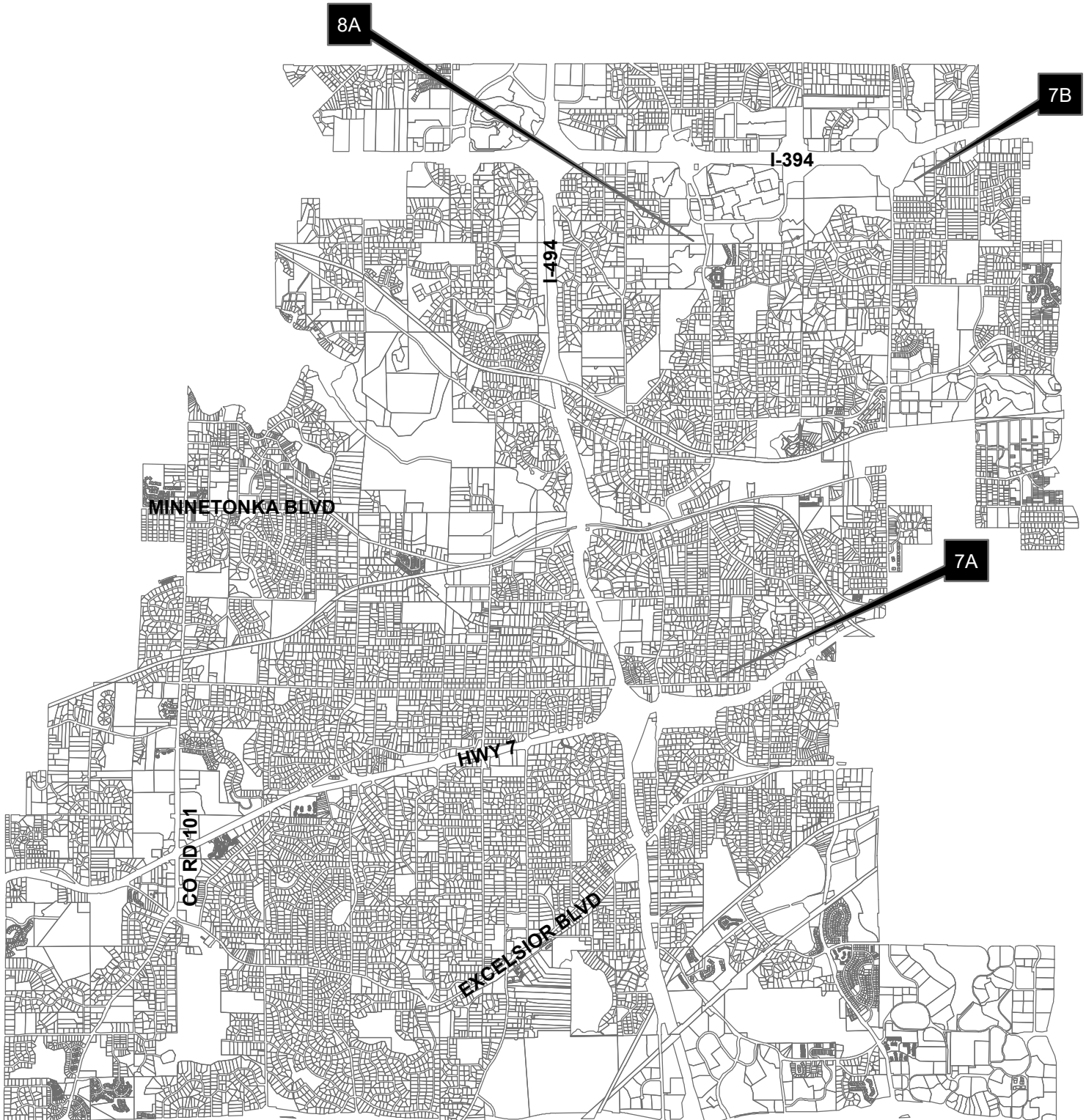




CITY OF  
MINNETONKA

CITY OF MINNETONKA  
PLANNING COMMISSION  
AUG. 6, 2020

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





## Planning Commission Agenda

Aug. 6, 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:** July 9, 2020

**5. Report from Staff**

**6. Report from Planning Commission Members**

**7. Public Hearings: Consent Agenda.**

A. Expansion permit for a garage addition at 4133 Windridge Circle

Recommendation: Adopt the resolution approving the expansion permit (4 votes)

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

B. Preliminary and final plat of CREST RIDGE CORPORATE CENTER 2<sup>nd</sup> ADDITION at 10955 and 11055 Wayzata Blvd

Recommendation: Recommend the city council adopt the resolution approving the plats (4 votes)

- Recommendation to City Council (Aug. 31, 2020)
- Project Planner: Drew Ingvalson

**Planning Commission Agenda**

**Aug. 6, 2020**

**Page 2**

**8. Public Hearings: Non-Consent Agenda Items**

A. Conditional use permit for a licensed daycare facility at 2000 Plymouth Road

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

- Recommendation to City Council (Aug. 31, 2020)
- Project Planner: Susan Thomas

**9. Adjournment**

**Planning Commission Agenda**

**Aug. 6, 2020**

**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 August 20, 2020 agenda.

<b>Project Description</b>	Conditional use permit, with variance, for an accessory apartment
<b>Project Location</b>	17502 County Road 101
<b>Assigned Staff</b>	Ashley Cauley
<b>Ward Councilmember</b>	Bradley Schaeppi, Ward 3

**Unapproved  
Minnetonka Planning Commission  
Minutes**

**July 9, 2020**

**1. Call to Order**

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

**2. Roll Call**

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

Staff members present: City Planner Loren Gordon and Senior Planner Ashley Cauley.

**3. Approval of Agenda**

***Maxwell moved, second by Luke, to approve the agenda as submitted with an additional comment provided in the change memo dated July 9, 2020.***

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

**4. Approval of Minutes: June 18, 2020**

***Henry moved, second by Luke, to approve the June 18, 2020 meeting minutes as submitted.***

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

**5. Report from Staff**

Gordon briefed commissioners on items discussed at the June 22, 2020 and July 23, 2020 city council meetings:

- Three Rivers Park District staff presented a long-term, master plan to connect Bryant Lake Regional Park, French Lake Regional Park, and Eagle Lake Park. The connection would travel through Minnetonka primarily along Baker Road.
- The city council approved the Energy Action Plan developed by Xcel, staff, and commissioner members including Henry. It will be implemented during the next year and a half.
- Broader sustainability efforts the city could implement including those related to climate.
- The tree ordinance.

Minnetonka City Hall opened for staff to conduct appointment-based meetings with the public.

The planning commission meeting scheduled for July 23, 2020 has been cancelled. The next meeting will be Aug. 6, 2020.

**6. Report from Planning Commission Members: None**

**7. Public Hearings: Consent Agenda**

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

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

**A. Expansion permit for a living space addition at 11309 Fetterly Road West.**

Adopt the resolution approving an expansion permit for a living space addition over an existing garage at 11309 Fetterly Road West.

**B. Expansion permit for garage and living space additions at 3326 Shores Blvd.**

Adopt the resolution approving an expansion permit for garage and living space additions at 3326 Shores Blvd.

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

**8. Public Hearings: None**

**9. Other Business**

**A. Concept plan review for Lake Minnetonka Care Center at 16913 Hwy 7.**

Chair Sewall introduced the concept plan and called for the staff report.

Cauley reported. Staff recommends that commissioners provide comments and feedback to assist the applicant with future direction that may lead to the preparation of a more detailed development plan.

Jeff Sprinkle, of Lake Minnetonka Care Center, applicant, stated that:

- The Lake Minnetonka Care Center is currently located in Deephaven. The care center is located in a building over 100 years old.

- The proposal would have many amenities that the current building does not have. The size of the building needs to be upgraded to meet regulations set by the MN Department of Health.
- The building would occupy 10 percent of the land. The Lake Minnetonka Care Center is the smallest nursing home in Minnesota with 21 residents.
- The proposed facility would be two stories and have a partial basement.
- There would be single, private rooms with their own bathrooms. Private rooms are essential to prevent the spread of COVID-19.
- The hallways would be widened to eight feet. The number of toilets would increase from four to 26. The dining facility would be much larger. There would be a room for physical therapy.
- His family has owned the care center for 33 years.
- He applied for an exception to the moratorium with the MN Department of Health to allow a facility to be upgraded based on need and it was chosen as an exception.
- Hillcrest of Wayzata closed down last fall, so there is currently no nursing home in Minnetonka. There is a difference between nursing homes and assisted living facilities.
- The building would be as residential as possible.
- Over half of the 21 residents have lived at the care center for over 10 years.

Dave TeBrake, of Miller Architects and Builders, stated that:

- Most nursing homes are located in residential neighborhoods. He has been designing nursing homes since the late 1960s. The site is a good fit.
- The site would have access from Hwy. 7. MNDOT representatives said that it would approve the access with the addition of a turn lane.
- The residents were concerned with other proposals previously proposed for the site. He thought neighbors would be more supportive of a family-owned, small nursing home rather than a large development.
- The property is in dire need of redevelopment before the existing house falls down.
- An effort has been made to save trees. Seventy percent of the trees would be saved.
- Above-ground ponding was considered, but, after meeting with staff, below-ground ponding would be utilized.
- The development would have low density.
- The site would have 32 percent impervious surface coverage. The building footprint would take up 10 percent of the site.
- Neighbors expressed concern regarding traffic at the neighborhood meeting. A traffic analysis was completed. The residents would not have vehicles. Staff would travel to and from the site. Once a week, there would be garbage pickup and food delivery. Oxygen would be delivered every other week. A van would bring residents to appointments. Visitors

would visit the site. The number of trips per day would equal approximately 13. Thirteen is the number of trips the existing business, that has been operating for over 30 years, experiences. A 2017 US Department of Transportation study determined that a normal, single-family home generates 11.6 trips per day.

- The building would appear residential. Two stories are needed to reduce the size of the footprint. He noticed a number of two-story houses in the area. It would fit in nicely. The materials would match a residential house. There would be flower boxes below windows and a shingled roof.
- He was available for questions.

Henry asked for the differences between an assisted living facility and nursing home. Mr. Sprinkle answered the required staffing level and equity of the patients. A nursing home is licensed by the MN Department of Health. Nursing homes must have a licensed nurse on duty 24 hours a day and a registered nurse on duty during the day. That is not required by an assisted living facility. Nursing homes provide a level of care not provided by an assisted living facility. Nursing homes are the last stop for the long-term care of an individual.

In response to Henry's question, Cauley stated that the applicants received confirmation from MNDOT that access would be allowed from the site to Hwy. 7 if specific conditions would be met.

Luke asked if 12 parking stalls would be sufficient. Mr. TeBrake explained that the current operating facility has nine parking stalls and has found that amount to be ample. The maximum number of staff present at one time would consist of a nurse, nursing assistant, activity director, cook, housekeeper, and administrator at the site during the day. The vehicles making deliveries would not use a stall. There would be a drop-off area. The facility could not have more than 21 residents since the state license would restrict the number to 21.

Luke asked if there would be common areas. Mr. Sprinkle stated that the current facility has a large deck. The proposal would have a family room, activity room, therapy room, and large dining area which the current facility does not have at all. The residents currently have no private rooms. The proposed facility would allow residents to all have private rooms.

In response to Luke's question, Mr. TeBrake stated that the glass entrance would provide an opportunity for non-contact visits when the lockdown would be lifted. Mr. Sprinkle stated that the private rooms in the proposal would allow for much safer conditions for residents to prevent the spread of COVID 19 than the current facility where the residents share rooms.

Henry asked if there would be overflow parking. Mr. TeBrake stated that vehicles could park in the grass areas at the end of the parking lot if needed.



Henry likes the design of the building and the balcony. He suggested each unit have its own balcony. Mr. TeBrake explained that would create a safety issue due to the level of equity of each resident. A congregate setting would be the only safe option. The MN Department of Health would not license the facility if each unit had its own balcony.

Henry asked if the facility would be large enough. Mr. Sprinkle stated that the proposal would be five to six times larger than the current facility and would have the same number of residents. It would be a huge improvement for the residents. Mr. TeBrake stated that each space would meet the specifications outlined by the MN Department of Health.

In response to Henry's question, Mr. TeBrake said that he was open to suggestions from neighbors if they would like additional screening. Mr. Sprinkle noted that there is an existing berm with trees separating the properties now.

Maxwell asked if there would be a room to accommodate a couple who wanted to share a room. Mr. Sprinkle explained that might be possible if a room would meet the size requirements set by the MN Department of Health, but he has not had a couple that wanted to share a room in 33 years. That happens more often in assisted living facilities.

In response to Maxwell's question, Mr. Sprinkle explained that a trash compactor would compact the trash and it would be picked up once a week.

Chair Sewall invited anyone from the public to provide input.

David Devins, 17100 Sandy Lane, stated that:

- He objected to the proposal connecting its sewer and water at the end of Sandy Lane. His trees and landscape would be torn up. It should connect on Hwy. 7.
- He supports water line connection access occurring on Hwy. 7.
- He is concerned with the current density and traffic created by the existing townhouses.
- He was concerned with future development of Gary Anderson's property, 17101 Hwy. 7.

No one else from the public spoke at the meeting.

Cauley explained that if a formal application is submitted, then city staff would research the history of the site and look for the best way to route sewer and water to the property. Engineering staff would determine whether the connection on the north or south would be viable options and whether the proper connection, sizing, and easements exist. Staff would review the viability of all of the options and provide that information to the applicant before the application would be submitted. The applicant may then choose to submit an application which would include the proposed sewer and water connection location. Neighbors could provide feedback at the public hearing to review the

application. Applicants are encouraged to contact neighbors to address concerns and receive suggestions prior to the public hearing.

Henry was comfortable with the proposal. The applicant is doing their due diligence. He supports the application.

Hanson thanked Mr. Sprinkle for his desire to invest in Minnetonka. It is great to have a business owner with a business that has been operating for over 30 years. He is super supportive of the concept plan. He suggested a covered, drop-off area be added in the front of the building. It would protect people being dropped off from the weather and provide an area for a resident to sit outside in the shade. The two-story building would fit in the area. He looks forward to seeing an application for the proposal in the near future. He appreciates the applicant's desire to serve some of the residents with the most need for care in our community.

Luke thought the nursing home would be a good use for the site. The site would have easy access provided by Hwy. 7. She appreciated the applicant's desire to provide the residents with a much more improved and safe living space than they have now. The proposal would be a shining example of quality nursing home care. She supports the proposal.

Maxwell agreed with Luke. A nursing home would be a good fit for the site. She appreciates Mr. Devins' concern and the research he provided regarding the water and sewer connections in the area. She supports the concept plan.

Chair Sewall was not a big fan of having no more than one access to Hwy. 7, but the use would be a great fit. The proposal would fit better than an apartment building or townhouses. The building would be very attractive. He thought overflow parking should be available for holidays since street parking would not be available. Grassy spots would be sufficient for overflow parking. He liked the amount of outdoor space. He suggested limiting tree removal around the property's perimeter and adding some trees where possible. The sewer and water connection issues would be reviewed during the application process. Rezoning would be appropriate. He supports the use in this location and the conditional use permit.

Henry suggested the applicant utilize pollinator-friendly landscape and sustainable, energy-saving features.

Chair Sewall stated that the concept plan is scheduled to be reviewed by the city council at its meeting on July 27, 2020.

## **10. Adjournment**

***Henry moved, second by Maxwell, to adjourn the meeting at 8:06 p.m. Motion carried unanimously.***

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary

# **Minnetonka Planning Commission Meeting**

## **Agenda Item 7**

Public Hearing: Consent Agenda

**MINNETONKA PLANNING COMMISSION**  
**Aug. 6, 2020**

**Brief Description** Expansion permit for a garage and workshop addition at 4133 Windridge Circle

**Recommendation** Adopt the resolution approving the expansion permit

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**Background**

The subject property was created in 1959 as part of the WINDRIDGE HEIGHTS subdivision. A home was constructed on the property the same year. Both the lot and home predate adoption of the city's first zoning ordinance. The home has a non-conforming front yard setback of 30 feet.



1964



2020

**Proposal**

Andrew Blasiak, on behalf of the property owner Brad Welberg, is proposing to add a 20-foot by 30-foot garage and workshop addition to the south side of the existing home. Though the addition would be located two feet behind the front building line of the home, it would not meet the required 35 foot setback. An expansion permit is necessary.

**Staff Analysis**

Staff supports the applicant's proposal, finding it would meet the expansion permit standard outlined in city code.



- **Reasonableness:** The proposed addition would be set back further from the front property line than the existing home and would meet all other setback requirements from property lines and natural site features.
- **Unique Circumstance:** The existing, non-conforming setback of the home creates a unique circumstance not common to all other R-1 zoned properties. Any garage addition meeting current requirements would need to be set back a minimum of five feet from the established front building line, resulting in a visually awkward front facade.
- **Neighborhood Character:** The proposed addition would not negatively impact neighborhood character. Of the ten homes that access Windridge Circle, seven appear to have front yard setbacks of less than 35 feet.

### **Staff Recommendation**

Adopt the resolution approving the expansion permit for a garage and workshop addition at 4133 Windridge Circle.

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

## Supporting Information

### Surrounding Uses

The subject property is surrounded by properties zoned and guided for low-density residential use.

### Expansion Permit and 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. 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.

### Burden of Proof

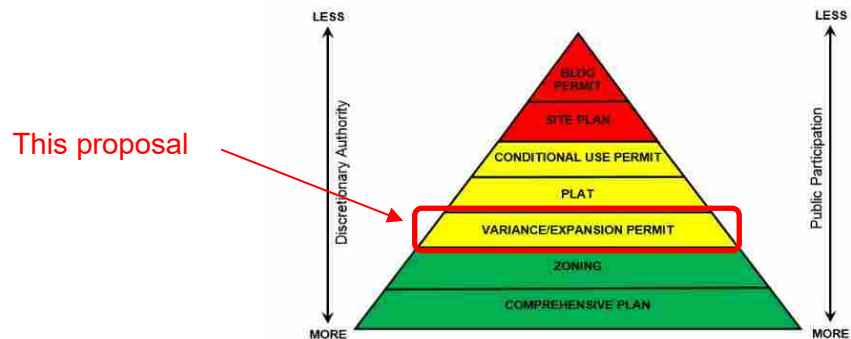
By city code, an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

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

### Neighborhood Comments

The city sent notices to 37 area property owners and received no comments to date.

### Pyramid of Discretion



**Motion Options**

The planning commission has three motion options:

1. Concur with the staff recommendation. In this case, a motion should be made to adopt the resolution approving the expansion permit.
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 permit 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.

**Voting and Appeals**

Approval requires the affirmative vote from four commissioners. Any person aggrieved by the planning commission's decision may appeal the decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

**Deadline for Action**

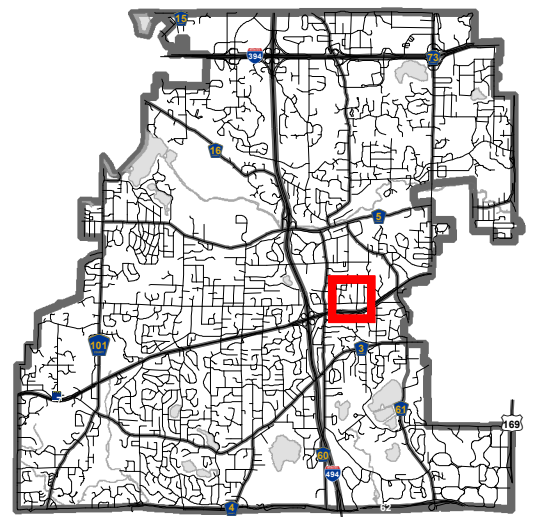
Oct. 26, 2020

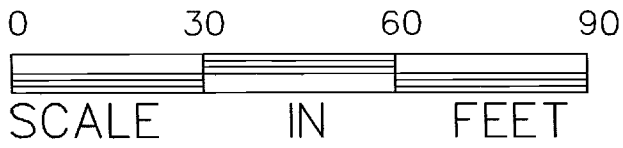




### Location Map

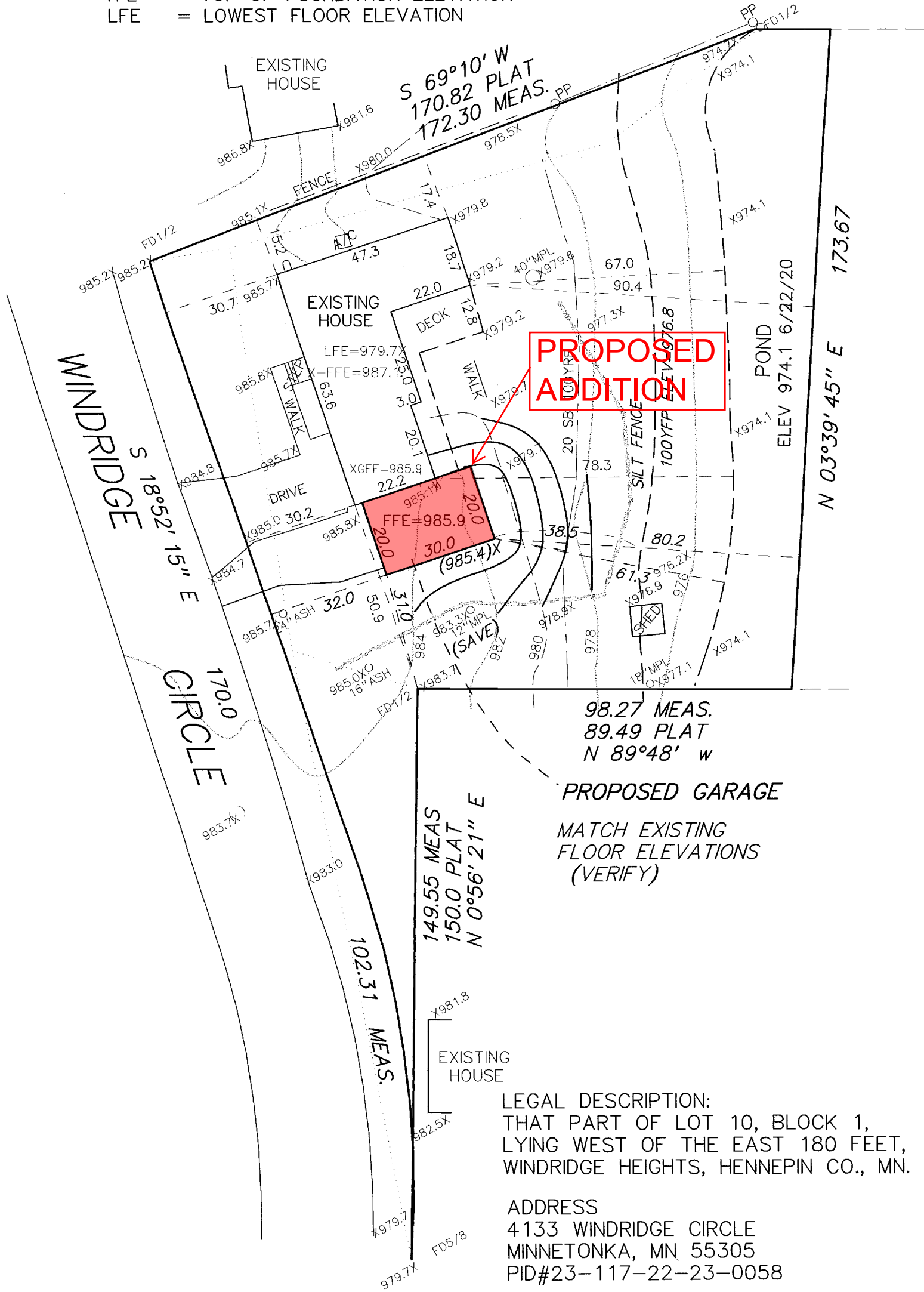
Project: Welberg Residence  
Address: 4133 Windridge Cir





- X992.5 = EXISTING SPOT ELEVATION.
- X(998.0) = PROPOSED SPOT ELEVATION
- ..... = DIRECTION SURFACE DRAINAGE
- COH = CANTILEVERED OVERHANG
- OHL = OVERHEAD UTILITY LINE
- GFE = GARAGE FLOOR ELEVATION
- TFE = TOP OF FOUNDATION ELEVATION
- LFE = LOWEST FLOOR ELEVATION

S 89°59' 45"W  
19.63



**PROPOSED  
ADDITION**

**PROPOSED GARAGE**  
MATCH EXISTING  
FLOOR ELEVATIONS  
(VERIFY)

LEGAL DESCRIPTION:  
THAT PART OF LOT 10, BLOCK 1,  
LYING WEST OF THE EAST 180 FEET,  
WINDRIDGE HEIGHTS, HENNEPIN CO., MN.

ADDRESS  
4133 WINDRIDGE CIRCLE  
MINNETONKA, MN 55305  
PID#23-117-22-23-0058

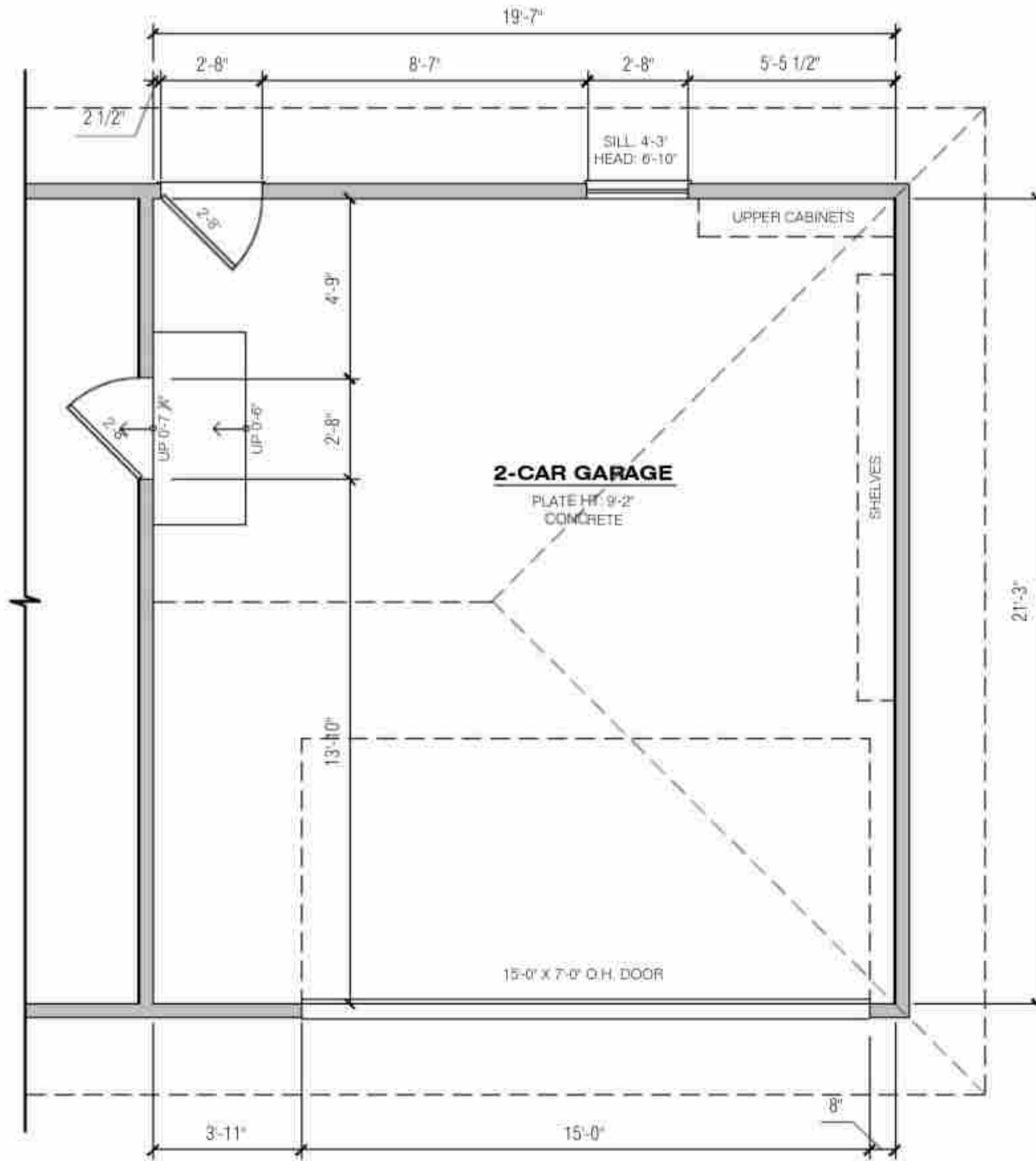
LOT AREA = 24500 SF SF 0.56 AC

Land Surveyor  
**Frank R. Cardabelle**  
6440 FLYING CLOUD DRIVE  
EDEN PRAIRIE, MN 55344  
952-941-3031


**BUILDING  
PERMIT SURVEY**  
for **WELBERG RESIDENCE**  
**4133 WINDRIDGE CIRCLE**

PROJECT NO.	BOOK
DATE JUNE 29, 2020	PAGE
REVISIONS	
I HEREBY CERTIFY THAT THIS SURVEY 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.	
FRANK R. CARDABELLE REG. NO. 6508	

EXISTING GARAGE



NOTES:  
 -ALL DIMENSIONS ARE ±. GENERAL CONTRACTOR  
 TO FIELD VERIFY ALL EXISTING SITE CONDITIONS  
 PRIOR TO COMMENCEMENT OF CONSTRUCTION  
 -ALL DIMENSIONS TO FINISH FACE UNLESS  
 OTHERWISE NOTED

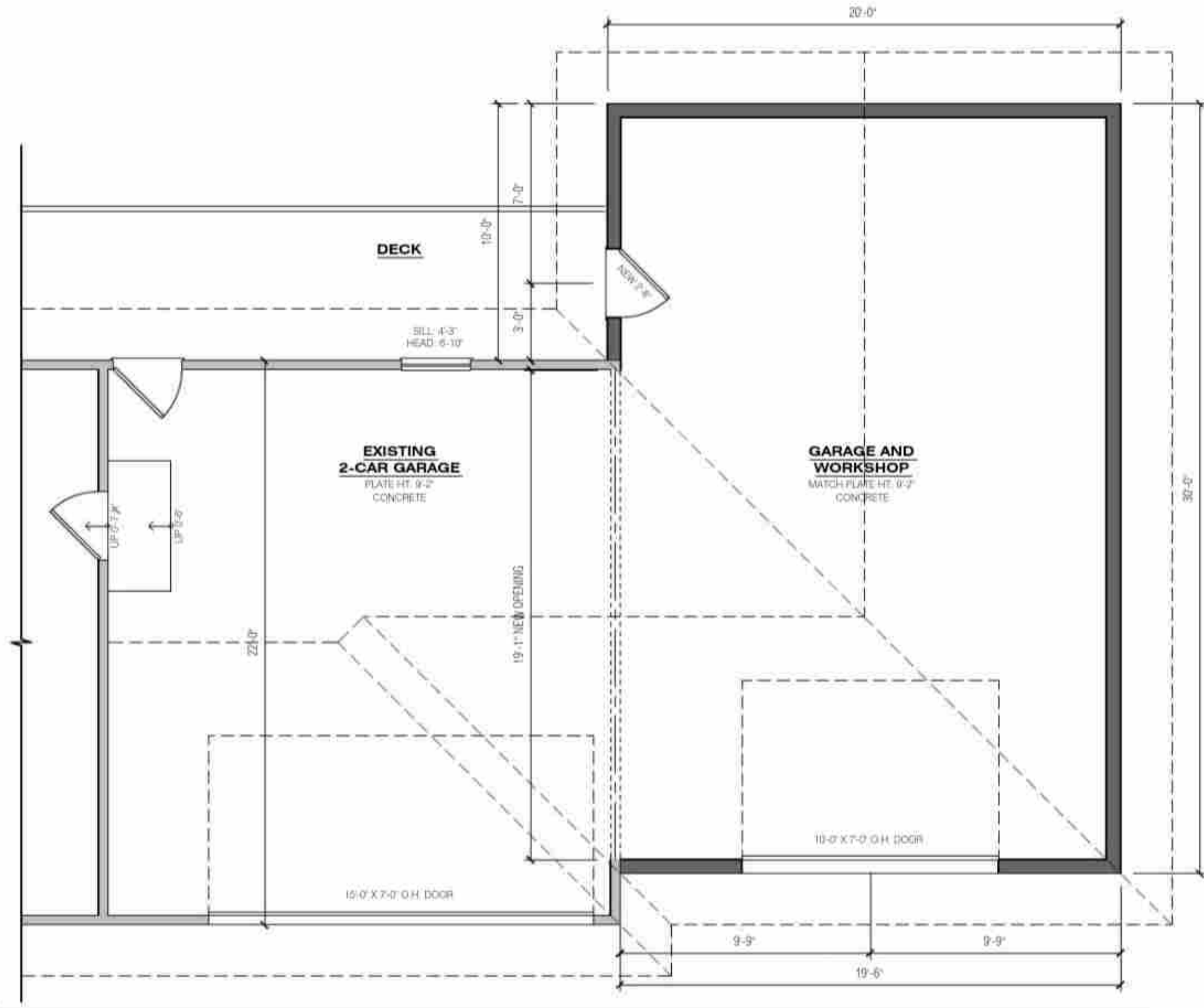
DRAWING KEY:  
 EXISTING STUD WALL 

**PROPOSED GARAGE**

**NOTES:**  
 ALL DIMENSIONS ARE ... GENERAL CONTRACTOR  
 TO FIELD VERIFY ALL EXISTING SITE CONDITIONS  
 PRIOR TO COMMENCEMENT OF CONSTRUCTION.  
 ALL DIMENSIONS TO FINISH FACE UNLESS  
 OTHERWISE NOTED

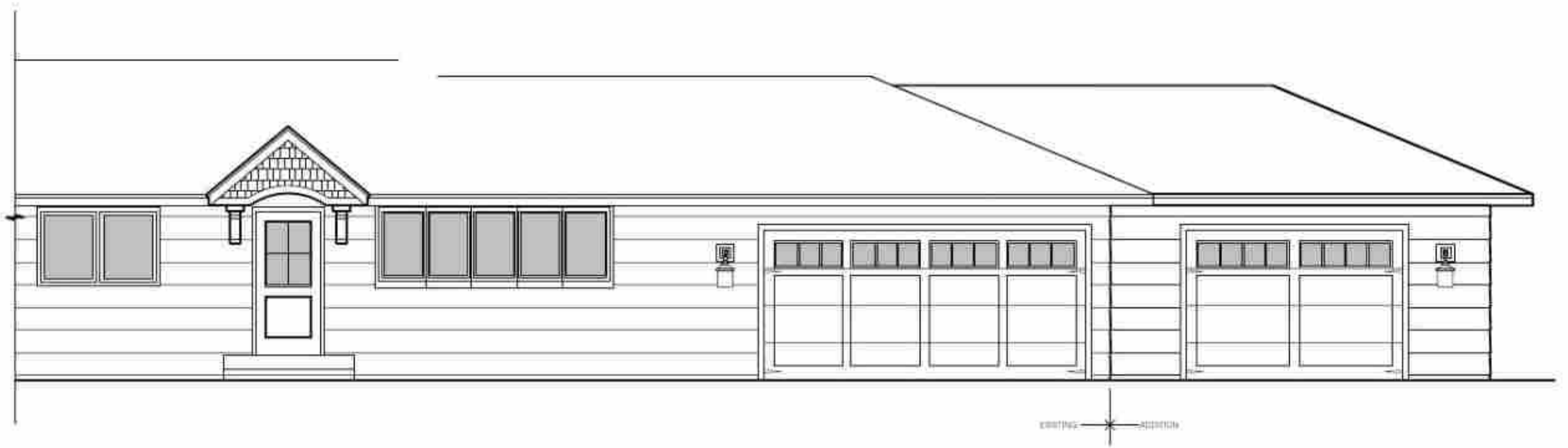
**DRAWING KEY:**

NEW STUD WALL	
EXISTING STUD WALL	
DEMO WALL	

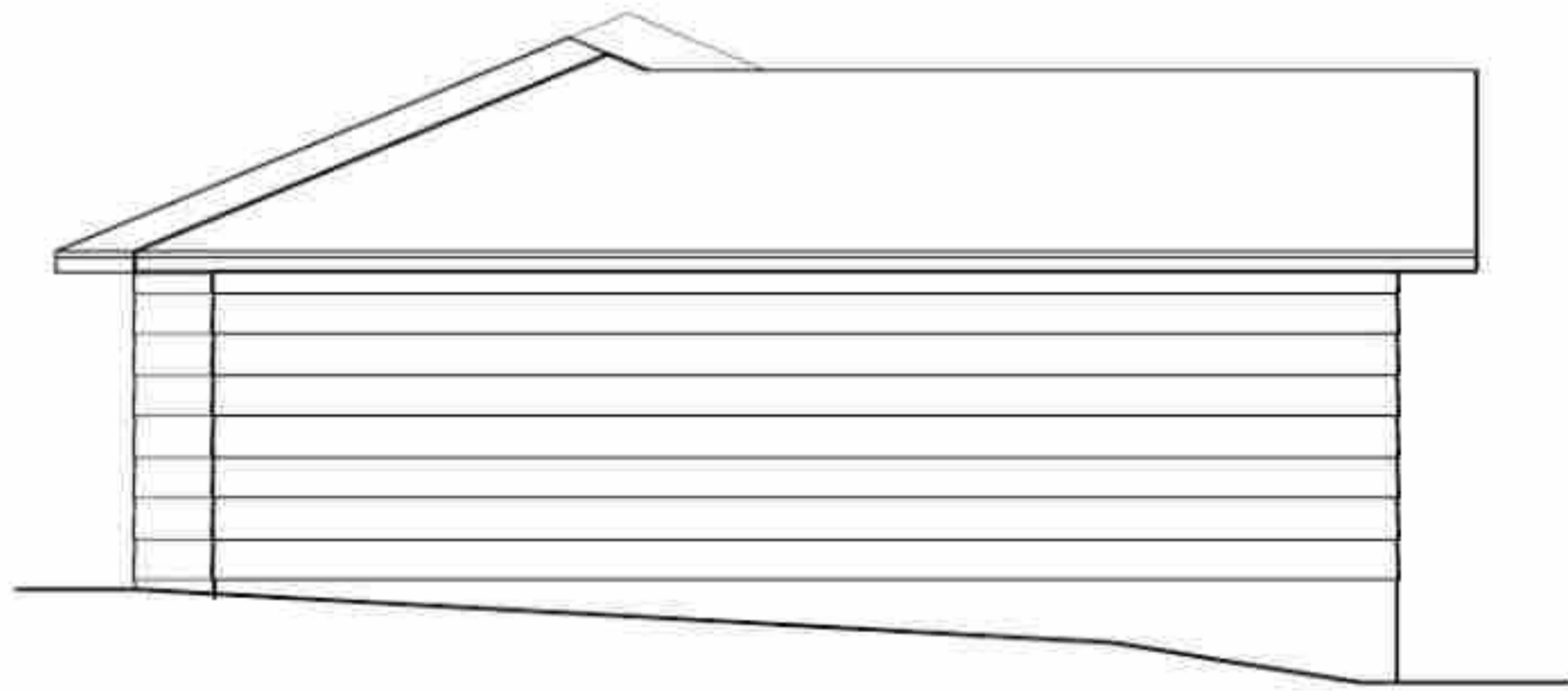


1 PLAN - MAIN LEVEL  
 A1.1 1/4" = 1'-0"

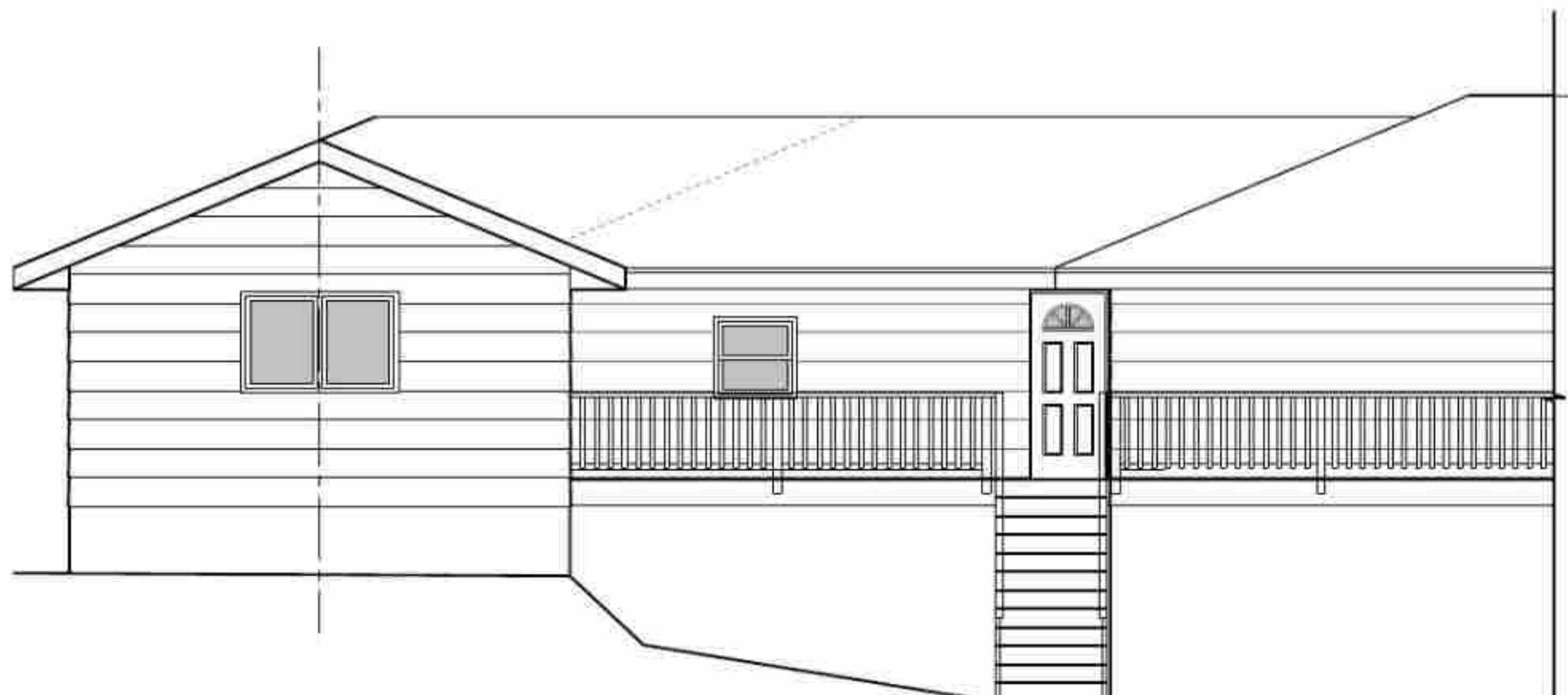
PROPOSED



1 EXTERIOR ELEVATION - FRONT  
A2.0 3/16" = 1'-0"



1 EXTERIOR ELEVATION - SIDE  
A2.1 3/16" = 1'-0"



2 EXTERIOR ELEVATION - REAR  
A2.1 3/16" = 1'-0"

## Planning Commission Resolution No. 2020-

### Resolution approving an expansion permit for a garage addition at 4133 Windridge Circle

---

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 4133 Windridge Circle. It is legally described as:

That part of Lot 10, Block 1, lying West of the East 80 feet, WINDRIDGE HEIGHTS, Hennepin County, Minnesota

1.02 The home on the property, was constructed in 1959, prior to adoption of the city's first zoning ordinance.

1.03 By City Code §300.10 Subd.5(b), a 35 foot front yard setback is required in the R-1 zoning district. The home on the subject property has a non-conforming front yard setback of 30 feet.

1.04 Andrew Blasiak, on behalf of property owner Brad Welberg, is proposing to add a 20-foot by 30-foot garage addition to the south side of the existing home. The addition would be set back 32 feet from the front property line. An expansion permit is necessary.

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

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

1.07 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: The proposed addition would be set back further from the front property line than the existing home and would meet all other setback requirements from property lines and natural site features.
2. Unique Circumstance: The existing, non-conforming setback of the home creates a unique circumstance not common to all other R-1 zoned properties. Any garage addition meeting current requirements would need to be set back a minimum of five feet from the established front building like, resulting in a visually awkward front facade.
3. Neighborhood Character: The proposed addition would not negatively impact neighborhood character. Of the ten homes that access Windridge Circle, seven appear to have front yard setbacks of less than 35 feet.

Section 4. Planning Commission Action.

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

1. Subject to staff approval, the property must be developed in substantial conformance with the following plans, except as modified by conditions below.
  - Survey, dated June 29, 2020
  - Building plans and elevations attached to the Aug. 6, 2020 staff report associated with this request
2. Prior to issuance of a building permit:
  - a) This resolution must be recorded with Hennepin County.

- b) Submit an update survey that includes all platted easements.
  - c) Install a temporary erosion control and tree protection fencing for staff inspection. These items must be maintained throughout the course of construction.
3. Note, maximum driveway width is 30 feet wide at the property line. Any widening of the driveway within the right-of-way will require a driveway permit.
  4. This approval will end on Dec. 31, 2021, 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 Aug. 6, 2020.

---

Josh Sewall, Chairperson

Attest:

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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 meeting held on Aug. 6, 2020.

---

Fiona Golden, Deputy City Clerk



**MINNETONKA PLANNING COMMISSION**  
**Aug. 6, 2020**

**Brief Description** Preliminary and final plat of CREST RIDGE CORPORATE CENTER 2<sup>nd</sup> ADDITION, with setback variance, at 10955 and 11055 Wayzata Blvd.

**Recommendation** Recommend the city council adopt the resolution approving the preliminary and final plat, with setback variance.

**Background**

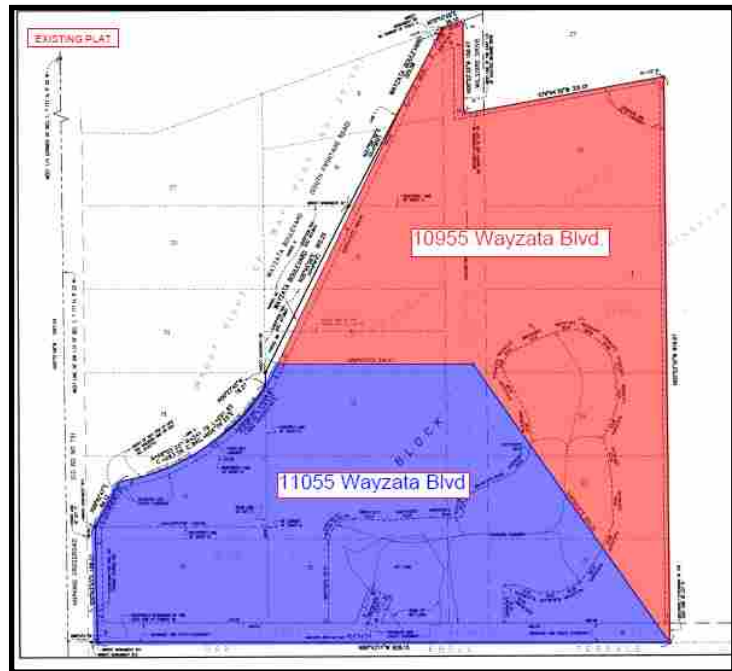
The subject request involves two parcels that are both within the Crest Ridge Corporate Center Addition: 10955 and 11055 Wayzata Blvd. The northern property (10955) currently has the Orchards of Minnesota (high-density, senior housing) and the southern property (11055) has the Crest Ridge Offices. Below is additional information about both of the properties.

10955 Wayzata Blvd (Northern Lot):

- Zoning: Planned I-394 (PID)
- Existing Use: High Density Residential
- Lot Size: 7.4 acres
- Building Size: 200,000 sq. ft. (built in 2017)
- FAR: 0.65
- Impervious Surface: 38%

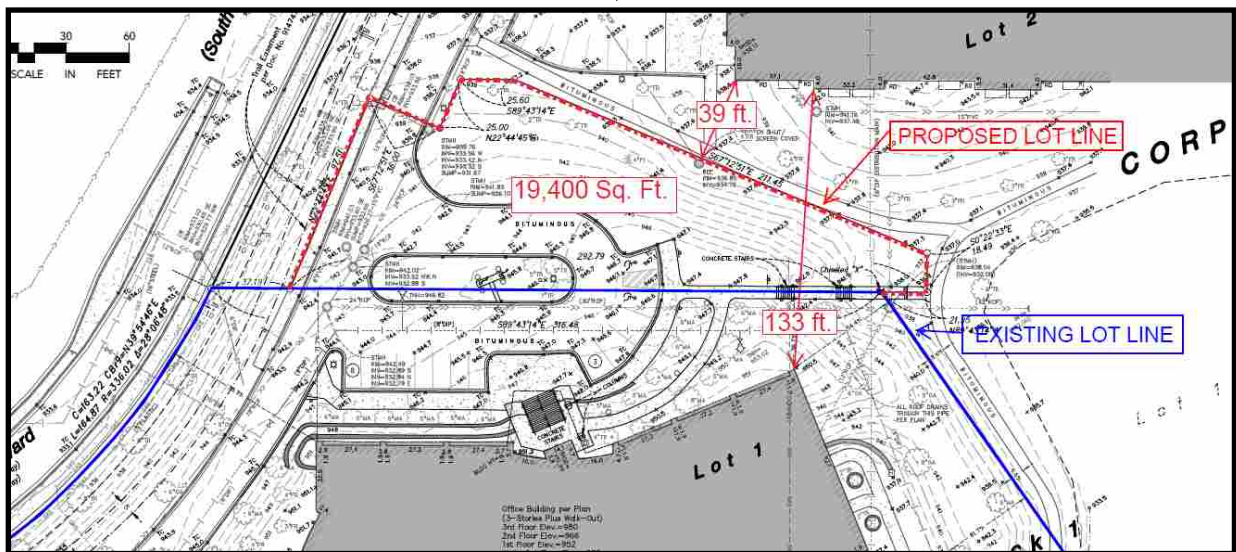
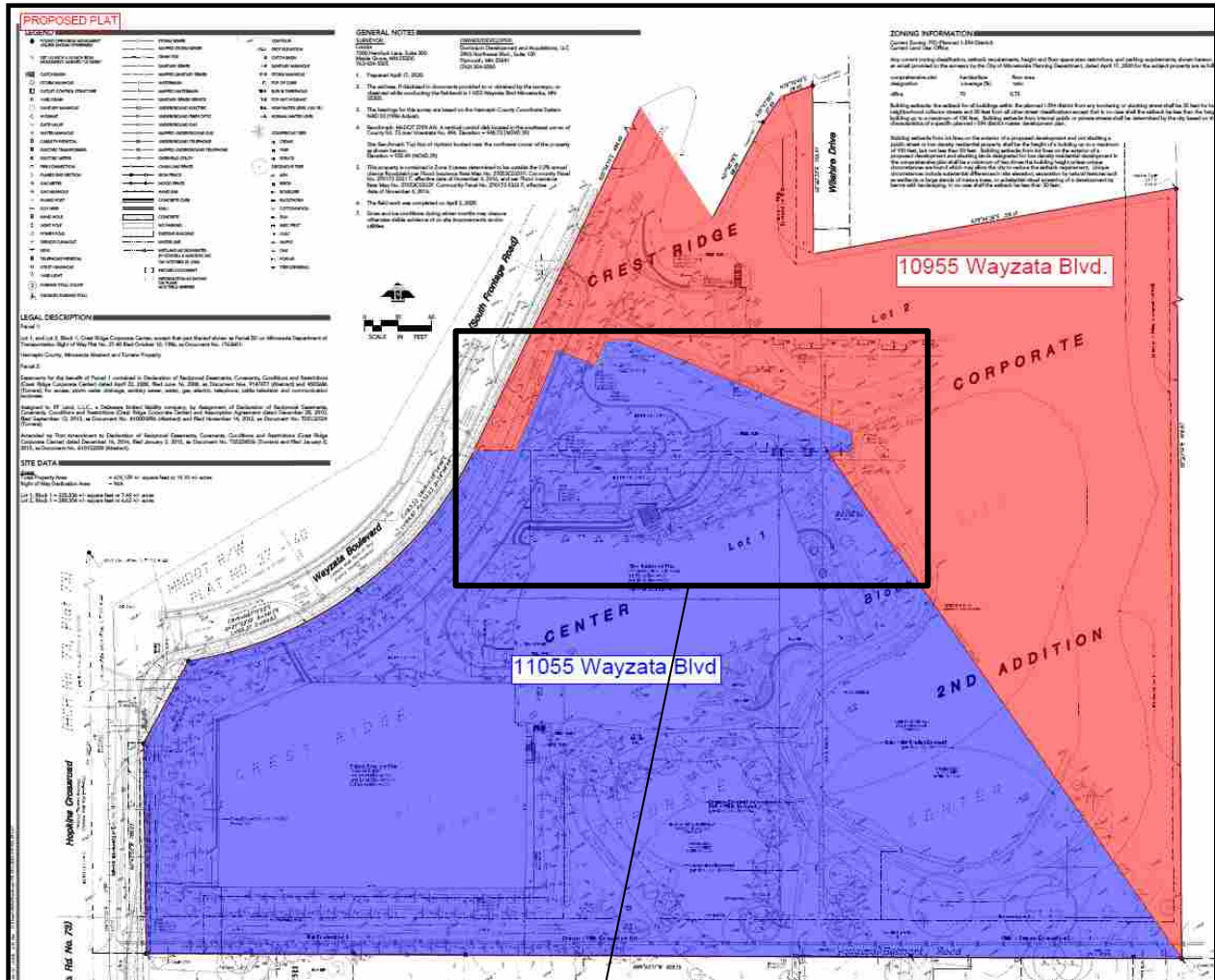
11055 Wayzata Blvd (Southern Lot)

- Zoning: Planned I-394 (PID)
- Existing Use: Office
- Lot Size: 7.05 acres
- Building Size: 122,123 sq. ft. (built in 2008)
- FAR: 0.40
- Impervious Surface: 43%



**Proposal**

The applicant is proposing to move the lot line between the two properties to the north. This lot line adjustment would transfer just over 19,000 square feet of land to the southern property (11055 Wayzata Blvd). The applicant has stated they plan to use this area to accommodate a future parking lot expansion for the southern property. The parking lot expansion is not part of this current request.



**Proposal Requirements**

The proposal requires:

- Preliminary and Final Plat: The applicant has submitted preliminary and final plat approval for their lot line adjustment.
- Variance: The proposed lot line adjustment would put the northerly building (10955 Wayzata Blvd) within the required property line setback. As such, a variance is necessary.

	Required	Existing	Proposed
Property Line Setback (South)	53.5 ft.	95 ft.	39 ft.*

\*requires variance

**Primary Questions and Analysis**

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

- **Are the proposed lots reasonable?**

Yes. The proposed lot line adjustment would not create any additional lots and the two lots would continue to meet all land and building requirements outlined in city code, with the exception of the northerly building’s property line setback.

- **Is the variance request reasonable?**

Yes. The intent of the setback requirement is to provide appropriate separation between buildings and property lines and to provide for adequate space between buildings. The applicant has not proposed any new building or site additions with this proposal. The existing buildings are located 133 feet away from each other, which exceeds the combined setback distance for the two buildings (103.5 feet). If approved, the two buildings will continue to visually appear to meet the city code setback requirement and will be adequately separated from each other.

**Staff Recommendation**

Recommend the city council adopt the resolution approving the preliminary and final plat of CREST RIDGE CORPORATE CENTER 2<sup>nd</sup> ADDITION, with setback variance, at 10955 and 11055 Wayzata Blvd.

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

**Supporting Information**

**Project No.** 16034.20a

**Property** 10955 and 11055 Wayzata Blvd.

**Applicant** Steven F. Hough, Loucks Inc.

**Owner** Dominion Development and Acquisitions, LLC

**Surrounding Land Uses** **East:** Single Family Homes, zoned R-1, guided low density residential  
**South:** Single Family Homes, zoned R-1, guided low density residential  
**North:** Wilshire Woods Apartments, zoned Planned I-394 District (PID), guided high density residential  
**West:** The Waters Senior Living, zoned Planned I-394 District (PID), guided office

**Planning** 10955 Wayzata Blvd.  
 Guide Plan designation: Office  
 Zoning: Planned I-394 District (PID)

11055 Wayzata Blvd.  
 Guide Plan designation: Office  
 Zoning: Planned I-394 District (PID)

**PID Standards** If approved, both 10955 and 11055 Wayzata Blvd. would be compliant with the Planned I-394 District Development Standards.

**10955 Wayzata Blvd.**

	<b>Lot Area Min*</b>	<b>Hardsurface Max</b>	<b>FAR Max</b>
City Code	3 acres	60%	0.75
Proposed	5.7 acres	40%	0.69

\*Does not include non-buildable area

**11055 Wayzata Blvd.**

	<b>Lot Area Min*</b>	<b>Hardsurface Max</b>	<b>FAR Max</b>
City Code	3 acres	70%	0.75
Proposed	6.3 acres	43%	0.37

\*Does not include non-buildable area

**Building Setback** The non-street abutting building setback requirement for buildings within the Planned I-394 District (PID) is the height of the building, not to be less than 50 feet or exceed 100 feet. The building at 10955 Wayzata Blvd. is 53.5 feet tall. As such, the required setback for the subject building is 53.5 feet. The building at 11055 Wayzata Blvd. is 50 feet tall and has a 50-foot property line setback.

**Parking Non-conformity** The existing parking lot is currently located on the property line that splits the two properties (10955 and 11055 Wayzata Blvd.). This is legal non-conforming with the required parking lot setback. City code requires a:

- 20 foot setback for the southern property parking lot; and
- 10-foot setback for the northern parking lot.

If the proposal is approved, the existing parking lot would be moved completely to the southern property. This would make the existing parking lot conforming with the required property line setbacks for parking areas.

**Future Parking Expansion**

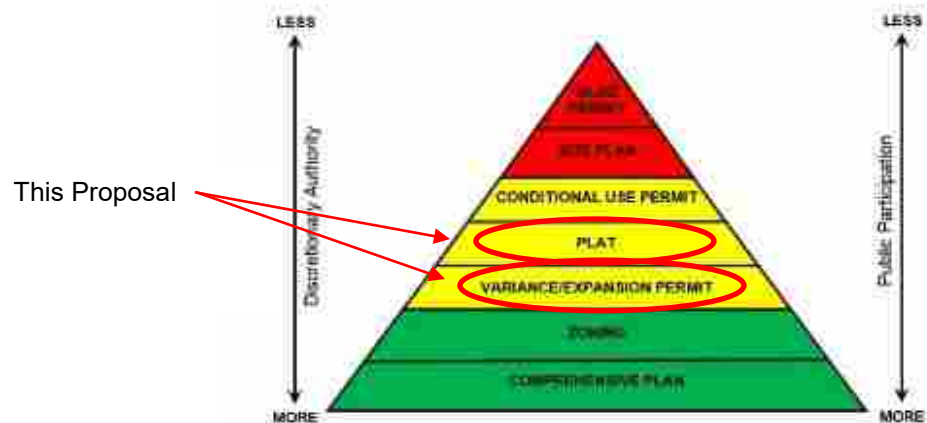
The applicant has stated that they are proposing the lot line adjustment for the future construction of a parking lot expansion. While the applicant has submitted preliminary plans for the parking lot expansion, the applicant does not wish to submit the request for the parking lot expansion at this time.

As a courtesy, staff reviewed the proposed parking lot expansion and noted that it would not meet the required parking lot setback (20 feet). The applicant has also been informed of the non-conformity of their preliminary parking lot expansion plans and that they will be required to either: 1) revise their plans so that they meet the setback requirement; or 2) apply for a variance. The applicant has decided to make this decision at a future date.

**Neighborhood Comments**

The city sent notices to 51 area property owners and received no comment to date.

**Pyramid of Discretion**



**Motion Options**

The planning commission has three options:

1. Concur with staff's recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the preliminary and final plat and building setback variance.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request.

The motion must include a statement as to why the denial is recommended.

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

**Voting Requirement**

The planning commission will make a recommendation to the city council on the applicant's proposal. Any recommendation requires an affirmative vote of a four members. The final council decision will require an affirmative vote of five members, due to the variance.

**Deadline for Decision**

Aug. 31, 2020



**Subject Properties**

**Wayzata Boulevard**

**Archwood Road**

**Crestridge Drive**

**Hopkins Crossroad**

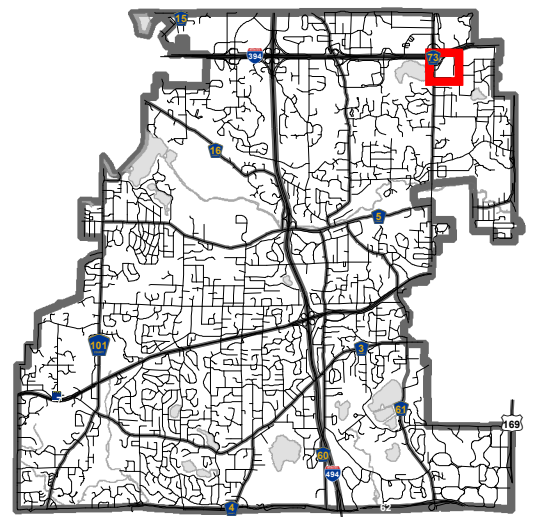
**Oak Knoll Terrace North**

**INTERSTATE 394**

**73**

### Location Map

Project: Orchards of Minnetonka  
Address: 10955 & 11055 Wayzata B



R.T. DOC. NO. 4505684

C.R. DOC. NO. 9147475

Cert Nos. 1220388 + 1220411

EXISTING PLAT

CREST RIDGE CORPORATE CENTER

KNOW ALL MEN BY THESE PRESENTS: That Opus Northwest, L.L.C., a Delaware limited liability company, fee owner of the following described property situated in the County of Hennepin, State of Minnesota to wit:

- 1220411 N1/4 Lots 21, 22, 23, 24, 25, and 26, Block 1, "CHATHAM FIELDS, HENNEPIN COUNTY, MINNESOTA".
AND
N1/4 Lot 11, Block 2, "CHATHAM FIELDS, HENNEPIN COUNTY, MINNESOTA", except that part deeded to the State of Minnesota by Warranty Deed filed May 28, 1987, as Document No. 5273612.
AND
N1/4 The North Half of Lot 12, Block 2, "CHATHAM FIELDS, HENNEPIN COUNTY, MINNESOTA", except that part thereof shown as Parcel 9A on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP NO. 27-40, recorded October 21, 1986, as Document No. 5173667.
AND
N1/4 The South Half of Lot 12, Block 2, "CHATHAM FIELDS, HENNEPIN COUNTY, MINNESOTA", except that part thereof shown as Parcel 9B on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP NO. 27-40, recorded October 21, 1986, as Document No. 5173667.
AND
N1/4 Lots 13, 14, and 15, Block 2, "CHATHAM FIELDS, HENNEPIN COUNTY, MINNESOTA".
AND
1220411 Lot 16; and The South 20 feet front and rear of Lot 17, Block 2, "Chatham Fields, Hennepin County, Minnesota", except that part thereof shown as Parcel 5D on Minnesota Department of Transportation Right of Way Plat Numbered 27-40 recorded October 10, 1986, as Document No. 1763601.
(registered land)

That part of Tract A described below:

- Tract A:
N1/4 Lots 9 and 10, Block 2, "Chatham Fields, Hennepin County, Minnesota", according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota;

which lies easterly of Line 1 described below:

Line 1:

Commencing at Right of Way Boundary Corner B8 as shown on Minnesota Department of Transportation Right of Way Plat No. 27-40 as the same is on file and of record in the office of said County Recorder; thence northeasterly on an azimuth of 26 degrees 46 minutes 12 seconds along the boundary of said plat for 302.25 feet to Right of Way Boundary Corner B7, the southerly line of Tract A hereinbefore described, and the point of beginning of Line 1 to be described; thence on an azimuth of 27 degrees 58 minutes 52 seconds for 325.60 feet to Right of Way Boundary Corner B5 as shown on said Plat No. 27-40 and the northeasterly corner of said Tract A and there terminating.

AND

That part of Tracts B and C described below:

Tract B:

- 1220458 N1/4 Lot 17 except the south 20 feet front and rear, Block 2, "Chatham Fields, Hennepin County, Minnesota", according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota;

Tract C:

- N1/4 Lot 18, Block 2, "Chatham Fields, Hennepin County, Minnesota", according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota;

which lies southeasterly of Line 2 described below:

Line 2:

Commencing at the southeast corner of Tract B hereinbefore described; thence westerly on an azimuth of 270 degrees 17 minutes 05 seconds along the southerly line thereof for 278.75 feet to the point of beginning of Line 2 to be described; thence on an azimuth of 28 degrees 42 minutes 59 seconds for 84.12 feet; thence northeasterly for 291.84 feet on a non-tangential curve, concave to the northwest, having a radius of 341.79 feet, a delta angle of 48 degrees 55 minutes 19 seconds, and a chord azimuth of 56 degrees 39 minutes 44 seconds (which course intersects the northerly line of said Tract B at a point distant 121.65 feet westerly of the northeast corner thereof) to the easterly line of Tract C hereinbefore described and there terminating.

AND

- N1/4 That part of vacated Belmont Road, as dedicated on the plat of "CHATHAM FIELDS, HENNEPIN COUNTY, MINNESOTA", lying west of the southerly extension of the east line of Lot 21, Block 1, said plat, and lying east of the southerly extension of the east line of Parcel 5D as shown on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 27-40.

AND

- N1/4 That part of vacated Wilshire Drive, as dedicated in the plat of "CHATHAM FIELDS, HENNEPIN COUNTY, MINNESOTA", lying north of the easterly extension of the south line of Block 2, said plat and lying south of the south Right of Way line of Trunk Highway No. 12 as shown on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 27-40, EXCEPT that part of the east half of Wilshire Drive lying north of westerly prolongation of the north line of Lot 26, Block 1, said plat.

Has caused the same to be surveyed and platted as CREST RIDGE CORPORATE CENTER and does hereby donate and dedicate to the public for public use forever the public ways, and the easements for drainage and utility purposes only.

In witness whereof said Opus Northwest, L.L.C., a Delaware limited liability company, has caused these presents to be signed by its proper officer this 20 day of May, 2008.

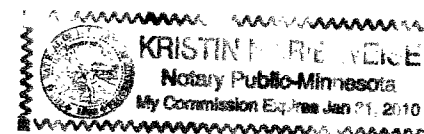
OPUS NORTHWEST, L.L.C.

by David Muehl as Vice President

STATE OF Minnesota
COUNTY OF Hennepin

The foregoing instrument was acknowledged before me this 20 day of May, 2008, by David Muehl as Vice President of Opus Northwest, L.L.C., a Delaware limited liability company, on behalf of the company.

Kristin Marie Wilson
Notary Public, State of Minnesota
My Commission Expires 1/31/2010



SURVEYOR'S CERTIFICATE

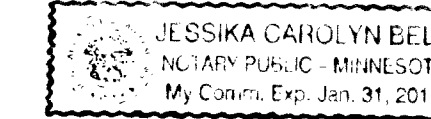
I hereby certify that this plat of CREST RIDGE CORPORATE CENTER is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been or will be correctly set within one year as indicated on the plat; that all water boundaries and wet lands as of the date of the surveyor's certification are shown and labeled on the plat; that all public ways are shown and labeled on the plat. I further certify that this plat 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.

Henry D. Nelson
Henry D. Nelson, Licensed Land Surveyor
Minnesota License No. 17255

STATE OF Minnesota
COUNTY OF Hennepin

The foregoing Surveyor's Certificate was acknowledged before me this 20th day of May, 2008, by Henry D. Nelson, a Licensed Land Surveyor.

Jessica Cahoolyn Bell
Notary Public, Dakota County, Minnesota
My Commission Expires 1/31/2011



MINNETONKA, MINNESOTA

This plat of CREST RIDGE CORPORATE CENTER was approved and accepted by the City Council of Minnetonka, Minnesota, at a regular meeting thereof held this 21st day of APRIL, 2008. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30-day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subd. 2.

CITY COUNCIL OF MINNETONKA, MINNESOTA

J. A. Cassin Mayor
Ruhla Clerk

TAXPAYER SERVICES DEPARTMENT, HENNEPIN COUNTY, MINNESOTA

I hereby certify that taxes payable in 2008 and prior years have been paid for land described on this plat. Dated this 13 day of June, 2008.

JILL L. ALVERSON, HENNEPIN COUNTY AUDITOR

By: [Signature] Deputy

SURVEY DIVISION, HENNEPIN COUNTY, MINNESOTA

Pursuant to MINN. STAT. SEC. 383B.565 (1969), this plat has been approved this 16th day of JUNE, 2008.

WILLIAM P. BROWN, HENNEPIN COUNTY SURVEYOR

By: [Signature] Deputy

REGISTRAR OF TITLES, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the within plat of CREST RIDGE CORPORATE CENTER was filed in this office this 16th day of June, 2008 at 3:00 o'clock P.M.

MICHAEL H. CUNNIFF, REGISTRAR OF TITLES

By: [Signature] Deputy

COUNTY RECORDER, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the within plat of CREST RIDGE CORPORATE CENTER was recorded in this office this 16th day of June, 2008 at 3 o'clock P.M.

MICHAEL H. CUNNIFF, HENNEPIN COUNTY RECORDER

By: [Signature] Deputy

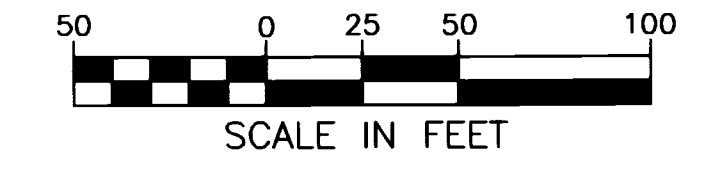
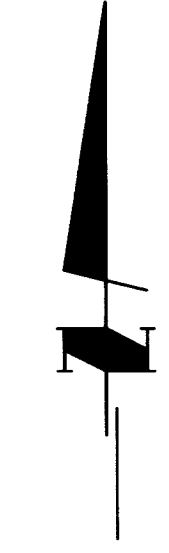
FILE NO. 21257

8-051



R.T. DOC. NO. 4505684  
 C.R. DOC. NO. 9147475  
 Cert. Nos. 1220388 + 1220411

# CREST RIDGE CORPORATE CENTER



- DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET AND MARKED BY LICENSE NO. 17255.
- DENOTES 1/2 INCH IRON MONUMENT FOUND.
- MNDOT MONUMENT B7 DENOTES FOUND MONUMENTATION PER MNDOT RIGHT OF WAY PLAT NO. 27-40.
- AZIMUTHS SHOWN THUS (AZ=28°42'59") ARE PER MNDOT RIGHT OF WAY PLAT NO. 27-40 AND ARE ROTATED CLOCKWISE 00 DEGREES 00 MINUTES 12 SECONDS.
- BEARING SYSTEM SHOWN IS ASSUMED

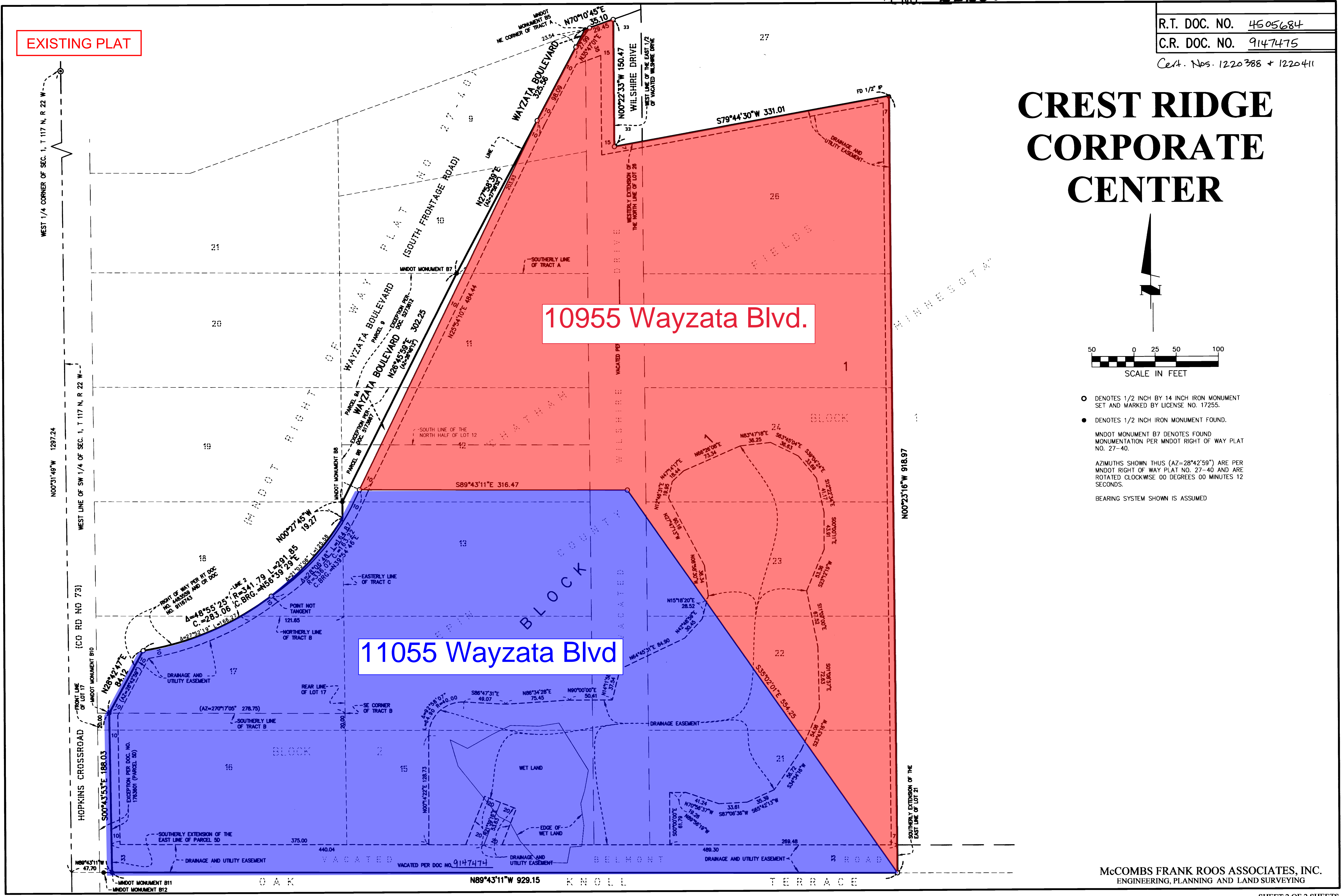
EXISTING PLAT

10955 Wayzata Blvd.

11055 Wayzata Blvd

FILE NO. 21257

8-051



PROPOSED PLAT

LEGEND table with symbols for FOUND OPEN IRON MONUMENT, STORM SEWER, CONTOUR, etc.

GENERAL NOTES

- 1. Prepared April 17, 2020.
2. The address, if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork is 11055 Wayzata Blvd Minnetonka, MN 55305.
3. The bearings for this survey are based on the Hennepin County Coordinate System NAD 83 (1986 Adjust).
4. Benchmark: MnDOT 2789 AN. A vertical control disk located in the southeast corner of County Rd. 73 over Interstate No. 494. Elevation = 948.73 (NGVD 29)
5. This property is contained in Zone X (areas determined to be outside the 0.2% annual chance floodline) per Flood Insurance Rate Map No. 27053C0331F, Community Panel No. 270173 0331 F, effective date of November 4, 2016, and per Flood Insurance Rate Map No. 27053C0333F, Community Panel No. 270173 0333 F, effective date of November 4, 2016.
6. The field work was completed on April 2, 2020.
7. Snow and ice conditions during winter months may obscure otherwise visible evidence of on site improvements and/or utilities.

ZONING INFORMATION

Current Zoning: PID (Planned I-394 District)
Current Land Use: Office

Table with columns: comprehensive plan designation, hardsurface coverage (%), floor area ratio. Values: office, 70, 0.75

Building setbacks: the setback for all buildings within the planned I-394 district from any bordering or abutting street shall be 35 feet for local and neighborhood collector streets and 50 feet from all other street classifications except that in no case shall the setback be less than the height of a building up to a maximum of 100 feet.

Building setbacks from lot lines on the exterior of a proposed development and not abutting a public street or low density residential property shall be the height of a building up to a maximum of 100 feet, but not less than 50 feet.

LEGAL DESCRIPTION

Parcel 1: Lot 1, and Lot 2, Block 1, Crest Ridge Corporate Center, except that part thereof shown as Parcel 5D on Minnesota Department of Transportation Right of Way Plat No. 27-40 filed October 10, 1986, as Document No. 1763601.

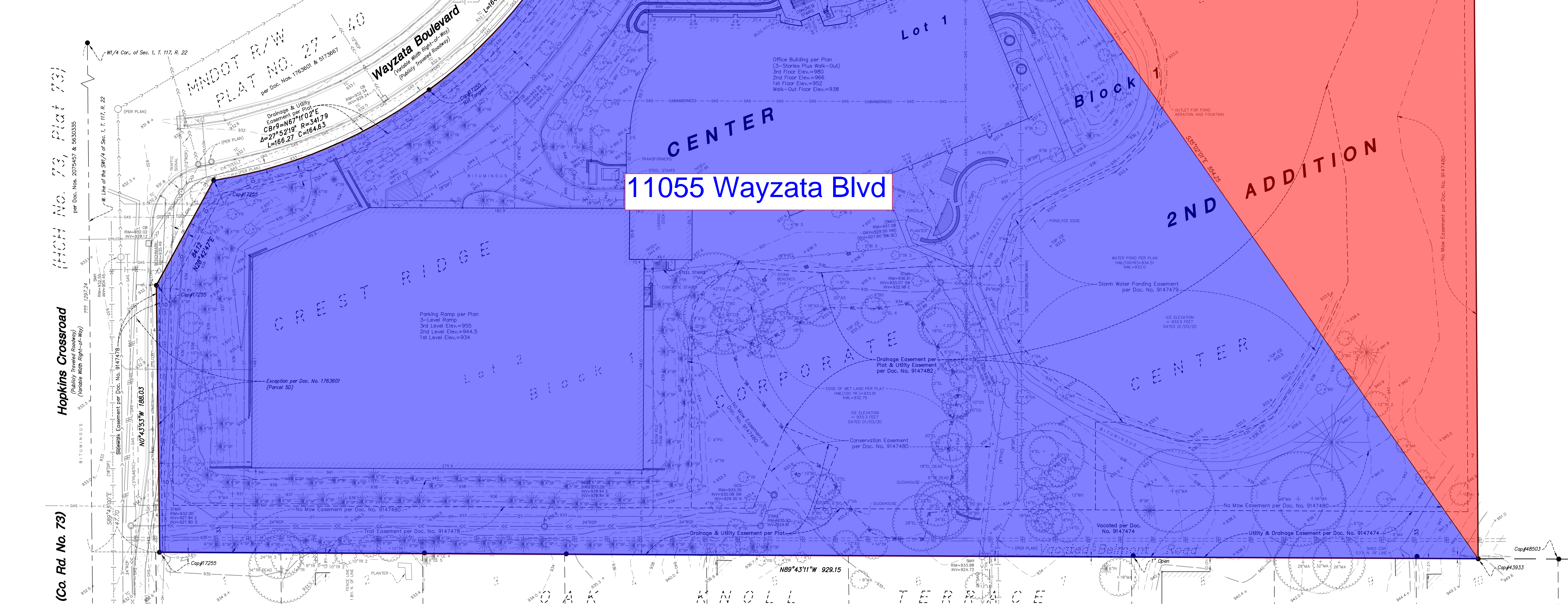
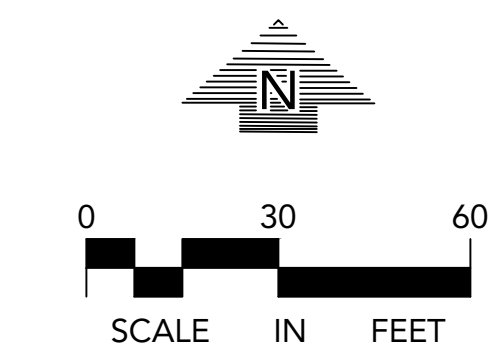
Parcel 2: Easements for the benefit of Parcel 1 contained in Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions (Crest Ridge Corporate Center) dated April 22, 2008, filed June 16, 2008, as Document Nos. 9147477 (Abstract) and 4505686 (Torrens), for access, storm water drainage, sanitary sewer, water, gas, electric, telephone, cable television and communication purposes.

Assigned to RP Land, L.L.C., a Delaware limited liability company, by Assignment of Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions (Crest Ridge Corporate Center) and Assumption Agreement dated December 28, 2010, filed September 13, 2013, as Document No. A10005896 (Abstract) and filed November 14, 2013, as Document No. T05132524 (Torrens).

Amended by First Amendment to Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions (Crest Ridge Corporate Center) dated December 16, 2014, filed January 2, 2015, as Document No. T05224856 (Torrens) and filed January 8, 2015, as Document No. A10152200 (Abstract).

SITE DATA

- Total Property Area = 614,139 +/- square feet or 14.10 +/- acres
Right of Way Dedication Area = N/A
Lot 1, Block 1 = 325,836 +/- square feet or 7.48 +/- acres
Lot 2, Block 1 = 288,304 +/- square feet or 6.62 +/- acres



PRELIMINARY PLAT FOR DOMINIUM HEADQUARTERS
11055 WAYZATA BOULEVARD MINNETONKA, MN 55305

DOMINIUM DEVELOPMENT AND ACQUISITIONS, LLC
2905 NORTHWEST BLVD, SUITE 150, PLYMOUTH, MN 55441

LOUCKS CIVIL ENGINEERING LAND SURVEYING LANDSCAPE ARCHITECTURE ENVIRONMENTAL
7200 Hemlock Lane, Suite 300 Maple Grove, MN 55569 763.424.5505 www.louckscinc.com

CADD QUALIFICATION

CADD files prepared by the Consultant for this project are the property of the Consultant and shall not be used on any other project without the written consent of the Consultant.

SUBMITTALS/REVISIONS

04/17/20 SURVEY ISSUED

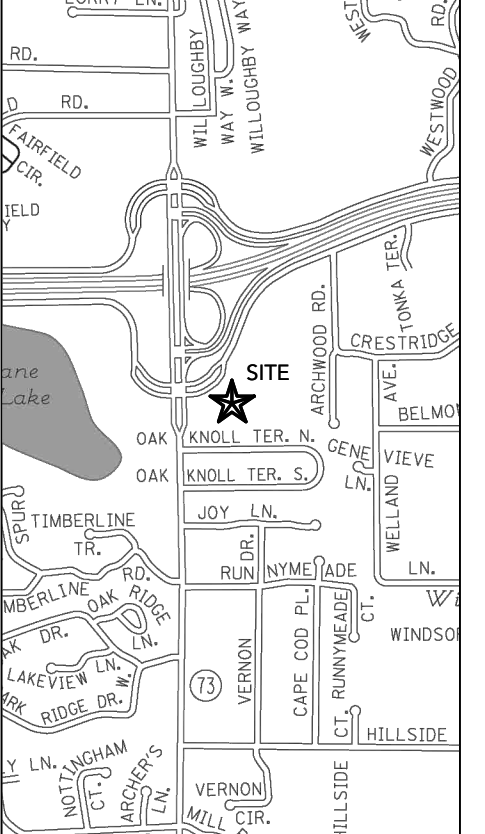
PROFESSIONAL SIGNATURE

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.
Steven F. Hough
License No. 54850
Date 04/17/20

QUALITY CONTROL

Loecks Project No. 19933B
Project Lead: MLS
Drawn By: KMM
Checked By: SFH
Field Crew: CMS

VICINITY MAP



PRELIMINARY PLAT 1 OF 1

PROPOSED PLAT

# CREST RIDGE CORPORATE CENTER 2ND ADDITION

C.R. DOC. NO. \_\_\_\_\_

R.T. DOC. NO. \_\_\_\_\_

**KNOW ALL PERSONS BY THESE PRESENTS:** That Dominion Acquisition LLC, a limited liability company, fee owner of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Lot 2, Block 1, CREST RIDGE CORPORATE CENTER.

Has caused the same to be surveyed and platted as CREST RIDGE CORPORATE CENTER 2ND ADDITION, as created by this plat.

In witness whereof said Dominion Acquisition LLC, a limited liability company, has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DOMINIUM ACQUISITION LLC

\_\_\_\_\_  
Signature Printed Name, Title

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of Dominion Acquisition LLC, a limited liability company, on behalf of the company.

\_\_\_\_\_  
Signature Printed Name, Notary  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

**AND:** That Crestridge Corporate Center LLC, a limited liability company, fee owner of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Lot 1, Block 1, CREST RIDGE CORPORATE CENTER.

Has caused the same to be surveyed and platted as CREST RIDGE CORPORATE CENTER 2ND ADDITION, as created by this plat.

In witness whereof said Crestridge Corporate Center LLC, a limited liability company, has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CRESTRIDGE CORPORATE CENTER LLC

\_\_\_\_\_  
Signature Printed Name, Title

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of Crestridge Corporate Center LLC, a limited liability company, on behalf of the company.

\_\_\_\_\_  
Signature Printed Name, Notary  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

### SURVEYORS CERTIFICATION

I Steven F. Hough do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this Plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Steven F. Hough, Licensed Land Surveyor,  
Minnesota License No. 54850

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Steven F. Hough.

\_\_\_\_\_  
Signature Printed Name, Notary  
Notary Public, Hennepin County, Minnesota  
My Commission Expires January 31, 2025

### CITY COUNCIL, CITY OF MINNETONKA, MINNESOTA

This plat of CREST RIDGE CORPORATE CENTER 2ND ADDITION was approved and accepted by the City Council of the City of Minnetonka, Minnesota, at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subdivision 2.

City Council, City of Minnetonka, Minnesota

By: \_\_\_\_\_, Mayor By: \_\_\_\_\_, Clerk

### RESIDENT AND REAL ESTATE DEPARTMENT, Hennepin County, Minnesota

I hereby certify that taxes payable in 20\_\_\_\_ and prior years have been paid for land described on this plat, dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mark V. Chapin, County Auditor By: \_\_\_\_\_, Deputy

### SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chris F. Mavis, County Surveyor By: \_\_\_\_\_

### REGISTRAR OF TITLES, Hennepin County, Minnesota

I hereby certify that the within plat of CREST RIDGE CORPORATE CENTER 2ND ADDITION was filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_M.

Martin McCormick, Registrar of Titles By: \_\_\_\_\_, Deputy

### COUNTY RECORDER, Hennepin County, Minnesota

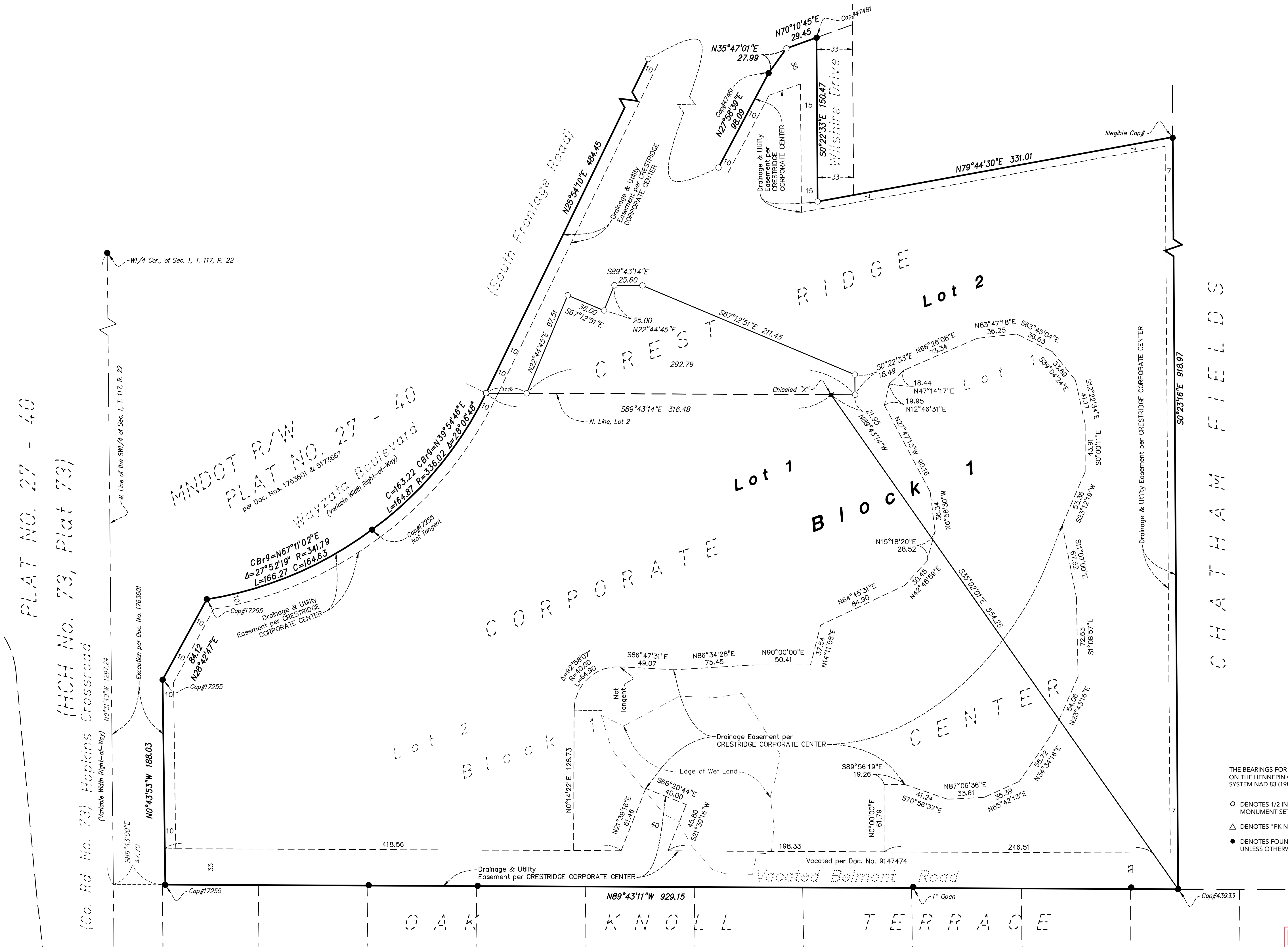
I hereby certify that the within plat of CREST RIDGE CORPORATE CENTER 2ND ADDITION was recorded in this office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_M.

Martin McCormick, County Recorder By: \_\_\_\_\_, Deputy

PROPOSED PLAT

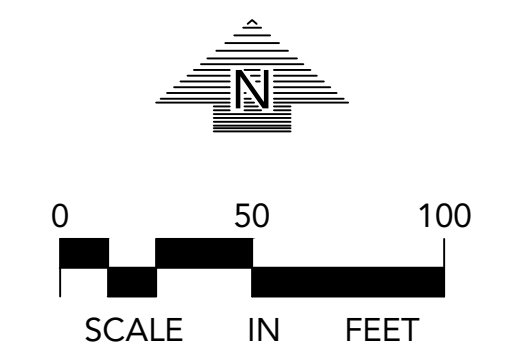
# CREST RIDGE CORPORATE CENTER 2ND ADDITION

C.R. DOC. NO. \_\_\_\_\_  
R.T. DOC. NO. \_\_\_\_\_



THE BEARINGS FOR THIS SURVEY ARE BASED ON THE HENNEPIN COUNTY COORDINATE SYSTEM NAD 83 (1986 ADJUST).

- DENOTES 1/2 INCH X 14 INCH IRON MONUMENT SET, MARKED "LS 54850"
- △ DENOTES "PK NAIL" SET
- DENOTES FOUND 1/2 INCH IRON MONUMENT, UNLESS OTHERWISE NOTED



Dated Recieved July 1, 2020

LOUCKS

LEGEND

Table with 4 columns listing symbols and their corresponding features: FOUND OPEN IRON MONUMENT, STORM SEWER, MAPPED STORM SEWER, DRAIN TILE, SANITARY SEWER, MAPPED SANITARY SEWER, WATERMAIN, MAPPED WATERMAIN, SANITARY SEWER SERVICE, UNDERGROUND ELECTRIC, UNDERGROUND FIBER OPTIC, UNDERGROUND GAS, MAPPED UNDERGROUND GAS, UNDERGROUND TELEPHONE, MAPPED UNDERGROUND TELEPHONE, OVERHEAD UTILITY, CHAIN LINK FENCE, IRON FENCE, WOOD FENCE, HAND RAIL, CONCRETE CURB, WALL, CONCRETE, NO PARKING, EXISTING BUILDING, WATER LINE, WETLAND AS DELINEATED BY SCHOELL & MADSON, INC. ON OCTOBER 25, 2006, RECORD DOCUMENT, INFORMATION AS SHOWN ON PLANS, NOT FIELD VERIFIED, CONTOUR, SPOT ELEVATION, CATCH BASIN, SANITARY MANHOLE, STORM MANHOLE, TOP OF CURB, ELEV @ THRESHOLD, TOP NUT HYDRANT, HIGH WATER LEVEL (100 YR), NORMAL WATER LEVEL, CONIFEROUS TREE, CEDAR, PINE, SPRUCE, DECIDUOUS TREE, ASH, BIRCH, BOKELDER, BUCKTHORN, COTTONWOOD, ELM, MISC FRUIT, LILAC, MAPLE, OAK, POPLAR, TREE (GENERAL)

GENERAL NOTES

- 1. Prepared April 17, 2020.
2. The address, if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork is 11055 Wayzata Blvd Minnetonka, MN 55305.
3. The bearings for this survey are based on the Hennepin County Coordinate System NAD 83 (1986 Adjust).
4. Benchmark: MnDOT 2789 AN. A vertical control disk located in the southeast corner of County Rd. 73 over Interstate No. 494. Elevation = 948.73 (NGVD 29)
Site Benchmark: Top Nut of Hydrant located near the northwest corner of the property as shown hereon.
Elevation = 935.49 (NGVD 29)
5. This property is contained in Zone X (areas determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map No. 27053C0331F, Community Panel No. 270173 0331 F, effective date of November 4, 2016, and per Flood Insurance Rate Map No. 27053C0333F, Community Panel No. 270173 0333 F, effective date of November 4, 2016.
6. The field work was completed on April 2, 2020.
7. Snow and ice conditions during winter months may obscure otherwise visible evidence of on site improvements and/or utilities.

LEGAL DESCRIPTION

Parcel 1: Lot 1, and Lot 2, Block 1, Crest Ridge Corporate Center, except that part thereof shown as Parcel 5D on Minnesota Department of Transportation Right of Way Plat No. 27-40 filed October 10, 1986, as Document No. 1763601. Hennepin County, Minnesota Abstract and Torrens Property
Parcel 2: Easements for the benefit of Parcel 1 contained in Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions (Crest Ridge Corporate Center) dated April 22, 2008, filed June 16, 2008, as Document Nos. 9147477 (Abstract) and 4505686 (Torrens), for access, storm water drainage, sanitary sewer, water, gas, electric, telephone, cable television and communication purposes.
Assigned to RP Land, L.L.C., a Delaware limited liability company, by Assignment of Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions (Crest Ridge Corporate Center) and Assumption Agreement dated December 28, 2010, filed September 13, 2013, as Document No. A10005896 (Abstract) and filed November 14, 2013, as Document No. T05132524 (Torrens).
Amended by First Amendment to Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions (Crest Ridge Corporate Center) dated December 16, 2014, filed January 2, 2015, as Document No. T05224856 (Torrens) and filed January 8, 2015, as Document No. A10152200 (Abstract).

SITE DATA

Areas: Total Property Area = 614,139 +/- square feet or 14.10 +/- acres
Right of Way Dedication Area = N/A
Lot 1, Block 1 = 325,836 +/- square feet or 7.48 +/- acres
Lot 2, Block 1 = 288,304 +/- square feet or 6.62 +/- acres

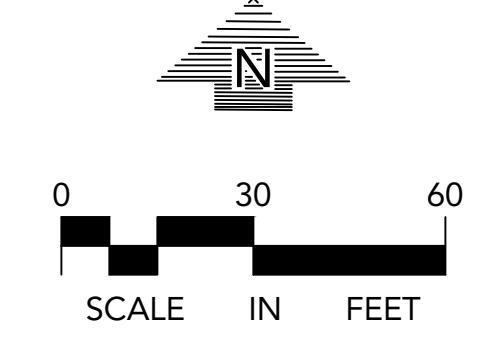
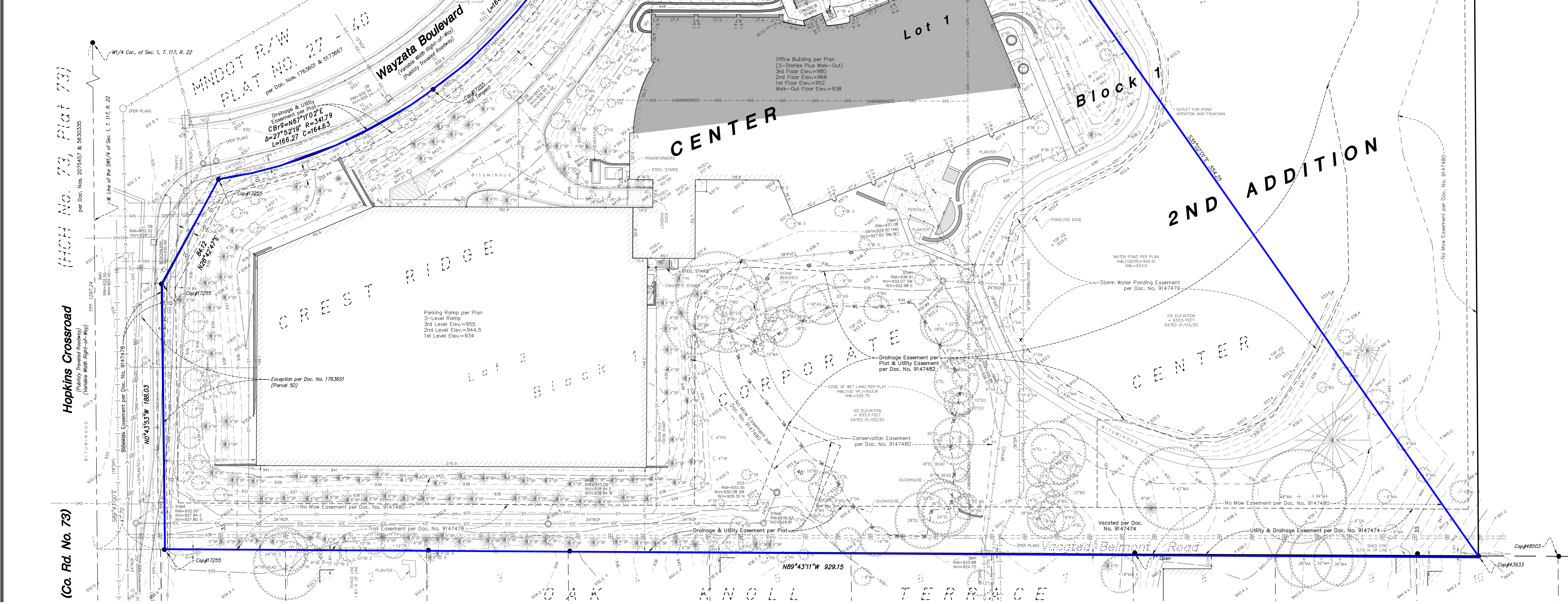
ZONING INFORMATION

Current Zoning: PID (Planned I-394 District)
Current Land Use: Office
comprehensive plan designation office
hard surface coverage (%) 70
floor area ratio 0.75
Building setbacks: the setback for all buildings within the planned I-394 district from any bordering or abutting street shall be 35 feet for local and neighborhood collector streets and 50 feet from all other street classifications except that in no case shall the setback be less than the height of a building up to a maximum of 100 feet. Building setbacks from internal public or private streets shall be determined by the city based on the characteristics of a specific planned I-394 district master development plan.
Building setbacks from lot lines on the exterior of a proposed development and not abutting a public street or low density residential property shall be the height of a building up to a maximum of 100 feet, but not less than 50 feet. Building setbacks from lot lines on the exterior of a proposed development and abutting lands designated for low density residential development in the comprehensive plan shall be a minimum of two times the building height unless unique circumstances are found which may allow the city to reduce the setback requirement. Unique circumstances include substantial differences in site elevation, separation by natural features such as wetlands or large stands of mature trees, or substantial visual screening of a development by berms with landscaping. In no case shall the setback be less than 50 feet.

PRELIMINARY PLAT FOR DOMINIUM HEADQUARTERS
11055 WAYZATA BOULEVARD MINNETONKA, MN 55305

DOMINIUM DEVELOPMENT AND ACQUISITIONS, LLC
2905 NORTHWEST BLVD, SUITE 150, PLYMOUTH, MN 55441

LOUCKS
PLANNING CIVIL ENGINEERING LAND SURVEYING LANDSCAPE ARCHITECTURE ENVIRONMENTAL
7200 Hemlock Lane, Suite 300 Maple Grove, MN 55669 763.424.5505 www.louckscinc.com



CADD QUALIFICATION

CADD files prepared by the Consultant for this project are the property of the Consultant and shall not be used for any other project without the written approval of the Consultant. The Consultant's responsibility is limited to the design and construction of the project as shown on the drawings. The Consultant shall not be responsible for any errors or omissions on the drawings or for any damage to property or persons resulting from the use of the drawings.

SUBMITTALS/REVISIONS

Table with 2 columns: Date and Description. Row 1: 04/17/20 SURVEY ISSUED

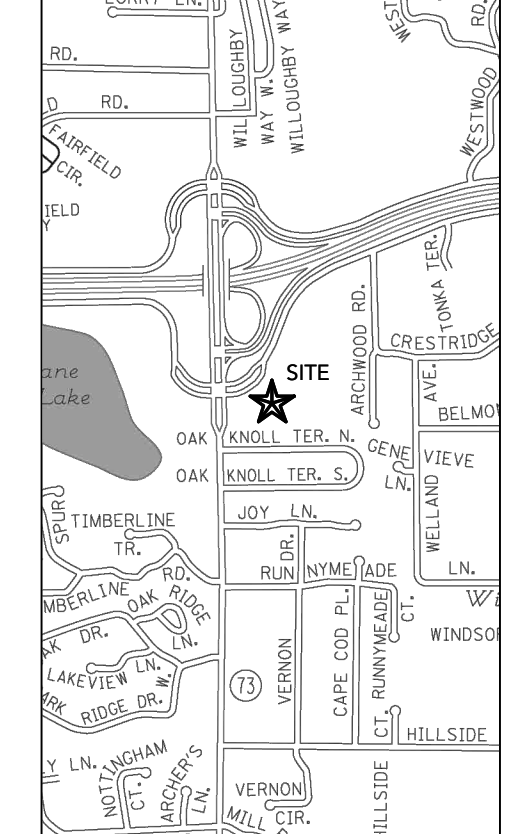
PROFESSIONAL SIGNATURE

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.
Signature: Steven F. Hough
License No. 54850
Date 04/17/20

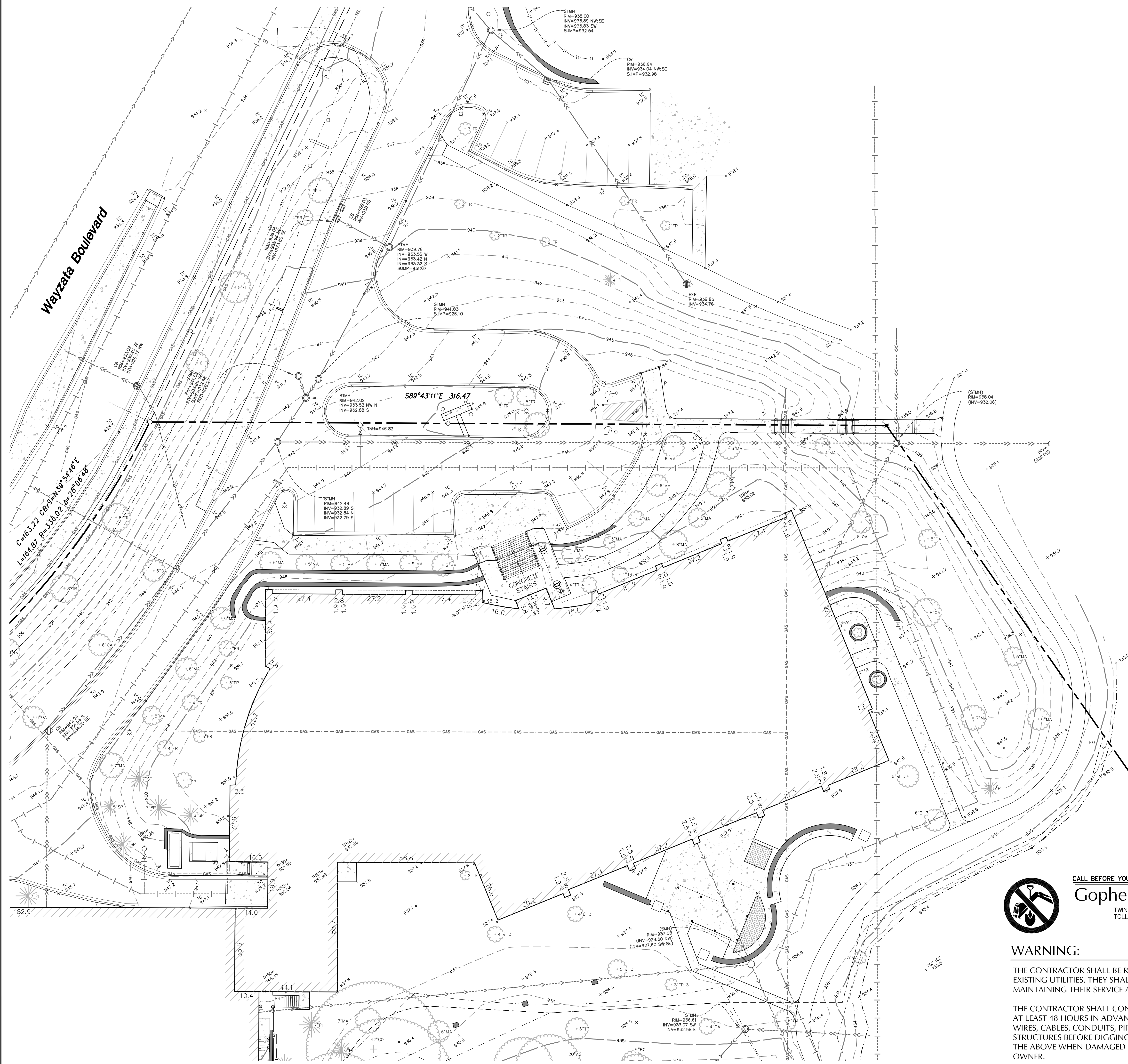
QUALITY CONTROL

Table with 2 columns: Role and Name. Row 1: Project Lead, MLS, Steven F. Hough. Row 2: Drawn By, KMM, Steven F. Hough. Row 3: Checked By, SFH, Steven F. Hough. Row 4: Field Crew, CMS, Steven F. Hough

VICINITY MAP



PRELIMINARY PLAT
1 OF 1

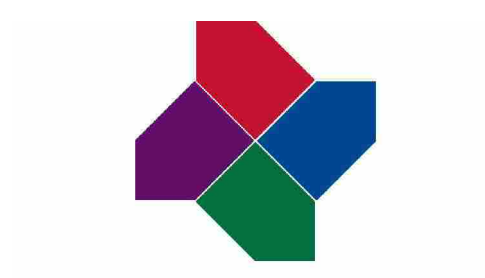


### SURVEY LEGEND

AS ASH	⊗ CATCH BASIN	— STORM SEWER
AP APPLE	⊗ STORM MANHOLE	— SANITARY SEWER
BA BASSWOOD	○ SANITARY MANHOLE	— WATERMAIN
BI BIRCH	⊗ WATER MANHOLE	— SANITARY SEWER SERVICE
BO BOXELDER	⊗ HYDRANT	— W WATER SERVICE
BU BUCKEYE	⊗ GATE VALVE	— CULVERT
BS BUSH	⊗ POWER POLE	— CTV UNDERGROUND CABLE TV
CA CATULPA	⊗ LIGHT POLE	— ULE UNDERGROUND ELECTRIC
CE CEDAR	⊗ YARD LIGHT	— FO UNDERGROUND FIBER OPTIC
CO COTTONWOOD	— GUY WIRE	— GAS UNDERGROUND GAS
DE DEAD TREE	— SIGN	— TEL UNDERGROUND TELEPHONE
EL ELM	972.5 SPOT ELEVATION	— UTL UNDERGROUND UTILITY
FR MISC FRUIT	⊗ A/C UNIT	— OH OVERHEAD UTILITY
FI FIR	⊗ CABLE TV PEDESTAL	— TRFC UNDERGROUND TRAFFIC
HA HACKBERRY	⊗ ELECTRIC TRANSFORMER	— DT DRAIN TILE
HI HICKORY	⊗ TELEPHONE PEDESTAL	— FM FORCE MAIN
IR IRONWOOD	⊗ UTILITY PEDESTAL	— X CHAIN LINK FENCE
LI LINDEN	⊗ ELECTRIC MANHOLE	— O POST FENCE
LO LOCUST	⊗ GAS VALVE	— □ WOOD FENCE
MA MAPLE	⊗ TELEPHONE MANHOLE	— □ GUARDRAIL
OA OAK	⊗ UTILITY MANHOLE	— ○ RETAINING WALL
PA PALM	⊗ ELECTRIC METER	— ○ TRAFFIC SIGNAL
PI PINE	⊗ GAS METER	— ○ CONCRETE CURB
PO POPLAR	⊗ HAND HOLE	— ○ CONCRETE
SP SPRUCE	⊗ ROOF DRAIN	— ○ BITUMINOUS
TR TREE (GEN)	⊗ ELECTRIC OUTLET	— ○ PAVERS
WA WALNUT	FC FIRE CONNECTION	— ○ CONTOUR
WI WILLOW	⊗ MAILBOX	— ○ RAILROAD TRACKS
TC TOP OF CURB	⊗ FLAG POLE	— ○ CONIFEROUS TREE
TW TOP OF WALL	⊗ GUARDBOARD	— ○ DECIDUOUS TREE
THSD ELEV ⊗ THRESHOLD	⊗ MONITORING WELL	
	⊗ POST INDICATOR VALVE	
	⊗ SOIL BORING	

**DOMINIUM  
HOME OFFICE**

11055 WAYZATA BLVD.  
MINNETONKA, MN 55305



**DOMINIUM  
LOUCKS**

PLANNING  
CIVIL ENGINEERING  
LAND SURVEYING  
LANDSCAPE ARCHITECTURE  
ENVIRONMENTAL

7200 Hemlock Lane, Suite 300  
Maple Grove, MN 55369  
763.424.5505  
www.louckslnc.com

**CADD QUALIFICATION**

CADD files prepared by the Consultant for this project are instruments of the Consultant's professional services for use solely with respect to this project. These CADD files shall not be used on other projects, for additions to this project, or for completion of this project by others without written approval by the Consultant. With the Consultant's approval, others may be permitted to obtain copies of the CADD drawing files for information and reference only. All intentional or unintentional revisions, additions, or deletions to these CADD files shall be made at the full risk of that party making such revisions, additions or deletions and that party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.

**SUBMITTAL/REVISIONS**

03/20/2020 PRICING SET

**PROFESSIONAL CERTIFICATION**

**NOT FOR  
CONSTRUCTION**

**QUALITY CONTROL**

Locks Project No.	19933.0A
Project Lead	SRT
Drawn By	SRT
Checked By	SRT
Review Date	03/20/2020

**SHEET INDEX**

C1-1	EXISTING CONDITIONS
C1-2	DEMOLITION PLAN
C2-1	SITE PLAN
C2-5	ACCESSIBLE ROUTE PLAN
C3-1	GRADING & EROSION CONTROL PLAN
C4-1	UTILITY PLAN
C8-1	DETAILS

**CALL BEFORE YOU DIG!**

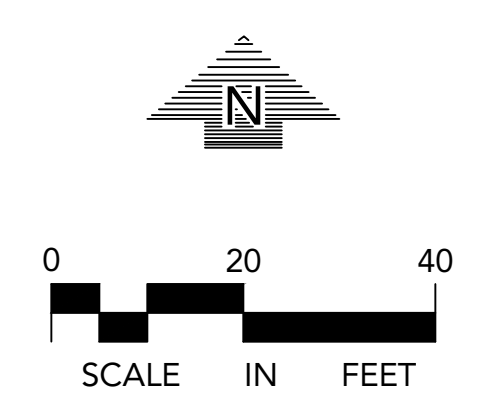
**Gopher State One Call**

TWIN CITY AREA: 651-454-0002  
TOLL FREE: 1-800-252-1166

**WARNING:**

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.



**EXISTING  
CONDITIONS**

**C1-1**

10955 Wayzata Blvd.  
(facing southeast)



11055 and 10955 Wayzata Blvd.  
(facing southeast)

133 foot separation  
to remain

CREST RIDGE  
11055 WAYZATA BLVD





11055 Wayzata Blvd.  
(facing southeast)



**Resolution No. 2020-**

**Resolution approving the preliminary and final plat of  
CREST RIDGE CORPORATE CENTER 2<sup>ND</sup> ADDITION, with setback variance,  
at 11055 and 10955 Wayzata Boulevard**

---

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

Section 1. Background.

1.01 Steven Hough or Loucks Inc., on behalf of Dominion Development and Acquisitions, LLC, is requesting approval of a preliminary and final plat for a lot line adjustment of the property line between 11055 and 10955 Wayzata Boulevard. The proposed plat results in a building property line setback variance (southern property line) for the building at 10955 Wayzata Blvd.

1.02 The properties are located at 11055 and 10955 Wayzata Boulevard. They are legally described in Exhibit A.

1.03 City Code §300.31 Subd.7(a)(1) states: "building setbacks from lot lines on the exterior of a proposed development and not abutting a public street or low density residential property shall be the height of a building up to a maximum of 100 feet, but not less than 50 feet."

1.04 The applicant is requesting the following variance:

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Property Line Setback	53.5 ft.	95 ft.	39 ft.*

\*requires variance

1.05 On Aug. 6, 2020, the planning commission held a hearing on the proposed request for a preliminary and final plat, with variance. 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 proposal as outlined in 1.01 above.

Section 2. General Standards.

2.01 City Code §300.31 outlines general design requirements for Planned I-394 zoned properties. These standards are incorporated by reference into this resolution.

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 Except for the property line setback requirement for the building on Lot 2, the proposed plats and existing buildings would meet the development and design requirements as outlined in City Code §300.31.

3.02 The proposed building setback (10955 Wayzata Blvd) would meet the variance standards as outlined in City Code §300.07:

1. INTENT OF THE ORDINANCE. The proposal is in harmony with the general purposes and intent of the zoning ordinance.

The intent of the property line setback requirement is to provide appropriate separation between buildings and property lines and to provide for adequate space between buildings. The proposed buildings would be generally consistent with separation required by ordinance as they would be separated by 133 feet, exceeding the required 103.5 combined property line setbacks.

2. CONSISTENT WITH COMPREHENSIVE PLAN. The proposed variance is consistent with the comprehensive plan.
3. PRACTICAL DIFFICULTIES. There are practical difficulties in complying with the ordinance:
  - a) REASONABLENESS. The reduced property line setback is reasonable. The two buildings will continue to visually appear to meet the city code setback requirement and will be adequately separated from each other.
  - b) UNIQUE CIRCUMSTANCE: There is currently a parking lot and cul-de-sac that is split by the existing property line. Moving the property line will allow this paved area to be completely on the southern property, instead of being on two properties, making it conforming with city code. The movement of the property line would also create a more clear property line boundary, without creating any visual impacts.

- c) NEIGHBORHOOD CHARACTER: The applicant has not proposed any building additions or modifications with this request. The proposed buildings will continue to have the same visual separation. As such, there will be no visual impact to the site and will, thus, not alter the character of the surrounding neighborhood.

Section 4. Council Action.

4.01 The above described preliminary plat, with building setback variance, is hereby approved. Approval is based on the findings outlined in Section 3 of this resolution.

4.02 Approval is subject the following conditions:

1. Prior to release of the final plat for recording:
  - a) This resolution must be recorded with Hennepin County.
  - b) Submit the following:
    - 1) Documents for the city attorney's review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
      - Title evidence that is current within thirty days before release of the mylars.
      - Revised conservation easements and landscape maintenance agreements updating the property legal descriptions.
    - 2) Two sets of mylars for city signatures.
    - 3) An electronic CAD file of the plat in microstation or DXF.
    - 4) Any levied assessments for 2020 and/or the year the plat is being released.
    - 5) A private hydrant maintenance agreement in a city approved format for review and approval by city staff.
    - 6) A utility exhibit. This exhibit must show only property lines, buildings, sewer, water, stormwater facilities. The exhibit must clearly note which lines are private and which are public.
  - b) The applicant must verify that the existing language in the property declaration and amendment, regarding the private

stormwater facilities, is still valid given the lot line adjustment. Modifications to this document, or a new stormwater easement and maintenance agreement, must be submitted to city staff for review and approval, if needed.

2. Subject to staff approval, CREST RIDGE CORPORATE CENTER 2<sup>ND</sup> ADDITION must be platted in conformance with the following plans, except as modified by the conditions of this resolution:
  - Preliminary Plat, dated April 17, 2020
  - Final Plat, date received July 1, 2020
3. Both lots are subject to City Code §300.31 requirements.
4. Future site (parking lot) or building alterations are subject to city approval and must be submitted to staff for review.
5. Unless the city council approves a time extension, the final plat must be recorded by Aug. 31, 2021.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Aug. 31, 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 duly authorized meeting held on Aug. 31, 2020.

---

Becky Koosman, City Clerk

**Exhibit A**

## Parcel 1:

Lot 1, and Lot 2, Block 1, Crest Ridge Corporate Center, except that part thereof shown as Parcel 5D on Minnesota Department of Transportation Right of Way Plat No. 27-40 filed October 10, 1986, as Document No. 1763601.

Hennepin County, Minnesota Abstract and Torrens Property

## Parcel 2:

Easements for the benefit of Parcel 1 contained in Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions (Crest Ridge Corporate Center) dated April 22, 2008, filed June 16, 2008, as Document Nos. 9147477 (Abstract) and 4505686 (Torrens), for access, storm water drainage, sanitary sewer, water, gas, electric, telephone, cable television and communication purposes.

Assigned to RP Land, L.L.C., a Delaware limited liability company, by Assignment of Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions (Crest Ridge Corporate Center) and Assumption Agreement dated December 28, 2010, filed September 13, 2013, as Document No. A10005896 (Abstract) and filed November 14, 2013, as Document No. T05132524 (Torrens).

Amended by First Amendment to Declaration of Reciprocal Easements, Covenants, Conditions and Restrictions (Crest Ridge Corporate Center) dated December 16, 2014, filed January 2, 2015, as Document No. T05224856 (Torrens) and filed January 8, 2015, as Document No. A10152200 (Abstract).

# **Minnetonka Planning Commission Meeting**

## **Agenda Item 8**

Public Hearing: Non-Consent Agenda



**MINNETONKA PLANNING COMMISSION**  
**Aug. 6, 2020**

<b>Brief Description</b>	Conditional use permit for a licensed daycare facility at 2000 Plymouth Road
<b>Recommendation</b>	Recommend the city council adopt the resolution approving the conditional use permit.

---

**Proposal**

Tierra Encantada is a Spanish immersion daycare and preschool currently operating in five locations in the metro area, including four sites in Minneapolis and one in Eagan. The centers provide care for children between six weeks and six years age. (For more information, visit [tierraencantada.com](http://tierraencantada.com).)

Tierra Encantada is proposing to locate a sixth facility in Minnetonka, occupying the first floor of the existing office building at 2000 Plymouth Road. The tenant space would be remodeled to accommodate up to 162 children. The space would contain care/classrooms, an indoor playroom, bathrooms and a kitchen. For the addition of an outdoor play area over existing parking, no exterior changes to the building are contemplated at this time. As proposed, Tierra Encantada would operate Monday through Friday from 6:30 a.m. to 6 p.m. Child drop-off would occur in the building, generally between 7:30-8:30 a.m. Pick-up would similarly occur in the building, generally between 4:30-5:30 p.m.

Daycares are conditionally-permitted uses in the Planned I-394 (PID) zoning district.

**Primary Questions and Analysis**

A land use proposal is comprised of many details. In evaluating a proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions and staff findings for the proposed daycare center.

- **Is the proposed use appropriate for the site?**

Yes. The proposal would meet all conditional use permit standards as outlined in city code. These standards are detailed in the Supporting Information section of this report.

- **Can parking demand be met?**

Yes. Based on the existing uses within the office building – and assuming future office uses of current vacant space – 115 parking stalls would be required by city code. There are currently 134 stalls on site. Even with the removal of spaces for the outdoor play area, staff anticipates peak parking demand would be met.

**Staff Recommendation**

Recommend the city council adopt the resolution approving a conditional use permit for a licensed day care facility at 2000 Plymouth Road.

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

### Supporting Information

#### Surrounding Land Uses

Northerly: RidgeSquare North, zoned PID  
Easterly: Hennepin County Service Center, zoned PID  
Southerly: Cherrywood Pointe, zoned PUD  
Westerly: Meadow Park, zoned R-1

#### Planning

Guide Plan designation: Office  
Existing Zoning: PID

#### Play Area

Staff has some concern about the footprint of the outdoor play area. Specifically, how the configuration would impact vehicular circulation through the parking lot. As a condition of approval, staff will work with the applicant to appropriately configure the playground area.

#### CUP Standards

The proposed daycare facility would be generally consistent with the general CUP standards as outlined in City Code §300.31 Subd.4(b)(2):

1. The specific conditional use permits standards are met;

**Finding:** The proposed daycare would meet the specific conditional use permit standards, as outlined below.

2. The use is in the best interest of the city;

**Finding:** A daycare facility occupying a now vacant office space would not be contrary to city interests.

3. The use is compatible with other nearby uses;

**Finding:** The subject property is surrounded by a variety of land uses, including a public park, high-density residential building, government service building, and commercial strip mall. The proposed daycare would not detract from these varied uses.

4. The use is consistent with other requirements of the ordinance.

**Finding:** The proposed daycare would meet ordinance requirements.

The proposal would meet the specific conditional use permit standards for licensed daycare facilities as outlined in City Code §300.31Subd.4(b)(2)(g):

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;

**FINDING:** As proposed, all loading and drop-off would occur within the building. No interference with traffic or pedestrian movements is anticipated.

2. Shall have outdoor play areas located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;

**FINDING:** The proposed outdoor play area would be located roughly 150 feet from the high-density residential building to the south. While children playing out of doors may generate noise, staff anticipates that such noise would not be more obtrusive than noise already occurring in Ridgedale Village Center area.

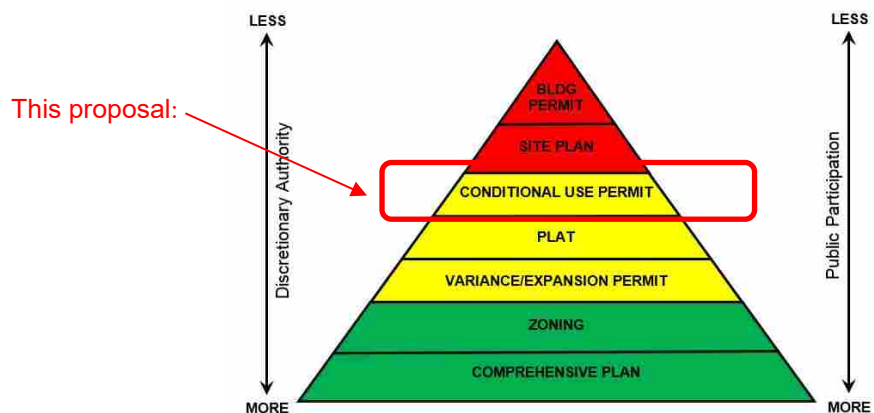
3. One parking space for each six children based on the licensed capacity of the center; and

**FINDING:** Based on the existing uses within the office building – and assuming future office uses of current vacant space – 115 parking stalls would be required by city code. There are currently 134 stalls on site. Even with the removal of spaces for the outdoor play area, staff anticipates peak parking demand would be met.

4. Shall obtain all applicable state, county and city licenses.

**FINDING:** This is included as a condition of approval.

### Pyramid of Discretion



### Motion Options

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

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the 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 383 area property owners and has received two written comments to date, which are attached. Both support the proposal.

**Deadline for Action**

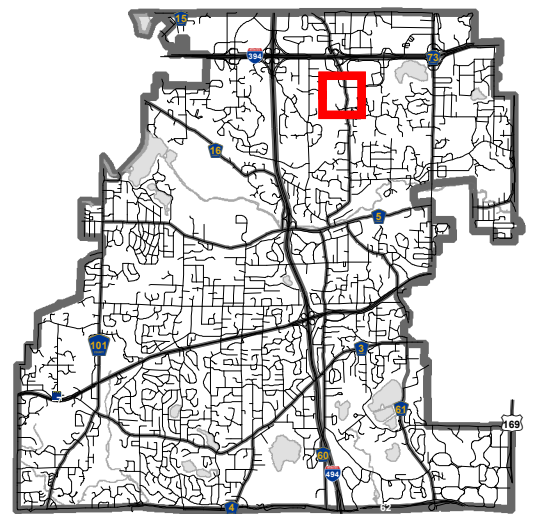
Nov. 9, 2020



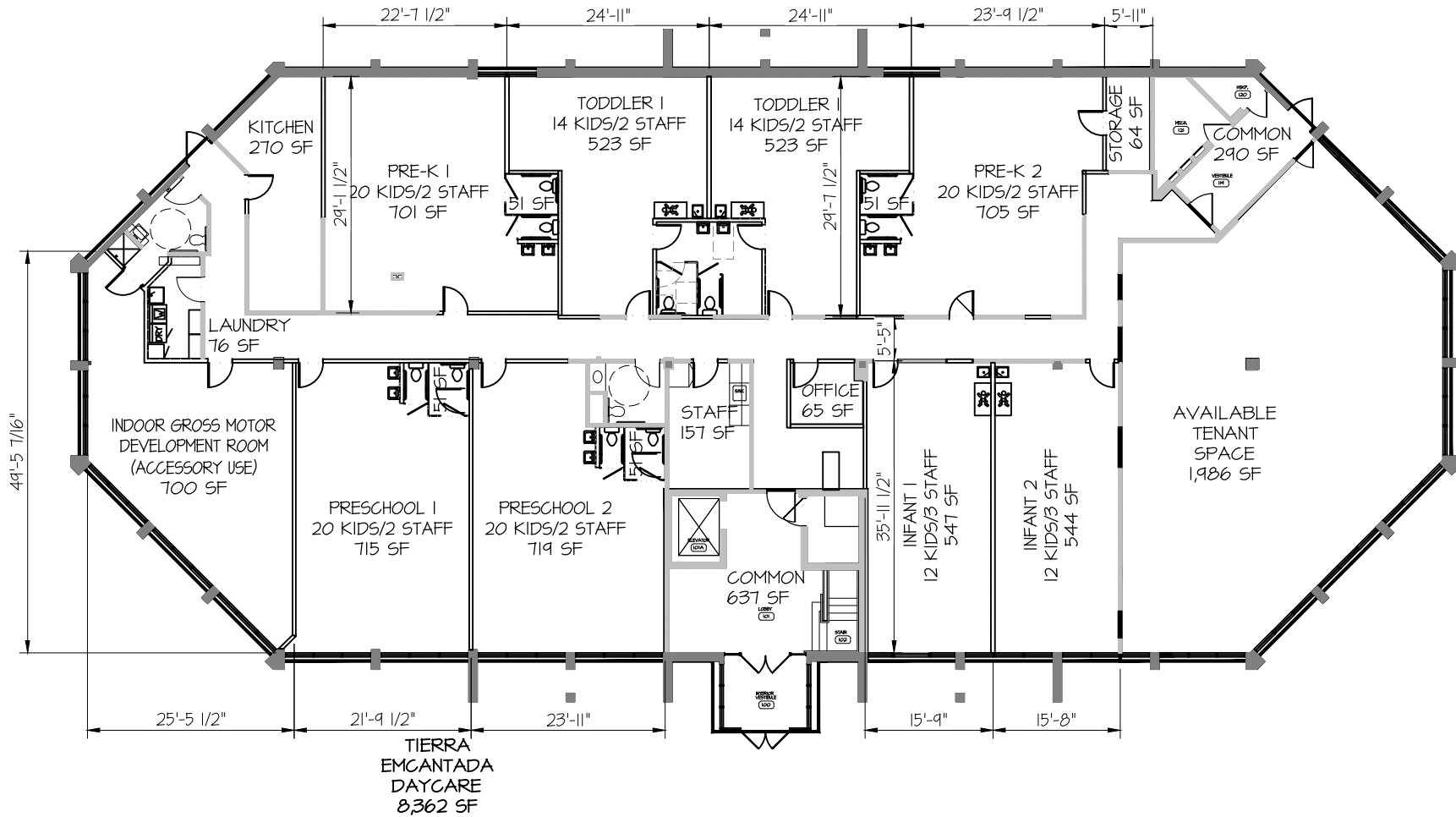
**Subject Property**

### Location Map

Project: Tierra Encantada  
Address: 2000 Plymouth Rd

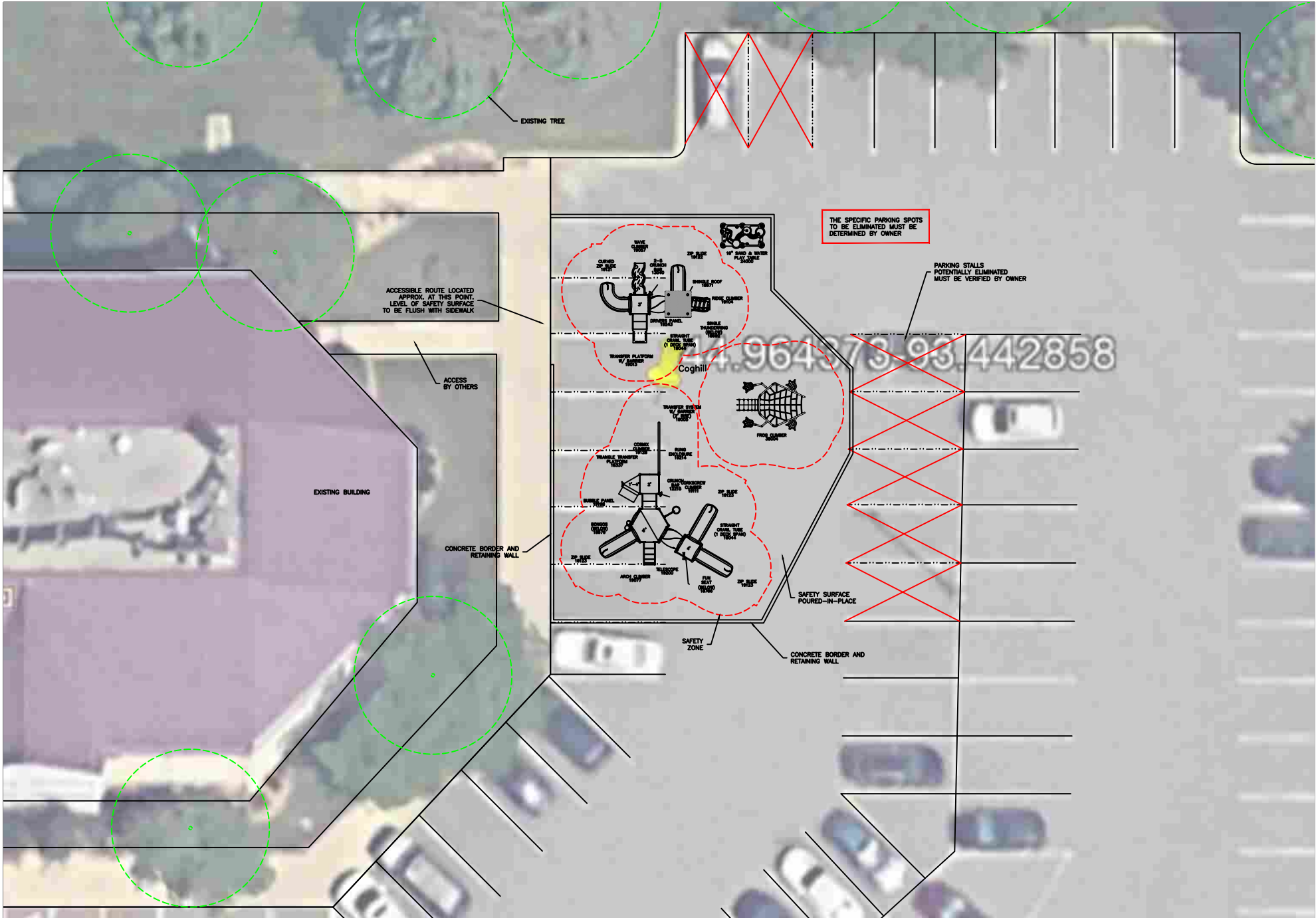


CITY OF  
MINNETONKA



**WALL TYPES:**  
 EXISTING   
 DEMO   
 NEW

<b>Preliminary Drawing</b> NOT TO BE USED FOR CONSTRUCTION			TIERRA ENCANTADA KRISTEN DENZER 651-353-2085	PLAN - OPTION I TIERRA ENCANTADA EAGAN 855 VIKINGS PARKWAY EAGAN, MINNESOTA	<b>PLAN 1</b>
REV	DATE	DESCRIPTION	R & C DRAFTING 9448 CREEK RIDGE LANE, SAVAGE, MN. 55318 (612) 965-3999 Bob@RandCDrafting.com		
⚠				3/23/20 1" = 20'-0"	



SCALE: 1" = 20'-0"

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THIS PLAN REQUIRES A FINISHED GRADE RESOLUTION

Tierra Minnetonka  
Minnetonka, Minnesota

7-13-20

DWG. D10154H4



## Susan Thomas

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**From:** Bill Cooper  
**Sent:** Saturday, July 25, 2020 4:07 PM  
**To:** Susan Thomas  
**Cc:** Rebecca Schack  
**Subject:** Tierra Encantada Proposal

Hi

I live at Woodbine Condominium, 12700 Sherwood Place, Unit 107, which is caddy-corner from the proposed 2000 Plymouth Road location for Tierra Encantada.

I want to say that I enthusiastically support the proposed use of that location for this purpose! It has been sad watching how this parking lot and the signs of this property have become emptier over the last few years and so it is my hope that with the growing number of residences in the area leaning heavily on those in our "golden years," having a day care center there will invigorate that spot and add a splash of youthfulness.

it is my hope that the day care center will also make use of the current and proposed recreation opportunities in the area including he library, walking trails, new park along Ridgedale Drive and I hope will draw their parents into the business in the adjoining properties, which have also been struggling to maintain occupancy for years.

On related note: It is also my hope that the city is moving **quickly** utilizing all legal, political and financial means available toward continuing safe and ADA accessible pedestrian walkways along both sides of Plymouth avenue, from the Eastbound entrance to I394 to Ridgedale Drive; as well as all of Ridgedale Drive, beginning at Ridgehaven Shopping Mall to Plymouth Road; and from both of these roads to the Ridgedale Mall's West and South Entrances. The absence of these creates significant hazards and needless obstacles for pedestrians along all of these roadways.

With appreciation for your work for our community.

Bill Cooper

## Susan Thomas

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**From:** Mary Froelicher  
**Sent:** Monday, July 27, 2020 12:00 PM  
**To:** Susan Thomas  
**Subject:** Tierra Encantada

Susan: We received the Public Hearing Notice re the Kairos LLC proposal. We live at the Regency Woods Apt complex so will not be directly affected. However we have a few comments:

1. Any daycare & preschool services are important for a community whose parents need such services while they work especially. The fact that it will be a Spanish immersion school could be a plus.

2. If this school is to be opened in the fall of 2020, won't it need to follow the mandates which our Governor has put into effect? Specifically, mask wearing etc? The city of Minnetonka needs to be assured that the school follows all safety rules for the sake of the children, the caregivers, the parents, grandparents et al during this pandemic.

3. Since there is a complex called Cherrywood for elderly independent & assisted living [folks already in the at risk population] in the adjacent parking lot, it's possible that that community could be at more risk due to the coming/going of multiple cars containing young children & their family members.

4. What is the plan for outdoor exercise for these little ones? Will there be a playground built? Will they be walking into other neighborhoods such as ours during the ongoing pandemic?

Thank you for the opportunity to express our comments!

Sincerely, Mary & Fred Froelicher @ Regency Woods Apts.

**Resolution No. 2020-**

**Resolution approving a conditional use permit for a licensed daycare facility  
at 2000 Plymouth Road**

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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 2000 Plymouth Road

1.02 The property is legally described as:

The South 250 feet of all that part of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117 North, Range 22 West of the 5<sup>th</sup> Principal Meridian, lying Westerly of the centerline of County Road 72, according to the U.S. Government Survey, Hennepin County, Minnesota.

1.03 Kairos, LLC, on behalf of Tierra Encantada, is proposing to operate a licensed daycare facility within an existing office building on the site.

1.04 By City Code §§300.31 Subd.4(b)(2)(g), licensed day care facilities – on property designated for office, retail or service commercial use in the PID zoning district – are conditionally-permitted uses

1.06 On Aug. 6, 2020, the planning commission held a hearing on the request. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve the conditional use permit.

Section 2. Standards.

2.01 City Code §300.31 Subd.4(b)(2) lists the following general conditional use permit standards:

1. The specific conditional use permits standards are met;
2. The use is in the best interest of the city;

3. The use is compatible with other nearby uses;
4. The use is consistent with other requirements of the ordinance.

2.02 City Code §300.31Subd.4(b)(2)(g) lists the following specific conditional use permit standards for licensed daycare facilities:

5. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;
6. Outdoor play areas shall be located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;
7. One parking space for each six children based on the licensed capacity of the center; and
8. Shall obtain all applicable state, county and city licenses.

### Section 3. FINDINGS.

3.01 The proposed daycare facility would meet the general conditional use permit standards as outlined in City Code §300.31 Subd.4(b)(2) and the staff report associated with the applicant's request.

3.02 The proposed daycare facility would meet specific conditional use permit standards for licensed daycare facilities as outlined in City Code §300.31 Subd.4(b)(2)(g):

1. As proposed, all loading and drop-off would occur within the building. As such, no interference with traffic or pedestrian movements is anticipated.
2. The proposed outdoor play area would be located roughly 150 feet from the high-density residential building to the south. While children playing out of doors may generate noise, such noise is not anticipated to be more obtrusive than noise already occurring in Ridgedale Village Center area.
3. Based on the existing uses within the office building – and assuming future office uses of current vacant space – 115 parking stalls would be required by city code. There are currently 134 stalls on site. Even with the removal of spaces for the outdoor play area, parking demand is anticipated to be met.
4. As a condition of this resolution, the applicant must obtain all applicable state, county and city licenses.

### Section 4. City Council Action.

4.01 The above-described conditional use permit is approved. Approval is based on

the findings outlined in the associated staff report and Section 3 of this resolution. Approval is subject to the following conditions:

1. Prior to issuance of a building permit:
  - a. Work with city staff to appropriately configure the outdoor play area. Staff may require turning templates to be generated to determine required parking stall closures and to confirm adequate site circulation remains for cars and delivery trucks.
  - b. Provide detail on the wall enclosure of the outdoor play area. Adequate drainage must be maintained.
  - c. Apply for a Full or Limited Service Daycare commercial food license through the city's Environmental Health Division.
2. The facility is allowed to serve up to 162 children. An increase in licensed capacity may require an amended conditional use permit.
3. All applicable state, county and city licenses must be secured.
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 Aug. 31, 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 duly authorized meeting held Aug. 31, 2020.

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

SEAL