each 60 degree change in direction of the drive aisle
* Advertisement (logos or business name) are not permitted. Sign permit not required.	

1.04 Marie Hashaw, on behalf of Adcon Signs, has submitted a sign package for Chipotle. Two of the signs require an amendment to the sign plan: (1) a 27.5 square foot wall sign on the east building elevation; and (2) a 6.5 foot tall parking lot sign with a sign area of 7.5 square feet.

1.05 The proposed signs require an amendment to the existing sign plan.

Section 2. FINDINGS.

2.01 The proposed signs would not be in keeping with city code or signage that has previously been approved within the City of Minnetonka. Specifically, the planning commission finds:

1. Chipotle is one of the three fast-food restaurants regulated by the sign plan. The sign plan organizes signage on the building while balancing the high visibility needs of the tenants with the high visibility of the building. Per the adopted sign plan, each tenant is allowed up to two signs, each up to 36 square feet in size. Allowing a third wall sign for Chipotle would allow one tenant more signage than the other restaurant tenants.
2. The sign plan allows up to 216 square feet of wall signage for the property. This is already more than what would be allowed under the city's current sign ordinance. Allowing a third wall sign would increase the amount of allowed signage on the building to 252 square feet, which is 100 more square feet than what the sign ordinance would allow.
3. At the time of the sign plan adoption, the council denied a similar request from Boston Market and Einstein Bagel for a third wall sign.
4. The parking lot sign would be allowed without a permit if the sign height and area were reduced. The request is the result of the applicant's design choice and would not improve wayfinding.

Section 3. Planning Commission Action.

3.01 The requested sign plan amendment to the sign plan is denied based on the findings found in Section 2.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Oct. 3, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, Deputy City Clerk

Action on this resolution:

Motion for adoption

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Oct. 3, 2019.

Fiona Golden, Deputy City Clerk

MINNETONKA PLANNING COMMISSION
Oct. 3, 2019

Brief Description	Conditional use permit for telecommunication facilities at 4848 County Road 101.
Recommendation	Recommend the city council adopt the resolution approving the permit

Background

The city's current telecommunication ordinance was adopted in March 2018. Under the ordinance, a conditional use permit (CUP) is required for installation of new telecommunication towers and for telecommunication facilities located on any support structure for which a CUP has not already been approved.¹ Conversely, staff may administratively approve a one-time extension of existing towers and installation of facilities on support structures that previously received a CUP.

Proposal

Julie Plante, on behalf of Verizon Wireless, is requesting a CUP for installation of three, small cell wireless antenna on the existing Target store at 4848 County Road 101. All of the antenna would be located on the roof of the building; two would be located near the east/front façade and one near the rear/west. The antenna are intended to provide better wireless coverage within the Target building and parking lot for customers and employees.

Staff Analysis

Staff finds that the proposed wireless installation is reasonable, as:

- The proposed antenna would meet all conditional use permit standards applied to telecommunication facilities. These standards are outlined in the "Supporting Information" section of this report.
- The proposal has been evaluated by the city's telecommunications consultant who finds:
 - ✓ It would provide required coverage and eliminate the present existing poor coverage area and capacity.
 - ✓ It is not predicted to cause any interference to public safety radio frequencies or and is not predicted to be a radio frequency (RF) radiation hazard.

Staff Recommendation

Recommend the city council adopt the resolution approving a conditional use permit for telecommunication facilities at 4848 County Road 101.

¹ A CUP is not required for small cell wireless facilities on new towers/poles located within public rights-of-way unless located in a residential area. See "Supporting Information" section.

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

Supporting Information

Surrounding Land Uses

	Use	Zoned	Guided
North	wetland	R-1	open space
South	retail	PUD	commercial
East	Co Rd 101	N/A	N/A
West	single-family homes	R-1	low-density residential

Subject Property

	Existing	Proposed
Use	Target store	No change
Zoning	PUD	
Guide Plan Designation	commercial	

Small Cell Wireless Facilities

In 2017, the Minnesota legislature passed a bill granting telecommunication providers relatively far-reaching rights to install small wireless facilities in public rights-of-way and on public property. Essentially, the city must administratively approve installations of small cell facilities on existing or new towers/poles – up to 60 feet in height – within rights-of-way and on public property. The only exception is for new towers/poles located in rights-of-way within residential districts. The city may require a CUP for new tower/poles in these areas.

Though described as small cell facilities, the applicant’s proposal does not qualify for the administrative review afforded by state law and the city’s telecommunication ordinance, as the installation would be on private property.

CUP Standards

The proposal would meet the general and specific CUP standards associated with telecommunication facilities:

General Standards

- 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.

Finding. Verizon is the identified service provider.

- 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.

Finding. There are no historic places within 400 feet of the property.

- 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.

Finding. The rooftop installation was specifically designed to meet reasonable coverage and capacity 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.

Finding. No new towers are proposed.

- 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.

Finding. The antenna design would have a minimum visual impact on the immediate area.

- 6) Construction. Telecommunications facilities must comply 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 comply with the manufacturer's specifications.

Finding. This has been included as a condition of approval

- 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.

Finding. Appropriate Target representatives signed the conditional use permit application. Further, this has been included as a condition of approval.

- 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. 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.

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

Specific Standards

- 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.

Finding. The property is zoned PUD.

- 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.

Finding. No new tower is proposed. The antenna would be located on the Target rooftop.

- 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.

Finding. No new tower is proposed. The antenna would be located on the Target rooftop.

- 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.

Finding. The antenna would be located on the rooftop and would not project horizontally beyond the building façade

- 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.

Finding. The antenna would be less than three feet in height and, along with its mounting, would project vertically above the rooftop by just five feet.

- 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.

Finding. Accessory equipment would be mounted on the rear building wall. It would not be visible from off-site.

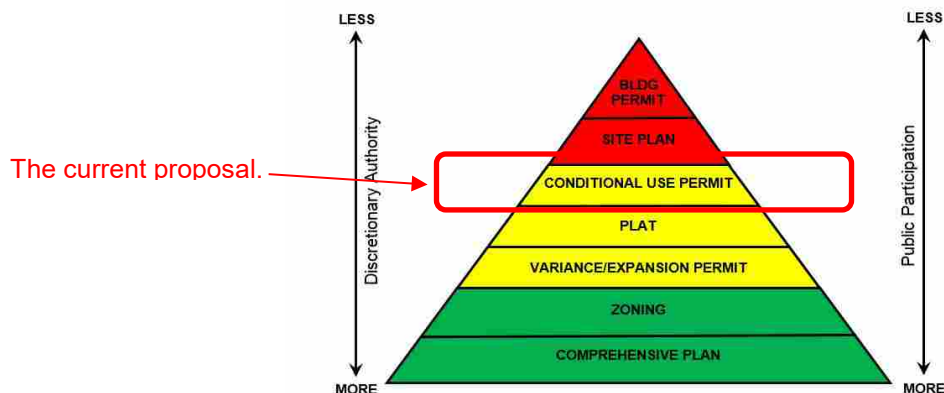
- 7) Color. Antennas and towers must be painted a non-contrasting color consistent with the surrounding area such as blue, gray, brown, or silver, or have a galvanized finish to reduce visual impact. Metal towers must be constructed of, or treated with, corrosion-resistant material.

Finding. The antenna and associated equipment would be gray in tone and would not contrast noticeably from the building color scheme.

- 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.

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. The city council's approval also requires an affirmative vote of a simple majority.

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,

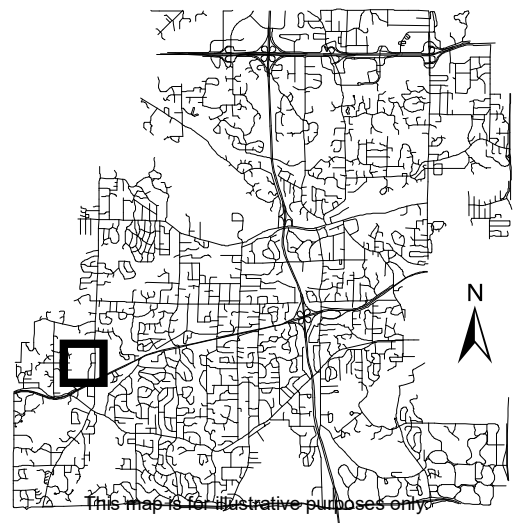
Neighborhood Comments The city sent notices to 88 area property owners and received no comments to date.

Deadline for Decision Dec. 16, 2019



Location Map

Project: Verizon - Target
Address: 4848 Co Rd 101



This map is for illustrative purposes only.



August 1, 2019

Ashley Cauley, Senior Planner
City of Minnetonka
Department of Community Development
14600 Minnetonka Boulevard
Minnetonka, MN 55345

RE: Commercial Antenna Install – 4848 County Road 101 – Target

Dear Ashley Cauley,

Verizon Wireless has partnered with Target Corporation to provide enhanced wireless coverage inside Target stores and in the parking areas using a distributed antenna system with antennas located interior at the ceiling level and exterior on the rooftop level. The antennas located exterior use small cell equipment that will consist of three (3) outdoor antennas. The outdoor antennas are 24.1" x 18.8" x 6.3" and 15 pounds. The antenna will be mounted to a non-penetrating ballasted tripod.

Enclosed you will find a Telecommunications Facility CUP Application, required fees, and construction drawings for installing antennas on an existing structure.

Land Owner: Target Corporation
Site Address: 4848 County Road 101, Minnetonka, MN 55345
Legal Description: Lot 1 Block 1 Seven Hi Shopping Center 2nd Addn
PIN: 3011722110007

Verizon Wireless is currently licensed by the FCC to provide services to the market. The proposed service meets or exceeds the requirements of the FCC.

I welcome an opportunity meet with you or answer questions about this project. I appreciate your time to review the proposed project and provide feedback.

Respectfully,

Julie Plante
Contractor, Verizon Wireless
612-242-3673
jplante@jplanteconsulting.com

Enclosures



TARGET. #1356

NOTES

Technical Specifications

Reference additional requirements documented in Technical Specification Section 079200 Joint Sealants, 099705 Restoration of Exterior Finish Systems, and 100010 Miscellaneous Specialties provided by Target to Verizon Wireless.

Painting

Contractor is to paint all wall mounted equipment and accessories including, but not limited to, all antennas, enclosures, coax, conduit, electrical equipment, and any related hardware or parts associated, to match the surface to which the item is mounted. Confirm material, paint color, and systems with Target. See Technical Specification provided by Target to Verizon Wireless.

Penetration Requirement

Seal all penetrations with Target approved (SNLT-1) Low Modulus Sealant. See Technical Specification provided by Target to Verizon Wireless.

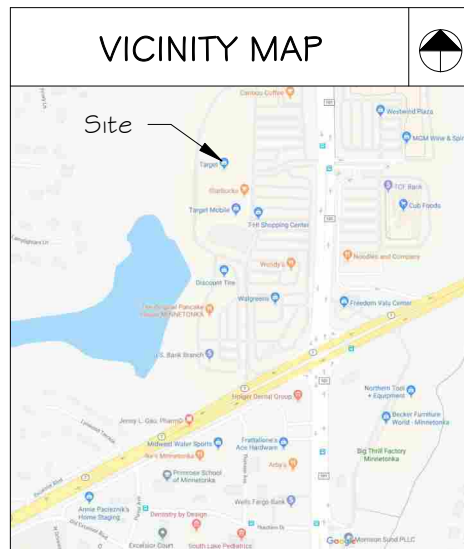
Landscape

Contractor is to leave Target property as found, replacing all landscaping to Target standards after work is complete.

Photo Documentation

Photos of the exterior antennas, equipment, fiber path, and roof conduit are to be sent to Target for review at completion of the project. If any of the items installed do not meet Target's required design criteria and these construction documents, that item will need to be corrected.

Site Address
 4848 County Road 101
 Minnetonka, MN 55345
 Hennepin County
Site Coordinates
 Latitude: 44° 54' 58.85"
 Longitude: -93° 30' 18.7"
 Ground Elevation: 898' (Google Earth)
Project Type
 SMC/INB
Location Code
 524186
Project Number
 20191902066



CONTACTS

Verizon Project Manager
 Contact: Amanda Turner
 Phone: (612) 720-1657

Verizon Construction Manager
 Contact: Scott Lawler
 Phone: (507) 251-3021

Designer
 Contact: Chris Iser
 Phone: (803) 403-8558

Target Store Contact *
 TI 356.STL@target.com
 TI 356.PMT@target.com

* Do not use until after preconstruction meeting

PROJECT DESCRIPTION

Work Product	Supplied By	Installed By
Electrical Conduit	Verizon	Contractor
Fiber Conduit	Verizon	Contractor
Fiber Conduit between Hand Hole/Demarc and Enclosure	Fiber Provider	Fiber Provider
Fiber Conduit within Right of Way	Fiber Provider	Fiber Provider
Fiber Hand Hole	Fiber Provider	Fiber Provider
Verizon-Owned Small Cell Equipment	Verizon	Contractor

SHEET INDEX

Sheet	Description	Rev
C1	COVER SHEET	0
C2	GENERAL NOTES	0
G1	SITE PLAN	0
G2	PRELIMINARY FIBER ROUTE	0
S1	REFLECTED CEILING PLAN	0
S2	ROOF PLAN	0
S3	BUILDING ELEVATIONS	0
S4	EQUIPMENT LOCATIONS	0
S5	EXTERNAL ANTENNA DETAILS	0
S6	WALL MOUNTED EQUIPMENT ELEVATION	0
S7	IN-BUILDING ANTENNA DETAILS	0
S8	MISCELLANEOUS EQUIPMENT DETAILS	0
E1	ELECTRICAL NOTES	0
E2	NEW VERIZON CIRCUIT SINGLE LINE DIAGRAM	0
E3	LOAD SUMMARY TABLES	0
E4	GROUNDING DETAIL	0



Project Information

TARGET. #1356

4848 County Road 101
 Minnetonka, MN 55345
 Hennepin County

Current Issue Date

05/08/2019

Issued For

CONSTRUCTION

Rev	Date	Issued For	By
0	05/08/2019	CONSTRUCTION	CMI

Consultant

Kimley»Horn

802 GERVAIS STREET
 COLUMBIA, SC 29201
 PHONE: 803-403-8558
 WWW.KIMLEY-HORN.COM

Consultant

Drawn By	Checked By	Approved By
MCN	BND	CMI

Licenser

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

Nicholas R. Williamson

Nicholas R. Williamson
 Date: 05/08/2019 Lic. NO.: 53824

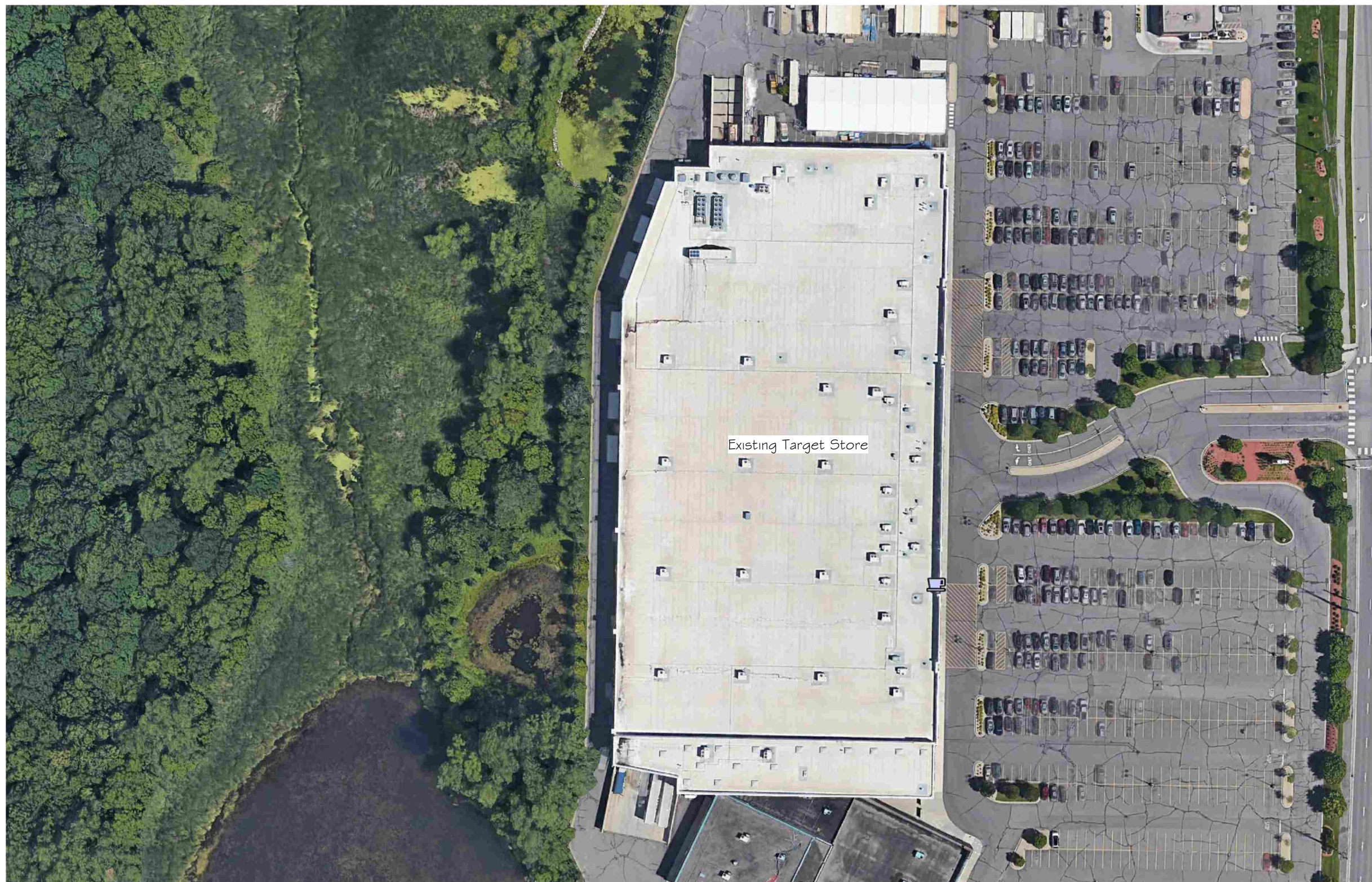
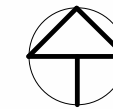
Sheet Title

COVER SHEET

Sheet Number	Revision
C1	0
	018985508

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Project Information

TARGET #1356

4848 County Road 101
Minnetonka, MN 55345
Hennepin County

Current Issue Date

05/08/2019

Issued For

REVIEW

Rev	Date	Issued For	By
0	05/08/2019	CONSTRUCTION	CMI

Consultant

Kimley»Horn

802 GERVAIS STREET
COLUMBIA, SC 29201
PHONE: 803-403-8558
WWW.KIMLEY-HORN.COM

Consultant

Drawn By	Checked By	Approved By
MCN	BND	CMI

Licenser

FOR REFERENCE
ONLY

Sheet Title

SITE PLAN

Sheet Number

G1

Revision

0

018985508

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Notes: Information shown above was reproduced from Google Earth and is provided here for illustrative purposes only.



Project Information

TARGET #1356

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Minnetonka, MN 55345
Hennepin County

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COLUMBIA, SC 29201
PHONE: 803-403-8558
WWW.KIMLEY-HORN.COM

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Sheet Title

PRELIMINARY FIBER ROUTE

Sheet Number	Revision
G2	0
	018985508

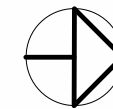


Notes:

- Information shown above was reproduced from local jurisdiction GIS parcel data, and is provided here for illustrative purposes only.
- Potential fiber route shown above is subject to change pending Verizon Wireless procurement of fiber provider's services.
- Contractor is to leave Target property as found, replacing all landscaping to Target standards after work is complete.
- Contractor is solely responsible for locating of existing underground utilities prior to routing of proposed underground conduit.

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Project Information

TARGET #1356

4848 County Road 101
Minnetonka, MN 55345
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802 GERVAIS STREET
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WWW.KIMLEY-HORN.COM

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Drawn By	Checked By	Approved By
MCN	BND	CMI

Licenser

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

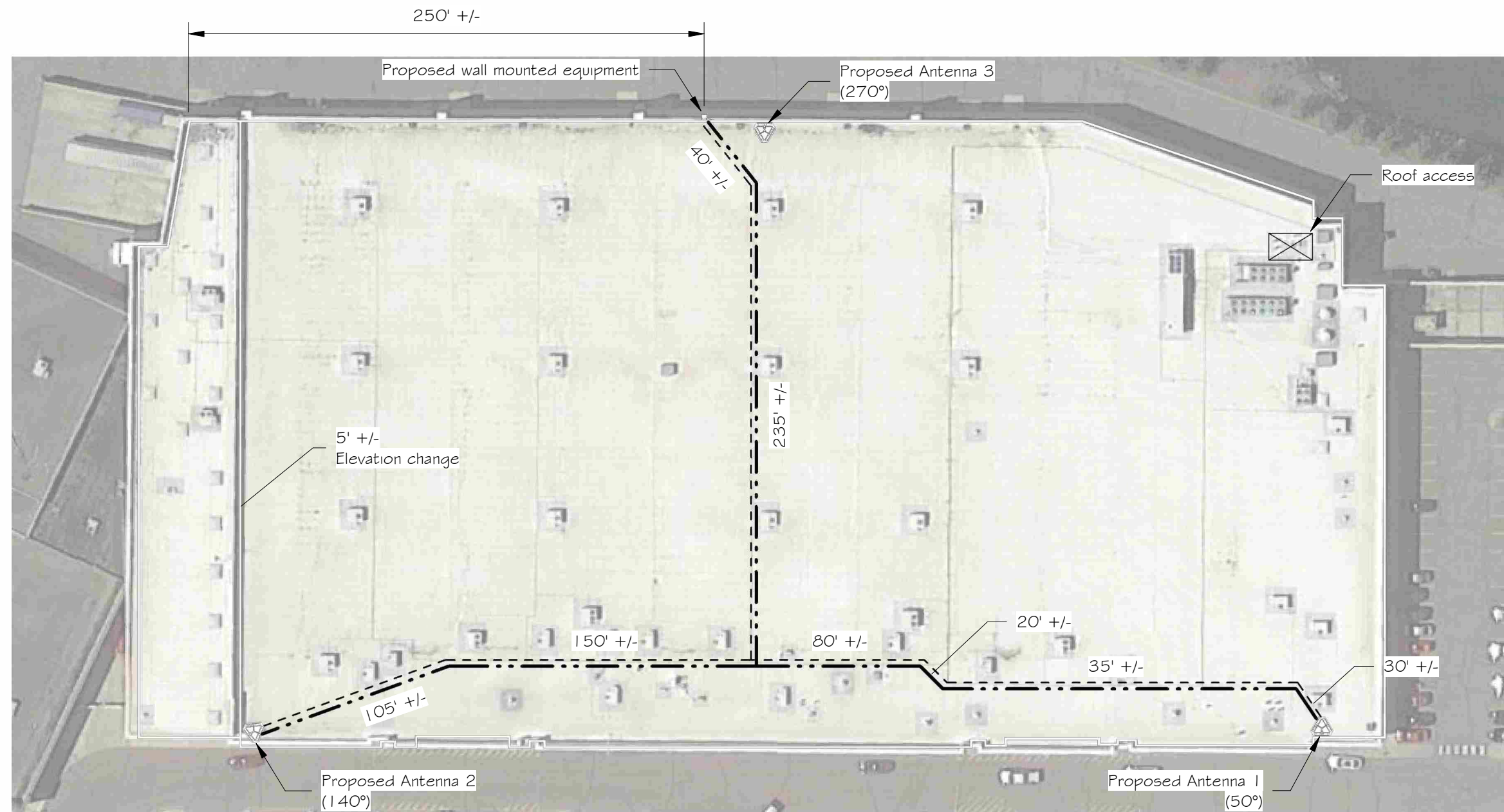
Nick Williamson

Nicholas R. Williamson
Date: 05/08/2019
Lic. NO.: 53824

Sheet Title

ROOF PLAN

Sheet Number	Revision
52	0
	018985508



Notes:

1. Aerial shown above was reproduced from Google Earth and is provided here for illustrative purposes only.
2. Proposed conduit is to route near existing utility routing.
3. Conduit routing and lengths shown are approximate and should be verified by contractor prior to ordering material. Routing around existing conflicts may be required.
4. See Electrical drawings for conduit size and type, and any additional electrical requirements.
5. Single mode 12 strand fiber routed in 3/4" minimum diameter white conduit.
6. Proposed radios to be located on antenna mounts.

Legend:

- · — · — Proposed Rooftop Fiber Conduit Routing
- - - - - Proposed Rooftop Electrical Conduit Routing

Roof Plan
1" = 60'-0"

1



Project Information

TARGET #1356
 4848 County Road 101
 Minnetonka, MN 55345
 Hennepin County

Current Issue Date

05/08/2019

Issued For

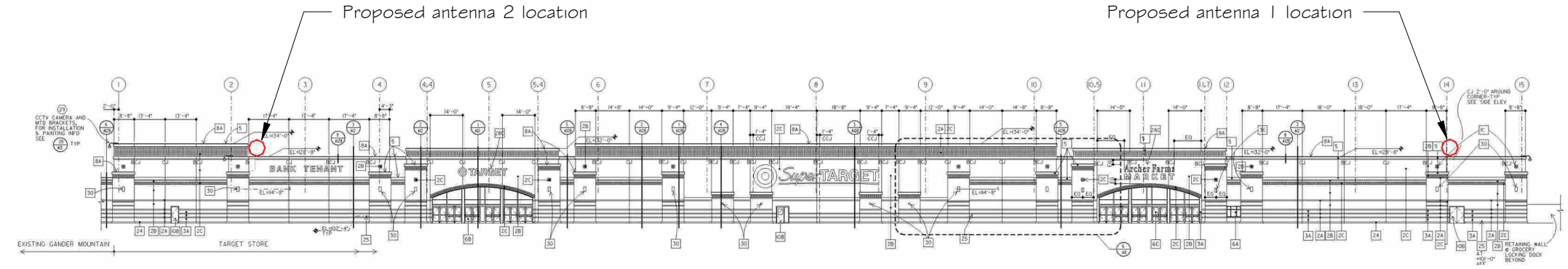
REVIEW

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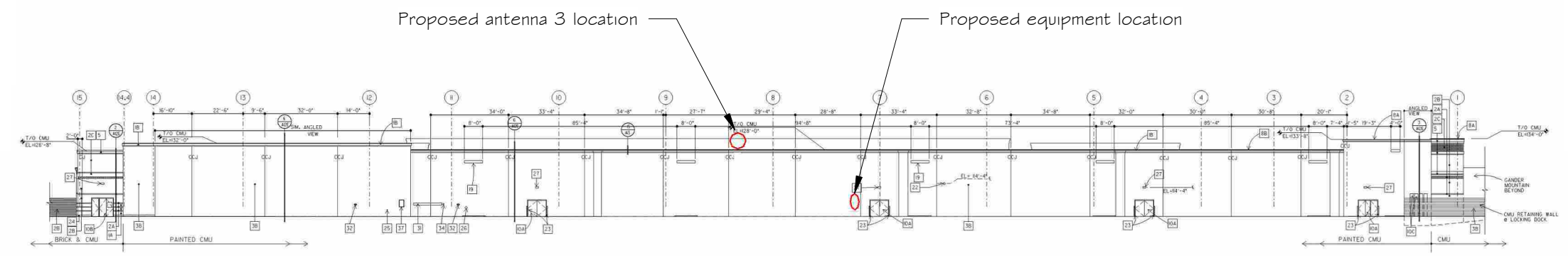
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 PHONE: 803-403-8558
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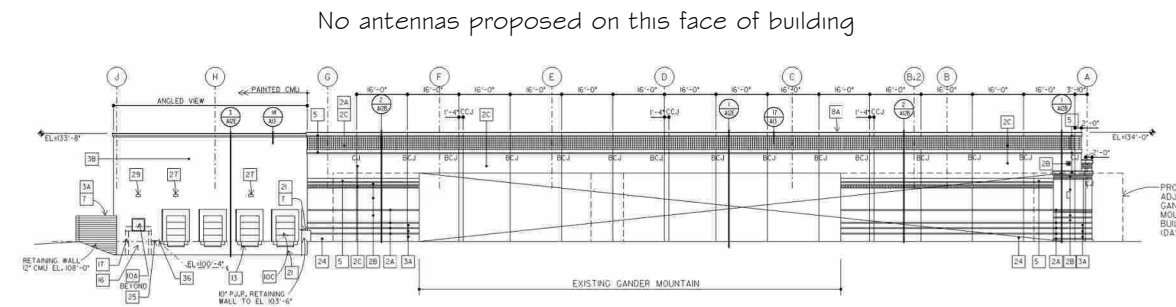
Front Elevation
 SCALE: NTS

1



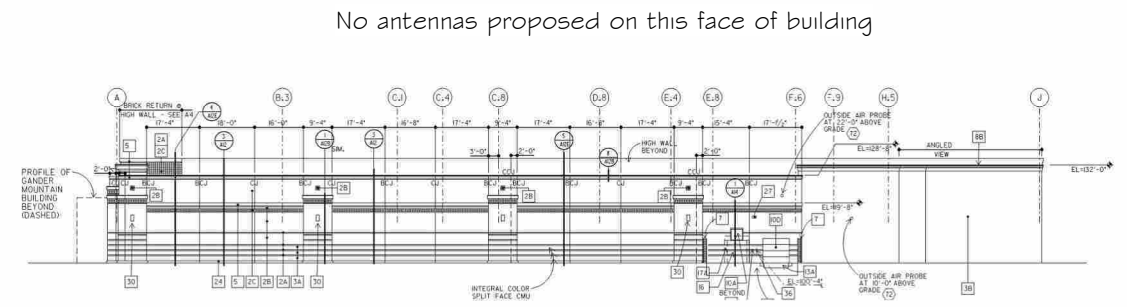
Rear Elevation
 SCALE: NTS

2



Left Elevation
 SCALE: NTS

3



Right Elevation
 SCALE: NTS

4

Licenser

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

Nick Williamson

Nicholas R. Williamson
 Date: 05/08/2019 Lic. NO.: 53824

Sheet Title

BUILDING ELEVATIONS

Sheet Number

53

Revision

0

018985508

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Notes:
 1. Elevations shown above were provided by Target.

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verizon

10801 BUSH LAKE ROAD
BLOOMINGTON, MN 55438
(952) 946-4700

PROJECT
20191902066
LOC. CODE # 524186

MIN
TARGET
I 356

4848 COUNTY ROAD 101
MINNETONKA, MN 55345

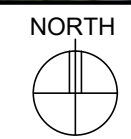
SHEET CONTENTS:
PHOTO SIMULATIONS

DRAWN BY:	MJS
DATE:	09-23-19
CHECKED BY:	TAB
PER REV. 0 DATED	05-08-19

COUNTY ROAD 101 — MINNESOTA HIGHWAY 7

1 AERIAL KEY
SCALE: NONE

NOTE:
PROPOSED INSTALLATION NOT
IN VIEW FROM THE SOUTH
NOR FROM THE WEST.



PS-0



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1 EXISTING PHOTO
#1 VIEWED SOUTHWEST

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1 PROPOSED IMAGE
#1 VIEWED SOUTHWEST

PS-1B



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1 EXISTING PHOTO
#1 VIEWED WEST

PS-2A



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1 PROPOSED IMAGE
#1 VIEWED WEST

PS-2B



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1 EXISTING PHOTO
#2 VIEWED NORTHWEST

PS-3A



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1 PROPOSED IMAGE
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PS-3B



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1 EXISTING PHOTO
#2 VIEWED WEST

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1 PROPOSED IMAGE
#2 VIEWED WEST

PS-4B



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SHEET CONTENTS:
PHOTO SIMULATIONS

DRAWN BY: MJS

DATE: 09-23-19

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1 EXISTING PHOTO
#3 VIEWED NORTH

PS-5A



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1 PROPOSED IMAGE
#3 VIEWED NORTH

PS-5B



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CONSULTING COMMUNICATIONS ENGINEERS · EMC TEST LABORATORIES

5844 Hamline Avenue North, Shoreview, MN 55126
651-784-7445 • Fax 651-784-7541

**REPORT REGARDING CONSTRUCTION
OF A SMALL CELL COMMUNICATIONS SYSTEM
AT 4848 COUNTY ROAD (TARGET STORE)
IN THE CITY OF MINNETONKA, MINNESOTA
FOR VERIZON COMMUNICATIONS**

PREPARED BY:

GARRETT G. LYSIAK, P.E.

SEPTEMBER 25, 2019



EXECUTIVE SUMMARY

The City of Minnetonka Ordinance for telecommunications towers requires the demonstration of a need (gap in coverage) or a showing of need for the proposal. This analysis demonstrates the proof of need requirement is satisfied. This new communications system located at the Target property system will eliminate both coverage and capacity problems. It would provide the required Personal Communication System (“**PCS**”) coverage to eliminate the present existing poor coverage area and capacity requirements for the expanded service.

There are no existing towers identified that could provide the required coverage and eliminate the predicted coverage gap. All towers in the nearby area were examined and none were found that could be used. Due to the lack of any existing towers or support structures in the vicinity, the new site would need to locate very near to the proposed location in order to fill the coverage gap.

There is no evidence to show this new tower will cause interference to the present frequencies and also any Public Safety or City communications systems. There is no demonstrated RF Radiation hazard to the general public, even when other additional PCS systems are added to the study.

As required by the ordinance, this tower will accommodate additional communications systems, and it is in compliance with all the structural requirements of the ordinance.



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Engineering Statement

The documents submitted by Verizon Communications to the City of Minnetonka for the proposed small cell communications system were reviewed for compliance with the technical requirements of Ordinance.

The proposed Verizon Wireless communications system (tower) is designed to provide enhanced wireless coverage inside the Target store and in the parking lot areas using a distributed antenna system with antennas located interior at the ceiling level and exterior on the rooftop level. The antennas located exterior use small cell equipment that will consist of three (3) outdoor antennas. The outdoor antennas are 24.1" x 18.8" x 6.3" and 15 pounds. The antenna will be mounted to a non-penetrating ballasted tripod. The site description is included in the application on page G1 and shows an aerial view of the Target property including the parking lot area.

Coverage Study

In reviewing the submitted data it was determined that additional information for nearby Verizon Communications telecommunications sites was needed in order to make a signal coverage study determination. The requested information was provided and the data was analyzed. This analysis shows how Verizon Communications has designed its communications facilities in the Minnetonka area with several surrounding sites providing area wide coverage. The proposed communications system is designed to provide enhanced coverage and service to the Target property and not to enhance service in nearby areas.

Existing Towers

The ordinance requires that existing towers or structures that are capable of supporting the proposed facility be identified nearby the proposed tower site. A search of both Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) tower databases did not show any existing towers that would provide the desired system coverage.

Site Construction

The site construction plans show the antennas that are planned for this project. The plans did show compliance with the requirements of EIA-222 standard which requires loading for winds of 80 mph with ½" of radial ice. The plans also included a roof-top antenna system that shows compliance with structural standards for loading for the proposed system.



Since the tower is less than 200-feet and does not increase the existing building height by more than 20-feet there is no requirement for any lighting or marking requirements as required by the FAA.

The proposal shows that the tower is currently designed to only accommodate the Verizon system.

Interference Study

A search was performed using the FCC frequency database to determine the frequency and location of any city or county public safety facilities within one-mile from the proposed tower location. Using all the identified frequencies either utilized by the city or county an intermodulation (interference) study was performed to determine if any predicted interference products would be generated by the proposed Verizon Communications facility. Frequency bands used in the interference study are: 700 MHz, 850 MHz, 1900 MHz and 2100 MHz

The results of the study indicate that there are no interference products predicted to be generated that would cause interference to any of the identified protected frequencies.

RF Radiation Analysis

Using the data submitted by Verizon Communications we performed a “Worst-Case” radiation analysis to determine the amount of RF energy that would be present at the base of the roof-antennas as well as the levels at ground level. In making our calculations we assumed that all of the RF energy generated by the facility would be directed downward. This is not the real-world situation since the antennas used by PCS systems are designed to radiate towards the horizon. However, using this analysis method we are able to determine that the maximum level of RF radiation reaching the ground at the tower base is less than 1 percent of the ANSI standard value and as such is not classified as an RF radiation hazard. This proposal satisfies the current Federal guidelines for RF Exposure.

The location of the roof-top antenna is shown in page S2 of the application. The maximum distance from the front the antenna array is 4-feet, maximum, and the safety distance for the maximum RF Exposure level is calculated to be approximately 2-feet. This should allow safe areas to any workers in the vicinity of the antenna.

Based on information supplied by Verizon, access to the roof is restricted by locked doors preventing unauthorized personnel from entering the area. The required signage both on the entry areas as well as on the antenna areas will be installed after construction.



Summary

The review of the proposed Verizon Communications tower indicates that:

- It would provide the required PCS system coverage to eliminate the present existing poor coverage area and capacity.
- The site is not predicted to cause any interference products to any protected frequency in the area and is not predicted to be an RF radiation hazard.
- The system is not designed to accommodate additional communications systems.
- The proposal is in compliance with the structural requirements of the ordinance.
- Due to the lack of any existing towers or support structures in the vicinity, the site would need to locate very near to the proposed location to fill the coverage gap and capacity.

Respectfully submitted,

A handwritten signature in black ink that reads "Garrett G. Lysiak".

Garrett G. Lysiak, P.E.

Resolution No. 2019-

Resolution approving a conditional use permit for telecommunication facilities at 4848 County Road 101

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

Section 1. Background.

1.01 Julie Plante, on behalf of Verizon Wireless, is requesting a conditional use permit for installation of three, small cell wireless antenna on the existing Target store at 4848 County Road 101

1.02 The property is legally described as:

Lot 1, Block 1, SEVEN HI SHOPPING CENTER 2nd ADDITION

1.03 On Oct. 3, 2019, 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 §310.13 Subd. 5(a) outlines the general regulations for telecommunication facilities. These standards are incorporated into this resolution by reference.

2.02 City Code §310.13 Subd. 6(a) outlines the specific regulations for telecommunication facilities. These standards are incorporated into this resolution by reference.

Section 3. Findings.

3.01 The proposal would meet the general conditional use permit standards outlined in City Code §310.13 Subd.5 (a).

1. Verizon is the identified service provider.
2. There are no historic places within 400 feet of the property.

3. The rooftop installation was specifically designed to meet reasonable coverage and capacity needs.
4. No new towers are proposed.
5. The antenna design would have a minimum visual impact on the immediate area.
6. As a condition of this resolution:
 - a) The facilities must be in compliance with all building and electrical code requirements. Structural design, mounting, and installation of the telecommunications facilities must comply with the manufacturer's specifications.
 - b) The property owner must sign an 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 as outlined by city code.
 - c) Obsolete facilities must be removed within 90 days after cessation of their use at the site unless an exemption is granted by the city council.

3.02 The proposal would meet the specific conditional use permit standards outlined in City Code §310.13 Subd. 6(a).

1. The property is zoned PUD.
2. No new tower is proposed. As such, height and setback standards do not apply.
3. The antenna would be located on the rooftop and would not project horizontally beyond the building façade.
4. The antenna would be less than three feet in height and, along with its mounting, would project vertically above the rooftop by just five feet.
5. Accessory equipment would be mounted on the rear building wall. It would not be visible from off-site.
6. The antenna and associated equipment would be gray in tone and would not contrast noticeably from the building color scheme.
7. As a condition of this resolution, the facilities may not be artificially illuminated unless required by law, necessary to protect the public's health and safety, or necessary to facilitate service to ground-mounted equipment.

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 facilities must be in compliance with all building and electrical code requirements. Structural design, mounting, and installation of the telecommunications facilities must comply with the manufacturer's specifications.
 3. The property owner must sign an 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 as outlined by city code.
 4. Obsolete facilities must be removed within 90 days after cessation of their use at the site unless an exemption is granted by the city council.
 5. The facilities may not be artificially illuminated unless required by law, necessary to protect the public's health and safety, or necessary to facilitate service to ground-mounted equipment.
 6. The city council may reasonably add or revise conditions to address any future unforeseen problems.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 28, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, 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 Oct. 28, 2019.

Becky Koosman, City Clerk