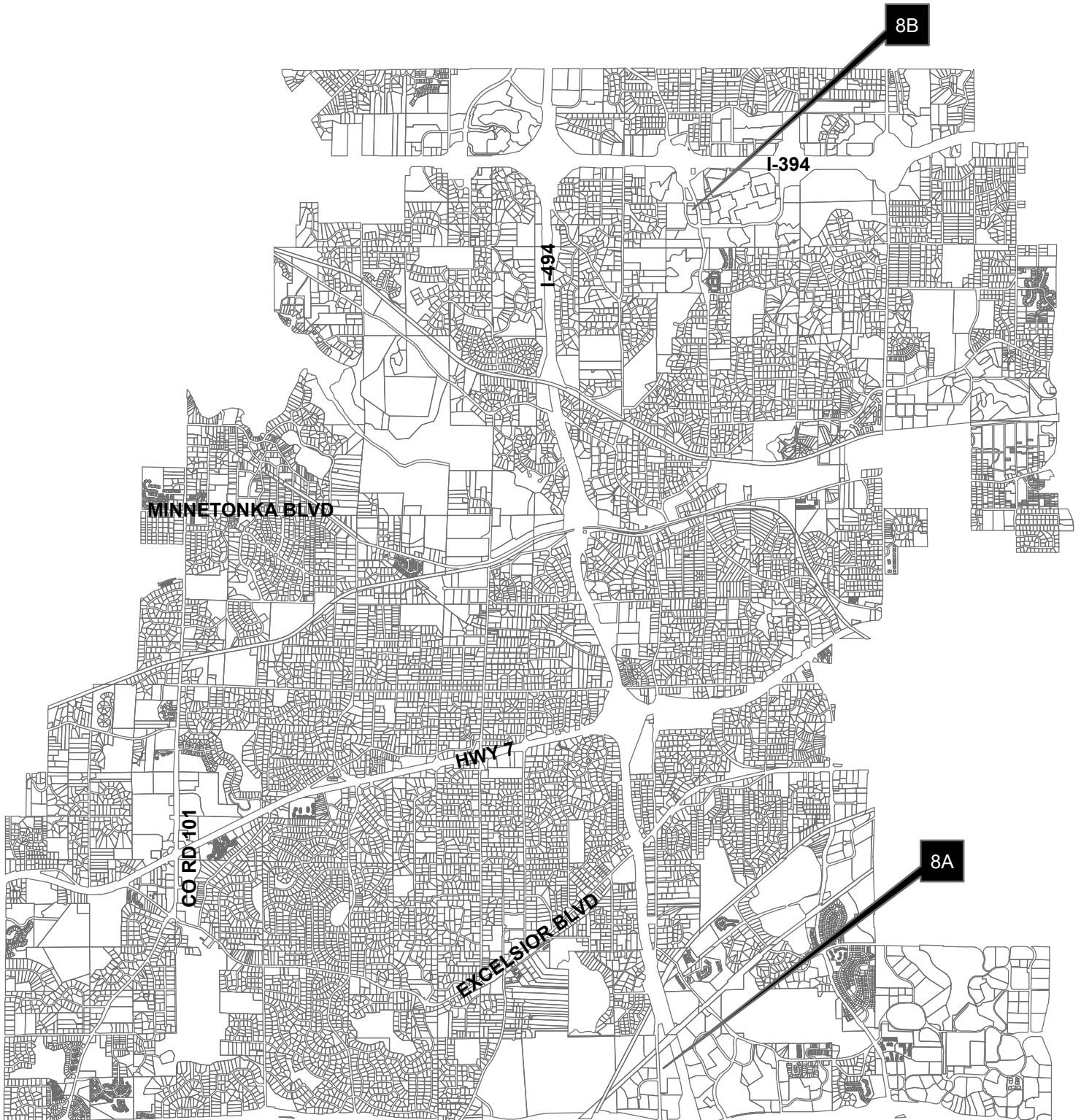




CITY OF
MINNETONKA

CITY OF MINNETONKA
PLANNING COMMISSION
APRIL 23, 2020

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





Planning Commission Agenda

April 23, 2020 – 6:30 p.m.

Virtual Meeting via WebEx

Due to the COVID-19 health pandemic, the planning commission's regular meeting place is not available. Pursuant to Minn. Stat. § 13D.021, planning commission members will participate in the meeting remotely via WebEx. Members of the public who desire to monitor the meeting remotely or to give input or testimony during the meeting can find instructions at <https://www.minnetonkamn.gov/government/virtual-meeting-information>.

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: March 5, 2020

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda.

8. Public Hearings: Non-Consent Agenda Items

A. Resolution rescinding the existing Baker Tech sign plan.

Recommendation: Adopt the resolution rescinding the sign plan (4 votes)

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

B. Conditional use permit for a restaurant at 1700 Plymouth Road.

Recommend the city council adopt the resolution approving the permit (4 votes)

- Recommendation to City Council (May 4, 2020)
- Project Planner: Susan Thomas

9. Adjournment

Planning Commission Agenda
April 23, 2020
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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 May 7, 2020 agenda.

Project Description	SEMRUD HILLS, a 3-lot subdivision
Project Location	4716 Williston Road
Assigned Staff	Drew Ingvalson
Ward Councilmember	Kissy Coakley, Ward 4

Project Description	DAMYAN'S ADDITION, a 2-lot subdivision
Project Location	9598 Ann Lane
Assigned Staff	Ashley Cauley
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	The Pointe, an 186-unit apartment building and 136-room hotel
Project Location	801 Carlson Parkway
Assigned Staff	Susan Thomas
Ward Councilmember	Bradley Schaeppi, Ward 3

Minnetonka Planning Commission Meeting

Agenda Item 4

Previous Meeting Minutes

**Unapproved
Minnetonka Planning Commission
Minutes**

March 5, 2020

1. Call to Order

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

2. Roll Call

Commissioners Maxwell, Powers, Waterman, Hanson, Henry, and Sewall were present. Luke was absent.

Staff members present: City Planner Loren Gordon and Assistant City Planner Susan Thomas.

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

4. Approval of Minutes: Feb. 13, 2020

Hanson, moved, second by Henry, to approve the Feb. 13, 2020 meeting minutes as submitted.

Maxwell, Powers, Waterman, Hanson, Henry, and Sewall voted yes. Luke was absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on:

- The Minnetonka Mills Church study has held two meetings so far with over 100 residents in attendance. Additional meetings will be held March 19th and 25th and April 14th. More information is posted on the city's website: **minnetonkamn.gov**. There are no development proposals submitted at this time.
- The March 19, 2020 planning commission meeting has been cancelled.
- The next planning commission meeting is scheduled to be held April 2, 2020.
- The city council approved the Shady Oak Crossings proposal contingent upon annexation of land in Hopkins.

6. Report from Planning Commission Members

Hanson noted that the city broke ground on the public safety facilities project.

7. Public Hearings: Consent Agenda

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

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

A. Front yard setback variance for an entry feature at 10101 Minnetonka Blvd.

Adopt the resolution approving the front yard setback variance for an entry feature at 10101 Minnetonka Blvd.

Maxwell, Powers, Waterman, Hanson, Henry, and Sewall voted yes. Luke was absent. Motion carried and the item on the consent agenda was approved as submitted.

8. Public Hearings

A. Interim use permit for a garden market at 17555 Hwy 7.

Chair Sewall 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.

Powers confirmed with Thomas that no comments were received from neighboring property owners.

Craig Gilb, operations manager for Untiedt's Vegetable Farm, representing the applicant, stated that the business has been operating at Westwinds Plaza for 13 years.

Chair Sewall asked if generators would be used. Mr. Gilb answered in the negative.

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

Powers was familiar with the business operating at Westwinds Plaza. It operated well. He supports staff's recommendation.

Waterman found the use to meet the interim use permit requirements and the variance seems reasonable given the natural barriers that exist on the trail.

Hanson looked forward to shopping there.

Chair Sewall thought the plants would make the parking lot look better. There would be a nice buffer between the business and the residential houses.

Powers moved, second by Waterman, to recommend that the city council adopt the resolution approving an interim use permit with a setback variance for a garden market at 17555 Hwy 7.

Maxwell, Powers, Waterman, Hanson, Henry, and Sewall voted yes. Luke was absent. Motion carried.

B. Conditional use permit for licensed residential care facility at 3727 Shady Oak Road.

Chair Sewall 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.

Hanson asked how many parking spots would be available for visitors. Gordon explained that the resident and employees would not be there at the same time very often. There is a possibility that more than four vehicles could show up at the same time. A five-minute window for a delivery would not trigger enforcement of a no parking violation on the street.

Waterman asked if the utilities would be impacted. Gordon noted that the consumption of water, sewer, and electric services would be higher for the site than a typical residential house, but not a burden to the system.

Hanson asked if seven vehicles parked at the site would cause an impediment to emergency vehicles. Gordon answered that fire department staff reviewed the application and found no problem.

Dr. Ilitch Diaz Gutierrez, representing Spirit Care Homes, applicant, thanked Ingvalson for his work helping him complete the application process and Gordon for giving the staff report. He stated that:

- The proposal would increase the potential occupancy to 12 residents who would be elderly and disabled or who would require memory care.
- There is a huge need for this type of residence. Every day 10,000 people turn 65 years of age and 4,000 people turn 55 years of age in the United States. Most of the seniors would require assistance.
- In the state of Minnesota, there are 800 assisted living communities that provide 30,000 beds. In 2015, half a million people reported disabilities.
- In the Midwest, there are 24 beds for every 1,000 people 65 or older.
- In Minnetonka, most of the residential care homes are full and the wait lists are long.
- He is a physician. He has heard from his clients who have stayed in a nursing home for rehabilitation before that they do not want to go back to a nursing home for care.

Maria Fossie stated that she has been in healthcare for eight years and a registered nurse for five years. She worked overnight for two years where she cared for 19 residents at a large memory care facility. She has seen the need for high quality and personalized facilities. She wants to provide a safe, more personal option for elderly residents.

Dr. Gutierrez stated that:

- The house would look the same as any house in the neighborhood.
- He understood the concerns of the neighbors.
- Elderly disabled people are protected by the Federal Fair Housing Act against discrimination of housing.
- The city has conditions required by the conditional use permit including that the driveway may not be shared by another property, the house is located on a major collector road, the residents would not have vehicles and there would be no company vehicle.
- There would be two caregivers during the day and one at night. The food and service delivery would take an hour at the most.
- Visitors would be encouraged to schedule visits ahead of time to prepare the residents for the visit and stagger the parking.
- A similar care facility in Minnetonka with 10 residents had 4 emergency calls for service in 2019.
- The caregivers would park in the garage.
- He provided photos of residential care houses in Minnetonka. They look like any other house. Surrounding houses have maintained their value.
- By law, the site would have a secure perimeter, locked doors, and wander bands for each resident.
- The residents would be supervised at all times if outside. An indoor fire suppression system would be installed.

In response to Powers' question, Dr. Gutierrez explained that a wander band is a watch with an electronic tracker that would alert a caregiver if the resident would leave the house. There would probably be 10 or 11 residents.

In response to Hanson's question, Ms. Fossie explained that the two double rooms would accommodate a couple who prefer to share a room with each other.

Maxwell asked how long he expects residents to live at the site. Dr. Gutierrez answered that the national average is 3.5 years. Contrary to moving into a residential house, elderly residents provide their bed and a small piece of furniture.

Powers asked how often he expected garbage to be picked up. Dr. Gutierrez stated that recycling would be utilized and senior care facilities do not create a lot of garbage because senior residents do not consume as much as younger residents. Garbage would be picked up once a week with a couple additional garbage containers.

In response to Chair Sewall's question, Dr. Gutierrez stated that two parking stalls on the left side would be designated for delivery parking. The driveway could fit 10 to 12 vehicles parked on it, but, per city code, no more than four vehicles would be allowed to be parked outside of the garage at one time.

Ms. Fossie explained that she and Dr. Gutierrez went door to door and met with neighbors to explain the proposal. Most of the comments received were positive, but a couple neighbors were opposed to the proposal.

The public hearing was opened.

Jackson Tomlinson, 3730 Shady Oak Road, stated that:

- He was concerned with an increase in traffic.
- He was concerned with the safety of the residents. The driveway has a 12 percent grade. It would not be walkable for a resident. There is no sidewalk and Shady Oak Road is a busy road.
- He was concerned with the renovations. It looks like it would provide a comfortable setting for people to live in. A commercial elevator and fire suppression sprinkler system would be added to the house. It would not be suitable for a single-family house ever again.
- The staff report incorrectly referred to Baker Road instead of Shady Oak Road.
- The application states that there would be five staff members with two residents which would utilize all of the parking area. The parking would be inadequate for the proposal.
- There is a need for senior care, but he did not think this property would be a good fit for the proposal.

Patricia Haeg, 3744 Shady Oak Road, stated that:

- She is not opposed to senior care. Her mother in law is in senior care. She did not think the "general population" could pay \$10,000 a month for senior care.
- She was appalled that a family member would make an appointment to visit a resident. She thought that was a "red flag."
- She was concerned with traffic.
- The site would generate more garbage than one family.

Jerry Anderson, 3724 Hilltop Road, stated that:

- He was concerned with residents walking onto his back yard. He asked if there would be a fence.

Cynthia Kist, 3717 Arbor Lane South, stated that:

- She questioned if the applicant owns the property.
- She questioned why 12 residents are being proposed instead of six.
- She was concerned with parking and the steepness of the driveway.
- She was glad the potential owners would live on the property. That would provide a more secure commitment to the neighborhood and effective running of the facility.
- She questioned the relationship between the developer and the applicants.
- The proposal has been researched well. The applicant would do a great job, but she has concerns.

Patricia Haeg, 3744 Shady Oak Road, stated that:

- Her mother in law had many people visit her to provide assistance with physical therapy, showers, music therapy, and a clergy member as well as family members.

Mary Schweitzer, 3677 Shady Oak Road, stated that:

- She has had her front yard dug up six times in two years by CenterPoint for improvements.
- She was concerned with staff profiles, activity instructors, and traffic.
- She questioned the success and failure rates.
- She asked for the timeline.
- Parking is already an issue for residents who have a gathering.
- She thought there should be more caregivers than two during the day.
- She thought neighbors could volunteer at the facility.

Denise Nelson, 2408 Tonkawood Trail, stated that:

- She was a firefighter in Minnetonka for six years. The slope of the driveway is common and firefighters would have no problem going up the driveway.
- She has a sister who has lived in a group home for 16 years at multiple facilities. Most residents of senior care facilities do not have many visitors. The residents do not have vehicles at all and cannot walk.
- This is an opportunity for people to find a beautiful house to live in the community.
- The house on the outside would look relatively the same. She could not find a home for her sister in this community. There is a huge shortage. This is needed.
- There would be more trash, but her neighbor puts out four garbage containers every week and has five cars.
- This sounds like a wonderful opportunity. It is well planned. The lot is huge. The driveway could be expanded.

- A lot of houses in Minnetonka have fire suppression sprinkler systems. All of the newer houses have sprinkler systems and many have elevators.
- This is a wonderful plan. There would be eight rooms with the potential for a couple to live together in two of the rooms. That is very rare and lovely. She wished her sister could live in a home like this one.
- The other houses that provide senior care look great.
- This house is isolated from the neighbors.

Cynthia Kist, 3717 Arbor Lane South, asked if Spirit Home Care is a chain, private company, or subsidized care facility.

Bill Haeg, 3744 Shady Oak Road, stated that:

- He wanted to know if a dumpster would be used for garbage and require another type of garbage truck to pick it up.
- He did not think a person would want to wheel garbage cans to the road in the winter.

Jerry Anderson, 3724 Hilltop Road, stated that:

- The power to his house was questionable and he used to have several power outages each month for 45 years. It is better now.

No additional testimony was submitted and the hearing was closed.

Dr. Gutierrez stated that:

- A surveyor from the Minnesota Department of Health (MDH) would visit the site and determine if a fence would be necessary.
- There would be no garbage dumpster.
- He has experience with having a family member in assisted living and he sees the need for this type of care and housing.

Ms. Fossie said that often times a resident needs this type of care due to a decline in health and mobility and a need for help with everyday tasks. A house is what most people are comfortable with and residents love them. She wants to provide a home for people who need it.

Dr. Gutierrez stated that:

- The MDH requires that a nurse be present to supervise the caregivers.
- Spirit Care Homes is the business entity consisting of Dr. Gutierrez and Ms. Fossie and is an acronym for their values: safety, people, independence, respect, inclusivity, and trust worthiness. They would own the property.

- The state of Minnesota does not limit the number of residents. More residents would allow them to provide better care and lower the cost to the resident.
- Activities are scheduled ahead of time to limit traffic and parking.
- Renovations would take about 5 months. He expects two residents to move in each month and the home be full in one year.

Ms. Fossie stated that visitors would not be turned away, but encouraged to let staff know ahead of time if possible.

Dr. Gutierrez stated that:

- Driveway accessibility requirements are exempt if the building has a full automatic fire suppression sprinkler system.
- Residents typically use a wheelchair or walker and would have supervision if outside. Residents would not be allowed to walk down the driveway or walk along the street.

Chair Sewall confirmed with staff that “Baker Road” was mistakenly typed in the staff report instead of “Shady Oak Road.”

Gordon explained that the code provides 10 percent of a grade for a driveway as a rule, but allows flexibility by stating that a driveway must provide safe vehicular movement by providing places to stop and provide visibility. The top and the bottom of the slope of the driveway are flat. Staff is comfortable with the condition of the driveway.

Chair Sewall asked if any similar facility in the city has failed. Gordon was not aware of any that failed. Thomas was not aware of any that failed. She stated that staff would not know of a senior care residence that cares for six or fewer residents.

Gordon noted that utility companies continuously upgrade the electric and gas power lines to provide reliable, safe service. If there would be a need for additional gas or electric power, then the property owner would contact the utility company. The property owner could contact the city to request an increase in water pressure which is a common request by residences housing one family. An apartment building with 50 units would need a higher level of water and sewer services, but not the proposed use.

Dr. Gutierrez stated that volunteers would be welcomed, but there would be a background check.

Powers asked if the commission could restrict the number of residents. Gordon stated that the application is requesting approval for 12 residents. The city council has made modifications to the number of residents allowed in care residences for other applications. If a change is recommended, then reasons for the change must be provided.

Powers stated that the proposal is very well done. The neighbors are incredibly articulate. He knows the proposal would have an adverse impact, but questioned if it would be an “undue” adverse impact. His electricity used to go out several times a month. He thought the applicant may be somewhat underestimating the challenge and the neighbors somewhat overestimating the challenge. He is in favor of the proposal. He suggested housing eight or nine residents and, if that goes well, then increase the number of residents. It would be a mistake to deny the application.

Hanson supports staff’s recommendation. He hoped that the care residence would be fortunate enough to have so many visitors that it would create a parking problem and that it would be a vibrant home to live in and serve as an example of how those in need of care should be treated. He has relatives who lived in a facility and in a residence just like this. He and his family were the only visitors at the care residence every time. For years, he had no idea that the house was a care residence. He has no problem with 12 residents. He happily supports the proposal.

Henry appreciated everyone’s comments. One of the largest needed areas of housing right now is senior care housing. He appreciated the thoughtfulness put into the proposal. He would be proud to have a loved one live in a care residence like this. It is a definite responsibility for the city to make sure that seniors who require assistance have a place to live. He liked the idea of neighbors volunteering at the residence. He has slipped and fallen putting his garbage cans out. He suggested adding railings or stairs if possible. He is in favor of the proposal. He supports staff’s recommendation. He liked that the number of residents would be increased gradually. He felt that the applicants have the knowledge to act in the best interests of the residents.

Waterman thanked everyone for their comments. There is a concern for seniors and neighbors of the site. He supports the proposal since it meets all of the conditional use permit standards. It is a necessary housing component needed in the city.

Maxwell lived in a neighborhood with a group home for residents with dementia for many years. The residents were never without a caregiver. She liked having it there. In this case, the house is large enough to have more than six residents without changing the footprint of the building or the character of the neighborhood. The trees would still surround the house. She supports staff’s recommendation.

Chair Sewall commended the neighbor who suggested neighbors volunteer at the care residence. Parking may become an issue, but if there would be more than four vehicles outside at a time, that would become a law enforcement issue that the city could take action on. The burden is on the applicant to manage parking. He heard the concerns. He liked the idea of increasing the number of residents gradually. He supports staff’s recommendation.

Powers moved, second by Hanson, to recommend that the city council approve a conditional use permit for a licensed residential care facility at 3727 Shady Oak Road.

Maxwell, Powers, Waterman, Hanson, Henry, and Sewall voted yes. Luke was absent. Motion carried.

Chair Sewall stated that the city council will review this item at its meeting on March 23, 2020.

C. Preliminary plat with lot width at setback variance for Fretham 29th Addition at 16856 Sherwood Road.

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

Thomas reported. She recommended denial of the application based on the findings listed in the staff report. The application would meet the provisions of the tree protection ordinance and floodplain and wetland regulations.

Chair Sewall confirmed with Thomas that all criteria must be met for a variance to be approved.

Curt Fretham, applicant, thanked staff for working hard on the proposal and commissioners for listening to the request. He appreciated the neighbors' concerns. He stated that:

- The acre lot would be divided into two lots.
- The application is for a preliminary plat and he would like the focus on the application.
- He did not agree with staff's report and felt that the side lot line does not have merit. He believes that the preliminary plat meets code requirements.
- He felt the lot-width measurement line should be allowed to be located where it is shown on the proposed preliminary plat application.
- He questioned if staff's placement of the lot-width-measurement line trumps the applicant's placement of the lot-width-measurement line.
- The application does not practice historical practices, but he could not find that the application violated historical practices. He questioned the weight of historical practices.
- He questioned why staff's midpoint could be off "one hour" of measurement, but the application's measurement could not.
- He provided examples of lots with inconsistent dimensions.
- He questioned where it is in code that specifically defines how the lot-width-measurement line should be laid down. It says that it needs to touch the circle on both sides. His application does that.

The public hearing was opened.

Erin Breczinski, 16847 Patricia Lane, stated that:

- She requested the variance be denied.
- The proposal would have a negative impact on the neighborhood.
- The plan would remove 31 percent of the trees.
- There would be very little usable backyard.
- The house would not fit in with the houses which were built in the 1950s.
- The proposal would be harmful to wildlife.
- The current house needs extensive renovations.
- There is a discrepancy on how to measure the lot width.

Kevin Hughes, 16835 Patricia Lane, stated that:

- The wetland is vibrant and active with animals.
- He would have a view of the proposed house.
- He opposed cramming a big house near the wetland.

John Miller, 16811 Patricia Lane, stated that:

- The proposal would impact his view of the marsh land and impact the wildlife.
- The proposal would negatively impact the charm, ambiance, and property values.
- There is a severe drop off in elevation. He questioned how much fill would be added.
- He questioned the increase of runoff and the impact on the wetland.
- He questioned if subdivision of his 1.5-acre lot would be approved.
- The neighborhood would be negatively impacted.

No additional testimony was submitted and the hearing was closed.

Chair Sewall explained that the planning commission will make a recommendation to the city council. The city council will review the application on March 23, 2020 and take action which is the final decision.

Mr. Fretham explained that he plans to remodel the existing house if the application would be approved.

Chair Sewall confirmed with Thomas that subdivision of a property triggers enforcement of the tree protection ordinance.

Thomas stated that:

- The proposal would add two feet to six feet of fill outside of the floodplain and wetland areas.
- The applicant was notified prior to the submittal of the preliminary plat application that a variance for lot width would be necessary.

- Staff looked at ten years of subdivisions and found that the method used to measure the lot width on cul-de-sac properties was consistent. The midpoint of the arced setback is found and the measurement is placed tangent to the midpoint of the arc. Side property line configurations influence where the lot width is measured. Staff may have been generous when calculating width. If it were actually measured along the arced 35-foot setback neither of the lots would meet the required lot width at setback.
- The city attorney is comfortable with staff's recommendation.
- Past practice and the literal reading of the ordinance would suggest that the method of measurement used by staff is appropriate.

Chair Sewall reopened the public hearing.

Ms. Breczinski asked if the applicant would build a house on the new lot or sell the new lot. Thomas answered that the application for a preliminary plat would, if approved, subdivide the property. The planning commission does not review construction on a newly created lot. A building permit would require conformance with city ordinances and state building code. The McMansion policy could be applied if the property would be subdivided. If not subdivided, then the McMansion policy would not apply to the property.

Henry agrees with staff's recommendation. The measuring method has been applied consistently.

Powers concurs with the city attorney. He noted that residential property owners do not own or control a view.

Hanson found this a difficult decision. The difference of 14 feet is not real big. He noted that the alternative to this proposal may be worse. The city council may clarify the language used to determine how to measure lot width. He supports staff's recommendation.

Chair Sewall did not think building one new house would change the character of the neighborhood. The way the city is measuring the lot width is the most reasonable method. He supports staff's recommendation.

Waterman moved, second by Maxwell, to recommend that the city council adopt the resolution denying the preliminary plat with a lot width at setback variance for Fretham 29th Addition at 16856 Sherwood Road.

Maxwell, Powers, Waterman, Hanson, Henry, and Sewall voted yes. Luke was absent. Motion carried.

D. Ordinance amending the zoning ordinance and subdivision ordinances relating to appeals.

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

Thomas reported. She recommended approval of the ordinance.

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

Powers moved, second by Henry, to recommend that the city council adopt the ordinance amending the zoning ordinance and subdivision ordinances relating to appeals.

Maxwell, Powers, Waterman, Hanson, Henry, and Sewall voted yes. Luke was absent. Motion carried.

9. Elections

Powers moved, second by Hanson, to elect Sewall to serve as chair of the Minnetonka Planning Commission for one year beginning March 5, 2020.

Maxwell, Powers, Waterman, Hanson, Henry, and Sewall voted yes. Luke was absent. Motion carried.

Powers moved, second by Waterman, to elect Hanson to serve as vice chair of the Minnetonka Planning Commission for one year beginning March 5, 2020.

Maxwell, Powers, Waterman, Hanson, Henry, and Sewall voted yes. Luke was absent. Motion carried.

10. Planning Commission Bylaws and Policies

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

Gordon reported. He recommended approval of the bylaws and policies listed in the staff report.

Hanson recalled that creating a policy regarding front porches had been previously discussed. Chair Sewall agreed.

Gordon stated that adding a porch is popular now. The style of the house would play a part.

Chair Sewall noted that multiple variances to allow a porch on the front of a residence were approved which may indicate that a change may be needed.

Gordon stated that staff could look at the issue and provide a proposal at a future meeting. More information on the popularity of three-car garages could also be provided.

In response to Henry's request, Thomas explained that the commission will review the merit of rescinding sign plans for commercial areas in the future.

11. Adjournment

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

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
April 23, 2020

Brief Description	Request to rescind the Baker Tech Plaza sign plan, as it pertains to the properties at 5929 and 6121 Baker Road
Recommendation	Adopt the resolution rescinding the sign plan

Background

The Baker Tech Plaza sign plan was originally approved in 1984. This sign plan was later amended in 1986. This amended plan still governs the properties and buildings within the industrial office center.

Existing Property Information

- **Location:** Northeast of the Baker Road/County Road 62 intersection
- **Zoning:** I-1, Industrial
- **Land Use:** Mixed Use
- **Existing Uses:** The majority of the tenants are office users, but there are also industrial and commercial users within the Baker Tech Plaza. Some tenants include:
 - C & H Technology
 - Amcon Construction
 - IV Desk
 - Boom Island Brewery
 - Secondhand Hounds
 - Pro Tec Design
 - E Technical Staffing
- **Number of Properties:**
 - Two (5929 and 6121 Baker Road)
- **Total Area:** 20.3 acres (two properties combined)
- **Buildings:**
 - The properties are improved with five buildings (5909, 5929, 5959, 6101, and 6121 Baker Road)
 - The five buildings have a combined 259,246 square feet of building area



Proposal

Kellee Vinge, on behalf of Baker Tech Property LLC, is requesting that the subject sign plan be rescinded.

Baker Tech Plaza Sign Plan vs City Code Sign Ordinance

A review between the Baker Tech Plaza sign plan and the city code sign ordinance finds that the sign plan is much more restrictive than city's sign ordinance. Specifically, the city's sign ordinance allows for larger wall signs, more options for types of wall signs (font, materials, illumination, etc.), and larger freestanding signs. In addition, city code allows temporary signs, with a temporary sign permit. Alternatively, temporary signs are not permitted by the Baker Tech Plaza sign plan. More detailed differences between the Baker Tech sign plan and the city's sign ordinance can be found within the "Supporting Information" section.

Staff analysis

Staff supports the request to rescind the Baker Tech Plaza sign plan, as:

- **The sign plan is more restrictive than city's sign ordinance.** As outlined above (and in the "Supporting Information" section), the Baker Tech Plaza sign plan is more restrictive than the city code's sign ordinance. Rescinding the sign plan would allow businesses to have more sign alternatives and would better support their branding, wayfinding, advertising.
- **There are several signs that are non-conforming with the Baker Tech Plaza sign plan.** However, the majority of these signs are complaint with city sign ordinance requirements. These signs have been approved in staff error, through development approvals, or unknown processes. Rescinding the subject sign plan would require all future signs to be constructed to city code requirements, which most signs within the city follow. As such, rescinding the sign plan would continue sign consistency within the development.

Below are two signs within the Baker Tech Plaza that are non-complaint with the existing sign plan. The sign on the left (Pro Tec Design) is non-complaint due to having two lines of copy. The sign on the right (Secondhand Hounds) is non-complaint due to the sign materials and color used. Both of these signs would be complaint with city code.



- **Removal would bring sign consistency within the area.** The majority of the properties within the area do not have a sign plan. Rescinding the Baker Tech Plaza

sign plan would bring the subject buildings and properties into conformance with the same signage requirements as other developments within the area.

Summary

The Baker Tech Plaza sign plan presumably functioned well in 1986. However, the 34 year old plan is now cumbersome to enforce and overly restrictive. Rescinding the subject sign plan would assist businesses by allowing more signage options and simplifying signage requirements, while continuing signage consistency within the community.

Staff recommendation

Adopt the resolution rescinding the Baker Tech Plaza sign plan, as it pertains to the properties at 5929 and 6121 Baker Road.

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

Supporting Information

Surrounding Properties

	North	South	East	West
Use	Railway	Dog Daycare (Adogo) and City of Eden Prairie	Hwy I-494	Industrial and Office Buildings
Zoning	-	I-1	-	I-1
Guide Plan Designation	-	Mixed Use	-	Industrial

Subject Properties

	Existing	Proposed
Uses	Office, Industrial, Commercial	No change
Zoning	I-1	
Guide Plan Designation	Mixed Use	

Sign Plan vs Sign Ordinance

The chart below shows the differences between the Baker Tech Plaza sign plan and city code sign ordinance. Generally, the sign plan is more restrictive than the city's sign ordinance.

	Sign Plan	Sign Ordinance
Wall Signs		
Number per tenant	1	1 per exterior wall face (not more than 2)
Max Copy Height	<10,000 sq. ft. tenant: 12 inches	26 inches
	>10,000 sq. ft. tenant: 24 inches	
Max Logo Height	<10,000 sq. ft. tenant: 12 inches	36 inches
	>10,000 sq. ft. tenant: 24 inches	
Illumination	Not permitted	Permitted
Materials	Must be silver, plastic molded letters/logos	Not specified
Font	Must be Helvetica (Medium or Italic) or Perfaire)	Not specified
Number of Characters	35	Not specified

Number of Lines	1	Not specified
Temporary Signs	Not permitted	Permitted

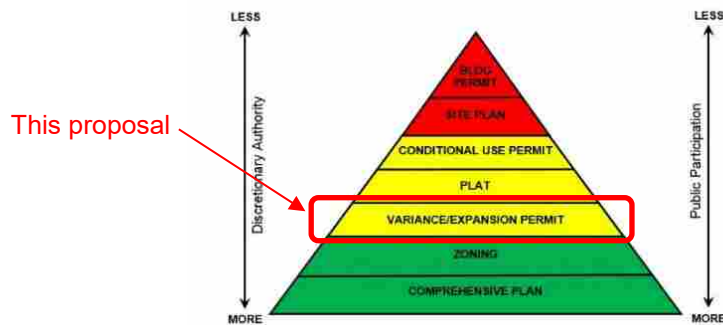
	Property	Sign Plan	Sign Ordinance
Free Standing Signs			
Number per Property	Both properties	2	1
Max Copy and Graphic Area	5929 Baker Road	Sign 1*: 77 sq. ft.	80 sq. ft.
	6121 Baker Road	Sign 2**: 86.5 sq. ft.	120 sq. ft.
Max Area	5929 Baker Road	Sign 1*: 77 sq. ft.	120 sq. ft.
	6121 Baker Road	Sign 2**: 86.5 sq. ft.	150 sq. ft.
Max Height	5929 Baker Road	Sign 1*: 3 ft.	18 ft.
	6121 Baker Road	Sign 2**: 3.5 ft.	21 ft.
Temporary Signs	Both properties	Not permitted	Permitted

*Sign 1: Signs near Hwy I-494
 **Sign 2: Signs near Baker Road

Freestanding Signs

City Code limits the number of freestanding signs on a property to one. The subject properties both have two freestanding signs. If the Baker Tech Plaza sign plan were rescinded, the second signs would be considered legal non-conforming. The property owner would be allowed to keep and maintain these signs. If the owner wished to replace a non-conforming sign (must be the same size), they would need to submit a sign permit within 180 days of the demolition of the non-conforming sign.

Pyramid of Discretion



Motion options

The planning commission has the following motion options:

1. Concur with staff’s recommendation. In this case, a motion should be made adopting the resolution to rescind the sign plan.

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

Voting Requirement

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

Appeals

Any person aggrieved by the planning commission's decision about the request to rescind the sign plan 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 44 area property owners and have received no comments to date.

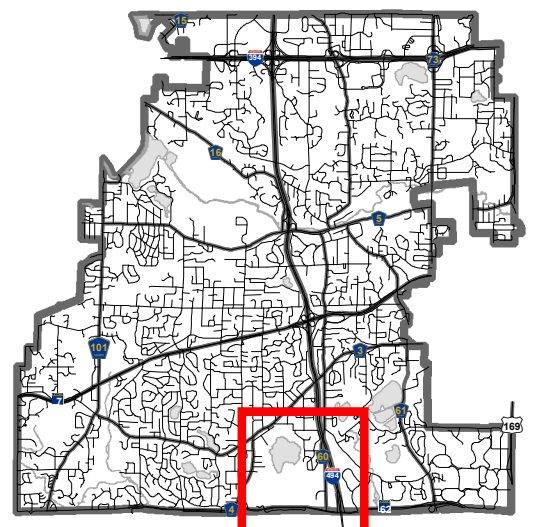
Deadline for Decision

June 22, 2020



Location Map

Project: Baker Tech Property
Address: 6121 Baker Rd





Culligan Way

60

494

Baker Tech Properties

Allowed Per Sign Plan

IVDESK



Not Allowed Per Sign Plan

PRO-TEC DESIGN
TRUSTED SECURITY SOLUTIONS



Not Allowed Per Sign Plan



secondhand hounds





To: City of Minnetonka
From: Baker Tech Property LLC
Date: February 4, 2020
RE: *Baker Tech Buildings Signage Requirements*

To Whom it May Concern:

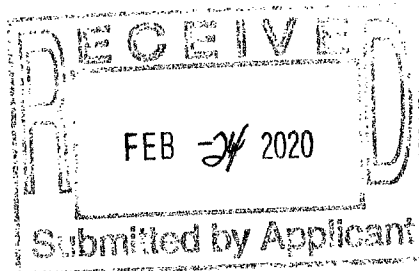
Baker Tech Property LLC requests removal of the original sign covenant for the Baker Tech buildings, dated 1988, in order to stay up to date with current sign trends for our building tenants.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kellee Vinge'.

Kellee Vinge
Sr Property Manager
Capital Partners Management LLC
612.431.3005
kellee@capitalpartnersmn.com



BAKER TECHNOLOGY PLAZA

SIGN CRITERIA

Final Revision

*REVISED AND
APPROVED PER PC*

SEPTEMBER 22, 1986

BAKER TECHNOLOGY PLAZA

SIGN CRITERIA

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INTRODUCTION

This criteria establishes the sign program for the five (5) building complex referred to as the Baker Technology Plaza. Such a criteria for the exterior Tenant signage has been developed in the interest of providing guidelines which reinforce the cohesive, high quality design of the architecture, and create signs which are easily discernible and direct traffic in an orderly, safe manner.

Moreover, this criteria has been developed to ensure the mutual benefits to Tenant and Landlord which result from documenting signage detail and from articulating the responsibilities of each with regard to a building's sign program. Sign guidelines should be flexible enough to assure the Tenant adequate opportunity for identification.

In order to meet such objectives, this criteria must be regulatory to the extent that it shall mediate among the needs of the Tenant and the Landlord. This is to be accomplished primarily through the approval procedures contained within. These procedures provide the highest quality professional standards for the design, fabrication

and installation of the signage at Baker Technology Plaza,
while retaining the high standards set by the City of
Minnetonka.

PRIMARY SIGNAGE

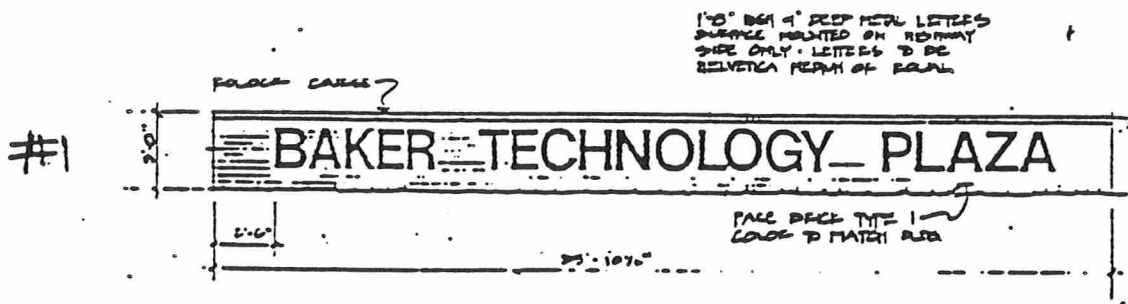
A. COMPLEX SIGNAGE

1. Freeway Monument Signs are intended to be an extension of the bold, horizontal character of the architecture and add a unifying element to the north and south sites. These two freeway monument signs are also intended to be visible enough to enable motorists on Interstate 494 to easily read the signs.

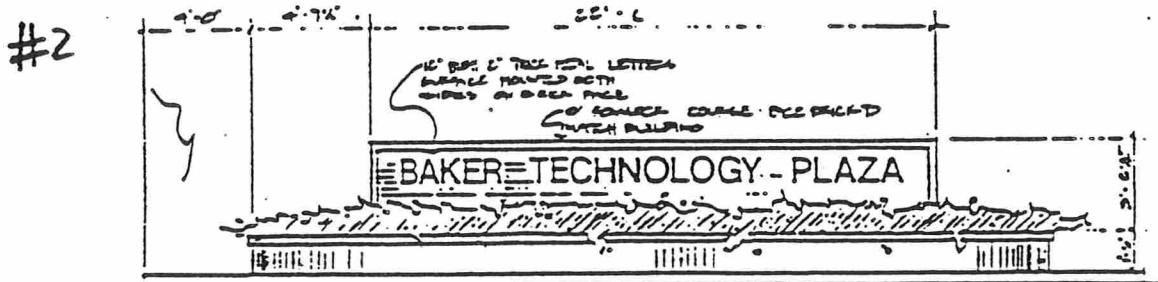
The signs will be finished with the same brick as that of the buildings and metal letters will be surface mounted on the freeway side only. Signs will be illuminated by spot lights.
2. Entrance Monument Signs will be located at the entries to the north and south sites. The purpose of these two entrance monument signs is to identify the entry, separate entering and exiting, and add a unifying element to the entrances to both sites. The low, horizontal, bold design, brick finish and metal letters are intended to complement the architectural character of the building. The base of the sign is a planter and will contain plant materials which will provide seasonal interest to the entries. The sign design is intended to express an image of quality and

permanence. The entry signs, in combination with the proposed landscaping will substantially improve the visual experience along Baker Road. Signs have spot lights for illumination.

3. Directional Signs are to be small, freestanding post and panel signs which function as a directional sign to guide vehicles through the sites to the various tenant entrances, loading docks and exits. Signs to be non-illuminated.



FREEWAY MONUMENT SIGNAGE (A-1)

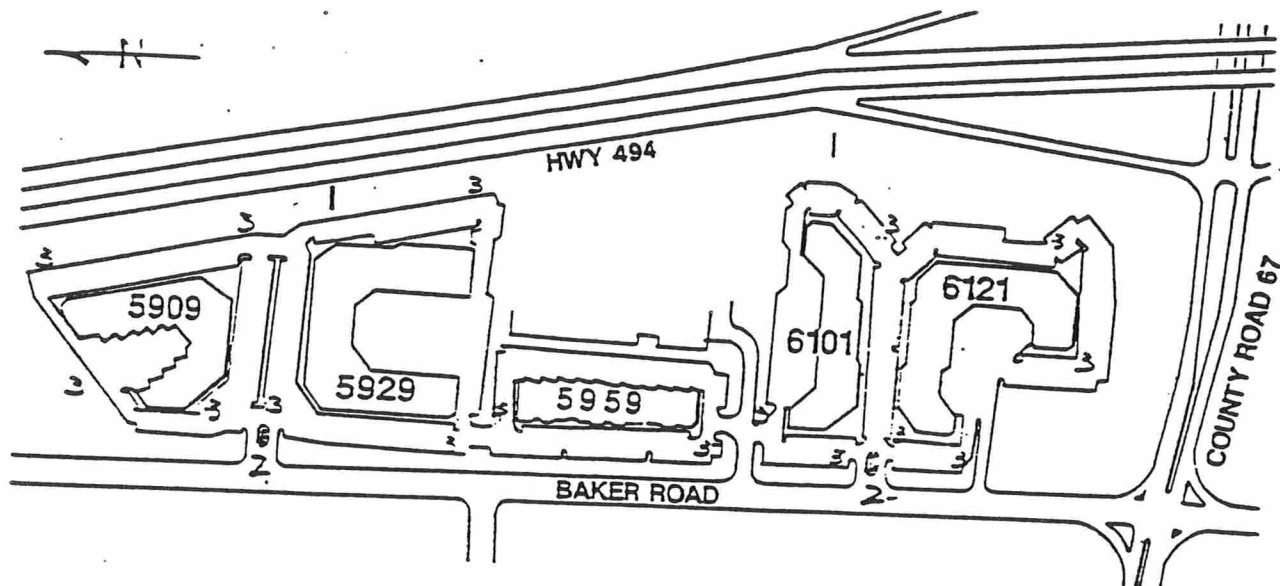


ENTRANCE MONUMENT SIGNAGE (A-2)



DIRECTIONAL SIGNAGE (A-3)

Site Plan Locating Signs



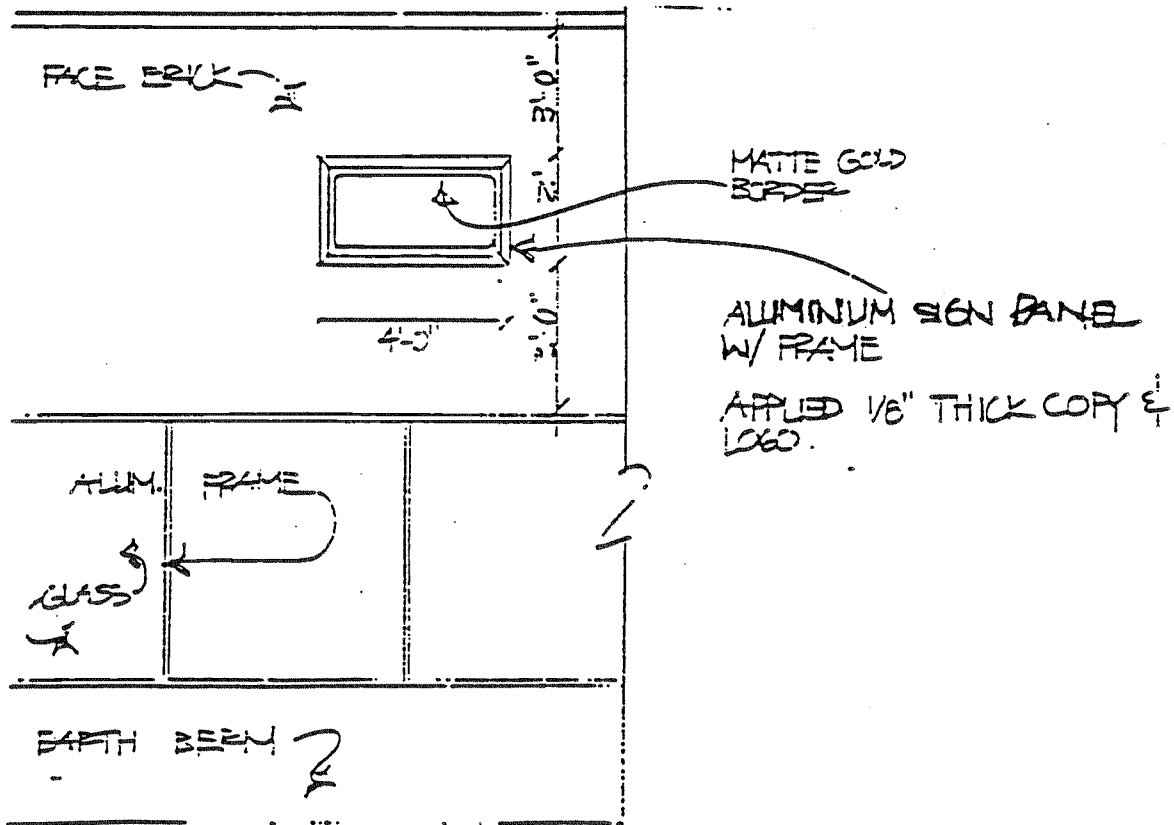
PLAN VIEW

The following criteria outlines the exterior signage for both a Tenant occupying less than 10,000 square feet (sign type 1) and a Tenant which occupies 10,000 square feet or more (sign type 2) for their primary Tenant identification.

B. TENANT SIGNS

Tenant signs are identified in two categories. All Tenants that occupy less than 10,000 square feet will be allowed sign type 1. Tenants that occupy 10,000 square feet or more will be allowed sign type 1 or 2. The following is a complete description of the sign allowances:

Existing Tenant Sign - To be phased out. The existing 2'-0" x 4'-0" and 2'-0" x 5'-0" dark bronze framed panel signs are to be phased out by November 15, 1986 and replaced by sign types #1 or #2 as follows:



1. Building Tenant Sign Type #1 - Non Illuminated

Individual Letters:

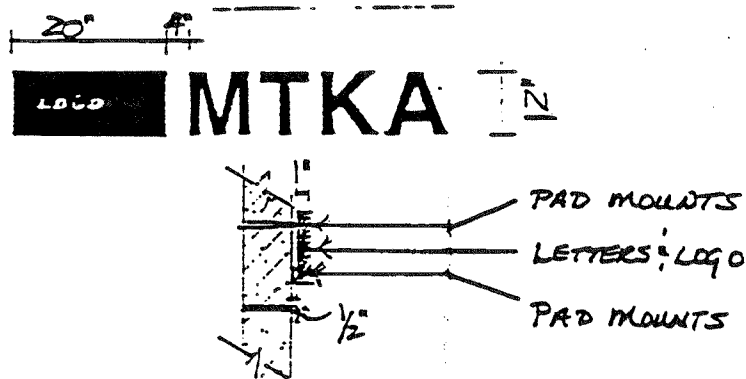
Letters to be 12" upper case, 12" lower case or 12" upper case matched with manufacturer's recommended lower case size letter for 12" upper case. The style choices include Helvetica, Helvetica Medium Italic or Perfaire letter style. The plastic molded letters are silver in color and will be limited to one line only. Signs are to be mounted on one surface only and will not wrap around corners of buildings or jogs in building surface. Tenant sign will start/end at least two feet from tenant demising wall. All aspects of signage to be subject to Landlord and municipal approval. Signs to be non-illuminated. The maximum number of characters allowed, less logo, will be Thirty Five characters. Any changes or alternations requested by Tenant requires written approval from Landlord and must conform to the sign criteria set forth in this package.

Optional logo is available to tenant at tenant's sole cost. Sign type #1 allows a 12" x 20" plastic fabricated logo board with applied graphics.

Tenant Company logo must be a registered trademark.

All aspects of tenant logo board are subject to Landlord and municipal approval.

Letters and logos to be mounted on building surface with a pad mount and silicone adhesive. Letters and logo to be mounted 1/2" from the building surface. Mounting systems requiring drilling holes in building surface will not be allowed and are strictly prohibited.

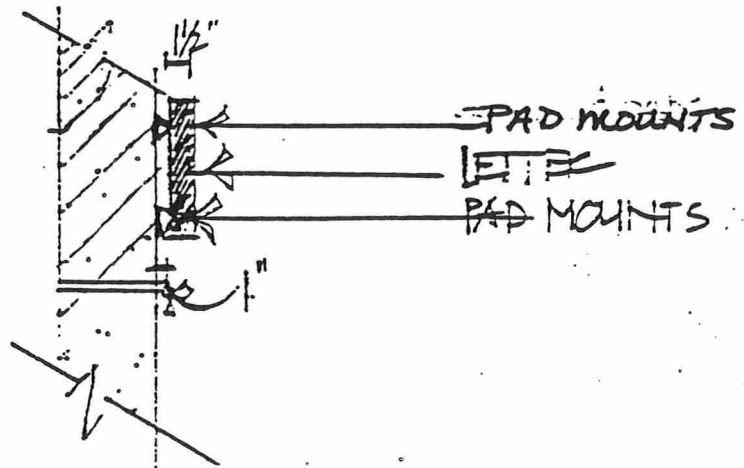


OPTIONAL LOGO PANELS TO BE FABRICATED OF SILVER PLASTIC TO MATCH LETTER COLOR.

Letters and logos to be mounted on building surface with a pad mount and silicone adhesive. Letters and logo to be mounted 1/2" from the building surface. Mounting systems requiring drilling holes in building surface will not be allowed and are strictly prohibited.



OPTIONAL LOGO PANEL TO BE
FABRICATED OF SILVER
PLASTIC TO MATCH
LETTER COLOR



HELVETICA (UPPER CASE)

ABCDEFGHIJKLMNOPQRSTUVWXYZ
 & , - 0123456789

The modern lines of the Helvetica style offer simplicity as well as legibility. This contemporary letter is ideal for any advertising situation. This alphabet is to scale to be used for sketches and area estimation.

SIZE	USE WITH LOWER CASE	AVERAGE WIDTH	DEPTH	STROKE
3"	—	2 3/4"	3/8"	1/8" — 1/2"
4"	—	3 3/4"	3/8"	1" — 3/4"
6"	4 1/2"	5 1/4"	3/8"	1 1/2" — 1 1/4"
9"	6 1/2"	7 3/4"	3/8"	2 1/4" — 1 3/4"
12"	9"	10 1/4"	1"	3" — 2 1/2"



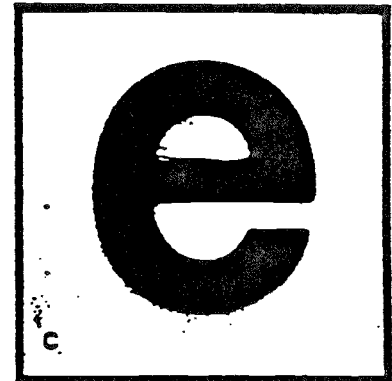
FLAT FACE

helvetica (LOWER CASE)

abcdefghijklmnopqrstuvwxyz

The Helvetica lower case is the companion to Helvetica upper case but is also very effective on its own. Make your signs attractive using variations of the upper and lower cases of this contemporary letter style. This alphabet is to scale to be used for sketches and area estimation.

SIZE	USE WITH UPPER CASE	AVERAGE WIDTH	DEPTH	STROKE
4 1/2"	6"	4 1/2"	3/8"	1 1/8" — 1"
6 1/2"	9"	6 1/2"	3/8"	1 3/8" — 1 1/2"
9"	12"	9"	1"	2 1/4" — 2"
11"	15"	11"	1"	2 3/4" — 2 1/8"



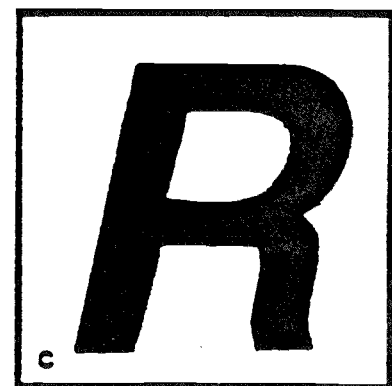
FLAT FACE

HELVETICA MEDIUM ITALIC (UPPER CASE)

ABCDEFGHIJKLMNOPQRSTUVWXYZ
 YZ & , - 1234567890

Helvetica Medium Italic is a clean style with modern lines offering simplicity and legibility. This style is attractive on its own and quite dramatic when used with Helvetica to give emphasis. This alphabet is to scale to be used for sketches and area estimation.

SIZE	USE WITH LOWER CASE	AVERAGE WIDTH	DEPTH	STROKE
4"	—	3 1/4"	3/8"	3/8" — 1/4"
6"	4 1/2"	4 3/4"	3/8"	1 1/4" — 1"
9"	6 1/2"	7 3/4"	3/8"	1 7/8" — 1 1/2"
12"	9"	9 3/4"	1"	2 1/2" — 2"

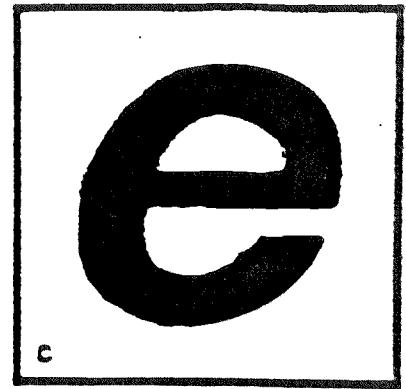


FLAT FACE

NOTE: Start on vertical leg is 12° from vertical or 78° from horizontal.

helvetica medium italic (LOWER CASE)
abcdefghijklmnopqrstuvwxyz

Helvetica Medium Italic lower case is companion to Helvetica Medium Italic upper case. This style may also be used with Helvetica to give emphasis. This alphabet is to scale to be used for sketches and area estimation.



FLAT FACE

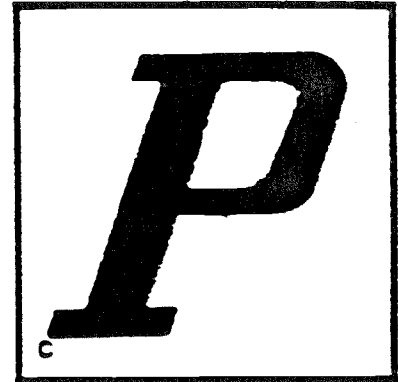
NOTE: Slant on vertical leg is 12° from vertical or 78° from horizontal.

SIZE	USE WITH UPPER CASE	AVERAGE WIDTH	DEPTH	STROKE
4"	6"	4"	¾"	1 ¼" - 1 ½"
6"	9"	6"	¾"	1 ¾" - 1 ¾"
8"	12"	8"	1"	2 ¼" - 1 ¾"
11"	15"	10"	1"	2 ½" - 2 ¾"

PERFAIRE (UPPER CASE)

**ABCDEFGHIJKLMNOPQRSTUVWXYZ
 &,1234567890**

Perfaire is an unusual style that works well in combination with other styles or by itself. The broad vertical strokes and slant give it a masculine image. This alphabet is to scale to be used for sketches and area estimation.



FLAT FACE

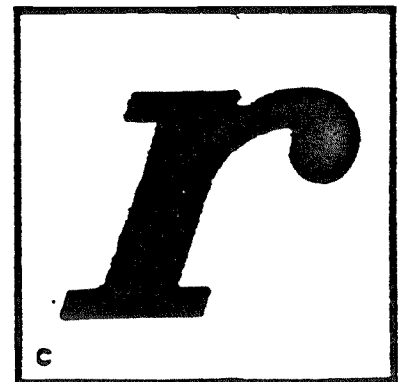
NOTE: Slant on vertical leg is 30° from vertical or 70° from horizontal.

SIZE	USE WITH LOWER CASE	AVERAGE WIDTH	DEPTH	STROKE
6"	4"	6"	¾"	1 ¼" - 1 ½"
8"	6"	8"	¾"	1 ¾" - 1 ¾"
12"	8"	12"	1"	2 ¼" - 1 ¾"

perfaire (LOWER CASE)

abcdefghijklmnopqrstuvwxyz

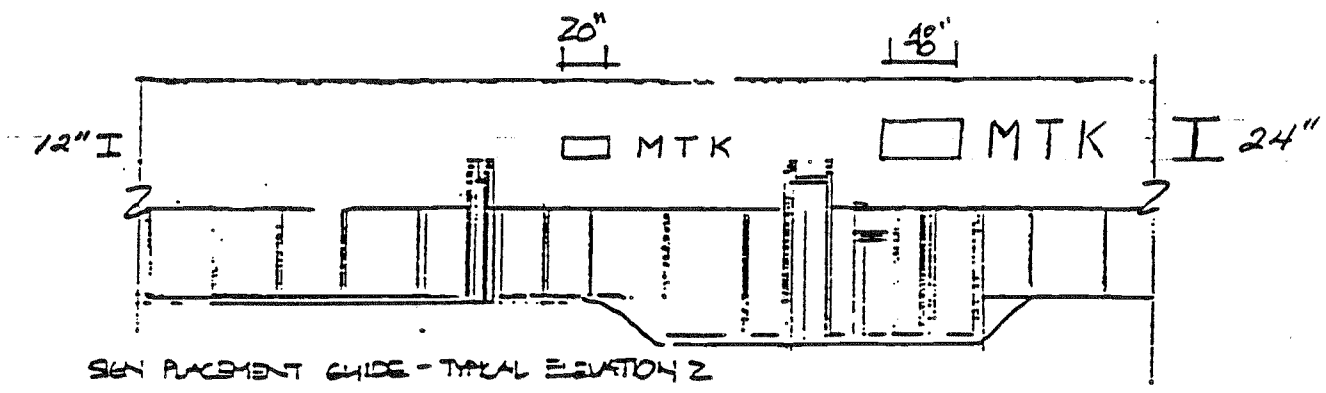
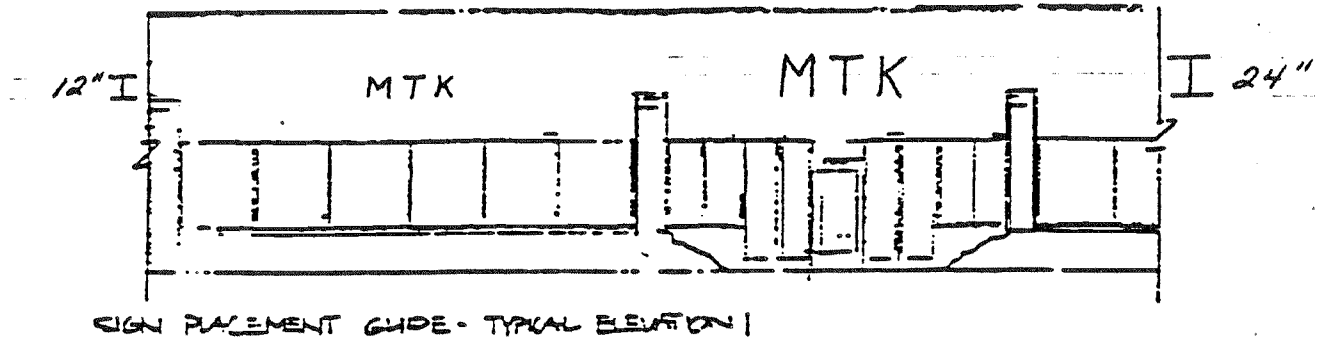
Perfaire lower case has the same masculine features as its companion upper case. It can be used alone, with Perfaire upper case, or with other letter styles. This alphabet is to scale to be used for sketches and area estimation.



FLAT FACE

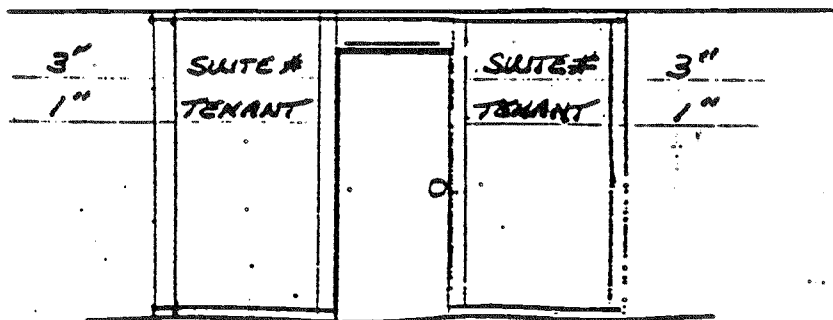
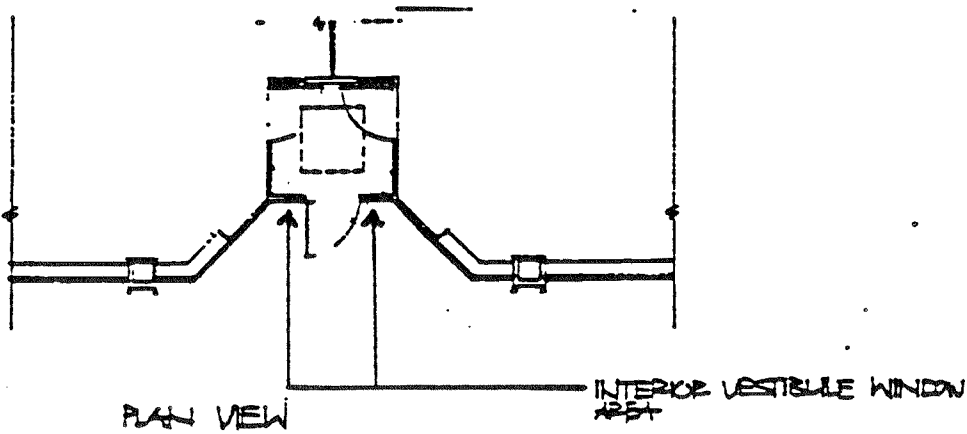
NOTE: Slant on vertical leg is 30° from vertical or 70° from horizontal.

SIZE	USE WITH UPPER CASE	AVERAGE WIDTH	DEPTH	STROKE
6"	5"	4"	¾"	1 ¼" - 1 ½"
8"	9"	6"	¾"	1 ¾" - 1 ¾"
10"	12"	8"	1"	2 ¼" - 1 ¾"
12"	15"	10"	1"	3" - 1 ¾"
15"	18"	12"	1 ½"	3 ½" - 1 ¾"



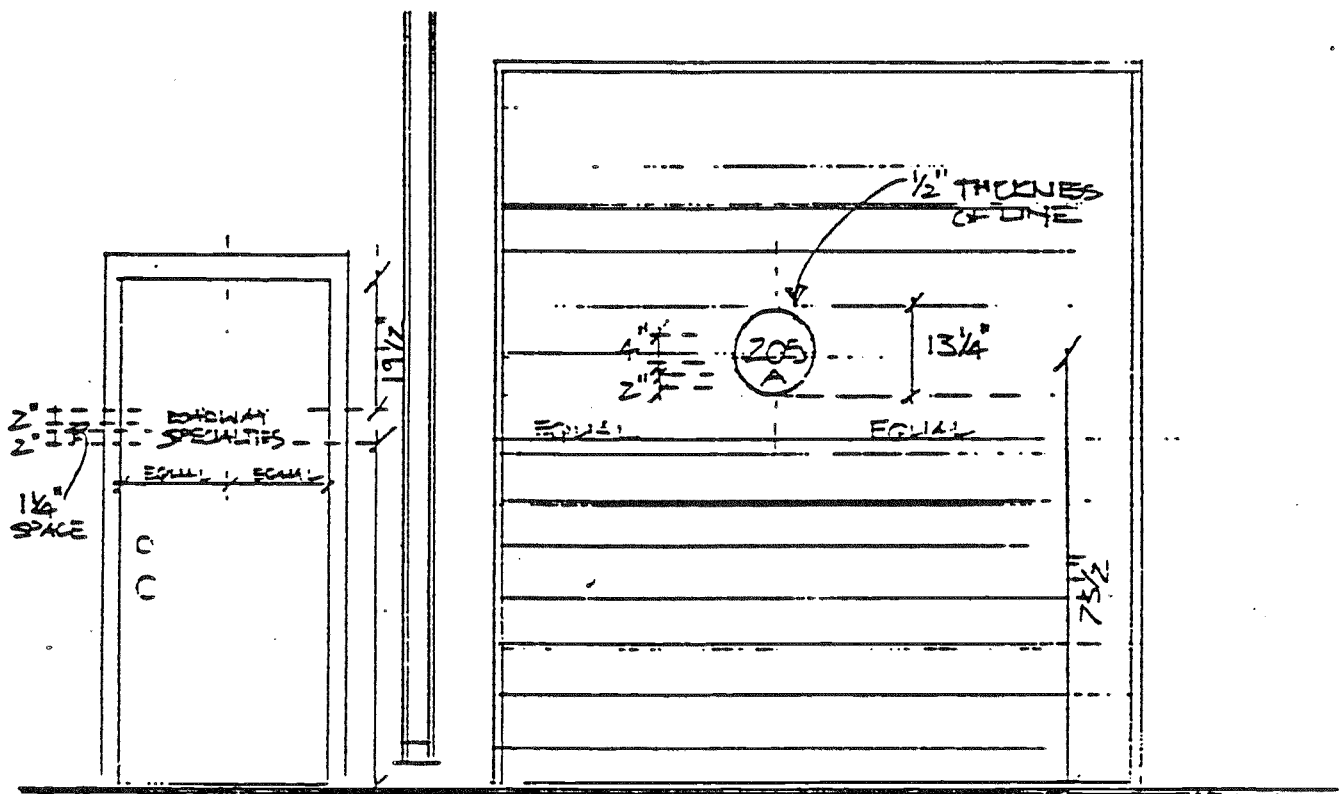
The above illustrations show typical sign locations. Exact locations are to be submitted by the Tenant with the help of Landlord, as stated in the Sign Approval Procedure and Sign Criteria within.

4. Vestibule Entrance Area: This sign type applies to all Tenants. Tenants exterior vestibule entrance is allowed to have white Helvetica upper case vinyl letters only applied to the interior surface of the entrance sidelight, as indicated below. The suite number will be 3" in height, the company name will be 1" in height. The letters will be applied to the interior glass surface of either the left or right sidelight of the exterior vestibule door. All aspects of this signage to be subject to Landlord approval.



5. Service Area Graphics: These signs are dark brown painted graphics furnished by Landlord as illustrated below. Tenant must furnish proposed copy to be displayed which is subject to Landlord approval.

Landlord is responsible for cost, installation, removal and any repairs or painting necessary for new tenant service area surfaces for displaying graphics.



TYPICAL SERVICE AREA ELEVATION

SIGN CRITERIA SUMMARY

This sign criteria is intended to complement the high quality design requirements established by the building architecture. The options for tenant signs reflect the appropriate sign in regards to the total square footage each tenant is occupying. This also allows for the various tenants to have some choices in displaying their name and/or logos in a graphically and architecturally effective presentation. The restrictions for this sign criteria are not intended to hinder any tenant's exposure but to introduce some control into an environment where there are a number of signs being displayed.

PROHIBITED SIGNS

1. Any signage on glass or visible from tenant exterior office fronts other than noted in section #4. This would create a visual confusion that clutters the cohesive, high quality image that is desired.
2. Any type of sign composed of electrical components other than those expressly approved, especially one with components which flash, revolve, rotate or make noise. Absolutely no external flood lights allowed.
3. Cloth, wood, paper or cardboard signs, stickers, decals or signs, letters, symbols or identification painted directly on the surfaces of the premises unless approved. Auxiliary signage such as that used for grand openings is subject to Landlord's approval.

SIGN APPROVALS

1. Through the assistance of tenant coordinator/property Manager Tenant shall submit a request for all its proposed sign work to the Landlord. Three (3) sets of drawings will be required by the Landlord. The drawings shall clearly show location of sign on the elevations, graphics, color and attachment details.
2. The Landlord shall return two (2) sets of sign drawings as soon as possible, to the Tenant so that the Tenant can apply for sign permit through municipality. The drawings will either be marked "Approved", "Approved Based on Landlord's Modifications", or "Not Approved". Sign drawings that have been "Approved Based on Landlord's Modificaitons" are to be returned to the Landlord bearing Tenant's approval, or to be redesigned and resubmitted for Landlord's approval within seven (7) days of receipt by Tenant. Sign drawings that have been "Not Approved" are to be redesigned and resubmitted to the Landlord for approval within seven (7) days of receipt by Tenant. These sign plans must then be submitted to municipality for approval. The City of Minnetonka must approve all changes and any proposed deviation from this sign package. Sign permits must be applied for with the City of Minnetonka for each tenant's sign.

Planning Commission Resolution No. 2020-

Resolution rescinding the Baker Tech Plaza
sign plan, as it pertains to the properties at 5929 and 6121 Baker Road

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

Section 1. Background.

1.01 The subject properties are located at 5929 and 6121 Baker Road, within the Baker Tech Plaza. The properties are legally described as:

LOT 1, BLOCK 1, BAKER TECHNOLOGY PLAZA NO 1, HENNEPIN COUNTY,
MINNESOTA

AND

LOT 1 BLK 1 BAKER TECHNOLOGY PLAZA NO.2 AND LOT 1 BLK 1 BAKER
TECHNOLOGY PLAZA NO.3 ALSO TRACT B RLS NO 1548 SUBJECT TO
ROAD, HENNEPIN COUNTY, MINNESOTA

1.02 The original sign plan for the Baker Tech Plaza was approved on Sept. 20, 1984. Signs within the Baker Tech Plaza are now governed by an amended version of that sign plan that was approved by the city council on Aug. 7, 1986.

1.03 Kellee Vinge, on behalf of Baker Tech Property LLC, is requesting that the subject sign plan be rescinded

Section 2. FINDINGS.

2.01 The request to rescind the Baker Tech Plaza sign plan is reasonable for three reasons:

1. The Baker Tech Plaza sign plan is more restrictive than the city's sign ordinance. Rescinding the sign plan would allow businesses to have more sign alternatives and would better support their branding, wayfinding, and advertising.

- 2. There are several signs that are non-conforming with the Baker Tech Plaza sign plan. However, the majority of these signs are compliant with city sign ordinance requirements. These signs have been approved in staff error, through development approvals, or unknown processes. Rescinding the subject sign plan would require all future signs to be constructed to city code requirements, which most signs within the city follow. As such, rescinding the sign plan would continue sign consistency within the development.
- 3. The majority of the properties within the area do not have a sign plan. Rescinding the Baker Tech Plaza sign plan would bring the subject buildings and properties into conformance with the same signage requirements as other developments within the area.

Section 3. Planning Commission Action.

3.01 The Baker Tech Plaza sign plan, as it pertains to properties 5929 and 6121 Baker Road, is rescinded.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on April 23, 2020.

Joshua Sewall, 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 April 23, 2020.

Fiona Golden, Deputy City Clerk

MINNETONKA PLANNING COMMISSION
April 23, 2020

Brief Description	Conditional use permit for a fast food restaurant, with outdoor dining area, at 1700 Plymouth Road
Recommendation	Recommend the city council adopt the resolution approving the permit.

Background

In December 2014, the city council approved redevelopment of what had come to be known as the “Highland Bank site.” As approved, an existing, three-story office building would be removed and a six-story, mixed-use building would be constructed. The approval included a conditional use permit for a coffee shop, a restaurant, and associated outdoor dining areas.

At the time of completion, a Caribou Coffee/Einstein Bagels shop occupied a tenant space in the southwest corner of the building. The Farm and Vine restaurant was situated in the southeast corner. Farm and Vine closed and the space was occupied shortly thereafter by Craft Burger. Craft Burger closed in early 2019 and the space has remained vacant. By City Code §300.06 Subd.7, a conditional use permit expires if normal operation of the approved use has been discontinued for 12 or more months.

Proposal

Taco Teresa’s, represented by Felipe Mata, is now proposing to occupy the vacant space. This would be the second location for the fast-casual restaurant. Notably, Taco Teresa’s is associated with the larger, sit-down Teresa’s Mexican Restaurant, which operates in six locations throughout the metropolitan area.

No structural changes would be required to accommodate the new restaurant. However, as the conditional use permit for the space has expired, a new permit is necessary.

Staff Analysis

- **Is the proposed use reasonable?**
Yes. The original redevelopment approvals anticipated a restaurant use of the tenant space. Further, the proposal would meet all conditional use permit standards. These standards are outlined in the “Supporting Information” section of this report.

Staff Recommendation

Recommend the city council adopt the resolution approving a conditional use permit for a restaurant, with outdoor dining area, at 1700 Plymouth Road.

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

Supporting Information

**Surrounding
Land Uses**

Northerly: commercial building
Easterly: Plymouth Road and Ridgedale beyond
Southerly: Commercial strip mall
Westerly: Commercial strip mall

Planning

Guide Plan designation: mixed-use
Zoning: PUD, planned unit development

Parking

The subject property contains 293 parking spaces. This number was approved by variance in 2014 and again in 2018. The applicant's proposal would not impact required parking, as the proposed restaurant would be occupying space previously approved for a restaurant. In other words, the restaurant space – and anticipated parking demand – has already been accounted for in previous parking approvals.

CUP Standard

The proposed restaurant would meet the general CUP standards, as outlined in City Code §300.21 Subd.2:

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

The proposed restaurant would meet the specific conditional use permit standards for restaurants as outlined in City Code §300.21 Subd. 4(i):

1. Parking shall be in compliance with the requirements of section 300.28 of this ordinance;

Finding: The applicant's proposal would not impact required parking, as the proposed restaurant would be occupying space previously approved for a restaurant. In other words, the restaurant space – and anticipated parking demand – has already been accounted for in previously parking approvals.

2. Shall only be permitted when it can be demonstrated that operation will not significantly lower the existing level of service as defined by the Institute of Traffic Engineers on streets and intersections; and

Finding. The proposed restaurant would occupy space previously used as a restaurant. During the previous occupancy, there was no demonstrated impact on the existing levels of service of adjacent streets or intersections.

3. Shall not be located within 100 feet of any low density residential parcel or adjacent to medium or high density residential parcels. The city may reduce separation requirements if the following are provided:
 - a) Landscaping and berming to shield the restaurant use;
 - b) Parking lots not located in proximity to residential uses; and
 - c) Lighting plans which are unobtrusive to surrounding uses.

Finding: The subject property is over 700 feet from the closest low-density residential property and is further from the residential property by a public street and a 10-acre commercial development.

The proposed outdoor dining area would meet the specific conditional use permit standards for accessory sidewalk cafes and outdoor eating areas as outlined in City Code §300.21 Subd. 4(p):

1. Shall be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access shall be only through the principal building;

Finding: This is included as a condition of approval.

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

Finding: The subject property is over 700 feet from the closest low-density residential property and is further from the residential property by a public street and a 10-acre commercial development.

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

Finding: The outdoor dining area would be located on the plaza adjacent to the restaurant space and would not obstruct vehicular or pedestrian circulation.

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

Finding: The outdoor dining area would not obstruct any parking spaces.

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

Finding: This is included as a condition of approval.

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

Finding: This is included as a condition of approval.

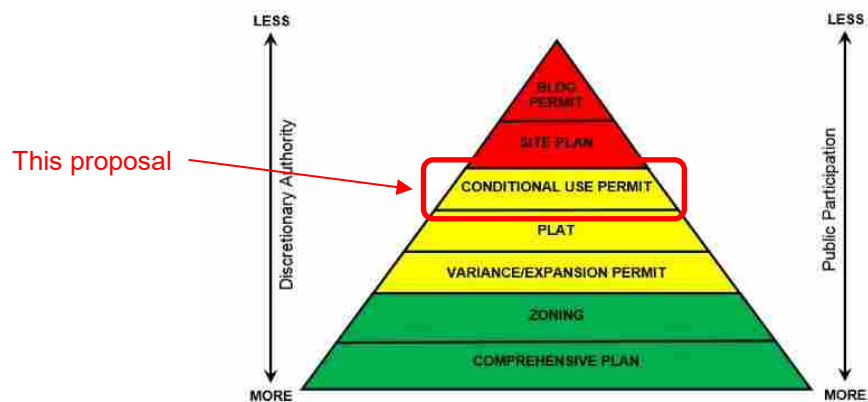
7. Shall not have speakers or audio equipment which is audible from adjacent parcels; and

Finding: This is included as a condition of approval.

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

Finding: The outdoor area would be more than 50 feet from all property lines, and would meet building setback requirements.

Pyramid of Discretion



Motion Options

The planning commission will make a recommendation to the city council. Any recommendation requires the affirmative vote of a simple majority. The commission has three motion options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the council adopt the resolution approving the CUP.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the council deny the conditional use permit request. The recommendation should include findings as to how the CUP standards are not being met.
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 189 area property owners and residents and received no response to date.

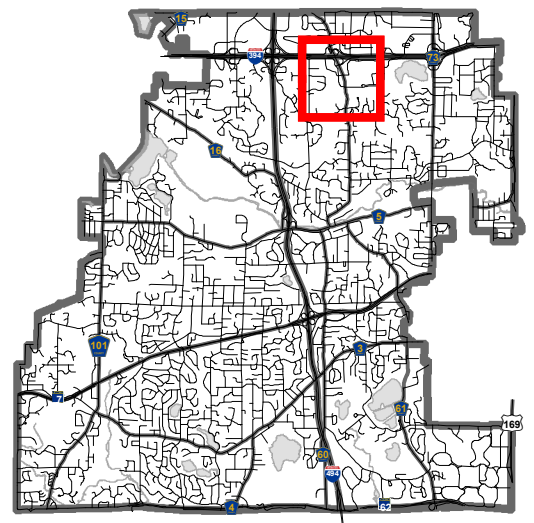
**Deadline for
Decision**

June 22, 2020



Location Map

Project: Taco Teresa's
Address: 1700 Plymouth Rd



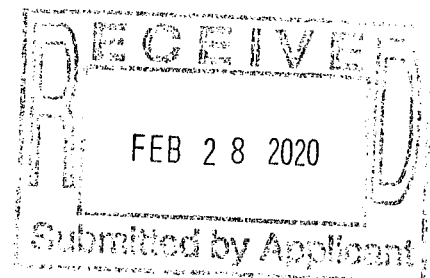
Taco Teresa's would like to open it's 2nd location in Minnetonka.

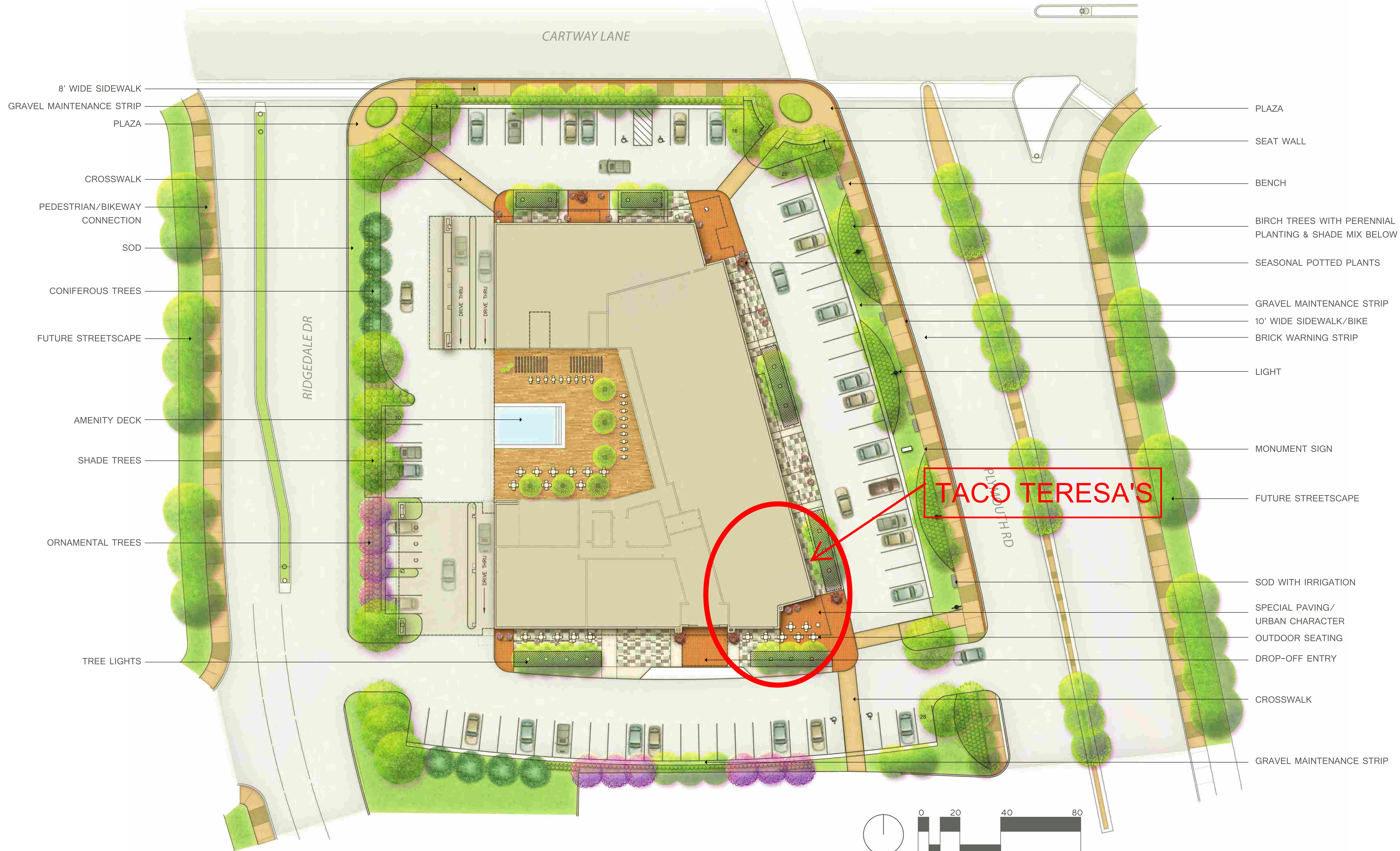
Our concept is fast-casual dining, providing a relaxing and enjoyable family atmosphere for our customers, while dining in for a few tacos and beer if possible or taking out.

We would like to operate

Sunday thru Thursday from 10:00 AM to 9:00 PM

Friday and Saturday 10:00 AM- 10:00 PM





- 8' WIDE SIDEWALK
- GRAVEL MAINTENANCE STRIP
- PLAZA
- CROSSWALK
- PEDESTRIAN/BIKEWAY CONNECTION
- SOD
- CONIFEROUS TREES
- FUTURE STREETSCAPE
- AMENITY DECK
- SHADE TREES
- ORNAMENTAL TREES
- TREE LIGHTS

- PLAZA
- SEAT WALL
- BENCH
- BIRCH TREES WITH PERENNIAL PLANTING & SHADE MIX BELOW
- SEASONAL POTTED PLANTS
- GRAVEL MAINTENANCE STRIP
- 10' WIDE SIDEWALK/BIKE
- BRICK WARNING STRIP
- LIGHT
- MONUMENT SIGN
- FUTURE STREETSCAPE
- SOD WITH IRRIGATION
- SPECIAL PAVING/ URBAN CHARACTER
- OUTDOOR SEATING
- DROP-OFF ENTRY
- CROSSWALK
- GRAVEL MAINTENANCE STRIP

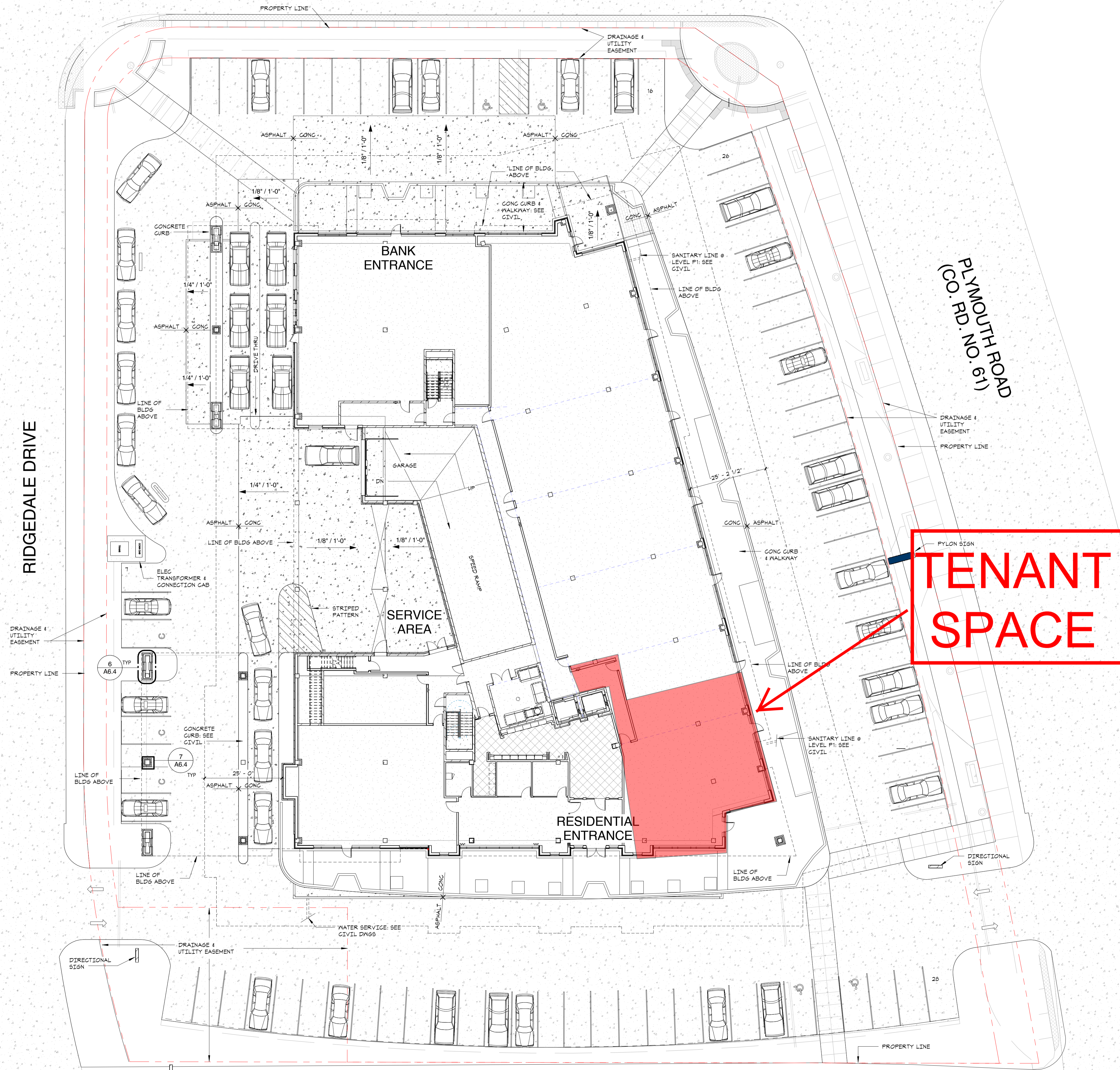
TACO TERESA'S

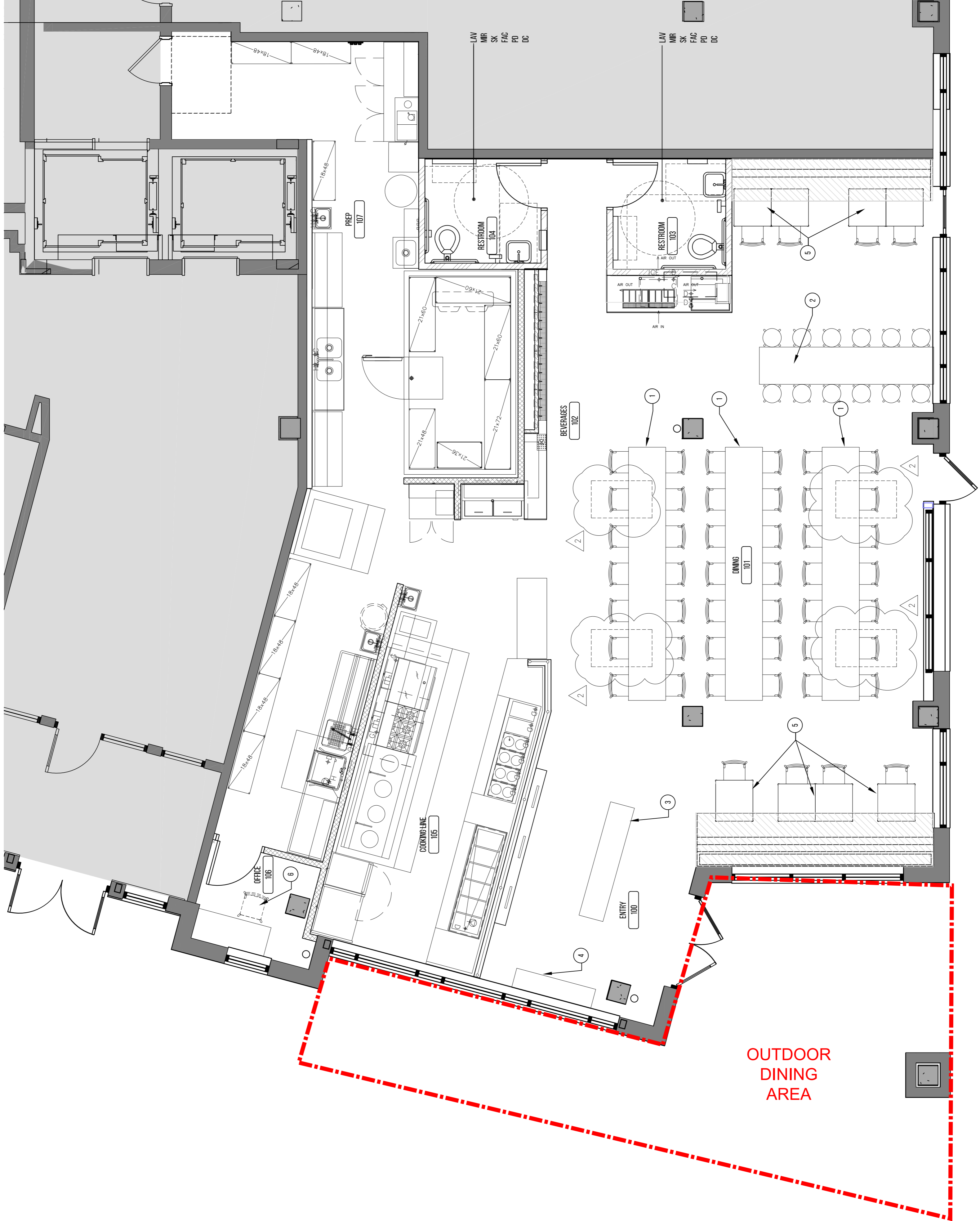
CARTWAY LANE

PLYMOUTH ROAD
(CO. RD. NO. 61)

RIDGEDALE DRIVE

TENANT SPACE





OUTDOOR
DINING
AREA

Resolution No. 2020-

Resolution approving a conditional use permit for a restaurant, with outdoor dining area, at 1700 Plymouth Road

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

Section 1. Background.

- 1.01 The subject property is located at 1700 Plymouth Road and is legally described on Exhibit A.
- 1.02 In 2014, the city council adopted Resolution No. 2014-143, approving conditional use permits for a coffee shop, restaurant, outdoor dining areas, and drive-up windows on the subject property.
- 1.03 The coffee shop, and its associated outdoor dining area and drive-up window, approved in 2014 are still operating in the southwest corner of the building. However, the restaurant space in the southeast corner of the building has been vacant since early 2019.
- 1.04 By City Code §300.06 Subd.7, a conditional use permit expires if normal operation of the approved use has been discontinued for 12 or more months.
- 1.05 Taco Teresa's, represented by Felipe Mata, has requested a conditional use permit to operate in the currently vacant restaurant tenant space.
- 1.06 On April 23, 2020, 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 the city council approve the conditional use permit.

Section 2. General Standards.

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

comprehensive plan;

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

Section 3. Specific Standards.

3.01 City Code §300.21 Subd.4(i) lists the following specific standards that must be met for granting a conditional use permit for restaurants:

1. Parking shall be in compliance with the requirements of section 300.28 of this ordinance;
2. Shall only be permitted when it can be demonstrated that operation will not significantly lower the existing level of service as defined by the Institute of Traffic Engineers on streets and intersections; and
3. Shall not be located within 100 feet of any low density residential parcel or adjacent to medium or high density residential parcels. The city may reduce separation requirements if the following are provided:
 - a) Landscaping and berming to shield the restaurant use;
 - b) Parking lots not located in proximity to residential uses; and
 - c) Lighting plans which are unobtrusive to surrounding uses.

3.02 City Code §300.21 Subd.4(p) lists the following specific standards that must be met for granting a conditional use permit for accessory sidewalk cafes and outdoor eating areas:

1. Shall be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access shall be only through the principal building;
2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;
3. Shall be located and designed so as not to interfere with pedestrian and

vehicular circulation;

4. Shall not be located to obstruct parking spaces. Parking spaces may be removed for the use only if parking requirements specified in section 300.28 are met;
5. Shall be located adjacent to an entrance to the principal use;
6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up;
7. Shall not have speakers or audio equipment which is audible from adjacent parcels; and
8. Shall be located in compliance with building setback requirements.

Section 4. Findings.

4.01 The proposal would meet the general conditional use permit standards.

4.02 The proposed restaurant would meet the specific conditional use permit standards for restaurants as outlined in City Code §300.21 Subd. 4(i):

1. The proposal would not impact required parking, as the proposed restaurant would be occupying space previously approved for a restaurant. In other words, the restaurant space – and anticipated parking demand – has already been accounted for in previously parking approvals.
2. The proposed restaurant would occupy space previously used as a restaurant. During that that previous occupancy, there was no demonstrated impact on the existing levels of service of adjacent streets or intersections.
3. The subject property is over 700 feet from the closest low-density residential property and is further from the residential property by a public street and a 10-acre commercial development.

4.03 The proposal meets the specific conditional use permit standards for accessory sidewalk cafes and outdoor eating areas:

1. The outdoor dining would be located adjacent to the associated restaurant. As a condition of this resolution, the seating area must be surrounded by an uninterrupted enclosure and must be accessible only from within the restaurant.
2. The subject property is over 700 feet from the closest low-density residential property and is further from the residential property by a public street and a 10-acre commercial development

3. The outdoor dining area would be located on the plaza adjacent to the restaurant space and would not obstruct vehicular or pedestrian circulation.
4. The outdoor area would not obstruct any parking spaces.
5. As conditions of this resolution, the area:
 - Must be surrounded by an uninterrupted enclosure and must be accessible only from within the restaurant.
 - Must be located adjacent to an entrance to the principal use;
 - Must be equipped with refuse containers and periodically patrolled for litter pick-up; and
 - May not have speakers or audio equipment which is audible from adjacent parcels.
6. The outdoor area would be more than 50 feet from all property lines, and would meet building setback requirements.

Section 5. Council Action.

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

1. This resolution must be recorded with Hennepin County prior to issuance of a building permit.
2. The outdoor dining area must:
 - a) Be surrounded by an uninterrupted enclosure and must be accessible only from within the restaurant.
 - b) Be located adjacent to an entrance to the principal use;
 - c) Be equipped with refuse containers and periodically patrolled for litter pick-up;
3. Any outdoor speakers or audio equipment must not be audible from adjacent parcels.
4. The city council may reasonably add or revise conditions to address any future unforeseen problems.

5. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 4, 2020.

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 May 4, 2020.

Becky Koosman, City Clerk

EXHIBIT A

Parcel 1:

That part of Lot 1, Block 1, Ridgedale State Bank First Addition, lying Southerly of a line drawn parallel with and 90.00 feet South of the North Line of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117 North, Range 22 West, Hennepin County, Minnesota.

Parcel 2:

That part of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117 North, Range 22 West, Hennepin County, Minnesota, described as follows: Beginning at the intersection of the Easterly line of Ridgedale Drive, as now laid out and utilized, according to the duly recorded plat of Ridge Square Second Addition on file in the office of the Hennepin County Recorder, and a line parallel with and 285 feet South from the North line of said Southeast Quarter of the Southeast Quarter; thence East along said parallel line to a point 704 feet East from the West line of said Southeast Quarter; thence South at right angles a distance of 50 feet; thence West at right angles to said Easterly right-of-way line of Ridgedale Drive.

Abstract Property.

and

Lot 1, Block 1, Ridgedale State Bank First Addition, Hennepin County, Minnesota, according to the recorded plat thereof. Together with:

That part of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117, North Range 22, West of the Fifth Principal Meridian, described as follows: Beginning at the intersection of the West line of County Road No. 72 and the North line of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117, North Range 22, West of the 5th Principal Meridian; thence West on the North line a distance of 180 feet; thence South at right angles 85 feet; thence East and parallel to the North line 186 feet to the West line of County Road No. 72; thence North on West line 87.5 feet to the point of beginning, EXCEPT that part thereof lying Westerly of the following described line: Beginning at a point on the North line of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117, Range 22, a distance of 180 feet West of the West line of County Road No. 72, also known as Plymouth Road; thence along a line running Southeasterly at an angle of 78 degrees and 2 minutes from said North line a distance of 86.89 feet. Which lie Northerly of a line drawn parallel with and 90.00 feet South of said North line of the Southeast Quarter of the Southeast Quarter of Section 3.