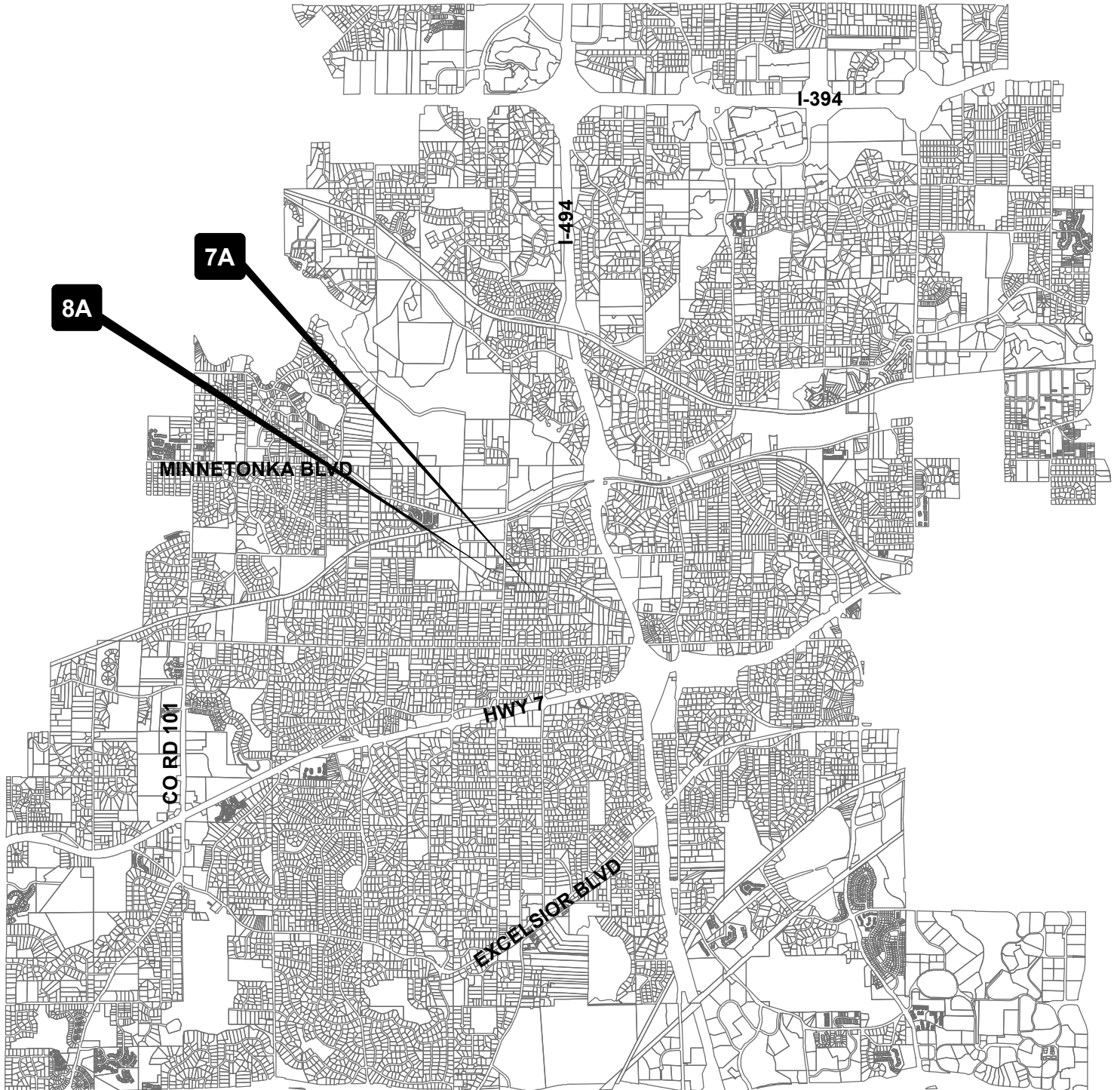




CITY OF
MINNETONKA

PLANNING COMMISSION
CITY OF MINNETONKA
JAN. 21, 2021

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





Planning Commission Agenda

Jan. 21, 2021 – 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: Jan. 7, 2021

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

- A. Resolution approving a conditional use permit for an accessory apartment at 14303 Oakwood Road Extension.

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

- Recommendation to City Council (Feb. 8, 2021)
- Project Planner: Ashley Cauley

8. Public Hearings: Non-Consent Agenda Items

- A. Resolution repealing and replacing Resolution No. 2017-118 for a conditional use permit for a religious institution at 15408 and 15414 Minnetonka Industrial Road.

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

- Recommendation to City Council (Feb. 8, 2021)
- Project Planner: Ashley Cauley

Planning Commission Agenda

Jan. 21, 2021

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9. Other Business

A. Opus Alternative Urban Areawide Review

Recommendation: Receive the report; no action required

- To City Council (Feb. 8, 2021)
- Project Planner: Loren Gordon

10. Adjournment

Planning Commission Agenda

Jan. 21, 2021

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Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
2. There following applications are tentatively schedule for the Feb. 4, 2021 agenda.

Project Description	Bauer's Custom Hitches
Project Location	13118 Excelsior Blvd
Assigned Staff	Ashley Cauley
Ward Councilmember	Bradley Schaeppi, Ward 3

Project Description	Minnetonka Station
Project Location	10400-10550 Bren Rd E
Assigned Staff	Susan Thomas
Ward Councilmember	Brian Kirk, Ward 1

**Unapproved
Minnetonka Planning Commission
Virtual Meeting
Minutes**

Jan. 7, 2021

1. Call to Order

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

2. Roll Call

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

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, and IT Assistants Joonas Sundstrom and Gary Wicks.

3. Approval of Agenda

Hanson moved, second by Powers, to approve the agenda as submitted with an additional comment provided in the change memo dated Jan. 7, 2021.

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

4. Approval of Minutes: Dec. 17, 2020

Powers moved, second by Luke, to approve the Dec. 17, 2020 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed commissioners on the city council setting up a new sustainability commission at its meeting on Jan. 4, 2021. Eighty residents attended January's Sustainable Minnetonka Webinar Series on Tuesday to learn how to make their home more energy efficient.

The next planning commission meeting is scheduled for Jan. 21, 2021.

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. The applicants, Steve Herron and Ted Steidl, were available for questions.

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

A. Resolution approving a front yard setback variance for a garage addition at 18330 Byrnwood Lane.

Adopt the resolution approving a front yard setback variance for a garage addition at 18330 Byrnwood Lane.

B. Resolution approving an expansion permit for a kitchen addition at 19008 Clear View Drive.

Adopt the resolution approving an expansion permit for a kitchen addition within the front yard setback at 19008 Clear View Drive.

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

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

8. Public Hearings

A. Items concerning Dicks Sporting Goods at 12437 Wayzata Blvd.

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

Cauley reported. She recommended approval of the site and building plans application, denial of the master development plan and building plan amendment application, and denial of the sign plan amendment application based on the findings and subject to the conditions listed in the staff report.

Powers appreciated Cauley's amazing presentation. He asked if other tenants in the mall deviated from brick, stone, glass, and metal materials. Cauley answered in the negative. She noted that Macy's had included a substantial amount of EIFS on its facade in its plan, but, after the city council opposed its use of EIFS, Macy's redid its plans which reduced the EIFS.

In response to Luke's question, Cauley explained that councilmembers expressed support of the proposal incorporating more of the aesthetic features and Ridgedale Drive improvements to make the corridor more visually enhanced and safer for pedestrians instead of just constructing a sidewalk that would cut through a parking lot.

Waterman confirmed with Cauley that the 2017 concept plan was not a long-term vision to shrink the footprint of the retail space, but was a visioning study of what could happen to incorporate other features that would be pedestrian friendly.

Powers confirmed with Cauley that the master development plan does not prohibit the addition of another entrance, but such a change would require a site and building plan review by the planning commission and city council.

Maxwell asked why some of the large restaurants located in Ridgedale Shopping Center have been treated differently. Cauley stated that some of the restaurants at Ridgedale have had exterior signs since the inception of the shopping center. Gordon confirmed that the restaurant signs were part of the original design for the mall in the 1970s.

Chair Sewall confirmed with Cauley that Ridgedale Center tenants with exterior access doors are not allowed to have exterior signs except for restaurants. Cauley noted that a tenant who only had exterior access and did not have interior access to the mall submitted an application to have an exterior sign, but that sign was denied by the planning commission and city council upon appeal of the planning commission's decision.

In response to Chair Sewall's question, Cauley explained that the proposed Dick's Sporting Goods space would be considered an anchor tenant because it would exceed 100,000 square feet in size, but the two other proposed spaces would not be considered anchor tenants.

James Varsamis, vice president of development for Brookfield Properties, representing the applicant, thanked Cauley for the excellent presentation. He stated that:

- Ridgedale Center is the community's economic and retail center. The anchor tenant is important to the 110 small retail stores that rely on traffic generated by the anchor stores.
- Having a Dick's Sporting Goods with over 100,000 square feet on two floors would be a huge win for Ridgedale. Anchor vacancies are an eye sore and cancer that would spread due to the reduced traffic in that court. This is one of the best things that Ridgedale could get for the spot.
- He supports the city's future, mixed-use vision for the area. He loves that the mixed-use zoning is in place and ready as the market demand presents itself.
- He reviewed renderings of the exterior. He has worked with staff for a year revising the plans for the exterior and sign.
- He requested the unknown "junior" tenant be allowed to have an exterior sign.
- Having Dick's Sporting Goods as an anchor store would be vital to keeping the Ridgedale Center as great as it is today.
- He commended Minnetonka staff who have been professional to work with and guided the applicant to create an attractive, highly-modified,

customized design. He appreciated working with city staff to design the roundabout and improvements to Ridgedale Drive.

Howard Roston, attorney representing Dick's Sporting Goods, stated that:

- Dick's Sporting Goods is competing in an extremely competitive retail market.
- Dick's Sporting Goods would be willing to lose the billboard on I-394 to become part of the mall.
- He understood that the city has a vision for the mall. He will work with city staff and the property landlord in terms of the exterior materials and elevation.
- City staff and the applicant do not agree on the height of the sign.
- The empty Sears box is not in the mall's or the city's best interests.
- He requested that the proposed sign be approved.

Shannon Yeakel, representing Dick's Sporting Goods, stated that:

- Dick's Sporting Goods has a good relationship with Brookfield Properties which is a big asset.
- Dick's Sporting Goods supports communities and youth sports teams.
- There are 750 Dick's Sporting Goods stores. This would be, by far, the most different, two-level looking store.
- She cares about the city code and understands that not following the code is not an easy decision.
- The structure height is important to adhere to Dick's Sporting Goods brand. She meant no disrespect to the code or actions taken regarding previous applications.
- The application first reviewed by staff in Feb. of 2020 was quite different than the current one.
- She appreciated the commission's consideration.

Powers likes Dick's Sporting Goods being located in Minnetonka. He asked if the Dick's Sporting Goods signs for its other stores meet the sign plan requirements of the cities in which they are located. Ms. Yeakel answered affirmatively. She stated that none of those height requirements are as low as this sign plan's requirements. None of them had to be as low as the existing parapet. Sometimes the parapet was built up to meet a requirement.

Powers asked what would happen if the sign on the east side would not be approved as submitted. Ms. Yeakel answered that her superiors would make that decision. She stated that her superiors are passionate about the sign. She stated that more glazing and changing the building materials to meet in the middle could be accomplished, but changing the proposed sign would be "really hard to swallow." Mr. Varsamis stated that he has lost deals due to municipalities not bending to allow an architectural detail or brand identity. He felt this would be a win-win for both parties. It would give Dick's

Sporting Goods the brand new store it is looking for and would fill an empty anchor space for Ridgedale Center.

Maxwell asked for the size of the existing store and the height of its sign. Ms. Yeakel answered that the existing store is nearly 100,000 square feet.

Luke asked how many of the Dick's Sporting Goods stores are located in malls. Ms. Yeakel estimated that 30 percent of them are located in a mall.

Luke questioned how the proposed sign height and orientation would help the store's visibility. Ms. Yeakel said that the height of the sign is not necessarily intended to provide visibility from I-394, but more for the impact of the brand and to emphasize the large size of the store. Unfortunately, the grades of the site are opposite of what the applicant would want. Without the proposed sign, the look of the store would not get credit for how large of a store it would be. Dick's Sporting Goods is best in its class in retail sporting goods. A huge sporting goods store just opened in Eden Prairie Center and has made the market even more competitive. Remodeling the existing location would not provide the opportunity to create the brand and prototype put forth in the current plan. A two-level building built today would be very visual with brick on the inside instead of painting the walls white. All of those things combined helped make the decision to move the business to a new location.

Luke asked if removing the parapet had been considered. Mr. Varsamis said that would make that side of the building minimal and not increase the awareness of Dick's Sporting Goods' presence. The applicant felt that matching the existing parapet height rather than removing it would be the appropriate answer. Otherwise, it would be very short. He explained that all of the stores use their signs to hide equipment on the roof. Dick's Sporting Goods' agreement to occupy the space is contingent on the plan being approved. Luke appreciated the pressure Mr. Varsamis felt to secure a tenant and his commitment to keep Ridgedale a viable mall. She hopes it would be successful.

In response to Henry's question, Ms. Yeakel explained that, due to Covid, Dick's Sporting Goods increased its services for online ordering and contactless curbside pickup.

Henry stated that Dick's Sporting Goods would add to the vitality of the mall. He asked for the main advantage to moving to Ridgedale. Ms. Yeakel said that there are confidential things that she cannot share, but the store would have a new, prototypical style interior. The lighting would be better and provide a better product. Mr. Varsamis said that stores typically perform better in a mall due to the added traffic and convenience. Ms. Yeakel agreed. Mr. Varsamis stated that Dick's Sporting Goods hoped to be open in Ridgedale Center before the end of 2021.

Henry would like the two-stories to be accentuated more. He suggested putting windows on the second story to showcase products from the outside. Ms. Yeakel had a conversation with staff yesterday. Dick's Sporting Goods would be happy to add glass to the outside, but the structure may not hold the channel letters and the canopy would

have to be removed. The canopy is important in a cold climate. The glass feature would have to be built out to get behind it for snow load and other considerations. She would be more than happy to work with staff on the materials. The presence and the branding is very important. She stated that each Macy's and Nordstrom's looks similar, but different depending on the mall. Dick's Sporting Goods' brand has an entrance feature. The structure is the brand and sets Dick's Sporting Goods apart from being a vanilla anchor box.

Mr. Varsamis would like to be able to tell a potential tenant for the remaining space that an outside sign would be allowed.

Chair Sewall asked if the remaining space would have an interior mall entrance. Mr. Varsamis answered in the negative. The future tenant space is anticipated to have one tenant on the upper level facing the east parking field and one on the lower level facing the west parking field. A grocery use would be a good tenant to utilize the site and benefit the area.

In response to Waterman's question, Ms. Yeakel said that the issue is that staff's recommended sign would make the Dick's Sporting Goods exterior look no different than the Cheesecake Factory, but it is not a restaurant. Dick's Sporting Goods would be a 100,000-square foot anchor tenant. The brand of the company is very important. The CEO of the company started the company and is passionate about keeping the sign the same for the brand and to give credit for the size of the store.

Waterman asked if raising the entire roof line of the length of the Dick's Sporting Goods store to make it look taller than the Cheesecake Factory would be an option. Ms. Yeakel would be happy to do that. Mr. Varsamis would support going taller. Every retailer loves more.

In response to Waterman's question, Mr. Varsamis answered that not allowing the additional vacant space to have its own exterior sign would make it economically inviable.

Mr. Roston said that there is a time constraint due to other business reasons that prevented Dick's Sporting Goods staff from spending more time discussing the proposal with staff before bringing it to the planning commission for review.

In response to Hanson's question, Mr. Varsamis stated that a retail store without an inside connection to the mall would not locate in a space without an exterior sign. The space would allow three or four restaurants to have exterior signs.

Luke recalled a similar discussion with CycleBar which has an exterior access only. Mr. Varsamis stated that CycleBar is located next to a mall entrance and has a sign behind its glass front in order to meet the sign plan requirements. That would not work for a junior-anchor-size tenant.

In response to Powers' question, Mr. Varsamis described how Brookfield Properties worked with city staff to create the hiking trails, roundabout, and improvements to Ridgedale Drive. The sidewalk from the mall was connected to the hiking trail. An arbor is being considered to provide connectivity.

In response to Powers' question, Mr. Roston stated that he believes that an agreement could be reached between city staff and the applicant regarding the amount of EIFS that the proposal would use. Ms. Yeakel said that other materials could be considered.

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

Wischnack acknowledged the difficulty of trying to balance a long-term view for the Ridgedale Center area with short-term retail influences. Chair Sewall thanked staff for working with the applicant to try to reach an agreement.

Hanson stated that, from an aesthetic, economic, and finding-a-gem-to-anchor-Ridgedale Center standpoint, he supports approving the master development plan, building plan and sign plan amendment with the proposed Dick's Sporting Goods sign, but without the to-be-determined sign included in the façade of the vacant space.

Chair Sewall understood the rationale to not extend the sign above the roofline, but questioned why one side would be o.k. and not the other. Cauley stated that staff is not comfortable with a faux parapet extending its height just for a sign that would serve no purpose other than to increase the size of the sign. The future tenant parapet sign exists currently. The proposal would add to its height and detract from the horizontal rhythm that the mall currently has.

Chair Sewall listened to the city council meeting where this proposal was introduced. Councilmembers want to support retail, but do not want the Ridgedale Center area to have so many signs that it would look like NASCAR. The future of the mall and what makes sense needs to be considered.

Powers thanked the helpful speakers representing the application. He stated that:

- The whole area is being reimagined. Adding six feet to the height of an exterior sign for Dick's Sporting Goods makes sense to him. It would be an anchor tenant with 100,000 square feet which makes it meet major criteria. CycleBar was a much smaller space asking for a lighted, exterior sign which he did not think warranted special consideration. He is more inclined to support the current proposal's sign.
- He did not think all of the signs for the vacant space need to be decided now, because it complicates the decision.
- He did not like the sign on the back end, because it looks like a fake entrance.
- He liked the fact that the applicant would be willing to remove the EIFS or work with staff to agree upon acceptable materials.

- He appreciated Brookfield Properties cooperating with making pedestrian improvements.
- He thought Ridgedale would be lucky to have Dick's Sporting Goods as an anchor store.
- He thought the sign would be less important than it used to be since many people utilize GPS. He was inclined to allow the look on the front of the building. It would not be dramatically different or create excessive viewing.

Henry stated that:

- He understands that the applicant wants to have an "A+" look to the store. He did not like EIFS or the look of a strip-mall-box store. Ridgedale Center is a special resource.
- He would like a view of the park from the second story of the store. He suggested making it as much of an "A+" store as possible. He would like the second floor ceiling raised and windows added to make it a signature spot. He suggested going bigger and fancier with the windows if possible. If the second floor would be raised, then the main sign could be higher.
- He did not like the appearance of the small signs above the loading dock. He would like that cleaned up.
- He did not like the faux entrance because there is no door there. He would like to see the Dick's Sporting Goods sign replaced with a mural or mosaic that would not be confused for signing an entrance.

Luke thanked the speakers representing the application for their time. Luke stated that:

- Ridgedale Center is a high-end mall. She wants the façade to look and feel like the rest of Ridgedale Center.
- She was inclined to agree with staff's recommendation regarding the height of the sign.
- The other external entrances need a solution regarding signs. It makes sense that restaurants would have external signs because they operate during different hours and have external accesses. A consumer wants to know what store he or she is walking into. CycleBar is unique because of its size. She thought an exterior sign would be warranted for a 30,000-square-foot tenant with exterior access and no interior mall access. She encouraged staff to consider that. Rules could be created so that not every store in the mall could have an exterior sign. This may not be the only anchor space that breaks up.
- She agreed that a fake entrance would frustrate a customer until he or she remembers the next time. The neighboring apartment dwellers would like an entrance there.
- She agreed that it is unfortunate that the future tenant sign is included in the application.

- She was comfortable with staff's recommendation regarding the Dick's Sporting Goods' sign height.

Maxwell stated that:

- She agrees with Luke. Ridgedale Center is a high-end mall. She does not want it to look like a strip mall or big-box store.
- She supports staff's recommendation in keeping the sign height in line with the rest of the mall. With the sign's colors and basketball as an apostrophe, she felt any customer would recognize the store for what it is without the extra height. The big green panel by itself would contrast and stand-out strongly.
- She thought the signed area without an access would be confusing. She suggested making it an entrance or change the sign on the main level to make it clear that it is not an entrance.
- The sign on the dock side would be too large. It should direct traffic to the dock, but it does not need to be visible to customers at the mall.
- She acknowledged that a future tenant would need to have an external sign. She did not support the future tenant sign as proposed, but she did not have a solution.

Waterman stated that:

- He agrees with Luke and Maxwell. He was thrilled to have Dick's Sporting Goods stay in the community and appreciated the applicant being willing to work with staff. There is a lot to be considered in the application.
- He supports staff's recommendation.
- He did not feel strongly regarding the sign height.
- He agrees with removing the EIFS and adding windows and additional stone.
- As a consumer, he would recognize Dick's Sporting Goods.
- He appreciates the application including the junior tenant and showing how it would look. There needs to be a solution for a junior tenant sign. He thought junior tenant stores could be considered a freestanding structure once the big box would be divided up.
- He agreed with staff at this time. He felt the solution is almost there.

Hanson stated that:

- He had no problem with staff's recommendation other than being open to Dick's Sporting Goods maintaining its brand.
- He struggled with approving a blank sign.
- He encouraged the applicant to link the store to the park.
- He expects Dick's Sporting Goods to create a high-end store.
- Hanson thought a junior tenant could apply for a sign variance for an exterior sign.

Chair Sewall stated that:

- The Ridgedale Center area is changing.
- He felt that it would be reasonable for the remaining space not used by Dick's Sporting Goods to have an exterior sign if the only access to the space is from the exterior with no mall access.
- There would be apartments within a few hundred yards. He wants to be respectful of those residents. The signs and aesthetics are more important now than ever. He supports eliminating the signs on the south end that face The Luxe.
- He loves the idea of having glass windows overlook the park.
- He was comfortable with Dick's Sporting Goods proposed sign's height.
- He did not like the roofline being all at the same level. He likes the look of the roofline broken up.
- He agrees that the west side display would be uninspiring. He opposes the use of EIFS. An anchor tenant deserves a better product.

Henry wants the high-end feel of the mall maintained. He was comfortable tabling the motion to allow the applicant time to incorporate some of the ideas mentioned by commissioners into a new plan.

In response to Chair Sewall's request, Cauley clarified that the final site plan covers outside items including the proposed stormwater improvements and parking-lot-island landscaping; the master development plan and building plan cover the building façade; and the sign plan amendment covers the proposed signs.

Chair Sewall noted that the applicant stated that time is of the essence. He recommends commissioners make a recommendation to the city council at this time and the applicant may make changes to the proposal before it is reviewed by the city council.

Luke moved, second by Henry, to recommend that the city council adopt a resolution denying an amendment to the Ridgedale Center master development plan and building plans; adopt a resolution approving the final site plans; and adopt a resolution denying the sign plan amendment for Dick's Sporting Goods and a future tenant at 12437 Wayzata Blvd.

Luke, Henry, Maxwell, and Waterman voted yes. Powers, Hanson, and Sewall voted no. Motion carried.

Chair Sewall thanked the speakers representing the application and wished them luck.

B. Ordinance relating to telecommunication facilities.

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

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

Henry asked if the City could have some control over locating small cell equipment in right-of-ways in single-family neighborhoods. Thomas explained that state law prohibits cities from directing providers to certain right-of-ways, but small-cell equipment on new structures cannot be located adjacent to residentially zoned properties unless the applicant provides certification that service objectives cannot be met by constructing in a non-residential area and must be located in the right-of-way of a collector or arterial street unless the applicant can provide certification that the service objectives would not be met if located in the right of way of a collector or arterial street.

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

Maxwell asked for an estimate of how often the city expects to receive an application from a cell provider that would require approval of a conditional use permit. Thomas stated that, on average, staff currently reviews one application a month administratively for an application that does not require a conditional use permit. Providers prefer to use the existing administrative process when possible and not have to go through the conditional use permit review process. Communication facilities are allowed to be located on existing utility poles in single-family residential areas without a conditional use permit.

Tammy Hartman, network outreach manager with Verizon, stated that she was available for questions.

In response to Henry's question, attorney Anthony Dorland, representing Verizon, explained that small cell installations have to be in closer proximity to the user than a macro site located on a water tower. He agreed with staff's report. The demand for cell coverage is being created by people in their homes. Cell phones are a replacement for landline phones. Eighty percent of people 25 to 35 years of age do not have a landline phone, only a cell phone.

Powers moved, second by Hanson, to recommend that the city council adopt the ordinance repealing and replacing City Code 310.03 regarding Telecommunication Facilities Regulations.

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

9. Adjournment

Waterman moved, second by Luke, to adjourn the meeting at 10:25 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
Jan. 21, 2021

Brief Description	Conditional use permit for an accessory apartment at 14303 Oakwood Road Extension
Recommendation	Recommend the city council adopt the resolution approving the request

Proposal

Bob Rehberg, on behalf of R&R Construction of Mpls, Inc., submitted a building permit for the construction of a new home at 14303 Oakwood Road Extension. The new home includes a 600 square foot accessory apartment.¹ The apartment would include living space, kitchen and a bathroom. The apartment would also include a screen porch and a greenhouse. The apartment requires a conditional use permit.

Staff Analysis

Staff finds that the applicant's proposal is reasonable.

- The apartment would meet the intent of the city's accessory apartment ordinance. It would provide a housing type which affords privacy and independence, while maintaining the character of existing single-family neighbors.
- The apartment has been well designed. The apartment would not be visible from the street, as it would be located behind the newly constructed garage and would not have any visible exterior accesses. Given this, the apartment would not alter the single-family character of the area or substantially impact the surrounding neighborhood.
- The proposed apartment would meet all conditional use permit standards. Those standards, as well as staff's findings, can be found in the "Supporting Information" section of this report.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 14303 Oakwood Road Extension.

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

¹ By City Code Sec. 300.02 an accessory apartment is a smaller secondary dwelling unit, located within a principal dwelling unit that includes provisions for sleeping, cooking, and sanitation independent of the principal dwelling unit. This definition includes secondary dwelling units that have exterior entrances separate from the principal dwelling unit and secondary dwelling units that are accessed only through the principal dwelling unit.

Supporting Information

Project No.	20028.20a
Property	14303 Oakwood Road Extension
Applicant	R&R Construction of Mpls, Inc.
Surrounding Land Uses	All surrounding properties are improved with single family residential homes, zoned R-1, and guided low density residential home.
Planning	Guide Plan designation: Low density residential Zoning: R-1, low density residential
CUP Standards	<p>The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:</p> <ol style="list-style-type: none">1. The use is consistent with the intent of this ordinance;2. The use is consistent with the goals, policies and objectives of the comprehensive plan;3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and4. The use does not have an undue adverse impact on the public health, safety or welfare. <p>The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd. 3(d):</p> <ol style="list-style-type: none">1. To be created only on property zoned for single family detached dwellings and no more than apartment to be created. <p>Finding: The property is zoned R-1 and does not currently contain an accessory apartment. The apartment would be the only apartment on the property.</p> <ol style="list-style-type: none">2. Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid; <p>Finding: This has been included as a condition of approval.</p> <ol style="list-style-type: none">3. Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport, or on a paved area specifically intended for that purpose but not within a required turnaround;

Finding: The newly constructed home includes a three-car garage. Additional parking space is provided within the driveway.

4. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two car garage on the lot without the need for a variance.

Finding: The accessory apartment would be located behind a new garage. It would not be within existing – or proposed – garage space.

5. An accessory apartment must be no more than 35 percent of gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.

Finding: The proposed apartment would be 600 square feet in size, only 13 percent of the gross living area of the new home.

6. Exterior changes to the house must not substantially alter the single family character of the structure;

Finding: The apartment would be well designed and integrated into the newly constructed house. The apartment would be located in the rear of the new garage and would not be visible from the roadway. Given this, the apartment would not alter the single-family character of the structure.

7. No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;

Finding: The accessory apartment would be required to meet all codes at the time that a certificate of occupancy is issued.

8. To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and

Finding: The apartment has been well designed and integrated into the newly constructed house. Given this, the apartment would not alter the single-family character of the area or the neighborhood.

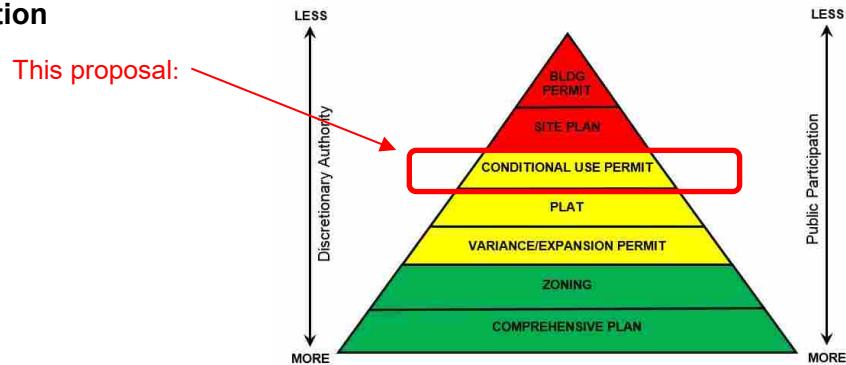
9. All other provisions of this ordinance related to single family dwelling units to be met, unless specifically amended by this subdivision.

Finding: The accessory apartment would comply with all other ordinance standards.

Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval the applicant must submit a construction management plan detailing these management practices.

Pyramid of Discretion



Motion Options

The planning commission has three options:

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

Voting Requirement

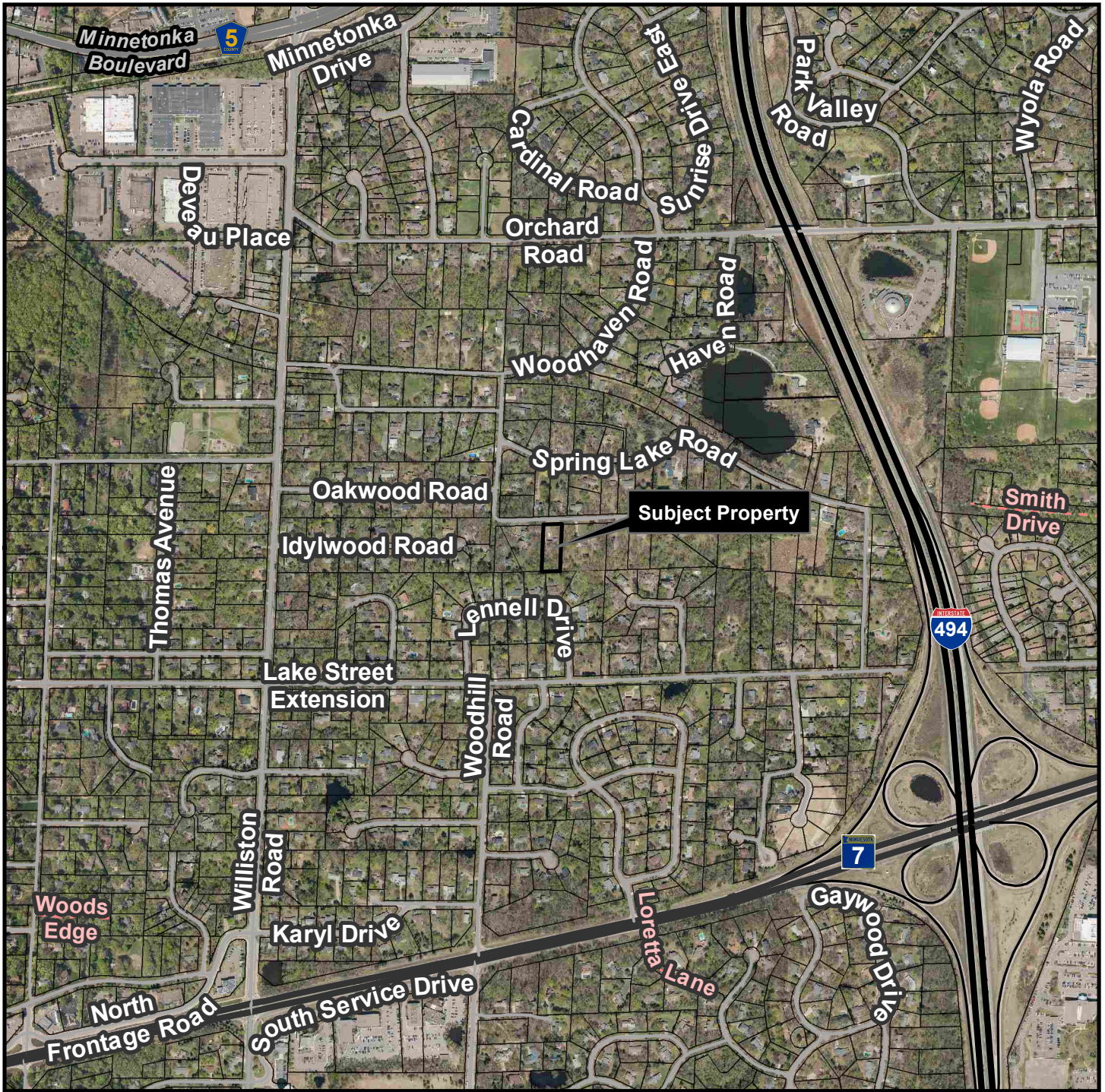
The planning commission will make a recommendation to the city council, which has final authority on the applicant's request. Approval of the requested CUP requires the affirmative vote of a simple majority of councilmembers.

Neighborhood Comments

The city sent notices to 38 area property owners and received no comments.

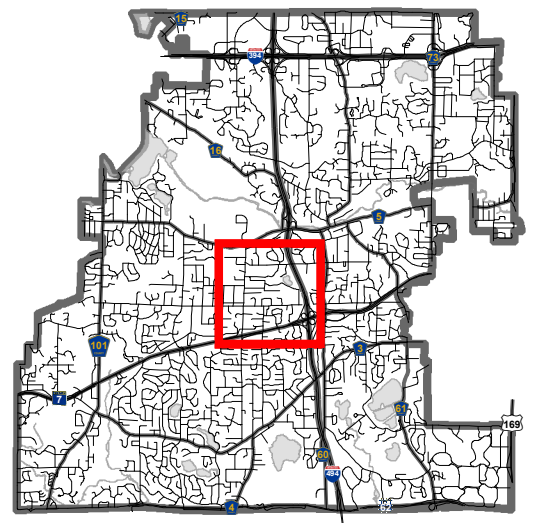
Deadline for Decision

April 16, 2021



Location Map

Project: R & R Construction
Address: 14303 Oakwood Rd Ext



CERTIFICATE OF SURVEY

~for~ R&R CONSTRUCTION
~of~ 14303 OAKWOOD ROAD EXTENSION

BENCHMARK:

MNDOT GSD STATION: 11335
MNDOT NAME: ELLER MNDT RM2
ELEVATION: 1057.062 (NAVD 88)



NE CORNER OF THE S 1/2 OF THE N 1/2 OF THE SW 1/4 OF NW 1/4 OF SEC. 22, T. 117, R. 22

E. LINE OF SW 1/4 OF NW 1/4 OF SEC. 22, T. 117, R. 22

SE CORNER OF THE S 1/2 OF THE N 1/2 OF THE SW 1/4 OF NW 1/4 OF SEC. 22, T. 117, R. 22

DIAG: 97.00 X 77.00 = 123.85
(9 FOOT POURED WALL BASEMENT WITH TRANSOM WINDOWS)

PROPOSED ELEVATIONS

- TOP OF WALL @ HOUSE = 1015.0
- TOP OF WALL @ FRONT OF GARAGE = 1014.5
- GARAGE FLOOR @ OVERHEAD DOORS = 1014.1
- LOWEST OPENING = 1012.3
- LOWEST FLOOR = 1006.3
- TOP OF FOOTING = 1006.0

LEGAL DESCRIPTION:

(per Doc. No. T05688502)
The West 110.0 feet of the East 1034 feet of the South 1/2 of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 22, Township 117, Range 22, Hennepin County, Minnesota, said distance being measured along the North and South lines thereof and subject to an easement for road purposes over the North 50 feet thereof.

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

Jason E. Rud
JASON E. RUD
Date: 11/3/2020 License No. 41578

NOTES:

- Field survey was completed by E.G. Rud and Sons, Inc. on 10/7/2020.
- Bearings shown are on Hennepin County datum.
- Parcel ID Number: 22-117-22-23-0005.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Surveyor subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Contours shown are a compilation of field measurements by E.G. Rud and Sons, Inc. and MnGeo lidar distribution.

LEGEND

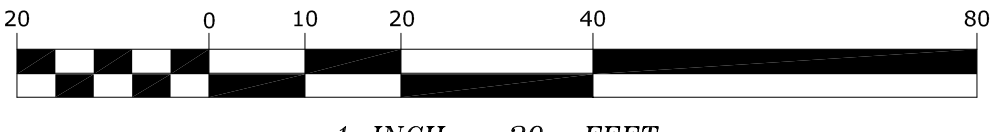
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES CLEAN OUT
- DENOTES ELECTRICAL BOX
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES GAS METER
- DENOTES MAILBOX
- DENOTES RETAINING WALL
- DENOTES EXISTING CONTOURS
- DENOTES TREE LINE
- DENOTES OVERHEAD UTILITY
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PAVER SURFACE
- ⊗(800.0) DENOTES PROPOSED ELEVATION
- ↘ DENOTES DIRECTION OF DRAINAGE
- ⊗ DENOTES WOOD HUB/METAL SPIKE AT 11 FOOT OFFSET (UNLESS OTHERWISE NOTED)
- DENOTES PROPOSED SILT FENCE

TREE DETAIL

- DENOTES ELEVATION
- DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE

NORTH

GRAPHIC SCALE



1 INCH = 20 FEET

E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

DRAWN BY: BPN	JOB NO: 201159HS	DATE: 10/19/2020	
CHECK BY: MMD	FIELD CREW: BK/CS		
1	11/3/2020	ADD PROPOSED HOUSE	BPN
2			
3			
NO.	DATE	DESCRIPTION	BY

**BUILD
PLAN**



**HASCALL
14303 OAKWOOD RD EXT.
MINNETONKA, MN**



HASCALL
14303 OAKWOOD RD EXT.
MINNETONKA, MN

DRAWINGS PROVIDED

PROJECT OVERVIEW



TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THESE DRAWINGS MAKE NO WARRANTY OR REPRESENTATION AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON. THE USER SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS, STRUCTURAL DETAILS, AND BUILDING CODES, AND GRADE REQUIREMENTS. HOMEOWNER & CONTRACTOR TO VERIFY ALL DIMENSIONS, STRUCTURAL DETAILS, AND BUILDING CODES, AND GRADE REQUIREMENTS. THEREAFTER.

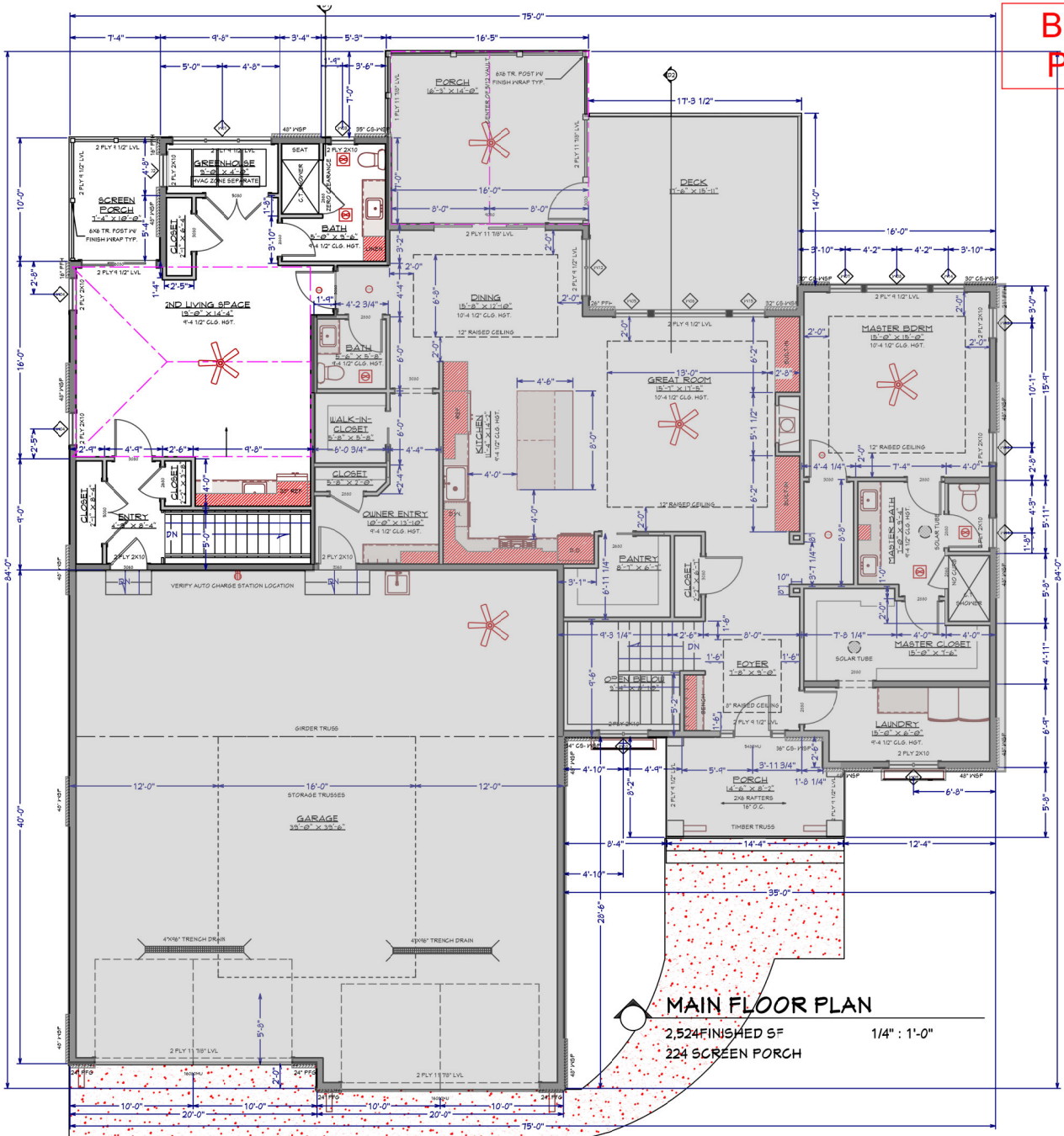
WE DO NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE USER SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS, STRUCTURAL DETAILS, AND BUILDING CODES, AND GRADE REQUIREMENTS. HOMEOWNER & CONTRACTOR TO VERIFY ALL DIMENSIONS, STRUCTURAL DETAILS, AND BUILDING CODES, AND GRADE REQUIREMENTS. THEREAFTER.



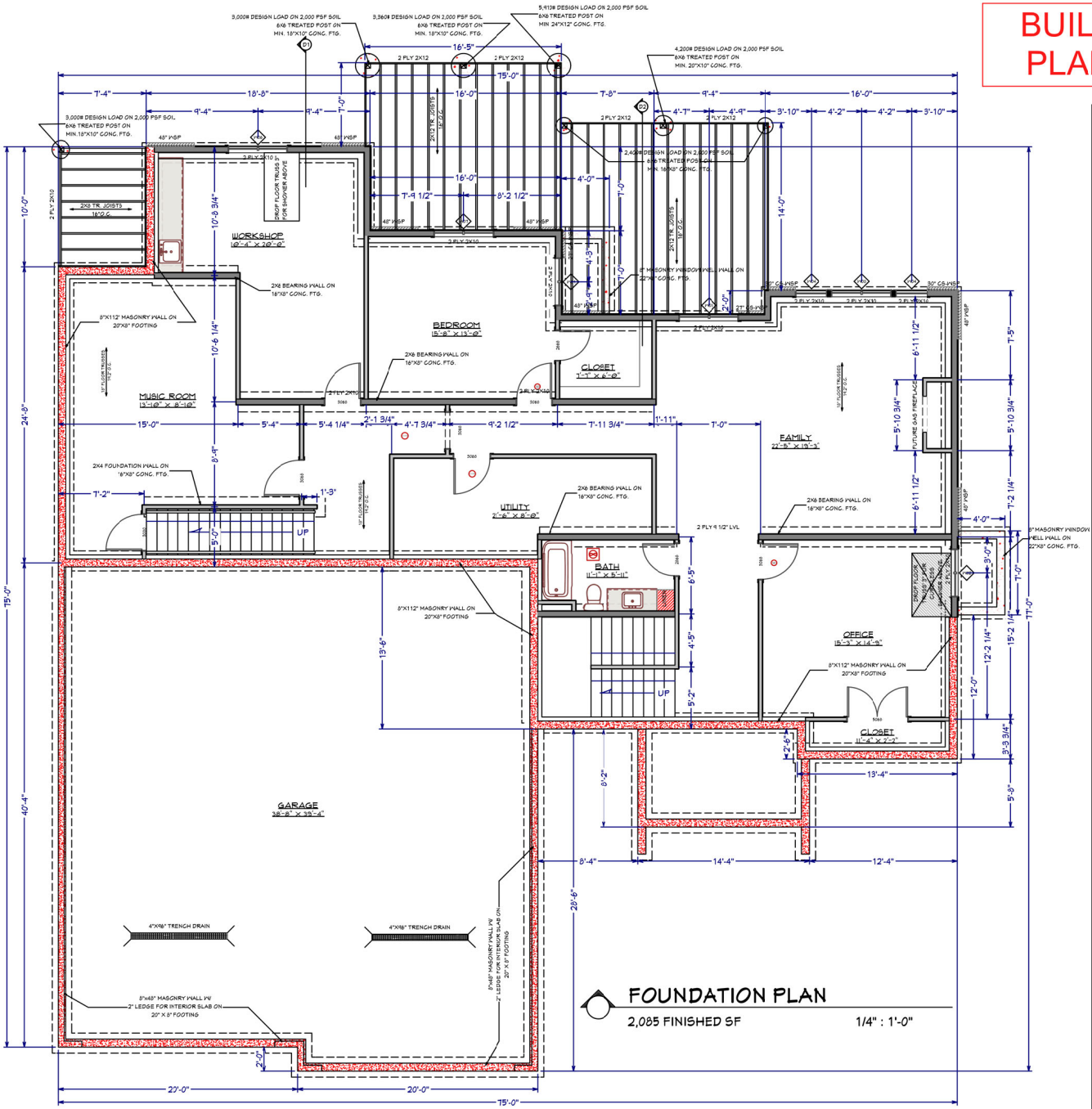
DRAWINGS PROVIDED BY:
**WENDROTH
PLANNING & DESIGN**
-YOUR DREAMS TO REALITY-
JUSTIN WENDROTH 320-493-3589

DATE:	
SCALE:	BY HALF ON 11X17
SHEET:	P-1

**BUILD
PLAN**



BUILD PLAN



REVISION TABLE	NUMBER	DATE	REVISION DESCRIPTION

DRAWINGS PROVIDED FOR:
HASCALL
 14303 OAKWOOD RD EXT.
 MINNETONKA, MN

FOUNDATION PLAN

DRAWINGS PROVIDED BY:
WENDROTH
 PLANNING & DESIGN
 ...YOUR DREAMS TO REALITY
 JUSTIN WENDROTH 320-493-5589

DATE:

SCALE:
 BY HALF ON
 11X17

SHEET:

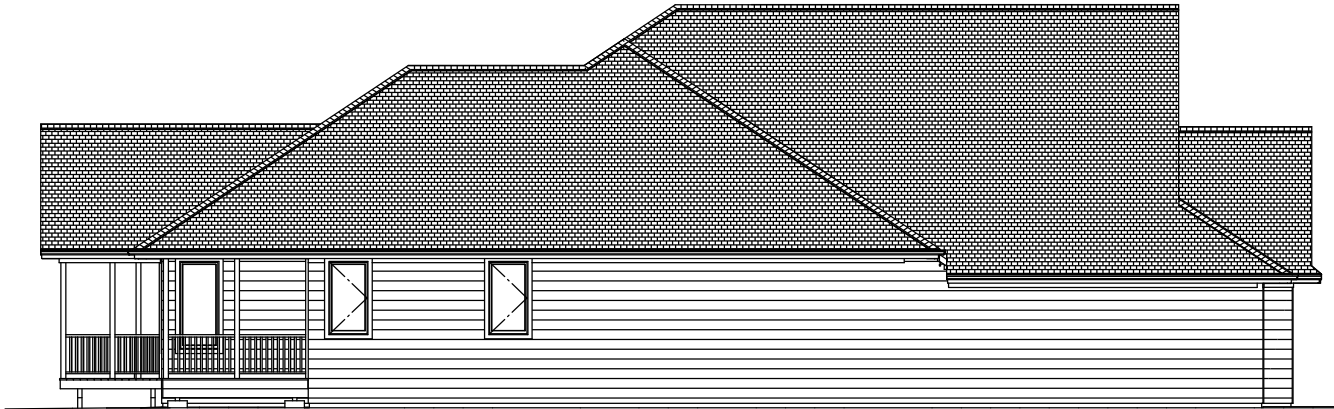
A-1

FOUNDATION PLAN
 2,085 FINISHED SF
 1/4" = 1'-0"

**BUILD
PLAN**



E1 FRONT ELEVATION
1/4" = 1'-0"



E1 LEFT ELEVATION
1/4" = 1'-0"

REVISION FILE	DESCRIPTION
NUMBER DATE	REVISED BY

DRAWINGS PROVIDED FOR:
HASCALL
14303 OAKWOOD RD EXT.
MINNETONKA, MN

EXTERIOR ELEVATIONS

DRAWINGS PROVIDED BY:
WENDROTH
PLANNING & DESIGN
-YOUR DREAMS TO REALITY-
JUSTIN WENDROTH 320-493-3589

DATE:

SCALE:
BY HALF ON
11X17

SHEET:

A-4

**BUILD
PLAN**



E1 REAR ELEVATION
1/4" = 1'-0"



E1 RIGHT ELEVATION
1/4" = 1'-0"

REVISION FILE	DESCRIPTION
NUMBER/DATE	REVISED BY

DRAWINGS PROVIDED FOR:
HASCALL
14303 OAKWOOD RD EXT.
MINNETONKA, MN

EXTERIOR ELEVATIONS

DRAWINGS PROVIDED BY:
WENDROTH
PLANNING & DESIGN
-YOUR DREAMS TO REALITY-
JUSTIN WENDROTH 320-493-3589

DATE:

SCALE:
BY HALF ON
11X17

SHEET:

A-5

Resolution No. 2021-

**Resolution approving a conditional use permit for an accessory apartment
at 14303 Oakwood Road Extension**

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

Section 1. Background.

1.01 Bob Rehberg, on behalf of R&R Construction of Mpls, Inc., has requested a conditional use permit for the construction of a new home. The new home includes a 600 square foot accessory apartment. The apartment requires a conditional use permit.

1.02 The property is located at 14303 Oakwood Road Extension. It is legally described as:

Per Doc. No. T05688502

The west 110.0 feet of the East 1034 feet of the south $\frac{1}{2}$ of the north $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 22, Township 117, Range 22, Hennepin County, Minnesota, said distance being measured along the North and South lines thereof and subject to an easement for road purposes over the North 50 feet thereof.

Torrens certificate number: 1511823

1.03 On Jan. 21, 2020, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

2.02 City Code §300.16 Subd. 3(d) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:

1. To be created only on property zoned for single family detached dwellings and no more than one apartment to be created in any dwelling;
2. Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;
3. Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose but not within a required turnaround;
4. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two car garage on the lot without the need for a variance;
5. An accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.
6. Exterior changes to the house must not substantially alter the single family character of the structure;
7. No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;
8. To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and
9. All other provisions of this ordinance relating to single family dwelling units to be met, unless specifically amended by this subdivision.

Section 3. Findings.

- 3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.16 Subd.2.
- 3.02 The proposal meets of the specific conditional use permit standards outlined in City Code 300.16 Subd.3(a).
 1. The property is zoned R-1 and does not currently contain an accessory apartment. The apartment would be the only apartment on the property.

2. As a condition of this resolution, the property owner must reside in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid.
3. The newly constructed home includes a three-car garage. Additional parking space is provided within the driveway.
4. The accessory apartment would be located behind a new garage. It would not be within existing – or proposed – garage space.
5. The proposed apartment would be 600 square feet in size, only 13 percent of the gross living area of the new home.
6. The apartment would be well designed and integrated into the newly constructed house. The apartment would be located in the rear of the new garage and would not be visible from the roadway. Given this, the apartment would not alter the single-family character of the structure.
7. The accessory apartment would be required to meet all codes at the time that a certificate of occupancy is issued.
8. The apartment has been well designed and integrated into the newly constructed house. Given this, the apartment would not alter the single-family character of the area or the neighborhood.
9. The accessory apartment would comply with all other ordinance standards.

Section 4. City Council Action.

- 4.01 The above-described conditional use permit is approved, subject to the following conditions:
1. This resolution must be recorded with Hennepin County.
 2. The accessory apartment must be constructed and maintained in substantial conformance with the floor plans and building elevations, attached to the planning commission staff report.
 3. A building permit is required.
 4. The structure must be owner occupied. The owner must reside in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid.
 5. All other provisions of the ordinance relating to single family dwelling units must be met, unless specifically amended by this resolution.
 6. The city council may reasonably add or revise conditions to address any

future unforeseen problems.

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on Feb. 8, 2021.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Feb. 8, 2021.

Becky Koosman, City Clerk

Minnetonka Planning Commission Meeting

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
Jan. 21, 2021

Brief Description Conditional use permit, with a parking variance, to expand Mercy Hill Church, a religious institution at 15408 and 15414 Minnetonka Industrial Road

Recommendation Recommend the city council approve the request

Background

The subject property is improved with two, multi-tenant buildings and a surface parking lot. In 2017, the city council approved a conditional use permit to allow Mercy Hill Church, a religious institution, in the southern building. At the time an auto repair shop occupied the remainder of the building; the auto shop repair shop has since vacated the property. In 2019, the city council approved a conditional use permit to allow a fitness facility within the space previously occupied by the auto repair shop.

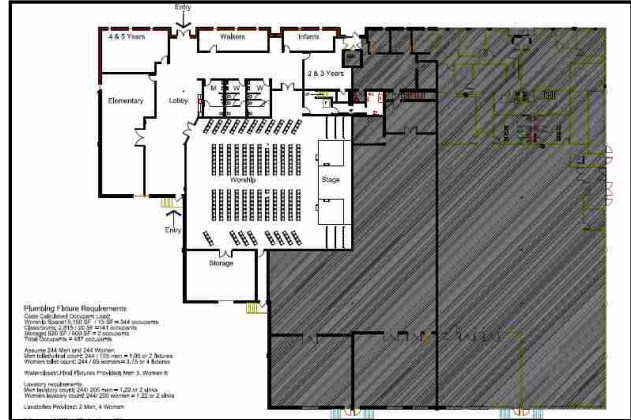


Figure 1: Existing Floor Plan

Remove classroom

Proposal

Responding to congregation growth, Mercy Hill Church has submitted a proposal to expand their religious use within the building. The expansion would occur in four phases.

Phase One: Includes Mercy Hill Church securing the adjacent tenant space. The existing two-and-three year old classroom would be removed to allow access into the new space.

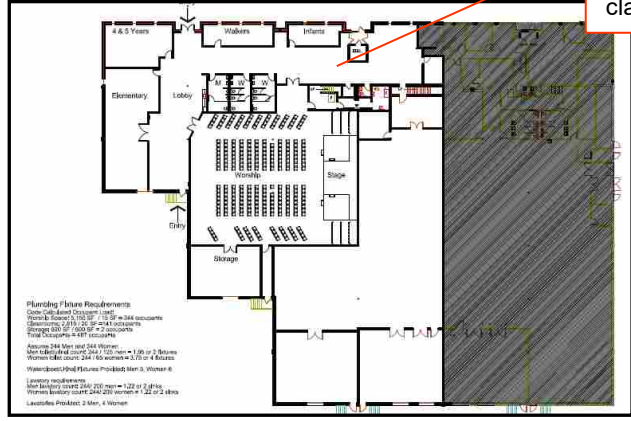


Figure 2: Phase One

Phase Two: Reallocates classroom space in the northwest corner of the space. Informal classroom space and formal storage space would be allocated within the new tenant space.



Figure 3: Phase Two

Phase Three includes the following:

- Removal of two classroom spaces to expand the northern lobby area.
- Addition of a waiting area for the southern entry.
- Formalization of classroom and storage space.



Figure 4: Phase Three

Phase Four includes the expansion of the sanctuary to accommodate up to 475 people.

The proposal requires a conditional use permit and a parking variance.



Figure 4: Phase Four

Staff Analysis

A land use proposal is comprised of many details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions associated with the religious institution and staff’s findings.

- **Is the proposed expansion reasonable?**

Yes. The property is zoned I-1, Industrial. While this particular zoning district does not contain any provisions for schools, religious institutions, or gathering spaces, the ordinance does allow – as conditionally permitted uses – public buildings and “*other uses similar to those permitted*” within the district. The city has on several occasions and in several zoning districts, reviewed daycares, schools, religious institutions, and gathering spaces under the “*other uses similar to*” provision. The city has found that these types of uses operate similar to public buildings in which large groups gather at specific times for a specific purpose.

The only conditional use permit standard required by ordinance for public buildings is site and building plan approval. The proposed expansion would meet all the required standards for site and building plan approval. The standards and findings are outlined in the “Supporting Information” section of this report.

- **Can the parking be accommodated on site?**

Yes. For multi-tenant or multi-use buildings, the city’s parking ordinance calculates minimum parking requirements based on the individual uses within the building. By ordinance, the applicant’s proposal to expand the use would require a minimum of 298 stalls. Currently, there are a total of 242 stalls on site.

Use	Parking Requirement	Minimum number of stalls required by ordinance	ITE Data*	Anticipated Peak parking demand *
Southern Building				
Religious institution: sanctuary	1 stall per 2.5 seats	64 stalls 158 stalls	147 stalls	9 a.m. – noon (Sunday)
Religious institution: warehouse	1 stall per 1,000 sf	4 stall 2 stalls	1 stalls	11 am – 4 pm (M-F)
Religious institution: classroom	1 stall per 10 children	6 stalls 25 stalls	12 stalls	9 a.m. – noon (Sunday)
Religious institution: office	1 stall per 250 sf	1 stall	9 stalls	10 a.m. – 5 p.m. (M-F)
Fitness facility: office	1 stall per 250 sf	14 stalls		
Fitness facility: gym space	1 stall per 225 sf	39 stalls	62 stalls	5 pm – 7 pm (M-F)

Fitness facility: future facility	1 stall per 225 sf	6 stalls		
Northern Building				
Warehouse	1 stall per 1,000 sf	53 stalls	21 stalls	11 a.m. – 4 p.m. (M-F)
<i>Total spaces required</i>		298 stalls	252 stalls	
<i>Total spaces available on site</i>		242 stalls	242 stalls	

* Institute of Transportation Engineers (ITE), Parking Generation Manual, 5th Edition

The property would be “under-parked” by literal interpretation of the code. However, staff finds the parking acceptable as:

- Based on data collected from the Institute of Transportation Engineers (ITE), the uses on site are complementary and would experience peak parking demands at varied times.
- The city has issued parking variances for other religious institutions which include classroom and worship.
- It is not anticipated that the varied uses within the religious institution or the fitness facility would generate additional parking generation. For example, a significant amount of the parking demand would be shared between the classroom (Sunday School) and worship space on Sundays when the fitness facility would not be experiencing peak parking demand.
- There are opportunities within the industrial park for shared parking agreements.

Staff Recommendation

Recommend that the city council adopt the attached resolution repealing and replacing Resolution No. 2017-118 for a religious institution at 15408 and 15414 Minnetonka Industrial Road.

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

Supporting Information

Project No.	17021.20a
Property	15408 and 15414 Minnetonka Industrial Rd
Applicant	Mercy Hill Church
Surrounding	Northerly: Hennepin County Regional Trail and a multi-tenant Industrial building, zoned I-1 and guided industrial beyond.
Land Uses	Easterly: Industrial park, zoned I-1 and guided industrial Southerly: Residential and Victoria-Evergreen park Westerly: Residential homes, zoned R-1, guided for low density residential
Planning	Guide Plan designation: Industrial Zoning: I-1, Industrial
CUP Standards	<p>The proposal would meet the general conditional use permit standards as outlined in City Code §300.21, Subd. 2:</p> <ol style="list-style-type: none">1. The use is consistent with the intent of this ordinance;2. The use is consistent with the goals, policies and objectives of the comprehensive plan;3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and4. The use does not have an undue adverse impact on the public health, safety or welfare. <p>City Code §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit are the site and building plan standards pursuant to City Code §300.27, Subd. 5:</p> <ol style="list-style-type: none">1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan; <p>Finding: The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.</p> <ol style="list-style-type: none">2. Consistency with this ordinance; <p>Finding: But for the parking variance, the proposal would be consistent with the ordinance. Further, the parking variance is</p>

reasonable as the proposed uses are complementary and would experience varied peak parking demand times.

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

Finding: No external modifications to the property are proposed as part of the expansion.

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

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

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

- a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
- b) the amount and location of open space and landscaping;
- c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
- d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

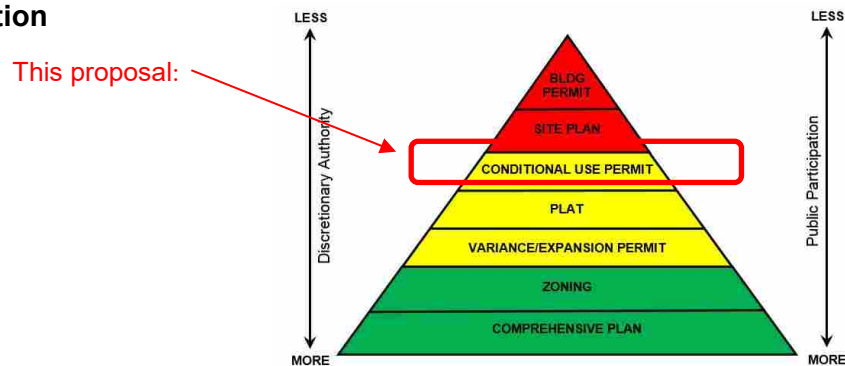
Finding: The applicant is not proposing any site or exterior building improvements at this time. As such, there would be negative impacts to existing open space on the property.

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

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Finding: The expansion of the religious institution would be complementary to the existing use and the immediate area. The proposal would not have any negative impact on adjacent or neighboring properties.

Pyramid of Discretion



Voting Requirement

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

Motion Options

The planning commission has three options:

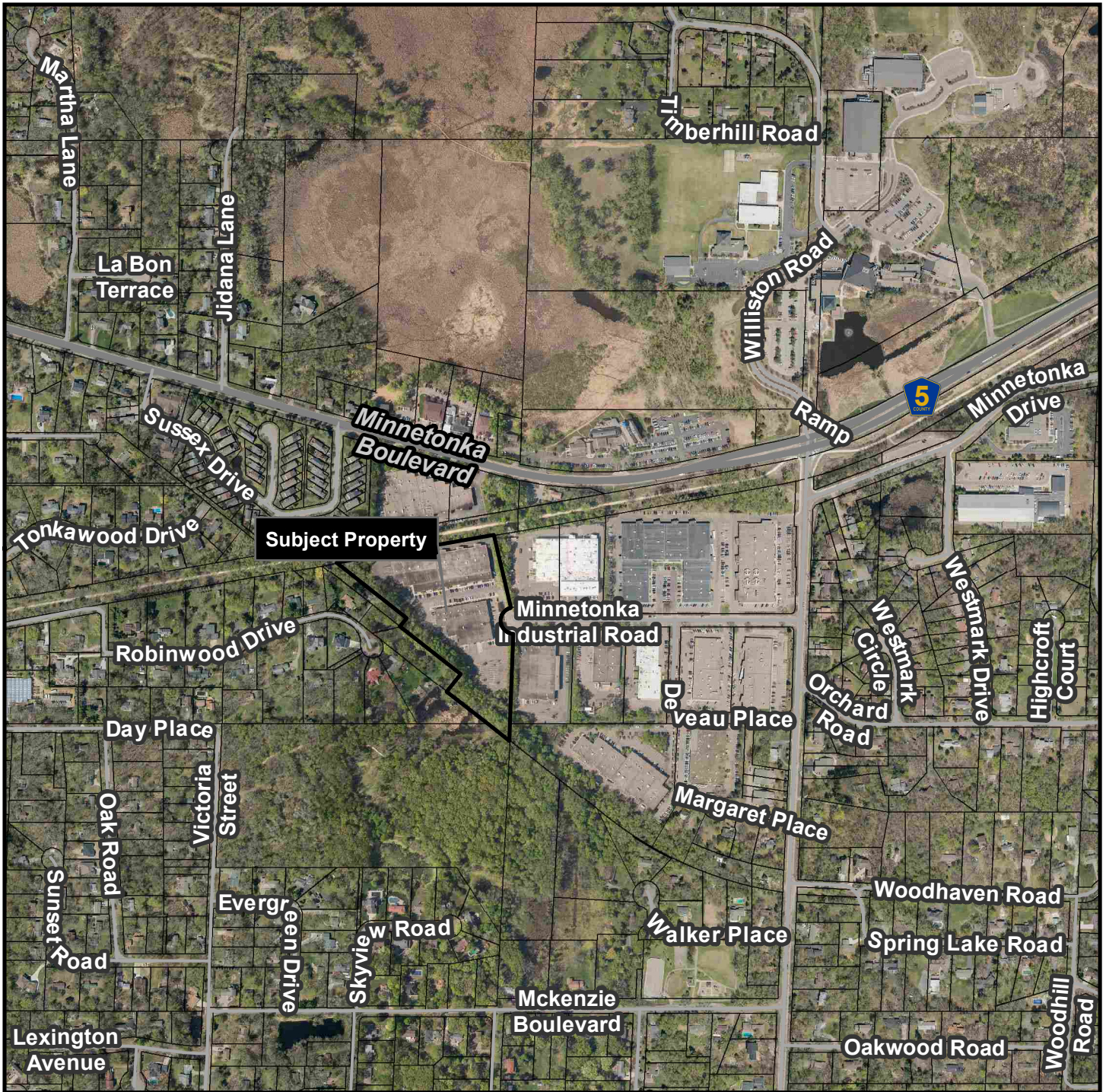
1. Concur with staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the request.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include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

Neighborhood Comments

The city sent notices to 81 area property owners and received no comments.

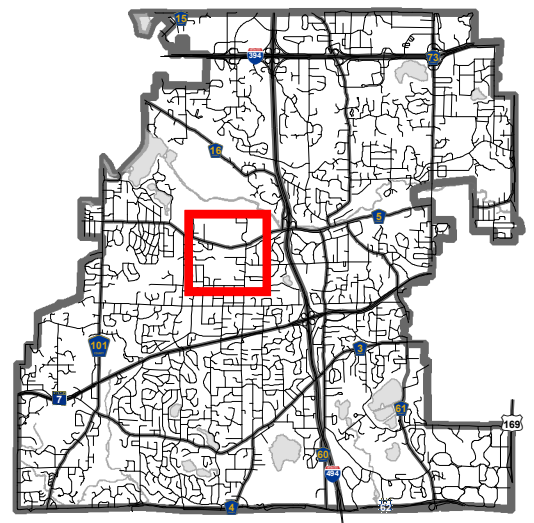
Deadline for Decision

March 13, 2021



Location Map

Project: Mercy Hill Church
Address: 15408 Mtka Industrial Rd





MERCY HILL

To Whom It May Concern,

This written statement will describe the intended use of the property commonly referred to as Minco 400, 15408 Minnetonka Industrial Road by Mercy Hill Church if a Conditional Use Permit is granted by the City of Minnetonka.

Currently Mercy Hill meets at 15414 Minnetonka Industrial Road, which is the adjoining space to 15408. We received a conditional use permit in 2017. Here is a generalized breakdown of how the space has been used: 4,960 sf auditorium for worship, 2,474 sf for classrooms and offices, and 1,000 sf for storage. At the time of initial occupancy our community was approximately 165 people (124 adults in the auditorium and 41 kids ages birth-5th grade).

Since that time our community has grown. Some of that was expected and some of it was do to extraordinary circumstances. In the future we anticipate growing at approximately 10-15% per year. Our average attendance in October 2019-February 2020 was 306 (214 adults in the auditorium and 92 kids ages birth-5th grade). We still have only 1 service on Sundays at 10:00am and it is a long term strategic goal to maintain a single service format for our church. We feel like a one service approach lends itself to our particular mission, vision, and values around relationship, community, and connectivity.

Prior to the pandemic our auditorium had a seating capacity of 368 which was adequate for our existing size and future medium term growth. However, our kids attendance has increased 124% and it has put a strain on our existing spaces for kids. The additional space in 15408 will allow us to expand our spaces for kids and then shift some of the existing kids space in 15414 to lobby, approximately 1,000 sf to storage and approximately 1,000 sf will remain as kids space.

We will also set aside 1,000 sf in 15408 and 1,000 sf in 15414 that is currently used as storage for the possibility of a long term expansion to the auditorium, bringing the capacity from 368 seats to approximately 475 seats.

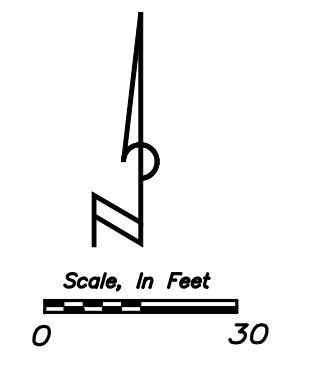
Our primary use of 15408 will still be on Sunday mornings. The majority of the usage will occur between 8:30-12:30p. Church's typically use a calculation of 1 parking space for every 2.5 people. This would necessitate a total of 123 parking spaces near the building using a calculation of 1 space for every 2.5 people. There are 242 parking spaces on site.

We will also use the space for regular small groups and occasional special events in the evenings. It is possible that we will use the space with larger groups of kids and students during summer work days but will take up minimal parking spaces for that usage. Additionally, we intend to have staff work and occasional meetings with attenders but that would be fewer than 10 cars.

Thank you for your consideration,

Drew Johnson
Pastor
Mercy Hill Church

ALTA/ACSM LAND TITLE SURVEY



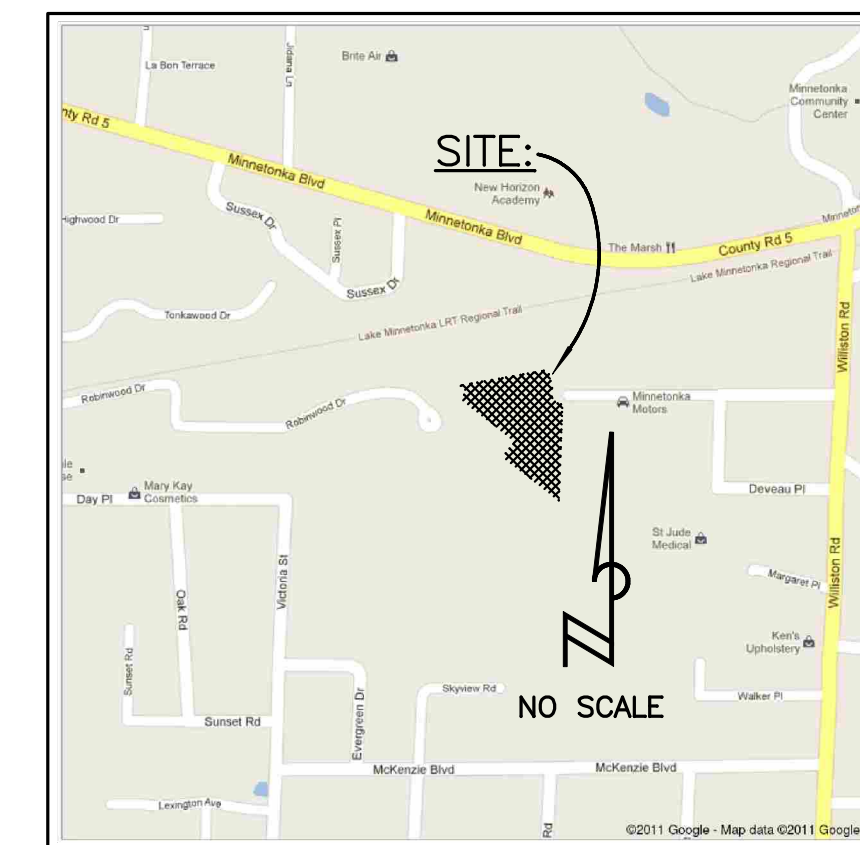
LEGAL DESCRIPTION PER COMMERCIAL PARTNERS TITLE COMMITMENT NO. 34697

NOTE: THIS LEGAL DESCRIPTION IS PARCEL 3 OF EXHIBIT A OF SAID TITLE COMMITMENT. TITLE COMMITMENT COVERS ADDITIONAL LAND.

Lot 3, Block 1, except that part thereof lying West of a line drawn parallel to and 100 feet Northeastly at right angles from the Northeastly line of Registered Land Survey No. 121 and except that part which lies Northerly of a line 271.00 feet Southerly of, measured at right angles to and parallel with the Northerly line of said Lot 3 and also except that part of the East 47.00 feet of said Lot 3 which lies Southerly of a line 271.00 feet Southerly of measured at right angles to and parallel with the Northerly line of said Lot 3 and which lies Northerly of the Northerly right of way line of Minnetonka Industrial Road as dedicated in Minnetonka Industrial Park, all in Minnetonka Industrial Park, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County.
Torrens Property
Torrens Certificate No. 1079923
AND

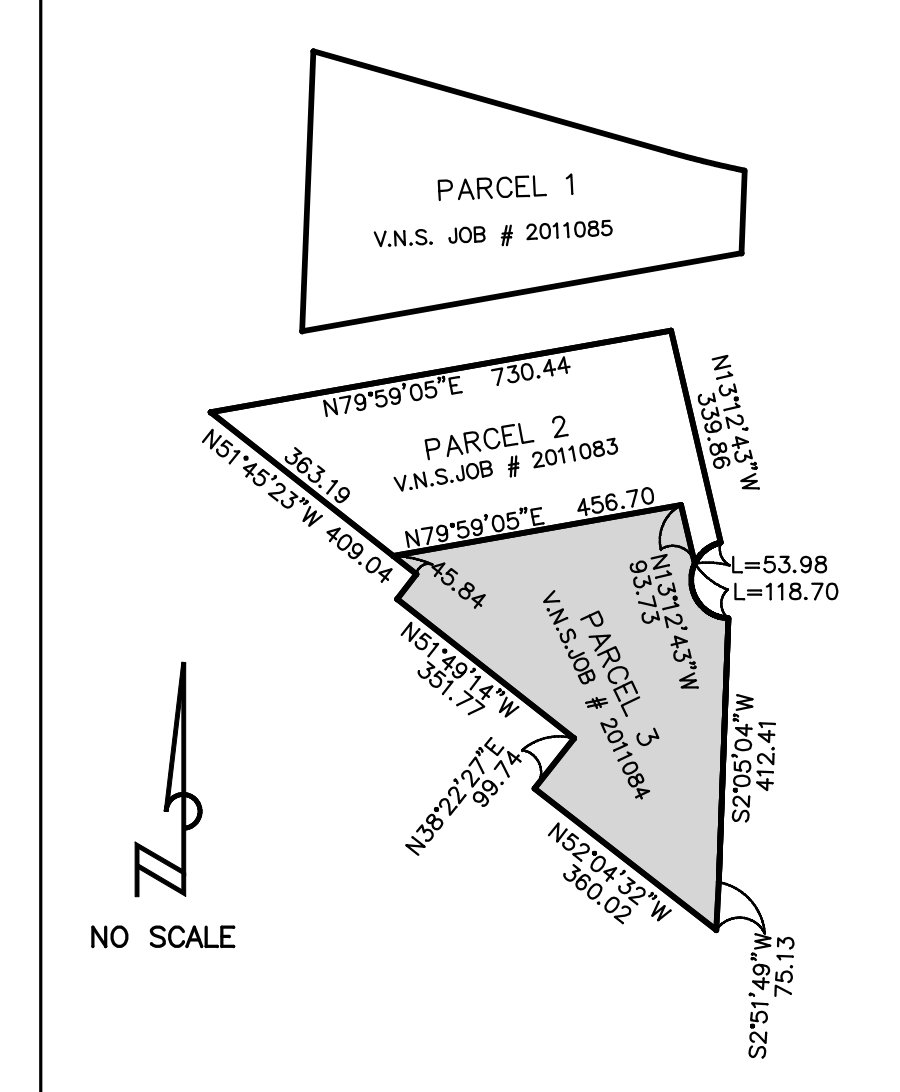
That part of Lot 3, Block 1, Minnetonka Industrial Park, Hennepin County, Minnesota, which lies Southwesterly of a line drawn parallel with and 100.00 feet Northeastly at a right angle from the Northeastly line of Registered Land Survey No. 121, Files of Registrar of Titles, Hennepin County, Minnesota Abstract Property

VICINITY MAP:



INSET

SHOWING THE BALANCE OF LOT 3, BLOCK 1, MINNETONKA INDUSTRIAL PARK, AND THE RELATIONSHIP OF OTHER PARCELS WITHIN COMMERCIAL PARTNERS TITLE COMMITMENT NO. 34697



LEGEND:

- FOUND IRON MONUMENT (AS NOTED)
- SET 1/2" REBAR W/CAP #44109
- POWER POLE (WITH GUY ANCHOR)
- FIRE HYDRANT
- × GATE VALVE
- ⊥ SIGN
- ☼ LIGHT POLE
- COMMUNICATIONS PEDESTAL
- COMMUNICATIONS VAULT
- ⊠ ELECTRIC TRANSFORMER
- ⊠ GAS SERVICE ENTRANCE
- ⊠ CATCH BASIN
- ⊠ STORM SEWER MANHOLE
- ⊠ SANITARY SEWER MANHOLE
- ⊠ FLARED END SECTION
- ♿ HANDICAPPED PARKING STALL
- BOLLARD
- ⊠ ELECTRICAL OUTLET ON POST
- OH — OVERHEAD UTILITY LINE
- SS — STORM SEWER LINE
- WF — WOOD FENCE
- CF — CHAINLINK FENCE
- WF — WIRE FENCE
- ⊠ PARKING STALL COUNT
- CONCRETE SURFACE
- BITUMINOUS SURFACE

PREPARED FOR:
STEINER DEVELOPMENT, INC.
3610 COUNTY ROAD 101
WAYZATA, MN 55391

CERTIFICATION:

To: The Union Central Life Insurance Company, Minco Realty Partners, LLC and Commercial Partners Title, LLC

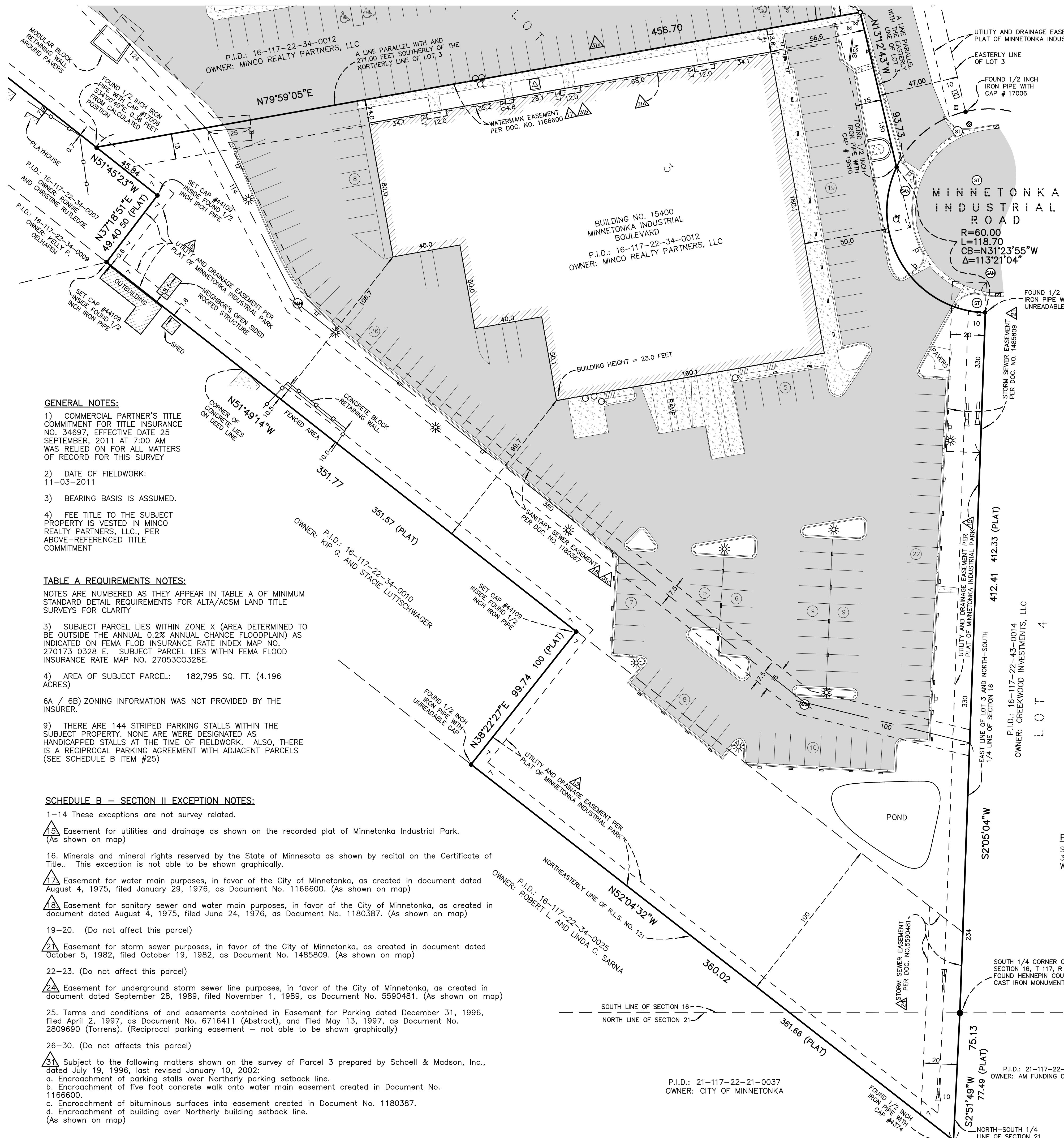
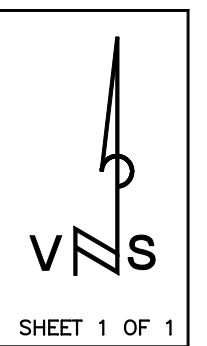
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 8, 9, 11(a), and 13 of Table A thereof. The fieldwork was completed on November 3, 2011.

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.

SIGNED: Travis W. Van Neste, Minnesota Professional Surveyor #44109
Michigan Professional Surveyor #46985

JOB # 2011084	ISSUED: 11-11-2011
DRAWN BY: TWVN	REV:
SCALE: 1" = 30 FEET	

VAN NESTE SURVEYING
PROFESSIONAL SURVEYING SERVICES
85 WILDHURST ROAD, EXCELSIOR, MN 55331
PHONE (952) 686-3055 TOLL-FREE FAX (866) 473-0120
WWW.VANNESTESURVEYING.COM



- GENERAL NOTES:**
- 1) COMMERCIAL PARTNER'S TITLE COMMITMENT FOR TITLE INSURANCE NO. 34697, EFFECTIVE DATE 25 SEPTEMBER, 2011 AT 7:00 AM WAS RELIED ON FOR ALL MATTERS OF RECORD FOR THIS SURVEY.
 - 2) DATE OF FIELDWORK: 11-03-2011
 - 3) BEARING BASIS IS ASSUMED.
 - 4) FEE TITLE TO THE SUBJECT PROPERTY IS VESTED IN MINCO REALTY PARTNERS, LLC., PER ABOVE-REFERENCED TITLE COMMITMENT

TABLE A REQUIREMENTS NOTES:

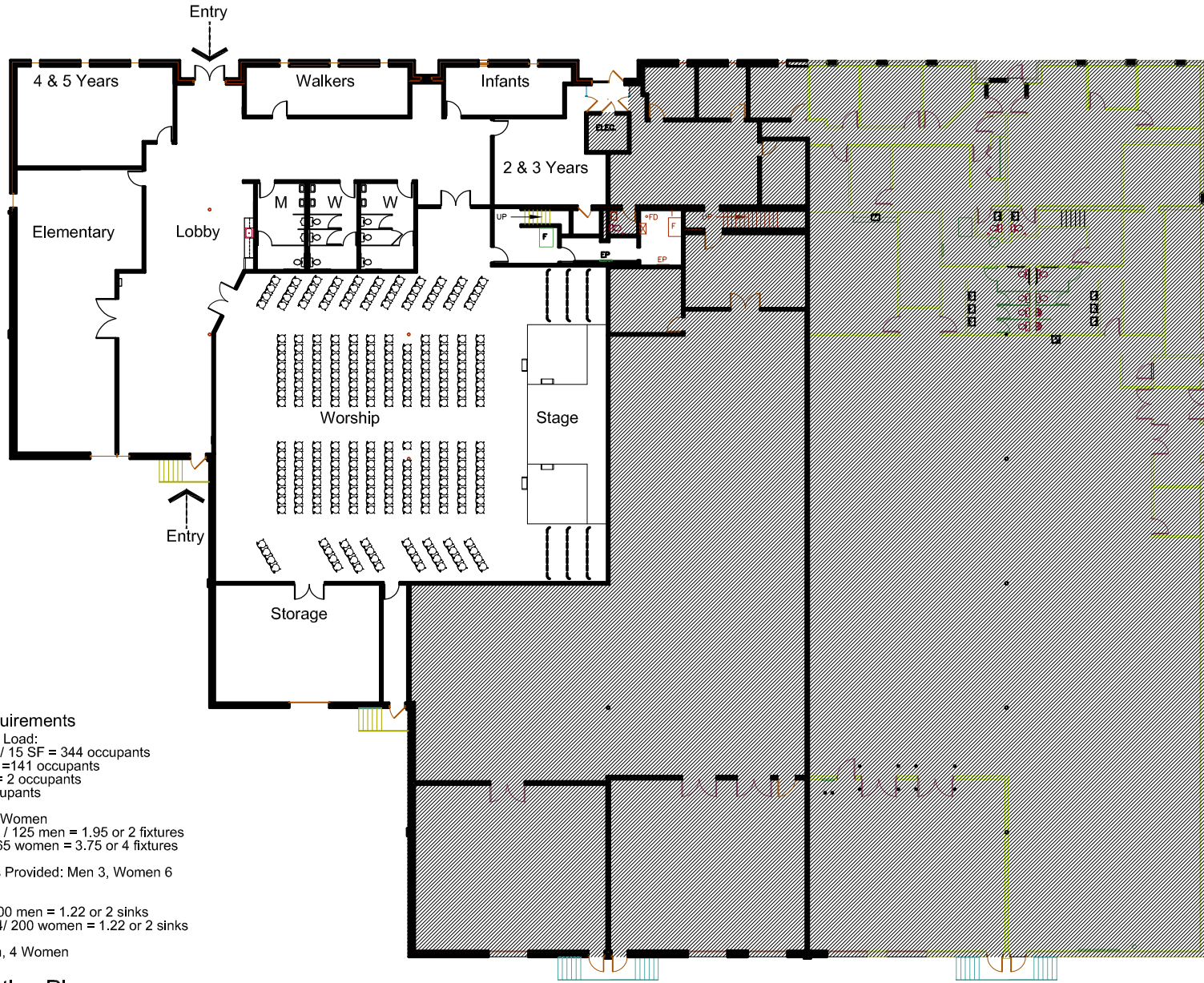
- NOTES ARE NUMBERED AS THEY APPEAR IN TABLE A OF MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS FOR CLARITY
- 3) SUBJECT PARCEL LIES WITHIN ZONE X (AREA DETERMINED TO BE OUTSIDE THE ANNUAL 0.2% ANNUAL CHANCE FLOODPLAIN) AS INDICATED ON FEMA FLOOD INSURANCE RATE INDEX MAP NO. 270173 0328 E. SUBJECT PARCEL LIES WITHIN FEMA FLOOD INSURANCE RATE MAP NO. 27053C0328E.
 - 4) AREA OF SUBJECT PARCEL: 182,795 SQ. FT. (4.196 ACRES)
 - 6A / 6B) ZONING INFORMATION WAS NOT PROVIDED BY THE INSURER.
 - 9) THERE ARE 144 STRIPED PARKING STALLS WITHIN THE SUBJECT PROPERTY. NONE ARE WERE DESIGNATED AS HANDICAPPED STALLS AT THE TIME OF FIELDWORK. ALSO, THERE IS A RECIPROCAL PARKING AGREEMENT WITH ADJACENT PARCELS (SEE SCHEDULE B ITEM #25)

SCHEDULE B - SECTION II EXCEPTION NOTES:

- 1-14 These exceptions are not survey related.
- 15) Easement for utilities and drainage as shown on the recorded plat of Minnetonka Industrial Park. (As shown on map)
16. Minerals and mineral rights reserved by the State of Minnesota as shown by recital on the Certificate of Title.. This exception is not able to be shown graphically.
- 17) Easement for water main purposes, in favor of the City of Minnetonka, as created in document dated August 4, 1975, filed January 29, 1976, as Document No. 1166600. (As shown on map)
- 18) Easement for sanitary sewer and water main purposes, in favor of the City of Minnetonka, as created in document dated August 4, 1975, filed June 24, 1976, as Document No. 1180387. (As shown on map)
- 19-20. (Do not affect this parcel)
- 21) Easement for storm sewer purposes, in favor of the City of Minnetonka, as created in document dated October 5, 1982, filed October 19, 1982, as Document No. 1485809. (As shown on map)
- 22-23. (Do not affect this parcel)
- 24) Easement for underground storm sewer line purposes, in favor of the City of Minnetonka, as created in document dated September 28, 1989, filed November 1, 1989, as Document No. 5590481. (As shown on map)
25. Terms and conditions of and easements contained in Easement for Parking dated December 31, 1996, filed April 2, 1997, as Document No. 6716411 (Abstract), and filed May 13, 1997, as Document No. 2809690 (Torrens). (Reciprocal parking easement - not able to be shown graphically)
- 26-30. (Do not affect this parcel)
- 31) Subject to the following matters shown on the survey of Parcel 3 prepared by Schoell & Madson, Inc., dated July 19, 1996, last revised January 10, 2002:
 - a. Encroachment of parking stalls over Northerly parking setback line.
 - b. Encroachment of five foot concrete walk onto water main easement created in Document No. 1166600.
 - c. Encroachment of bituminous surfaces into easement created in Document No. 1180387.
 - d. Encroachment of building over Northerly building setback line. (As shown on map)

P.I.D.: 21-117-22-21-0037
OWNER: CITY OF MINNETONKA

P.I.D.: 21-117-22-12-0042
OWNER: AM FUNDING COMPANY, INC



Plumbing Fixture Requirements

Code Calculated Occupant Load:
Worship Space: 5,150 SF / 15 SF = 344 occupants
Classrooms: 2,815 / 20 SF = 141 occupants
Storage: 920 SF / 500 SF = 2 occupants
Total Occupants = 487 occupants

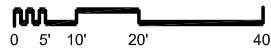
Assume 244 Men and 244 Women
Men toilet/urinal count: 244 / 125 men = 1.95 or 2 fixtures
Women toilet count: 244 / 65 women = 3.75 or 4 fixtures

Watercloset/Urinal Fixtures Provided: Men 3, Women 6

Lavatory requirements
Men lavatory count: 244/ 200 men = 1.22 or 2 sinks
Women lavatory count: 244/ 200 women = 1.22 or 2 sinks

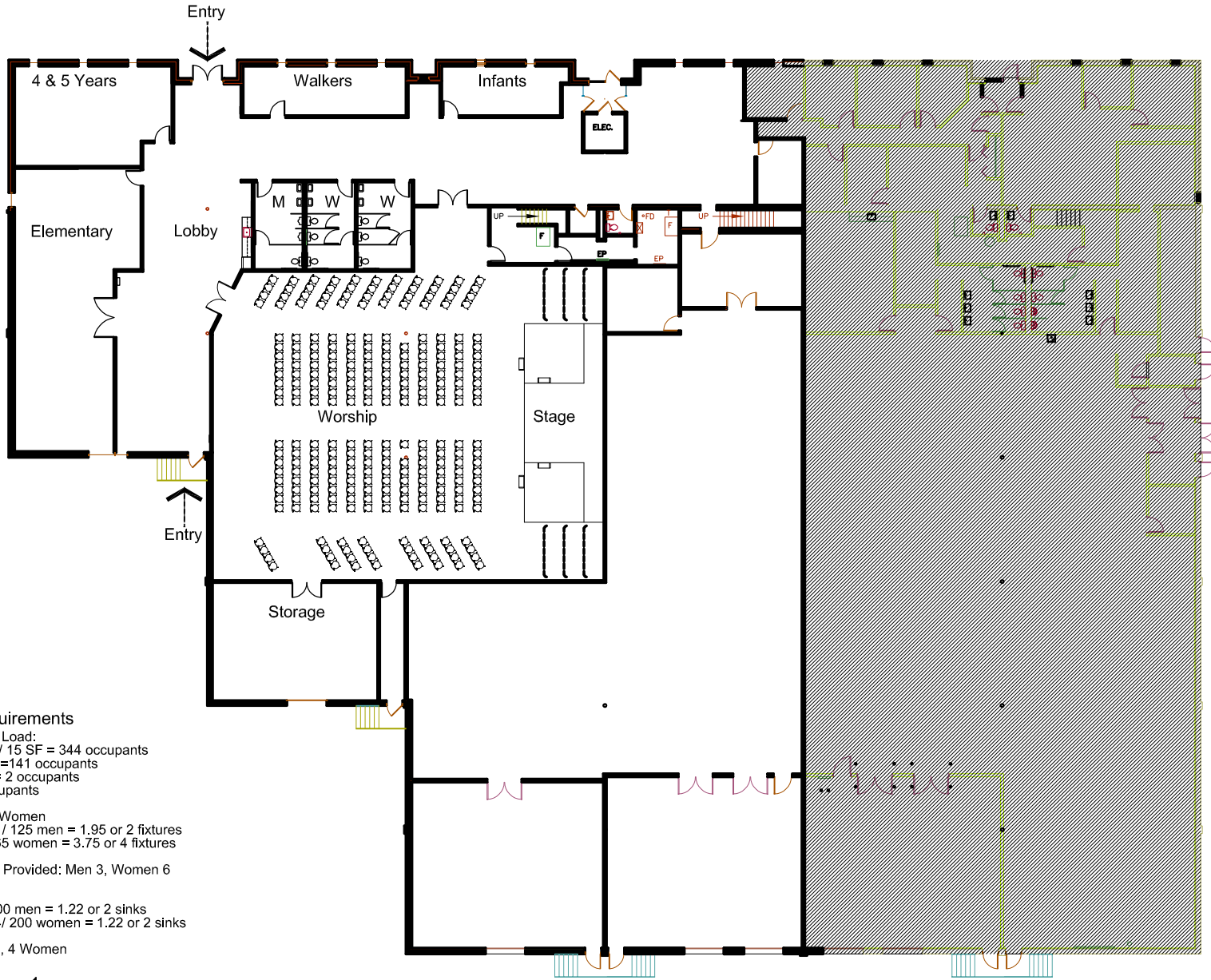
Lavatories Provided: 2 Men, 4 Women

Mercy Hill - Existing Plan



15408/15414 Minnetonka Industrial Blvd.





Plumbing Fixture Requirements

Code Calculated Occupant Load:
 Worship Space: 5,150 SF / 15 SF = 344 occupants
 Classrooms: 2,815 / 20 SF = 141 occupants
 Storage: 920 SF / 500 SF = 2 occupants
 Total Occupants = 487 occupants

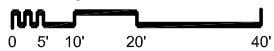
Assume 244 Men and 244 Women
 Men toilet/urinal count: 244 / 125 men = 1.95 or 2 fixtures
 Women toilet count: 244 / 65 women = 3.75 or 4 fixtures

Watercloset/Urinal Fixtures Provided: Men 3, Women 6

Lavatory requirements
 Men lavatory count: 244 / 200 men = 1.22 or 2 sinks
 Women lavatory count: 244 / 200 women = 1.22 or 2 sinks

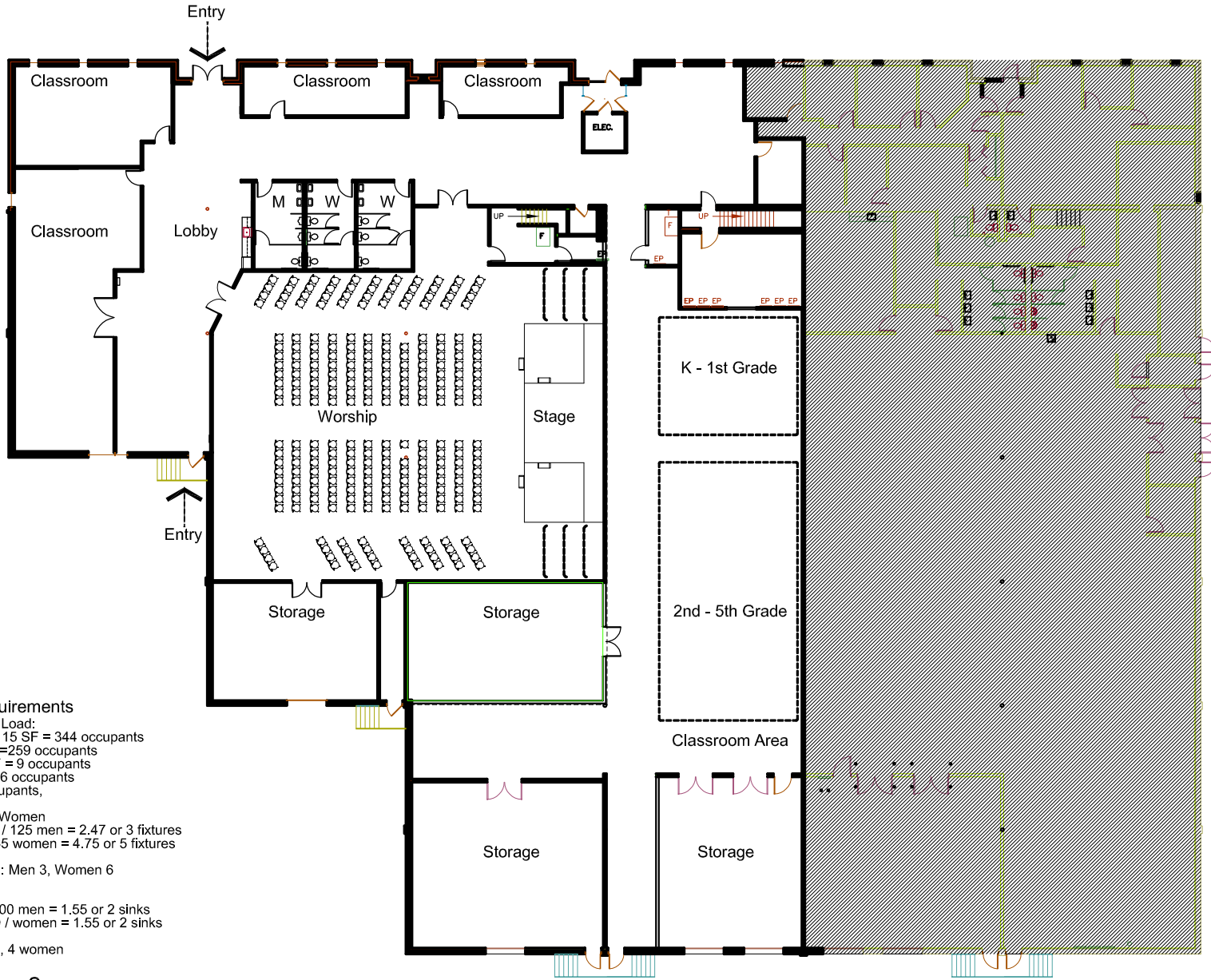
Lavatories Provided: 2 Men, 4 Women

Mercy Hill - Phase 1



15408/15414 Minnetonka Industrial Blvd.





Plumbing Fixture Requirements

Code Calculated Occupant Load:
 Worship Space: 5,150 SF / 15 SF = 344 occupants
 Classrooms: 5,165 / 20 SF = 259 occupants
 Storage: 4,135 SF / 500 SF = 9 occupants
 Office: 100 SF / occupant = 6 occupants
 Total Occupants = 618 occupants,

Assume 309 Men and 309 Women
 Men toilet/urinal count: 309 / 125 men = 2.47 or 3 fixtures
 Women toilet count: 309 / 65 women = 4.75 or 5 fixtures

Plumbing Fixtures Provided: Men 3, Women 6

Lavatory Requirements
 Men lavatory count: 309 / 200 men = 1.55 or 2 sinks
 Women lavatory count: 309 / women = 1.55 or 2 sinks

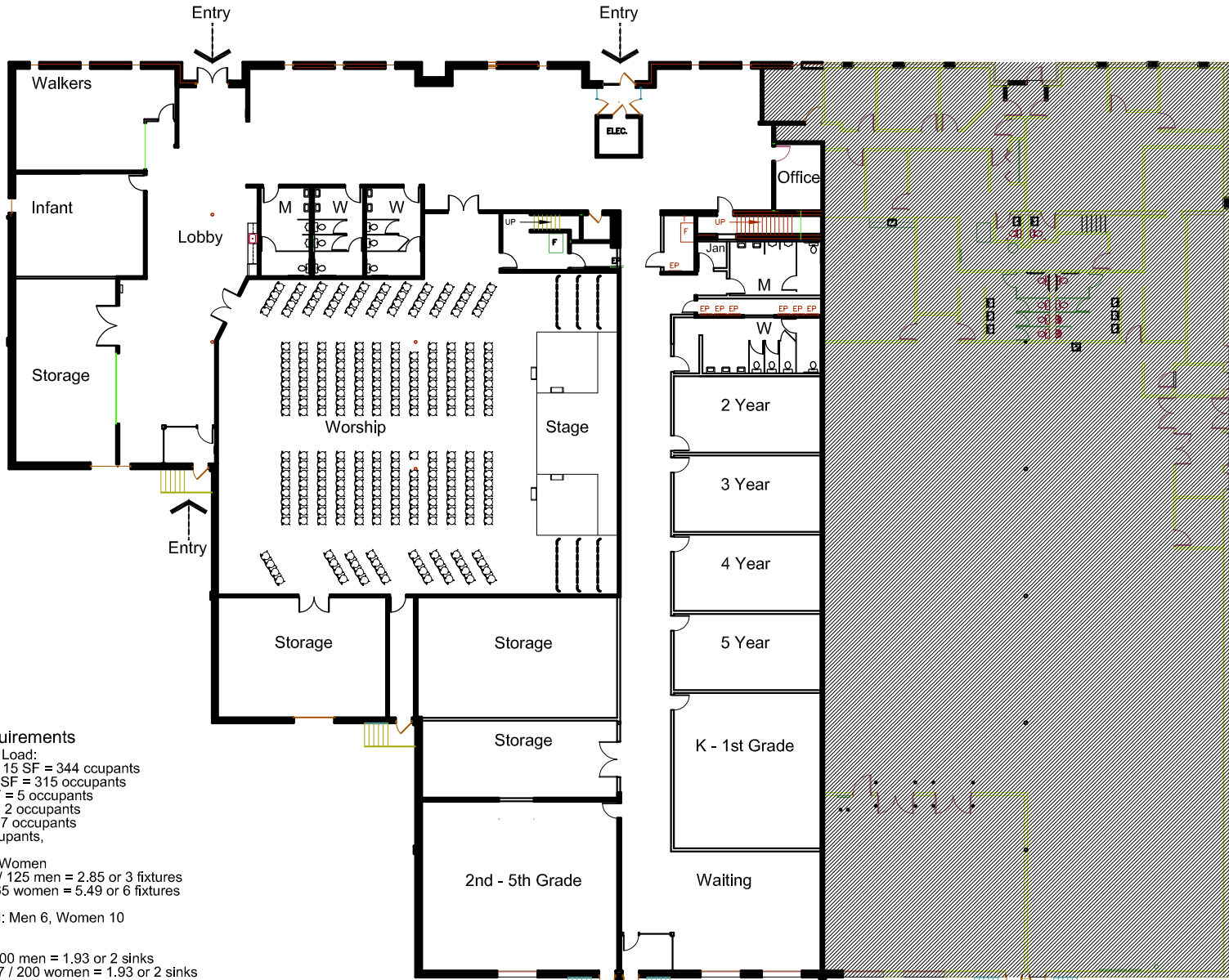
Lavatories Provided: 2 men, 4 women

Mercy Hill - Phase 2



15408/15414 Minnetonka Industrial Blvd.





Plumbing Fixture Requirements

Code Calculated Occupant Load:
 Worship Space: 5,150 SF / 15 SF = 344 occupants
 Classrooms: 6,305 SF / 20 SF = 315 occupants
 Storage: 2,440 SF / 500 SF = 5 occupants
 Office: 100 SF / occupant = 2 occupants
 Waiting: 695 SF / 15 SF = 47 occupants
 Total Occupants = 713 occupants,

Assume 357 Men and 357 Women
 Men toilet/urinal count: 357 / 125 men = 2.85 or 3 fixtures
 Women toilet count: 357 / 65 women = 5.49 or 6 fixtures

Plumbing Fixtures Provided: Men 6, Women 10

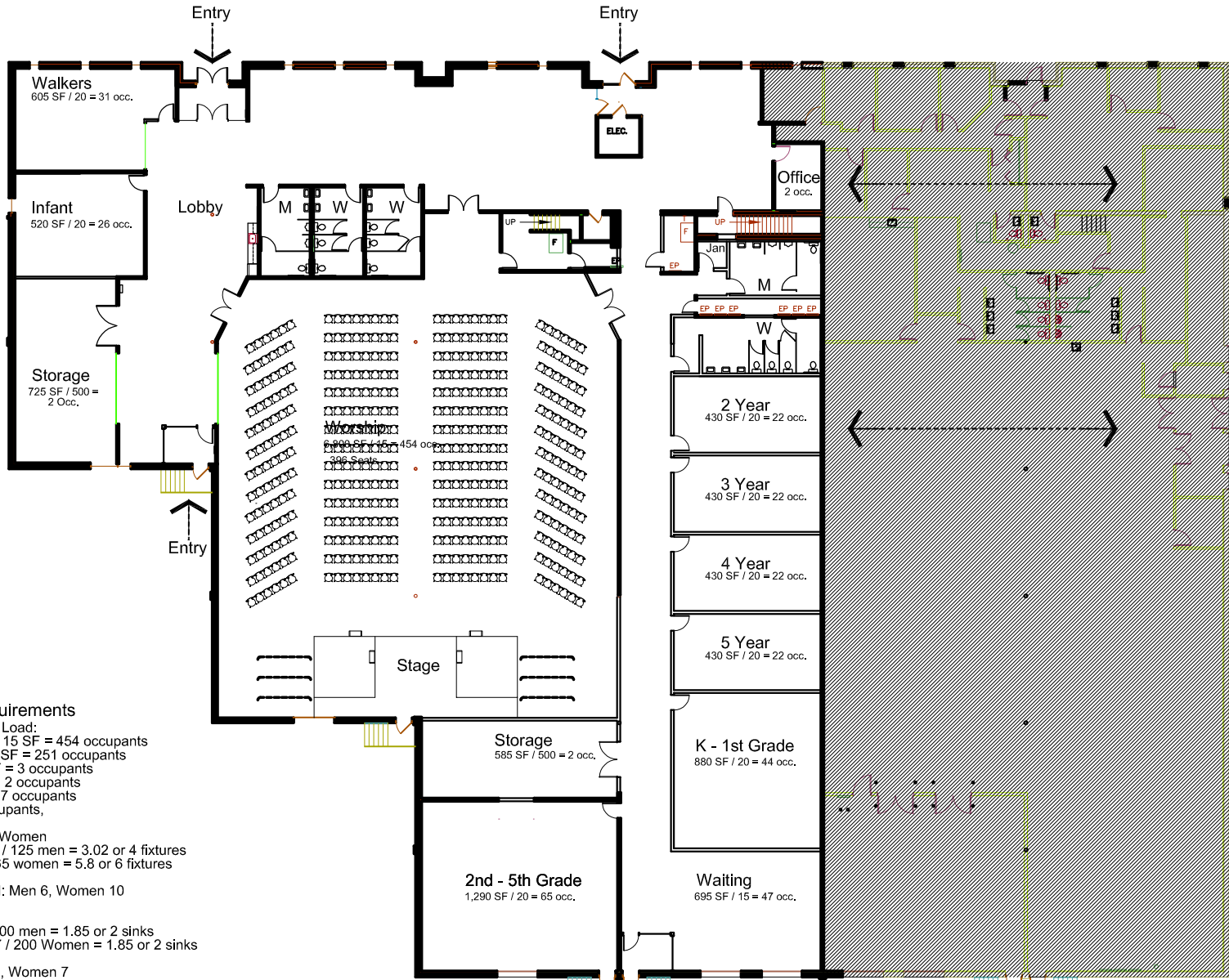
Lavatory requirements
 Men lavatory count: 357 / 200 men = 1.93 or 2 sinks
 Women lavatory count: 357 / 200 women = 1.93 or 2 sinks

Mercy Hill - Phase 3



15408/15414 Minnetonka Industrial Blvd.





Plumbing Fixture Requirements

Code Calculated Occupant Load:
 Worship Space: 6,800 SF / 15 SF = 454 occupants
 Classrooms: 5,015 SF / 20 SF = 251 occupants
 Storage: 1,310 SF / 500 SF = 3 occupants
 Office: 100 SF / occupant = 2 occupants
 Waiting: 695 SF / 15 SF = 47 occupants
 Total Occupants = 755 occupants,

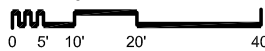
Assume 377 Men and 377 Women
 Men toilet/urinal count: 377 / 125 men = 3.02 or 4 fixtures
 Women toilet count: 377 / 65 women = 5.8 or 6 fixtures

Plumbing Fixtures Provided: Men 6, Women 10

Lavatory requirements
 Men lavatory count: 377 / 200 men = 1.85 or 2 sinks
 Women lavatory count: 377 / 200 Women = 1.85 or 2 sinks

Lavatories Provided: Men 4, Women 7

Mercy Hill - Phase 4



15408/15414 Minnetonka Industrial Blvd.



Resolution No. 2017-118

Resolution approving a conditional use permit for a religious institution at 15414 Minnetonka Industrial Road

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

Section 1. Background.

- 1.01 Mercy Hill Church has requested a conditional use permit for a religious institution within the existing building at 15414 Minnetonka Industrial Road. The church would occupy space within the southerly of two buildings located on the subject property.
- 1.02 The subject property is legally described as:
- That part of Lot 3, Block 1, which lies Northerly of a line 271.00 feet Southerly of measured at right angles to and parallel with the Northerly line of said Lot 3 and also that part of the East 47.00 feet of said Lot 3 which lies Southerly of a line 271.00 feet Southerly of measured at right angles to and parallel with the Northerly line of said Lot 3 and which lies Northerly right-of-way line of Minnetonka Industrial Road as dedicated in Minnetonka Industrial Park, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Title in and for said County.
Torrens Property
Torrens Certificate No. 1079923
- 1.03 City Code §300.20, Subd. 4 allows public buildings as conditional use within the I-1 zoning district.
- 1.04 City Code §300.20, Subd. 4(l) allows “other uses similar to those permitted within this section, as determine by the city” as conditional uses within the I-1 zoning district.

- 1.05 The proposed religious institution would be similar to a public building, as it is a place where a group of people gather at a specified time for a specific purpose.
- 1.06 On September 20, 2017, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.
- Section 2. Standards.
- 2.01 City Code §300.21 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.
- 2.02 City Code §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:
1. Site and building plan pursuant to section 300.27 of this ordinance.
- 2.03 City Code §300.27, Subd. 5, outlines that the following must be considered in the evaluation of site and building plans:
1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
 2. Consistency with this ordinance;
 3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes in keeping with the general appearance of neighboring developed or developing areas;
 4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
 5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

- a) An internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
- b) The amount and location of open space and landscaping;
- c) Materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent neighboring structures and uses; and
- d) Vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior

Section 3. Findings.

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

3.02 The proposal meets the specific conditional use permit standards outlined in City Code §300.21 Subd.3(m).

- 1. The proposal has been reviewed by the city’s building, engineering, planning, natural resources, and fire staff to ensure consistency with the city’s development guides.
- 2. The proposal is consistent with the ordinance. The proposal meets all general and specific conditional use permit standards and the anticipated parking demand could be accommodated onsite.
- 3. No exterior modifications to the building or site are proposed at this time. All changes would be interior to the building.

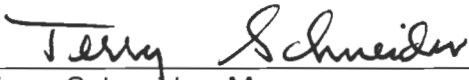
Section 4. City Council Action.

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

- 1. This resolution must be recorded with Hennepin County.
- 2. Religious institution occupancy must substantially comply with the area identified on the Fit Plan, dated July 31, 2017.
- 3. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.

4. The city council may reasonably add or revise conditions to address any future unforeseen problems.
5. Any change to the approved use, including an increase in the area occupied, that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 9, 2017.



Terry Schneider, Mayor

Attest: 

David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption: Wiersum

Seconded by: Bergstedt

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

Voted against:

Abstained:

Absent: Allendorf

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on October 9, 2017.

David E. Maeda, City Clerk

Resolution No. 2021-

Resolution repealing and replacing Resolution No. 2017-118 for a conditional use permit, with a parking variance, for a religious institution at 15408 and 15414 Minnetonka Industrial Road

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

Section 1. Background.

1.01 On Oct. 9, 2017, the city council approved Resolution No. 2017-118 for a conditional use permit for a religious institution at 15414 Minnetonka Industrial Road.

1.02 Mercy Hill Church has requested an amendment to expand the religious institution into the adjacent tenant space. The request requires a conditional use permit and a parking variance from 298 spaces to 242 spaces.

1.03 The property is located at 15408 and 15414 Minnetonka Industrial Road. It is legally described as:

That part of Lot 3, Block 1, which lies Northerly of a line 271.00 feet Southerly of measured at right angles to and parallel with the Northerly line of said Lot 3 and also that part of the East 47.00 feet of said Lot 3 which lies Southerly of a line 271.00 feet Southerly of measured at right angles to and parallel with the Northerly line of said Lot 3 and which lies Northerly right-of-way line of Minnetonka Industrial Road as dedicated in Minnetonka Industrial Park, Hennepin County, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Title in and for said County.

Torrens Property

Torrens Certificate No. 1079923

1.04 On Jan. 25, 2021 the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 By City Code 300.20, Subd. 4, public buildings are conditionally permitted uses within the I-1 zoning district. By the same code, "other uses similar" to those

conditionally permitted uses outlined are also conditional uses.

- 2.02 By Code 300 and City Code §300.21 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.
- 2.03 City Code §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit for public buildings:
1. Site and building plan pursuant to Section 300.27 of this ordinance.
- 2.04 By City Code §300.07 Subd.1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

- 3.01 The proposed religious institution is similar to public buildings in which large groups gather at specific times for a specific purpose.
- 3.02 The proposal would meet the general conditional use permit standards outlined in City Code §300.21 Subd. 2.
- 3.03 The proposed expansion would continue to meet the specific conditional use permit standards outlined in City Code §300.21 Subd. 3(m).
1. The proposal has been reviewed by the city's building, engineering, planning, natural resources, and fire staff to ensure consistency with the city's development guides.
 2. But for the parking variance, the proposal would be consistent with the ordinance. Further, the parking variance is reasonable as the proposed uses are complementary and would experience varied peak parking demand times.
 3. No external modifications to the property are proposed as part of the expansion.
 4. All proposed changes are internal to the building. As such, the proposed expansion would not change the site's visual appearance.
 5. The applicant is not proposing any site or exterior building improvements at this time. As such, there would be negative impacts to existing open

space on the property.

6. Building permits, and plans meeting the minimum energy code, would be required.
7. The expansion of the religious institution would be complementary to the existing use and the immediate area. The proposal would not have any negative impact on adjacent or neighboring properties.

3.04 The proposed expansion would meet the variance standard as outlined in City Code §300.07, Subd. 1:

1. Intent of the ordinance: The intent of the ordinance as it relates to parking requirements is to ensure that adequate parking is provided to meet anticipated parking demands. Based on ITE standards, the varied uses within the two buildings on the property would be complementary and would experience peak parking demands at varied times. While the city does not anticipate parking issues, if issues should arise in the future there are opportunities for shared parking agreements within the area.
2. Consistency with the comprehensive guide plan: One of the overall themes outlined in the guide plan is to “provide development opportunities to increase vitality, promote identity, and improve livability.” The requested variance would allow for the reuse of a currently vacant space.
3. There are practical difficulties in complying with the ordinance:
 - a) Reasonable and unique circumstance: The requested variance is reasonable. Based on ITE standards, the users of the property are complementary and would experience varied peak parking demands. While it is not anticipated that there will any parking issues, there are opportunities for shared parking within the industrial park.
 - b) Character of the locality: The requested variance would not significantly impact the character of the locality. Rather, the variance would allow for reuse of a currently vacant space and the reasonable expansion of an existing use.

Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.
2. A building permit is required. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.

3. The building must substantially comply with the phased plans dated Dec. 8, 2020.
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 a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Feb. 8, 2021.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Feb. 8, 2021.

Becky Koosman, City Clerk

Minnetonka Planning Commission Meeting

Agenda Item 9

Other Business

MINNETONKA PLANNING COMMISSION
Jan. 21, 2021

Brief Description: Presentation of the Opus Alternative Urban Areawide Review (AUAR)

Recommended Action: Receive the report and public input

Background

The Opus area was developed in the 1970s with the vision of becoming a walkable live/work community with a range of housing and employment options. Many of the original vision's commercial goals have come to fruition, but until more recently, a limited amount of housing was built. The business park, along with much of its infrastructure, is nearing 40 years old and is experiencing new development pressure due to light rail and the desirability of living and working in Minnetonka.

The city was aware that the age of the existing buildings and the introduction of light rail would bring redevelopment interest and investment. To that end, the city has been working on comprehensive planning for land use guidance, capital improvement planning for infrastructure improvements, creation of new public space designs, public realm guidelines and now, environmental review.

The most recent redevelopment investments have been the Dominion and Rize Apartment buildings. Since 2018, 814 new housing units have either been built or are now under construction. Currently, several developers have provided preliminary concepts for redeveloping various parcels within Opus, which envisions 1,400 new prospective housing units (with proposals under or about to be under review). Additional commercial and retail development is also anticipated.

Currently, Opus contains approximately 135 businesses, 14,000 employees, and is home to over 2,000 existing residents.

Alternative Urban Areawide Review (AUAR)

If the proposed redevelopment projects occur, the development could trigger state-required Environmental Assessment Worksheet studies (EAW's) for each development, depending on each size. Conducting separate environmental assessments is inefficient and doesn't seem to address issues more holistically. A more coordinated, consistent evaluation helps review all items affected by the proposed development. The study allows governments to understand the cumulative environmental and infrastructure implications of projected development scenarios within a given area and provides measures for mitigating those impacts.

The analysis is in-depth and reviews potential issues in the following areas:

- Land use
- Grasslands, wetlands, woodlands, etc.
- Fish, wildlife, and ecologically sensitive resources

- Water resources and water use
- Wastewater and stormwater impacts
- Traffic
- Soil conditions
- Emissions
- Dust, odor, noise
- Historic preservation
- Visual impacts
- Compatibility with existing plans

The AUAR analysis produces a mitigation plan. The mitigation plan identifies methods to avoid, minimize, or mitigate identified environmental or infrastructural impacts as future development takes place. Future development projects' conformance with the AUAR mitigation plan should not require the need to conduct an additional environmental review, as the AUAR satisfies the thresholds for environmental review as required by the state. This process does not circumvent the city's development review process and other engineering and land use analyses. Any future project proposal within Opus will be required to go through the city's development review process.

The study bases its findings on two development scenarios within Opus. The first scenario, which serves as a baseline, is projected development within Opus, as outlined in the 2040 Comprehensive Plan. The second, more "intensive" scenario anticipates development within Opus that exceeds the 2040 Comprehensive Plan projections.

A project page on the city's website for the [Opus AUAR](#) provides information about the study. A [draft](#) of the study is also available for review.

Project Timeframe

The entire AUAR process must be completed within 120 days of the first submission to the Minnesota Environmental Quality Board (EQB) for review. Because of the complexity of the study, it is not feasible to complete the study within 120 days as required. While conducting an AUAR it is common for cities to complete a majority of the analysis before formally requesting the study. This allows an adequate level analysis and adherence to the 120 day timeframe. The city council ordered the study at its Oct. 12, 2020 regular meeting.

The draft AUAR report was distributed to various state and federal agencies and posted for public comment. This action begins the 120 day completion period. An outline of the steps in the process is below.

- City council orders the preparation of an AUAR for Opus.
- The draft AUAR is distributed to the Minnesota Environmental Quality Board (EQB) to undergo review by federal and state agencies and posted to the City website for public viewing.
- 30 day public comment period begins.
- Staff will hold public comment forums (online) to gather feedback within the 30 day comment period (not required as part of the process).
- 30 day public comment period ends; any received comments will be responded to in an updated AUAR report.

- The report is resubmitted to the EQB for further review.
- 10 day public comment period begins.
- Any additional comments are incorporated in the final report.
- Final report brought before Planning Commission for review and hear additional public comment (not a required part of the official process).
- City council approves the final AUAR and Mitigation Plan for the Opus area. (Feb. 8, 2021).

An AUAR analysis is valid for five years. Once the five year period has elapsed, an update is required.

Discussion

For the planning commission meeting, staff will overview the key areas of the draft AUAR. Although the planning commission has no formal role in the AUAR review process, future development proposals for review by the commission will be guided by information in the document. For that reason, it is important that the commission have a basic understanding of the AUAR as it provides environmental analysis and information that can be used to inform local planning and zoning decisions.

Recommendation

Staff recommends the planning commission receive the report and any public comment that may be provided.

Originator: Loren Gordon, AICP, City Planner
Rob Hanson, Economic Development Coordinator

Attachments

- AUAR Process Steps FAQ
- Resident comments received



Quick Reference: Alternative Urban Areawide Review (AUAR)

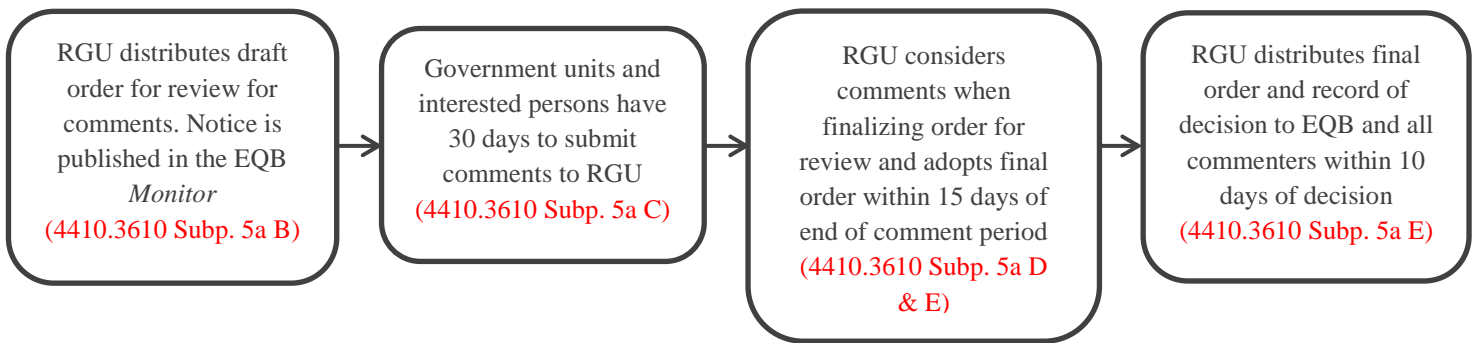
The AUAR process is a hybrid of the Environmental Assessment Worksheet (EAW) and Environmental Impact Statement (EIS) review processes. Responsible Governmental Units (RGU) can use an AUAR as a planning tool to understand how different development scenarios will affect the environment of their community before the development occurs. The process is designed to look at the cumulative impacts of anticipated development scenarios within a given geographic area. The AUAR document uses a list of questions adapted from the EAW form, but provides a level of analysis of typical urban area impacts comparable to an EIS. Environmental analysis information from an AUAR can be used to inform local planning and zoning decisions. This quick reference guide is meant to provide a brief overview of the AUAR process and the steps required to successfully complete an AUAR. For more detailed guidance on properly preparing an AUAR, please see the [Recommended Content and Format Guide](#) on the Environmental Quality Board (EQB) website.

Please note that this quick reference guide is not intended to substitute for [Minnesota Rules 4410](#). It is designed to help RGUs and others implement the environmental review process more effectively and efficiently. The guide does not alter the rules or change their meaning; if any inconsistencies arise between this guide and the rules, the rules take precedent. Please contact EQB Staff with any questions at Env.Review@state.mn.us or 651-757-2873.

Additional First Steps in AUAR Process for Certain Specific Large Projects (Minnesota Rules 4410.3610, Subpart 5a)

Note: If you do not have a large project that meets the criteria described below, please see the AUAR Process Steps on page two.

The 2009 Minnesota Rule amendments added additional required steps at the beginning of the AUAR process if the review will cover any specific projects that meet mandatory Environmental Impact Statement (EIS) requirements or comprise at least 50 percent of the geographic area to be reviewed. These steps include a public comment period on the scope of the AUAR review, specifically on the development scenarios and relevant issues to be covered. These steps must occur before a final order for review can be adopted.

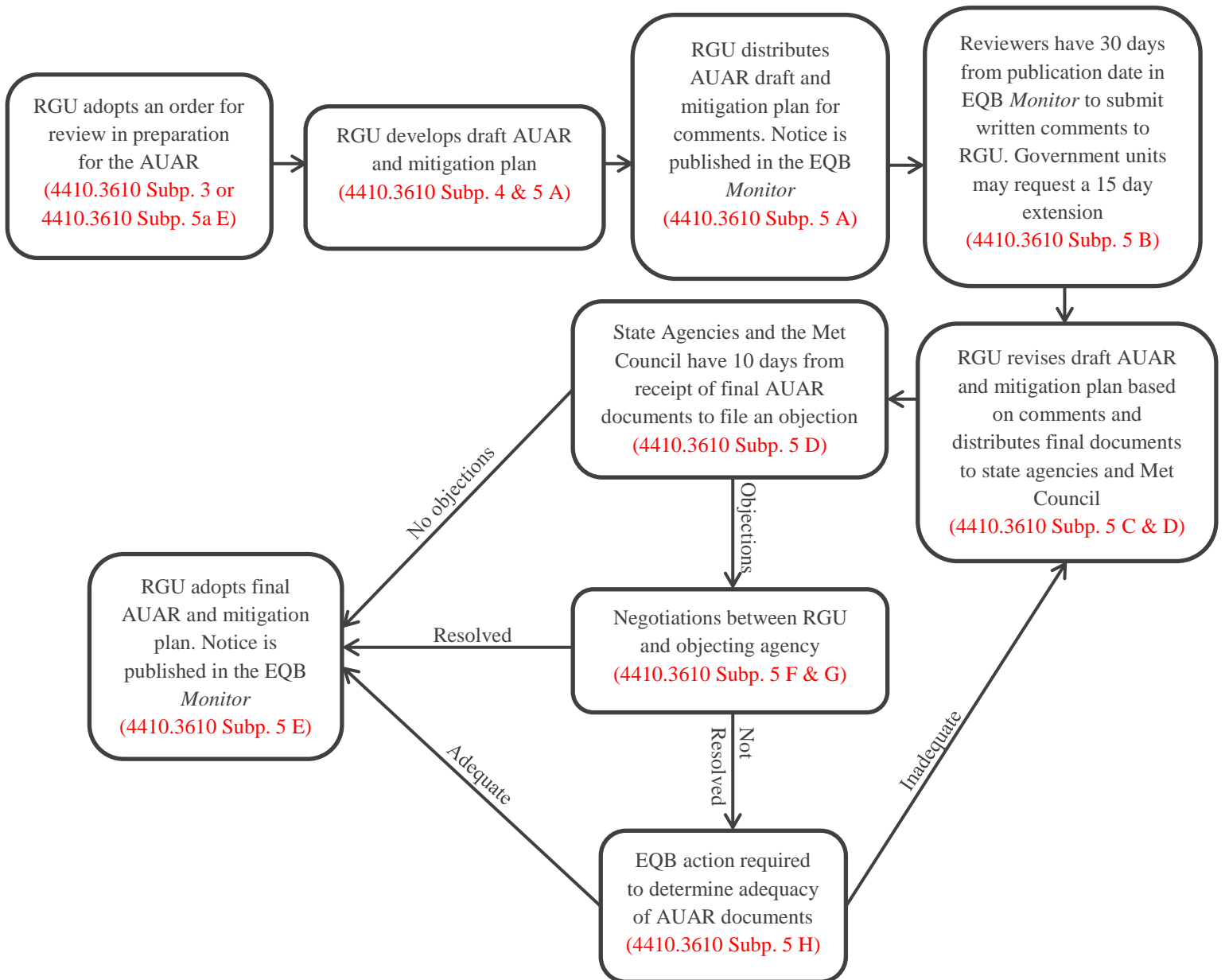




AUAR Process Steps

(Minnesota Rules 4410.3610, Subparts 3-5)

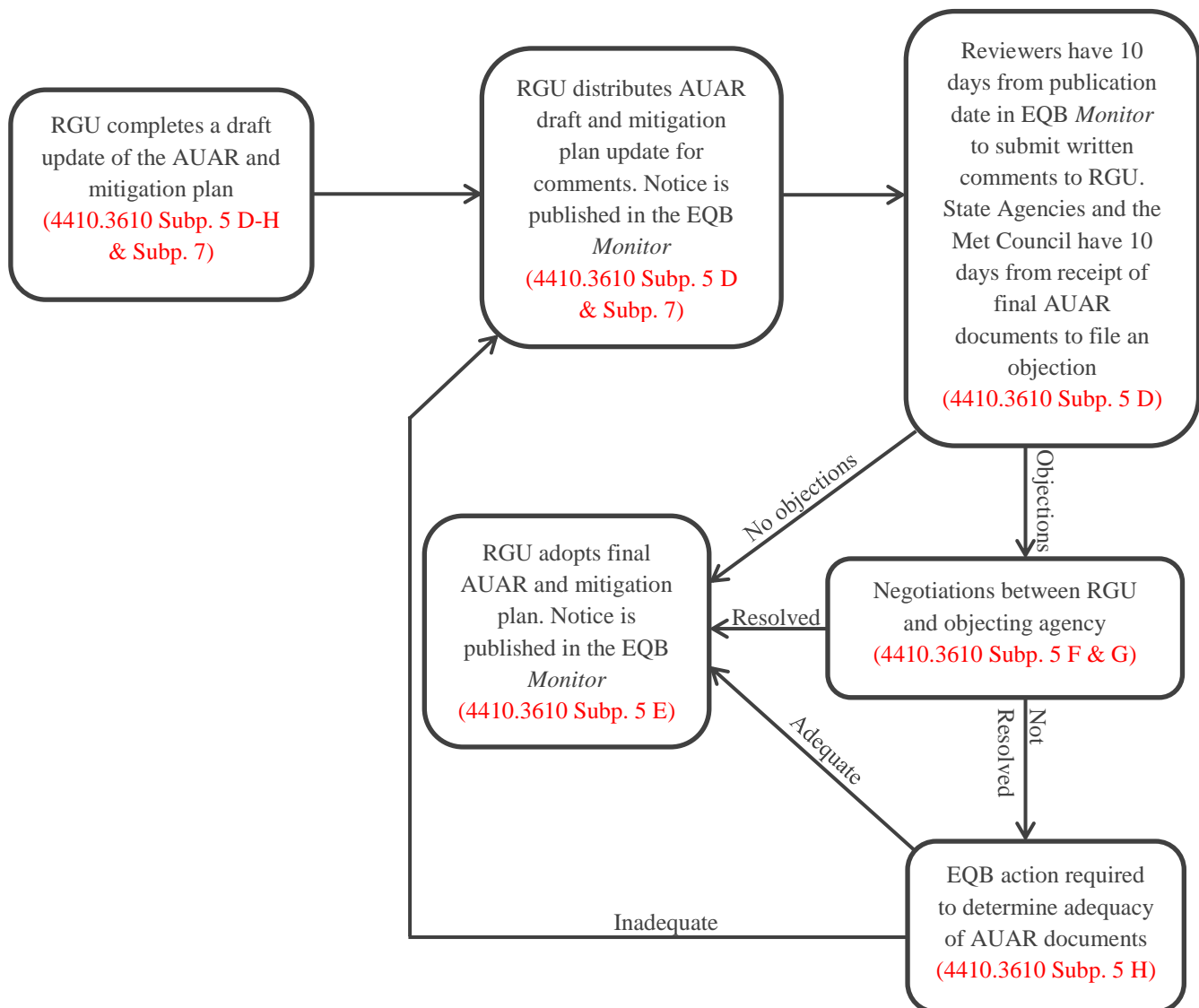
Unless the AUAR includes additional first steps due to a large specific project as detailed on page one, the first step of the AUAR process is the adoption of an order for review by the RGU. The draft and final AUAR, along with the mitigation plan, are prepared and distributed for comments to ensure adequate review. A process for appeal to the EQB can be invoked by state agencies and the Metropolitan Council.



AUAR Update Process Steps

(Minnesota Rules 4410.3610 Subpart 7)

Minnesota Rules provide guidance on the circumstances that require an AUAR update. Regardless of any significant changes, the AUAR must be updated every five years until all of the development in the area has been approved. An AUAR update is generally a faster process than starting a new AUAR since the update process does not require a complete revision of the AUAR document. Instead, the update process requires that the AUAR document, along with the mitigation plan, be updated to the extent necessary to reflect the changes that have occurred in the area included in the review. The updated documents are distributed in a manner similar to a final AUAR except that the documents must be sent to all parties listed on the EAW distribution list and a notice must be published in the EQB *Monitor*. The process for appeal to the EQB can still be invoked by state agencies and the Metropolitan Council as in the normal AUAR process.



Comment	Response
We certainly support this development in any form you eventually decide. City's need to grow and adapt to continue to be vibrant. - Regards, Dayton & Kristy Reardan	Thank you for your comments on this study.
Thanks for sharing the plan. I like the expansion of bike trails to and through the development. The advances in E-bikes will help pull more residents from their cars on the streets to the trails on their bikes. – Jay Henry	Thank you for your comments. The city recognizes the benefit of the trail system within Opus and throughout the city. In 2019 the City Council passed a franchise fee increase to further expand the trail network. Additionally, as indicated in the cities capital improvement plan, the Opus trail system is slated to undergo needed maintenance.
Hi. I'm impressed with the incredible depth of this study. Have you considered making a short power point type presentation that hits some of the general highlights? I think that would help those of us that would like an overview without the detail. Thanks for all your hard work on this massive project. – Karen Mattson	Thank you for your comments on this study. An executive summary of the report will be available for public viewing on the project page: https://www.minnetonkamn.gov/services/projects/development-studies/opus-auar-study

Thank you for the opportunity to comment on the Opus AUAR study. I read the report which focused primarily on the environmental impact of the project.

I want to address the number and type of affordable housing units included in the development plans.

The Opus development provides the City of Minnetonka an opportunity to create a large number of affordable and workforce housing. I do want to point out that I believe affordable housing should be throughout the entire city not just confined to the Opus development.

I believe it's important to have adequate housing for all of the people of modest incomes who work in and serve our community. The proposed businesses include two hotels, retail, restaurants and daycare. It makes sense for those employed in these areas to have affordable housing nearby. I think it would be great if employees could walk to work and imagine the positive environmental impact too!

At first glance I was in favor of Scenario #1 but after further contemplation I think Scenario #2 with greater density would allow for more housing and specifically more affordable housing. If Scenario #1 is implemented, I would encourage the city and developers to commit to a greater number of affordable units at lower percentages of AMI such as 50% and 30% AMI. If Scenario #2 is chosen I again would encourage 30%-50% AMI. (we are in the midst of a housing crisis).

As a member of the Minnetonka Community Housing Team, I urge the Minnetonka City Staff and council members to consider my input when moving forward with the Opus Housing Developments. Our housing team would be interested in further discussion with the council and staff.

Thank you for your consideration in this very important matter.

Cynthia F Jung
Minnetonka Community Housing Team
(Private address: 18505 Spring Crest Drive Minnetonka 55345)

Thank you for your comments. The City of Minnetonka shares your belief in prioritizing affordable housing not just in Opus but throughout the city. The City Council passed the Affordable Housing Policy in July 2019 which establishes procedures for future multifamily developments and lays out requirements for housing at 50%, 60%, or 80% AMI.

This policy was instrumental in the creation of affordable units in multifamily projects located near Ridgedale Mall and Shady Oak Light Rail Station.

Thanks for the opportunity to comment on the Opus AUAR study and the environmental impacts of the two possible development scenarios. As a member of the Minnetonka Community Housing Team, I want to comment on the number and type of affordable housing units included in the development plans. The Opus development provides the City of Minnetonka a unique opportunity to create an expansive amount of affordable and “workforce” housing.

We believe it is essential to have adequate housing for all of the people of modest income who work in and serve our city. With the local businesses that will be created, it makes sense to have people able to live nearby.

Our group is inclined to support Scenario #2 because greater density would allow for more housing and more affordable housing. If Scenario #1 is pursued by the city, we urge the inclusion of a higher percentage of affordable housing per development, and a commitment to more affordable units at lower percentages of AMI. Given Minnetonka’s AMI, defining 80% of AMI as affordable excludes the majority of people looking for affordable housing, including many of the people we need to be part of our local workforce.

We urge the Minnetonka City Staff to consider our comments when moving forward with the Opus Housing Developments. This development affords the City of Minnetonka a once in a generation opportunity to pursue affordable housing and to use the city's resources to enact the value of inclusion. We are more than willingly to hold a private conversation and plan on voicing support at the upcoming City Council meeting.

Yours truly,
Cindy Reich
Minnetonka resident (27 years)
Member, Minnetonka Community Housing Team

10910 Sumac Lane, Ward 2, 55305
(952) 239-5032

Thank you for your comments. Minnetonka believes in the importance of affordable housing options across many income groups. For example, the city provided assistance for the Dominion project because it included workforce and senior units affordable to those making 60% AMI.

Dear Mr. Hanson,

I am a resident of Minnetonka and a member of the Minnetonka Community Housing Team. It is critically important for the city of Minnetonka to plan for adequate affordable housing for people of modest income who work in and serve our city. The Opus development is clearly a unique opportunity for our city to incorporate affordable workforce housing into a plan that already addresses environmental concerns and business opportunities in a transportation hub area.

Along with the other members of our housing team, I support Scenario #2 in the Opus AUAR Study because greater density would allow for more affordable housing, especially at the 30% to 50% AMI level that is most needed in order to allow teachers, police officers, firefighters, health care workers and low-income workers to be able to afford to live in Minnetonka close to where they work.

Thank you for the opportunity to comment on this aspect of Minnetonka's development planning.

Sally Bressler
2465 Crowne Hill Rd.
55305

Thank you for your comments on the study. Minnetonka believes in the importance of affordable housing options across many income groups.

To: Rob Hanson, Economic Development Coordinator – City of Minnetonka

Re: Opus AUAR Study

Dear Mr. Hanson,

Thank you for the opportunity to comment on the Opus AUAR study. I am a member of the Minnetonka Community Housing Team and the Employment Consultant/Housing Advocate at ICA Food Shelf in Minnetonka.

Beyond the environmental issues addressed in the AUAR report, the housing team wants to comment on the number and type of affordable housing units included in the development plans. The Opus development provides the City of Minnetonka a unique opportunity to create an expansive amount of affordable and “workforce” housing.

We believe it is essential to have adequate housing for all of the people of modest income who work in and serve our city. With the local businesses that will be created, it makes sense to have people able to live nearby.

Our group is inclined to support Scenario #2 because greater density would allow for more housing and more affordable housing. If Scenario #1 is pursued by the city, we urge the inclusion of a higher percentage of affordable housing per development, and a commitment to more affordable units at lower percentages of AMI. Given Minnetonka’s AMI, defining 80% of AMI as affordable excludes the majority of people looking for affordable housing, including many of the people we need to be part of our local workforce.

We urge the Minnetonka City Staff to consider our comments when moving forward with the Opus Housing Developments. We are more than willingly to hold a private conversation and plan on voicing support at upcoming Minnetonka City Council meetings.

Thank you for your consideration.

Kerri

Kerri K Fischer | she/her

Kerri K Fischer | Employment Consultant/Housing Advocate

Thank you for your comments. The city is committed to providing a range of housing options within Opus affordable across income groups.

Between 2021 and 2030 the city has established a preliminary goal of creating 1,064 new affordable units.

<p>ICA FOOD SHELF Direct: 952.279.0286; 612.567.9941 ICA Main: 952.938.0729 icafoodshelf.org/employment-assistance</p> <p>Follow employment on facebook, twitter & Instagram</p>	
<p>To: Rob Hanson, Economic Development Coordinator – City of Minnetonka</p> <p>Re: Opus AUAR Study</p> <p>Dear Mr. Hanson,</p> <p>Thank you for the opportunity to comment on the Opus AUAR study. I am a resident of Minnetonka and a member of the Minnetonka Community Housing Team.</p> <p>Beyond the environmental issues addressed in the AUAR report, the housing team wants to comment on the number and type of affordable housing units included in the development plans. The Opus development provides the City of Minnetonka a unique opportunity to create an expansive amount of affordable and “workforce” housing.</p> <p>We believe it is essential to have adequate housing for all of the people of modest income who work in and serve our city. With the local businesses that will be created, it makes sense to have people able to live nearby.</p> <p>Our group is inclined to support Scenario #2 because greater density would allow for more housing and more affordable housing. If Scenario #1 is pursued by the city, we urge the inclusion of a higher percentage of affordable housing per development, and a commitment to more affordable units at lower percentages of AMI. Given Minnetonka’s AMI, defining 80% of AMI as affordable excludes the majority of people looking for affordable housing, including many of the people we need to be part of our local workforce.</p> <p>We urge the Minnetonka City Staff to consider our comments when moving forward with the Opus Housing Developments. We are more than willing to hold a private conversation and plan on voicing support at upcoming Minnetonka City Council meetings.</p> <p>Thank you for your consideration.</p>	<p>Thank you for your comments on the study.</p>

<p>Linda Halley 18610 Clear View Drive Minnetonka MN 55345 Minnetonka Community Housing Team</p>	
<p>Hi Rob-</p> <p>I have reviewed this. For a lot of reasons, I vote to keep the residential component to a minimum, and the building in Opus in general to a minimum. How about some more green space?</p> <ol style="list-style-type: none">1. We're losing green space. Minnetonka's population is growing fast. We're building like crazy. We're losing green space to development and to overcrowding. Examples are the bike trails and Lone Lake Park, both of which at times are not big enough to support the surrounding population today much less tomorrow. I moved here because of the open spaces. Shady Oak Road, which I live near isn't so shady or oak anymore. It's concrete and driveways.2. Where would all the residents of Opus go for outdoor activity? A population of 5000 is a small town. Those trails through there don't strike me as adequate recreational space.3. Future pandemic planning calls for less density doesn't it? Isn't dense housing the biggest super-spreader of them all? <p>Sincerely,</p> <p>John Lee Minnetonka</p>	<p>Thank you for your comments.</p> <p>The city is committed to preserving the natural character of the city that many residents love. We felt that this was an important consideration within Opus and have conducted the Opus Area Placmaking + Urban Design Implementation Guide in 2019.</p> <p>Aspects of the guide include recommendations on how developers can shape new development that provides new public amenities, guiding existing property owners on how to improve usability and connections to public space, and for city staff to leverage additional public amenities in development projects.</p>

<p>Message submitted from the website.</p> <p>Site Visitor Name: Angela Enright Site Visitor Email: lilacfever64@gmail.com</p> <p>Opus study - Draft Alternative Urban Area Review with Scenario 2 (preferred)</p> <p>Opinion: If Marriot Hotel were unable to reopen I hope that we could take advantage of this opportunity to make 323 rooms (with many handicap accessibility) into affordable housing for the (workforce), the recent evolution in 2016 would make this a simple transition into grocery store and restaurant on first floor with some or all affordable apartments/condos.</p> <p>Angela Enright Resident of Minnetonka Minnetonka Community Housing Team</p>	<p>Thank you for your comments on the study. The City of Minnetonka understands the importance of the inclusion of affordable housing within Opus. With the ongoing expectation of the conversion of parcels from commercial/industrial to residential in Opus a greater need for amenities such as grocery / restaurants becomes apparent.</p> <p>City staff is conducting research into the market viability of grocery and other retail uses near the Opus area as part of future developments.</p>
<p>Hello,</p> <p>We are a local grassroots organization called the Minnetonka Coalition for Equitable Education (M.C.E.E.). The M.C.E.E. includes students, alumni, parents, and community members who have made it a mission to increase equity in the Minnetonka Public School District. We strive to increase equity for all identities including race, ethnicity, religion, socioeconomic status, nation of origin, sexual orientation, gender, etc...</p> <p>One of our goals is for the Minnetonka Public School District to change the open-enrollment policy to allow an increase in diversity. The Minnetonka School Board has been receptive in changing the policy. However, one solution is not enough to change the legacy of racial segregation which has taken place between Minnetonka and the surrounding areas. We support the goals of the Minnetonka Housing Team and advocate for their suggestions.</p> <p>We also would like Scenario #2 of the upcoming Opus Housing Developments and would like to see a range of AMI for future housing developments.</p> <p>Thank you Signed by the Minnetonka Coalition for Equitable Education -- Minnetonka Coalition for Equitable Education</p>	<p>Thank you for your comments. The City of Minnetonka also recognizes the effect that racist housing policies have had in the city. While not a complete solution, the City adopted a Fair Housing Policy in 2018 reaffirming its commitment to inclusion and equity of fair housing within the city. Additionally in 2018, the city joined the Government Alliance on Race and Equity, a national network of local governments that are working to achieve racial equity and opportunities for all.</p> <p>The City of Minnetonka shares your belief in prioritizing affordable housing not just in Opus but throughout the city. The City Council passed the</p>

	<p>Affordable Housing Policy in July 2019 which establishes procedures for future multifamily developments and lays out requirements for housing at 50%, 60%, or 80% AMI. We will work with developers to ensure compliance.</p>
<p>Dear Mr. Hanson,</p> <p>The Opus development provides the City of Minnetonka a unique opportunity to create an expansive amount of affordable and “workforce” housing.</p> <p>I believe it is essential to have adequate housing for all of the people of modest income who work in and serve our city. With the local businesses that will be created, it makes sense to have people able to live nearby.</p> <p>I support Scenario #2 because greater density would allow for more housing and more affordable housing. I also support a broader range of AMI.</p> <p>Have a great weekend</p> <p>Kelsey Crow</p>	<p>Thank you for your comments on this study.</p>
<p>Dear Mr. Hanson,</p> <p>The Opus development provides the City of Minnetonka a unique opportunity to create an expansive amount of affordable and “workforce” housing.</p> <p>I believe it is essential to have adequate housing for all of the people of modest income who work in and serve our city. With the local businesses that will be created, it makes sense to have people able to live nearby.</p>	<p>Thank you for your comments on this study.</p>

**Opus Alternative Urban Areawide Review (AUAR)
Public comments and city response**

<p>I support Scenario #2, because greater density would allow for more housing and more affordable housing. I also support a broader range of AMI.</p> <p>Thank you, Amber Bullington Minnetonka, MN</p>	
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<p>Arlene and I would like to express our concerns about the up coming development on the Opus AUAR study, particularly on the number and type of affordable housing units.</p> <p>The size of the Opus area is unique to our city in that it is almost completely developed. The Opus area, framed by HWY 62, 169 and Shady Oak Rd. allows access from several directions and now with the near completion of the LRT Blue Line there will be additional access to those living at this site. With this in mind having more density in this setting seems appropriate.</p> <p>It seems that the city council is looking for ways to include affordable or workforce housing in their redevelopment housing (Shady Oak Rd.) and in the new development near Carlson Towers. We would hope that in the Opus area there will be a verity AMI not just 80%. In the past some developers have flipped their buildings forcing their tenets to move out. We encourage city personnel to try and set contracts with builders using AMI to at least 30 years.</p> <p>Thank you for your time. We live at 6008 Wyngate La. Minnetonka, MN 55345 Since 1964</p> <p>We are members of the Minnetonka Community Housing Team.</p> <p>Sincerely, Arlene and Jerry Nystuen</p>	<p>Thank you for your comments. Generally when a developer negotiates with the city for assistance to provide affordable housing, the city requires that the affordability last for a period of at least 30 years.</p> <p>The Affordable Housing Policy enacted in 2019 sets out various requirements for multifamily developers to include a range of affordable options from 50% to 80% AMI.</p>
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