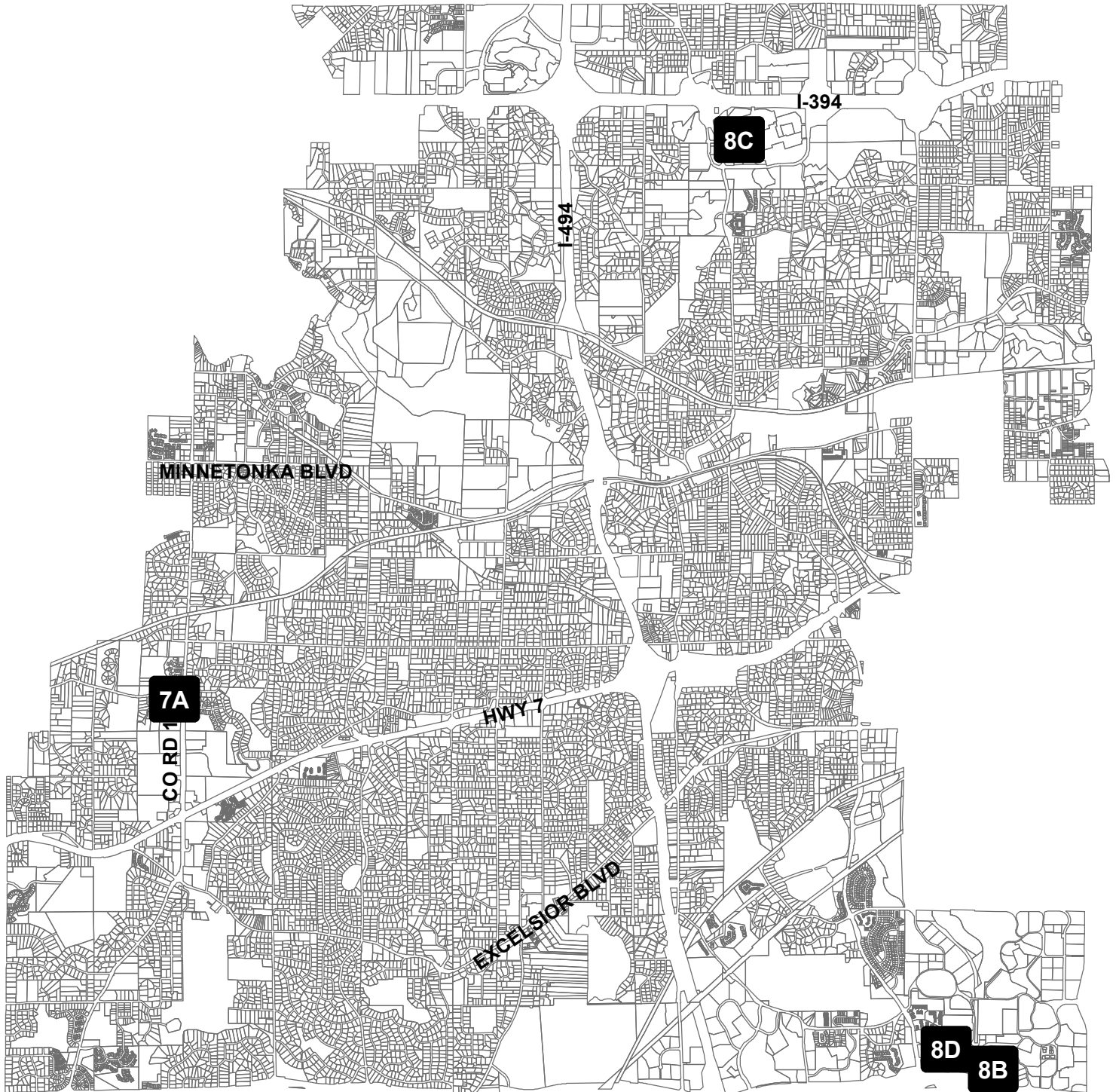




CITY OF  
MINNETONKA

# PLANNING COMMISSION JUNE 17, 2021

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





## **Planning Commission Agenda**

**June 17, 2021 – 6:30 p.m.**

**City Council Chambers – Minnetonka Community Center**

**1. Call to Order**

**2. Roll Call**

**3. Approval of Agenda**

**4. Approval of Minutes: June 3, 2021**

**5. Report from Staff**

**6. Report from Planning Commission Members**

**7. Public Hearings: Consent Agenda**

**A. Resolution approving a conditional use permit for a preschool to 4420 County Road 101**

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

- Recommendation to City Council (June 28, 2021)
- Project Planner: Ashley Cauley

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

**A. Ordinance relating to interim uses in the I-1, Industrial, and PID, Planned I-394, zoning districts.**

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

- Recommendation to City Council (June 28, 2021)
- Project Planner: Susan Thomas

**B. Resolution approving an interim use permit for a temporary telecommunication tower within the parking lot of the property at 6120 Blue Circle Drive.**

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

## **Planning Commission Agenda**

**June 17, 2021**

**Page 2**

- Recommendation to City Council (June 28, 2021)
- Project Planner: Susan Thomas

C. Resolution approving an interim use permit for a 30-day sale of food products within the Ridgedale Center parking lot at 12401 Wayzata Blvd.

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

- Recommendation to City Council (June 28, 2021)
- Project Planner: Susan Thomas

D. Items concerning a two-phase, multi-family apartment project at 10901 Red Circle Drive.

Recommendation: Recommend the city council adopt the ordinance and resolutions approving the proposal. (4 votes)

- Recommendation to City Council (June 28, 2021)
- Project Planner: Loren Gordon

## **9. Adjournment**

**Planning Commission Agenda**  
**June 17, 2021**  
**Page 3**

**Notices**

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

<b>Project Description</b>	Park Hill, 4-lot subdivision
<b>Project Location</b>	4225 and 4233 Victoria St
<b>Assigned Staff</b>	Drew Ingvalson
<b>Ward Councilmember</b>	Bradley Schaeppi, Ward 3

<b>Project Description</b>	Island Oaks, 6-lot subdivision
<b>Project Location</b>	16509 McGinty Road W
<b>Assigned Staff</b>	Susan Thomas
<b>Ward Councilmember</b>	Bradley Schaeppi, Ward 3

<b>Project Description</b>	The Tavern Grill, CUP
<b>Project Location</b>	12653 Wayzata Blvd
<b>Assigned Staff</b>	Ashley Cauley
<b>Ward Councilmember</b>	Rebecca Schack, Ward 2

<b>Project Description</b>	Culver's, CUP
<b>Project Location</b>	17555 Hwy 7
<b>Assigned Staff</b>	Ashley Cauley
<b>Ward Councilmember</b>	Kissy Coakley, Ward 4

<b>Project Description</b>	CTI Towers, CUP
<b>Project Location</b>	6110 Blue Circle Drive
<b>Assigned Staff</b>	Susan Thomas
<b>Ward Councilmember</b>	Brian Kirk, Ward 1

<b>Project Description</b>	Waitz Residence, VAR
<b>Project Location</b>	4010 Skyview Rd
<b>Assigned Staff</b>	Ashley Cauley
<b>Ward Councilmember</b>	Bradley Schaeppi, Ward 3

<b>Project Description</b>	Plymouth Road Concept Plan
<b>Project Location</b>	2424 and 2440 Plymouth Road
<b>Assigned Staff</b>	Ashley Cauley
<b>Ward Councilmember</b>	Rebecca Schack, Ward 2

**Unapproved  
Minnetonka Planning Commission  
Minutes**

**June 3, 2021**

**1. Call to Order**

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

**2. Roll Call**

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

Staff members present Community Development Director Julie Wischnack, City Planner Loren Gordon, and Assistant City Planner Susan Thomas.

**3. Approval of Agenda**

***Maxwell moved, second by Powers, to approve the agenda as submitted with additional comments received after the agenda packet was completed included in the change memo dated June 3, 2021.***

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

**4. Approval of Minutes: May 6, 2021**

***Waterman moved, second by Banks, to approve the May 6, 2021 meeting minutes as submitted.***

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

**5. Report from Staff**

Gordon briefed commissioners on land use applications considered by the city council at its meeting of May 24, 2021:

- Adopted a resolution to approve a conditional use permit for a drive-through-only Taco Bell to be located at the SportMart Plaza.
- Introduced an ordinance for items related to the Wellington proposal.

Planning commissioners are invited to join council members on July 19, 2021, to hear a presentation from the Urban Land Institute, and are also invited to a boards and commissions dinner on July 21, 2021.

The next planning commission meeting is scheduled to be held on June 17, 2021.

**6. Report from Planning Commission Members**

Chair Sewall thanked planning and information technology staff for making the planning commission's virtual meetings as seamless as possible during the past 16 months. He appreciates being able to have the meetings in person again.

**7. Public Hearings: Consent Agenda: None**

**8. Public Hearings**

**A. Resolutions approving a conditional use permit and final site and building plans for Bauer's Minnoco Custom Hitches and Auto Repair at 13118 Excelsior Blvd.**

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.

Michael Bauer, applicant, 13319 East Crestridge Drive, stated that:

- The entire parking area would be paved. He is tired of getting dust on his shoes and tracking it into the trucks.
- He tried to come up with a plan to complete the improvements and be friendly to the neighbors. The elevation of the structure would be reduced to hide seven to eight feet of it from the view from Baker Road. The current plan seems to work the best.

Maxwell asked if there would be a berm or vegetation to screen the north side. Mr. Bauer answered affirmatively. Pollinator garden flowers would be added around a bicycle oasis with a water fountain for bicyclists to fill water bottles. He wants to be a good neighbor. A lot of trees died on the property due to oak wilt. He hopes to save all the existing trees and is happy to add additional trees. He will work with staff to choose the best trees for the site.

Banks asked if the existing garages would be removed. Mr. Bauer said that, in the future, he hopes to remove a third of the existing building and lower the floor eight inches to make it more compliant with ADA requirements and service ice cream. There are many bicyclists who travel the trails near the site.

Powers asked if the applicant had decided on the exterior color of the proposed building. Mr. Bauer answered a neutral, muted color. He had no problem with the staff's recommendation.

The public hearing was opened.

Lee Ann Rixe, 4732 Baker Road, stated that:

- She lives across Baker Road. She does not want to look at it. The buffer has been getting smaller. The flowers would not cover the building.
- She is a bicyclist. There is no lane for bicyclists. Ten vehicles park on the site. There are many near-miss accidents.
- She understood the applicant's interest in making improvements.
- She would appreciate large evergreen trees or something similar being planted along Baker Road.
- She hears beeping from vehicles backing at 3:30 a.m.

No additional testimony was submitted, and the hearing was closed.

Powers felt that the neighbor has a valid concern.

In response to Maxwell's question, Mr. Bauer stated that the proposal would not change the amount of traffic on the site. The proposal would allow vehicles to be cleaned indoors and allow for ice removal in the winter. The proposal would have heated floors which employees are looking forward to utilizing in the winter. The proposal would allow for the removal of two outdoor sheds. The proposal would be much more attractive than the current site. He would be happy to add large trees for screening from Baker Road to fit on the site.

Mr. Bauer stated that the beeping is caused by trucks unloading gas which are supposed to deliver from 6:30 a.m. to 7 a.m.

Hanson appreciated the applicant answering questions. He lived within 400 feet of the site and received the public hearing notice postcard. He was excited to see the business grow and support what is happening in the community. He appreciates the applicant's thoughtful approach and willingness to work with staff. He supports the application. He looks forward to being able to purchase an ice cream cone at the site in the future.

Banks agrees with Hanson. He lives close by. He is excited to see the improvements and utilize the facility. There is another large gas station and auto-mechanic shop nearby. He understood the neighbor's concerns. He trusts that the applicant and staff would agree upon an appropriate buffer. The proposal would be an improvement to the area. He looks forward to seeing it completed and enjoying the ice cream.

Waterman agrees with the staff's recommendation. The proposal is an appropriate use of the property. It would be repurposing an existing use. He appreciates the applicant's consideration of how it would impact neighbors. It would meet all setback requirements and conditional use permit standards.

Powers agreed with commissioners. He would like the conditions of approval for the conditional use permit to include a landscape plan that would buffer Baker Road when the application is reviewed by the city council. The proposal meets all the standards. He will vote to approve it.

Maxwell supports including a condition of approval for the conditional use permit to require a buffer on Baker Road. She appreciates that the increase in the impervious surface would be relatively small. There has already been a run-off study completed by the watershed district. The proposal is a reasonable use for the area and a reasonable site and building plan.

Chair Sewall supports the proposal.

***Hanson moved, second by Waterman, to recommend that the city council adopt the resolutions approving a conditional use permit and final site and building plans to physically expand the existing auto-related use for Bauer's Minnoco Custom Hitches and Auto Repair at 13118 Excelsior Blvd.***

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

**B. Items concerning a multi-family apartment project at 5959 Shady Oak Road.**

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

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

Waterman confirmed with Gordon that it would be possible that the trail would not be built if the grade of the property east of the site would not be able to be lowered to an acceptable elevation. Wischnack added that the condition in the resolution states that the trail would be built if a feasible solution is agreed upon. Waterman was concerned that the location of the SWLRT would increase the number of pedestrians that would travel through the property. A trail would be especially beneficial for the site. Wischnack provided the Avidor project as an example of a trail that was built on that site, but it took a little longer for the neighboring landowner to come to an agreement to have a connecting trail constructed on the neighboring property.

Hanson likes that the third lane would be built now. The Caribou is usually busy. Hanson confirmed with Gordon that the traffic study utilized traffic levels prior to Covid reducing the number of commuters driving to work.

Hanson confirmed with Gordon that the garage shown on the site plan has already been removed and replaced with green space.

Waterman asked if he understood correctly that the shadow study shows that the proposed building would not create a shadow all day long on the neighboring property. Gordon agreed that the existing evergreens and vegetation create a long shadow for most of the width of the property than the building would create. The proposal would not reduce the amount of sunlight currently reaching neighboring properties.



Banks confirmed with Gordon that the proposal would include affordable housing units.

Banks asked for the location and number of guest-parking stalls. Gordon explained that there would be six outdoor parking stalls in front for guests and deliveries. The proposal includes 489 parking stalls which equal 1.1 parking stalls per bedroom which are in the middle of the range required for new apartment buildings being constructed. There would be more guest parking available inside the garage. He invited the applicant to explain how guest parking would be managed on the site.

Chair Sewall confirmed with Gordon that the current proposal's location to hook up the proposal's sanitary sewer lines would be on the property east of the site and would require a private easement agreement between the property owners.

In response to Chair Sewall's question, Gordon identified that the proposal includes several public benefits to warrant a change in zoning to a planned unit development, including the affordable-housing component, public trail, and addition of a traffic lane.

Tony Kuechle, representing Doran Companies, applicant, introduced himself and Ben Lindau, architect for the project. Mr. Kuechle provided a presentation which stated that:

- The current use will be vacating the site at the end of this school year.
- The proposal would include 450 apartment units and 489 parking stalls. The apartments would be a mix of studio, alcove, one-bedroom, two-bedroom, and three-bedroom units.
- The city's affordable housing goals would be met by providing five percent of the units at 50 percent AMI and five percent of the units at 60 percent AMI. The proposal would go a step further by providing another five percent of the units being affordable at 80 percent AMI in exchange for tax-increment-financing. The project would have 52 affordable units.
- In response to feedback received from councilmembers, commissioners, and neighbors, the current proposal has been modified by changing the architectural style of the building, reduced the number of units from 375 to 350, reducing the building mass by creating openings in the façade, reducing the height of the building on the north side, increasing the north setback from 51 feet to 138 feet, and adding an eight-foot privacy fence along the trail with landscaping on both sides of the fence. Large trees would be planted in the fence openings.
- He explained the two shadow studies included in the staff report. The existing vegetation currently creates shadows on the townhomes. The proposal would not create any additional shadows on adjacent properties than there is today.
- A trail would be added to travel west to east. He explained the grade and stairs that would allow a direct connection to the SWLRT. It would be possible to walk a bike up and down along the side of the stairs. He stated that the neighboring property on the east is on the market for

redevelopment right now, which may create the opportunity sooner rather than later to continue the trail.

- There would be 2.2 acres of open space on the site. There would be plenty of landscaping, including the preservation of 96 trees and the addition of 162 trees. The functionality of the existing stormwater pond on the west side would be increased. A pollinator garden would be added on site. The UMN bee squad would manage some hives within the pollinator garden.
- Residential outdoor activities would be located along the trail.
- Public art would be displayed along Red Circle Drive.

Ben Lindau, architect for Doran Companies, provided a presentation. He stated that:

- The building would capture the historic feel of a brownstone with a roof cap on top, similar to the one on the St. Paul Hotel. The exterior of the building would be brown brick and white to keep it simple. It would look simple and relaxed. The windows are larger than typical.
- The entrance would have generous landscaping and a monument sign to look inviting. Pots would have ornamental trees and vegetation. There would be a canopy, artwork, and outdoor trellis.
- The trail shows a connection to the property on the east.
- There would be an activity lawn, community garden, and significant pollinator garden. The UMN bee squad would create a garden to always have something blooming for bees to pollinate. Watching the activity would be fun.
- The proposal would increase the overall efficiency of the building by 20 percent above the building code requirement. There would be electric car charging stations and motion-activated lighting sensors in common areas where allowed. LED lighting would be used throughout. The applicant would enroll in the same program as the city to receive the solar power benefit.

Mr. Kuechle stated that:

- Amenities would include outdoor movie nights; indoor business centers and common work areas; a game room with a golf simulator; entertainment suites for family gatherings; fitness centers; outdoor pools and spas; heated concrete used year-round; saunas; grill stations; fire pits; a bike lounge with fix-it stations and areas to hang out; a movie room; an outdoor dog run; pet spas; and outdoor green areas for bocce ball.
- The first entrance to the indoor garage area would not require a code. The door would automatically open. A visitor could park in that indoor garage area and enter directly into the lobby of the building. There would be 50 to 60 indoor visitor-parking stalls.

- The current sanitary sewer pipes for the site hook up with the neighboring townhomes' sanitary sewer system. The proposal would remove the sanitary sewer hook up with the townhomes and locate it elsewhere.

Chair Sewall appreciated the thorough presentation.

In response to Hanson's question, Mr. Kuechle explained that the project would exceed the state building code's requirements for energy efficiency by 20 percent. Doran Companies is a long-term holder. Spending more upfront to create a more energy-efficient building creates a better return on Doran Companies' investment. This proposal would score higher on a LEED-point basis than a project Doran Companies completed in Edina that is LEED-certified.

In response to Waterman's question, Mr. Kuechle clarified that the applicant was asked to keep a lot of the existing vegetation along Shady Oak Road and plans to do so.

Maxwell confirmed with Mr. Kuechle that the site plan shows the location of the third traffic lane on Red Circle Drive.

Hanson asked Mr. Kuechle what he would like to see be located on the adjacent property east of the site in the future. Mr. Kuechle answered that that he has spoken with grocers and retailers, but there is no interest from them due to the poor visibility to the site from Shady Oak Road. Locating apartments on the property to the east makes sense. Some service businesses may locate near the SWLRT station in the future.

In response to Banks' question, Mr. Kuechle explained that all tenants would have access to all amenities. There would be no differentiation between affordable and market-rate units or parking stalls. The affordable units would be scattered throughout the building. The EDAC felt this range and amount of affordability would provide the most bang for the buck for the proposal.

Waterman asked if the white portion of the building would look good over time. Mr. Lindau answered that the proposed paint and color used would be an industry-standard warrantied for 25 years to not need washing.

The public hearing was opened.

Laurie Huebner, 5931 Abbott Place, stated that:

- The proposal would be wonderful, but it would be located in her "backyard."
- She was told it would be lower than six stories and not have balconies. She would not have privacy. She does not have trees in her backyard. She has full sun now with a garden. She would not have the sun as she does now.

- She questioned what the fence would look like. She does not want huge trees closer to her property. The trail would be along the south side of her backyard. The trail would be closer to the houses on the north side.
- She asked when construction would start and how long would it last.
- She would not have sun for her garden.
- The proposal would affect her quality of life. She got an end unit because she wants sun exposure.
- The school workers and students leave at 3 p.m.
- She questioned what the north side would look like.
- She would look at the building from her yard, and the tenants would look at her in her yard.
- She did not want the building or trees to create a shadow on her property.

No additional testimony was submitted, and the hearing was closed.

Gordon showed the rendering of the northeast corner of the building and the north face of the building along the trail. The community garden would be north of the trail and south of the trees that would be planted along the north property line.

Chair Sewall confirmed with Gordon that the current plan moved the trail further south than the previous concept plan.

Gordon pointed out where the trail and landscaping would be adjacent to Ms. Huebner's property. The trail and trees would be located on the applicant's property.

Mr. Kuechle stated that:

- Construction would begin in August and be complete in 20 months to 22 months.
- He submitted samples of fence types to the homeowners' association which selected an eight-foot, Trex fence.
- The selection of the trees to be located along the north property line was made by the homeowners' association. He would be happy to relocate the trees that would have been planted along 5931 Abbott Place to somewhere else on the site.
- The homeowners' association prefers the building to be six stories in height with a 138-foot setback instead of the building being four stories in height with a 51-foot setback.

Mr. Lindau clarified that no shadow from the proposed building would reach 5931 Abbott Place during the growing season. In the winter, the shadow would reach part of the backyard. He provided illustrations from the shadow study. The trees west of the opening would cast a shadow that would reach 5931 Abbott Place in the winter at 3 p.m.

Hanson confirmed with Gordon that the public would not have access rights for anything within the building footprint. Anything outside of the building footprint, including the trail, would be a public amenity.

Henry joined the meeting.

Henry stated that:

- He likes that the developer took the feedback and created credible solutions.
- He appreciates the applicant's quality presentation.
- The majority of surrounding homeowners expressed their approval of the plan.
- The proposal looks like a great improvement to the Opus area.
- He likes the trails.
- The proposal would fit in the area.
- The current plan is much better than the previous concept plan.
- He thanked the applicants for the hard work put into the project.

Banks stated that:

- He understood the neighbor's concern, but he agrees with the homeowners' association's opinion that pushing the building back and increasing the building setback from the property line would be better than the previous concept plan.
- The proposal would be a great fit for the space.
- He looks forward to its completion.

Maxwell stated that:

- She appreciates the use of solar power, electric-car charging stations, pollinator garden, and utilization of the UMN bee lab.
- She recommends that the amount of shade that would cover the pollinator garden area be kept in mind when selecting the plants.
- She appreciates the common work areas inside the building.
- She would prefer the roof lines not to extend out if there is no other purpose for them than aesthetics.
- She suggests decreasing the width of the trail from 16 feet if possible to create more green space.
- She suggests making the edge along the stairs where a bike could be walked wide enough for a fat-tire bike.

Waterman stated that:

- He agrees with the staff's recommendation and commissioners.

- He appreciates the changes made to the proposal to address the feedback.
- He appreciates the applicant looking into the feasibility of retail being located in the area.
- He agrees that changing the zoning to a planned unit development would be appropriate. Affordable housing would provide a public benefit.
- He really likes the current site plan.
- He thought that the front of the building is beautiful, but the rest of it could use a little more “pop.” He suggested adding more public art around the building.
- He appreciates the traffic study being done early on. He feels it would be wise to add the third traffic lane during construction.
- It is a wise move for the proposal to move the egress parking away from the west side.

Powers stated that:

- He likes the affordable housing component increasing to 15 percent on the units and the addition of the turn lane.
- He did not like the choice of colors for the building. He thinks that white is a mistake. He does not like the look of it. He does not think that the building colors need more “pop.”
- The Burke is located very close to townhouses. This building would be quite a bit further away from the neighboring townhomes.
- The applicant has been trying very hard to be a good neighbor. He suggested the applicant meet with the homeowners’ association and Ms. Huebner one more time to see if an amicable agreement could be reached.

Hanson stated that:

- He appreciates the developer's presentation and staff's presentation, which shows how the applicant listened to the feedback and changed the concept plan to address the concerns.
- He felt sympathy for the neighbors who will have other developments and the SWLRT being constructed near them.
- The applicant worked with the homeowners’ association to come to an agreement on the type of fence, building setback, and height of the building.
- He appreciated learning that a building with an increase in the energy efficiency of 20 percent more than the building code requires would be more energy efficient than what LEED certification requires.
- The inside of the building is awesome. It reacts and provides solutions to what everyone has gone through in the last year. Having common workspaces will provide a lot of value.

- He looks forward to supporting the proposal and the three traffic lanes being completed.
- He looks forward to the future when the area may gain amenities that could be utilized by surrounding residents.

Chair Sewall stated that:

- The townhouse residents to the north have had to deal with a lot of change over the last six years, and it will continue for at least a few more years. He felt bad for them having more than their fair share of change.
- He appreciates the land-use change. It makes sense.
- He wishes that a retailer or amenity would locate in the area, but there does not seem to be enough density yet to support one.
- He felt there was a disagreement between Ms. Huebner and the homeowners' association. Doran's proposal is a great product, but there is always a negotiation process. The proposal has been improved by moving the building away from the north property line. He appreciates Doran following the wishes of the homeowners' association.
- He supports the proposal.
- The 22,000-square-foot-pollinator garden may be the largest one he has ever seen.

***Powers moved, second by Waterman, to recommend that the city council adopt the following items related to a multi-family residential development at 5959 Shady Oak Road:***

- ***Ordinance rezoning the property from B-1, office, to PUD, planned unit development and adopting a master development plan.***
- ***Resolution approving final site and building plans.***
- ***Resolution approving a preliminary plat.***

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

## 9. Adjournment

***Waterman moved, second by Banks, to adjourn the meeting at 8:42 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**  
**June 17, 2021**

<b>Brief Description</b>	Conditional use permit for a licensed daycare facility at Ridgewood Church at 4420 County Road 101.
<b>Recommendation</b>	Recommend the city council approve the request.

---

## **Background**

In 1979, the city approved Conditional Use Permit No. 240 to allow the construction of the religious institution on the 8.2-acre site in the southwest corner of the Ridgewood Road and County Road 101 intersection. A revised conditional use permit was approved in 1996 to allow a large addition, which included classrooms and a multi-purpose/indoor activity room. The classrooms were recently remodeled in 2019.

Walt Pittman and Stephen Oliver, AIA, NCARB, on behalf of the church, are requesting a conditional use permit to operate a preschool within the recently remodeled classroom space. The preschool would also utilize the existing kitchen and multi-use/gymnasium space. A roughly 6,500 square foot outdoor play area would be constructed west of the existing church building. No additional exterior or interior improvements are proposed at this time.

It is anticipated that the preschool would begin operating in the fall of 2022 with up to 72 children. The preschool could ultimately accommodate up to 144 children and utilize six classrooms (two half-day programs) at full capacity.

## **Primary Questions and Analysis**

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

- **Is the proposed use appropriate?**

Yes. The city code does not provide specific standards for daycares located within religious institutions within residential districts. Additionally, staff has considered a smaller daycare as part of the religious institution's mission, therefore operating as an "accessory use" within the structure.<sup>1</sup> Staff believed that the proposed capacity exceeded what is generally considered an accessory and finds that the proposed use would operate *more* similarly to a public building where people would gather for a specific purpose at a specific time. As such, staff reviewed the proposal under the "*other uses similar to those permitted by this section*" provision. Staff found that the daycare would meet all the specific standards outlined for the use and have included those standards and findings in the "Supporting Information" section of this report.

---

<sup>1</sup> City code Section 300.02: An accessory use is a use that is subordinate to, associated with, and located on the same property as the principal use.

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

Yes. The daycare use would require 24 parking stalls.<sup>2</sup> Currently, the site requires 139 parking stalls. Both proposed and existing uses can be accommodated within the existing parking lot.

- **Would the proposed use have a negative impact on the surrounding neighborhood?**

No. Staff closely evaluated how the following parts of the proposal could impact the surrounding neighborhood:

Pick-up and drop-off areas: The applicant's narrative indicates that the pick-up and drop-off areas would be located adjacent to the existing building's entrances, utilizing the existing parking lot for temporary parking during these times. Staff does not anticipate any impacts on adjacent properties but has included a condition of approval requesting the areas be identified on a site plan.

Outdoor play area: The outdoor play area would be constructed on the west side of the building. The play area would be roughly 330 feet from the closest residential structure and would be screened by a fence, landscaping, and the existing parking lot.

### **Staff Recommendation**

Recommend the city council adopt the resolution approving a conditional use permit for a licensed daycare facility at 4420 County Road 101.

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

---

<sup>2</sup> City Code Sec. 300.28, Subd. 12: parking requirements for licensed daycare facilities: one parking space for every six children based on the licensed capacity of the facility.

### Supporting Information

#### Surrounding Land Uses

Northerly: Single-family residential homes, zoned R-1, guided for low density residential.  
Easterly: County Road 101 and single-family and twin homes beyond, zoned R-2, and guided for low density residential.  
Southerly: Southridge Townhomes, zoned PUD, guided for low density residential.  
Westerly: Single-family home, zoned R-1, guided for low density residential.

#### Planning

Guide plan designation: Institutional  
Zoning: R-1, low density residential

#### Exterior lighting

Staff has included a condition of approval requiring an exterior lighting plan to ensure that any added lighting would not exceed city code maximums.

#### CUP Standards

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies, and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements; and
4. The use does not have an undue adverse impact on public health, safety, or welfare.

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd. 4(l) for uses similar to public facilities in residential districts:

1. Site and building plans subject to review pursuant to section 300.27 of this ordinance.

**Finding:** The outdoor play area is the only exterior modification to the site. It would meet all site and building plan review standards, as it has been reviewed by city departments to be consistent with ordinances and policies. It has been intuitively designed to ensure proper circulation patterns and relationships between open spaces and the built structures.

2. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can

be provided without conducting significant traffic on local residential streets;

**Finding:** The site has direct access onto both Ridgewood Road, a major collector, and County Road 101, an arterial expander.

3. Buildings set back 50 feet from all property lines;

**Finding:** The building is set back more than 50 feet from all property lines.

4. Parking spaces and parking setbacks subject to section 300.28 of this ordinance; and

**Finding:** The daycare would require 24 stalls at full capacity. The existing church, office, and classroom spaces would require 139 stalls. A total of 163 stalls could be accommodated in the existing 224 stall parking lot.

5. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and

**Finding:** The site's impervious surface coverage would be 46 percent.

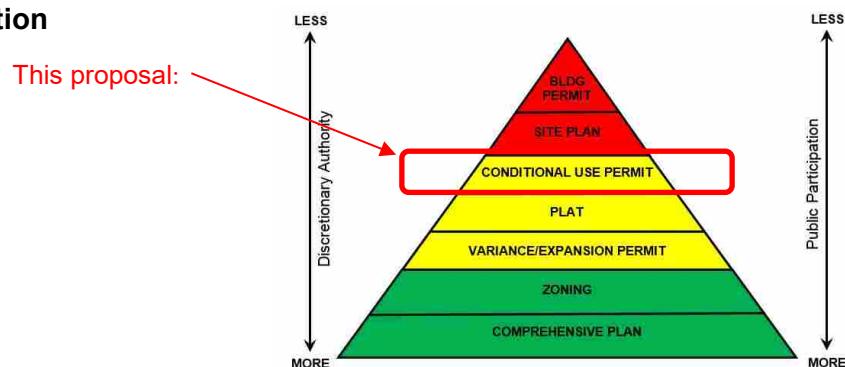
6. Stand-alone utility buildings, such as lift stations are only subject to site and building plan review.

**Finding:** The proposal does not include utility buildings.

### 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



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

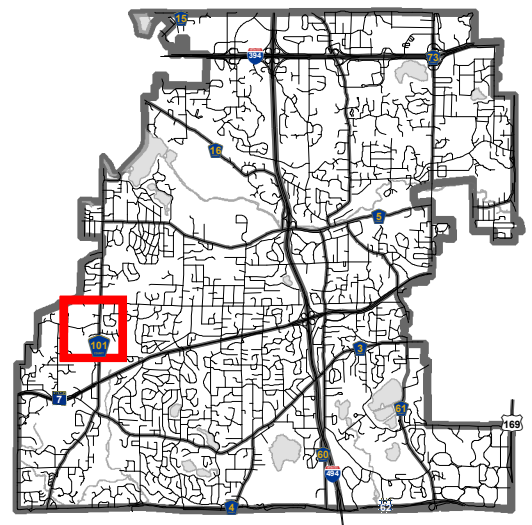
**Neighborhood Comments** The city sent notices to 57 area property owners and received no comments.

**Deadline for Decision** Aug. 23, 2021.



### Location Map

Project: Ridgewood Church  
Address: 4420 County Road 101



## **Ridgewood Church: CUP Application to allow a Preschool to operate in an R-1 Zoning District**

Project Narrative

4-28-2021

Ridgewood Church is located at 4420 County Road 101, at the southwest quadrant of the intersection of 101 and Ridgewood Road. The church, which has been an active member of the Minnetonka community since late in the eighteen-hundreds, has been operating at its current location since 1981. In 1996, then Minnetonka Baptist, added a gymnasium and several classrooms onto the building, increasing their ability to meet the needs of a growing congregation. Besides its role in the faith life of Minnetonka, Ridgewood Church has, for decades, been a community resource, open to use by the Minnetonka school district, community organizations, AA, Boy Scouts of America, and athletic groups. Now having recently renovated the building, the next season of ministry and service to the community will include the incorporation of a preschool.

The intent is to open a preschool in the fall of 2022 with registrations beginning in January of 2022. The plan is to operate with three classrooms initially, with the ability to operate up to six, each with two half-day sessions. Enrollment could vary between 36 to 72 children initially, with capacity for a range of 72 to 144 children when all 6 rooms are utilized. To be properly credentialed by the state in time for that registration time frame, the operation must have several items in place, including the following facility components:

- Classrooms outfitted with bathrooms, lockers, sinks, and other school-oriented elements
- Dedicated office and resource space
- Commercial kitchen and kitchen equipment for limited food service activities
- A playground designed for accessibility, safety, and security.

During the recent renovation, the classrooms were completely redesigned to be equipped for preschool operation and office and resource space was also developed, knowing there was a desire to go that way in the future. The commercial kitchen that was constructed with the original building in 1981 continues to operate in compliance with Minnesota Department of Health standards, requiring no upgrades at this time. A plan has been developed for a playground which is being vetted by a civil engineer for final grading and drainage design. The southwest yard will be used for the playground, which will include a pervious rubber play surface, a five-foot tall decorative metal fence, play structures with accessible features, and a small pavilion with picnic tables. New sidewalks and security lighting will be added as well.

The CUP application is specifically requesting approval to operate a preschool in an R-1 residential zoning district per 300.16.3.a. The church itself is operating under a CUP as well, per 300.16.3.b. This application satisfies the general CUP standards as follows:

- a) The use is consistent with the ordinance in that it introduces a use in a manner that does not violate the rights of adjacent property owners or create undue burden on the city or regional infrastructure.
- b) The use is consistent with the 2040 Comprehensive Plan which maintains this site as an institutional use (church).

- c) The use is consistent with the ordinance in that it does not create undue burden on the city or regional infrastructure.
- d) The use does not alter the existing impact the property has on public health, safety, or welfare.

Additionally, this application satisfies the specific CUP standards for an Educational institution as follows:

- 1) Direct access is provided off County Road 101, classified as A-minor Arterial Roadway, and the site has additional access points off Ridgewood Road that allow direct access to the controlled intersection of Ridgewood and 101, minimizing the need to for traffic to proceed into the neighborhood to the west.
- 2) The existing building, which will not be modified, is more than 50' set back from all property lines as is apparent on the survey.
- 3) Pick-up and drop-off areas are located adjacent to the existing building and well outside of the public right-of-way. Bus traffic is not expected.
- 4) Outdoor activities, such as the playground, are set back more than 25' from the residential property to the west and even further from residential uses to the south and north. The existing building screens the playground from County Road 101 and the residential area on the east side of that road. Use of the outdoor play areas by the preschool will be during normal school hours, having no impact on adjacent properties. Refer to the survey included with the application.
- 5) The impervious percentage of the site will be increased only marginally for the installation of accessible sidewalks around the playground. As of the 2018-2020 renovation, the existing impervious area was under the allowed percentage.
- 6) Site and building plans are included in this application for review pursuant to section 300.27 of the ordinance.
- 7) The preschool is not connected in any way to any residential dwelling.

Ridgewood believes the addition of the preschool to its programming will help meet needs for families in our community as they are looking for more resources and options for childcare and early education in their neighborhood.

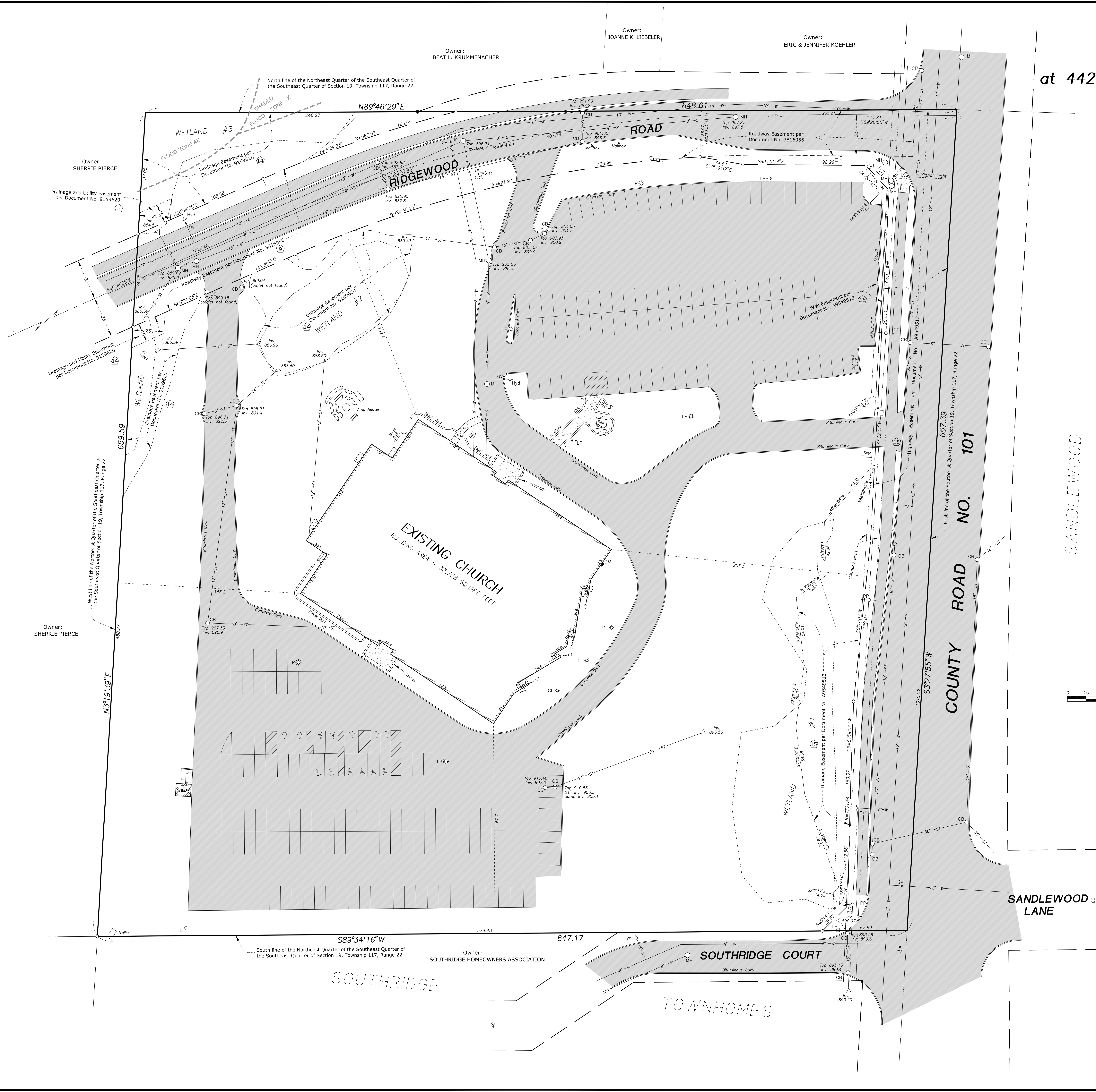
As proposed, the development of the preschool requires no modifications to the existing building and only modest site improvements by way of the installation of a playground. Ridgewood's intent is to allow after-hours access to the playground for the church community as well as nearby residents. While the playground will not specifically be advertised as being open to the public, the church will not prohibit use by its neighbors.

We trust that the city will find this application to be acceptable and that the development of the preschool will be seen as an asset to the community and a continuation of Ridgewood's commitment to the city of Minnetonka and its residents and families.

Thanks for your careful consideration.



# ALTA/NSPS Land Title Survey for: **RIDGEWOOD CHURCH** at 4420 County Road No. 101 – Minnetonka, Minnesota



**NOTES**

- \* Bearings shown are based on the Hennepin County Coordinate System.
- \* Utilities shown are from information furnished by the City of Minnetonka and respective utility companies in response to Gopher State One Call Ticket No. 182603871 and are verified where possible.
- \* Contact Gopher State One Call for utility locations before any construction shall begin. Phone 651-454-0002.
- \* Areas: 425,725 square feet (9.77 acres) including roads.  
359,035 square feet (8.22 acres) excluding roads.
- \* Number of striped parking stalls: 204 regular and 13 handicap.
- \* This property is located in Flood Zone X (area outside 0.2% annual chance floodplain); shaded Flood Zone X (areas of 0.2% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood); and Flood Zone AE (base flood elevations determined) per Flood Insurance Rate Map Number 27053C0317F dated November 4, 2016.
- Note: All of the subject property lies within Flood Zone X except that portion lying northerly of Ridgewood Road being within Flood Zones AE and Shaded Flood Zone X.
- \* Wetlands shown delineated by Kjolhaug Environmental Service, Inc. in October, 2018.

**NOTES CORRESPONDING TO SCHEDULE B, PART II, COMMERCIAL PARTNERS TITLE INSURANCE COMPANY COMMITMENT NUMBER 56078**

Item 9 - Easement for roadway purposes, in favor of the Village of Minnetonka, contained in Quit Claim Deed dated December 15, 1969, filed January 29, 1970, as Document No. 3816956, and as depicted on the Plat of Ridgewood Road Village of Minnetonka Hennepin County, Minn. filed May 7, 1968, as Document No. 3713208 affects the property and is shown on the survey.

Item 10 - Easement for right of way and drainage and utility purposes, in favor of the City of Minnetonka, Minnesota, a Minnesota municipal corporation, contained in Easement dated December 12, 1986, filed December 22, 1986, as Document No. 5201592 does not affect the property and is not shown on the survey.

Item 13 - Subject to easement, in favor of Northwestern Bell Telephone Company, as indicated as affecting subject property, evidenced as part of Parcel 130 in Notice of Lis Pendens filed September 22, 2004, as Document No. 8440317.  
NOTE: Easement in favor of Northwestern Bell Telephone Company does not appear of record and is not shown on the survey.

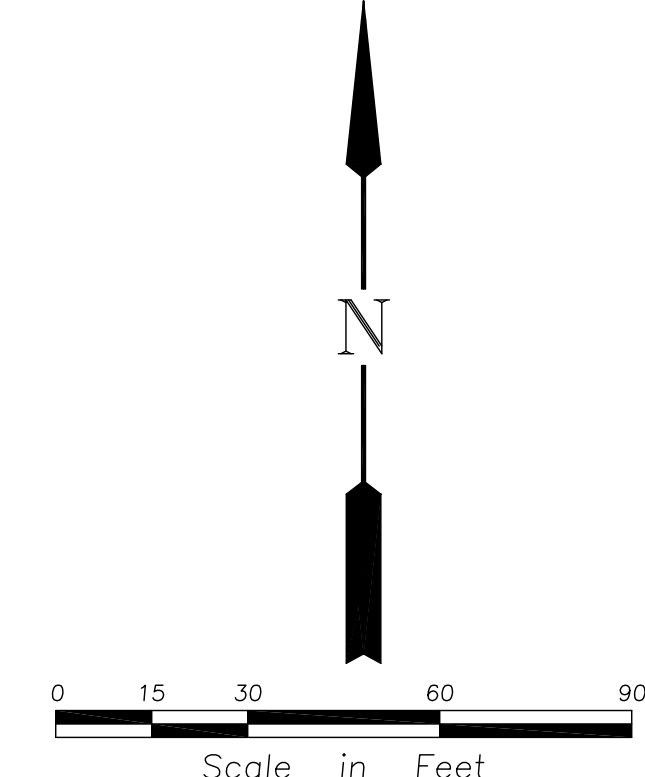
Item 14 - Terms and conditions of and easements, in favor of the City of Minnetonka, a Minnesota municipal corporation, contained in Easement Agreement dated June 11, 2008, filed July 16, 2008, as Document No. 9159620 affect the property and are shown on the survey.

Item 15 - Terms and conditions of and easements for highway purposes, wall purposes and drainage purposes being described as Parcel No. 130 in that certain Final Certificate dated August 19, 2010, filed August 19, 2010, as Document No. A9549513 affect the property and are shown on the survey.

**LEGEND**

- Iron Monument Found
- Iron Monument Set
- S Sanitary Sewer
- ST Storm Sewer
- W Watermain
- Hyd. ◊ Hydrant
- GV Gate Valve
- MH Manhole
- CB Catch Basin
- ▽ Flared End
- Inv. Invert Elevation
- Guard Post
- PP Power Pole
- LP Light Pole
- GL Ground Light
- Electrical Transformer
- CD Communications Pedestal
- HH Handhole
- Concrete Surface
- Bituminous Surface
- GM Gas Meter
- Handicap Parking Stall

SANDLEWOOD



**UTILITY STATEMENT**

The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated, although he does certify that they are shown as accurately as possible from information available. The surveyor has not physically located the underground utilities.

**PROPERTY DESCRIPTION**

The Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 19, Township 117 North, Range 22 West of the 5th Principal Meridian, according to the United States Government Survey thereof.  
Hennepin County  
Abstract Property

**CERTIFICATION**

To Ridgewood Church, Thrivent Financial for Lutherans, Commercial Partners Title, LLC and Old Republic National Title Insurance Company.

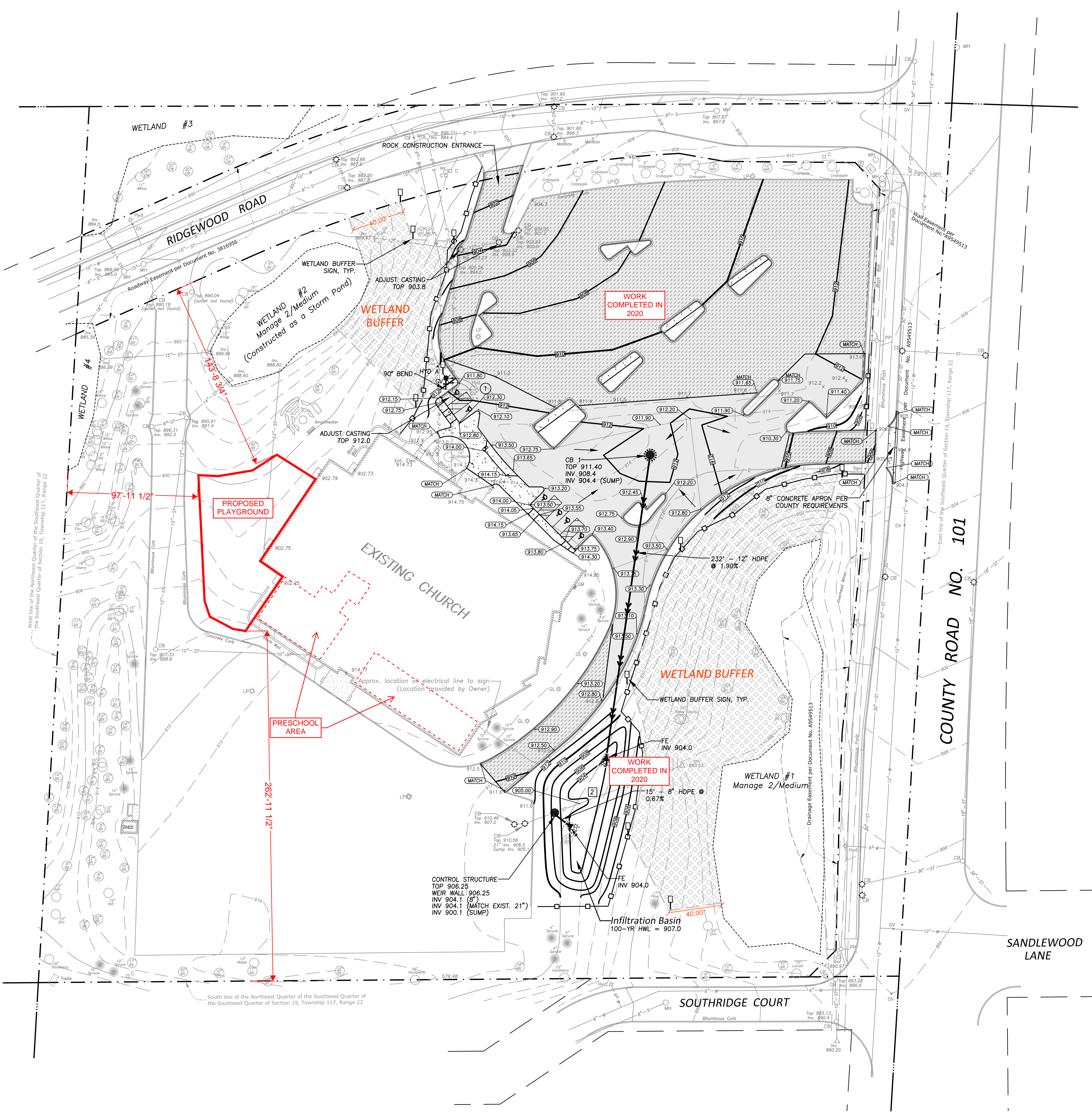
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 7(b)(1), 8, 9, 11, 13 and 18 of Table A thereof. The fieldwork was completed on April 26, 2019.

Dated this 16th day of July, 2019  
REHDER & ASSOCIATES, INC.  
*Gary C. Huber*  
Gary C. Huber, Land Surveyor  
Minnesota License No. 22036  
Revised certification October 28, 2019

SURVEY WAS PREPARED FOR THE 2018 RENOVATION OF THE BUILDING AND NORTH PARKING LOT AND IS BEING SUBMITTED FOR REFERENCE ONLY.

**Rehder and Associates, Inc.**  
CIVIL ENGINEERS AND LAND SURVEYORS

3440 Federal Drive • Suite 110 • Eagan, Minnesota • Phone (651) 452-5051



**GRADING & WETLAND BUFFER NOTES**

- 1 - All elevations shown are to final surfaces.
- 2 - Seed proposed infiltration basin with MN State Seed Mix No. 33-261 @ 35 lbs/acre and mulch with MnDOT Type 3 @ 2 tons/acre.
- 3 - No fill, debris, or other material shall be placed within a wetland buffer.
- 4 - In establishing a wetland buffer, the potential transfer of aquatic invasive species must be minimized to the maximum extent possible.
- 5 - Buffer signs to be installed prior to construction. Signs can be purchased from the Riley Purgatory Bluff Creek Watershed District.

**EROSION CONTROL NOTES**

- 1 - All erosion control measures shown shall be installed prior to grading operations and maintained until all areas disturbed have been restored.
- 2 - Sweep paved public streets as necessary where construction sediment has been deposited.
- 3 - Each area disturbed by construction shall be restored per the specifications within 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
- 4 - Temporary soil stockpiles must have silt fence around them and cannot be placed in surface waters, including storm water conveyances such as curb and gutter systems, or conduits and ditches.
- 5 - All pipe outlets must be provided with temporary or permanent energy dissipation within 24 hours of connection to a surface water.
- 6 - Excess concrete/water from concrete trucks shall be disposed of in portable washout concrete basin or disposed of in a contained area.
- 7 - Spring/summer temporary turf establishment: seed shall be MNDOT Mixture 21-111 @ 100 lbs/acre and mulch shall be MNDOT Type 1. Winter temporary turf establishment: seed shall be MNDOT Mixture 21-112 @ 100 lbs/acre and mulch shall be MNDOT Type 1.
- 8 - Natural topography and soil conditions must be protected, including retention onsite of native topsoil to the greatest extent possible.
- 9 - All temporary erosion and sediment control BMPs must be maintained until completion of construction and vegetation is established sufficiently to ensure stability of the site, as determined by the District.
- 10 - All temporary erosion and sediment control BMPs must be removed upon final stabilization.
- 11 - Soil surfaces compacted during construction and remaining pervious upon completion of construction must be decompacted to achieve a soil compaction testing pressure of less than 1,400 kilopascals or 200 pounds per square inch in the upper 12 inches of soil.
- 12 - Utilities, tree roots, and other existing vegetation must be protected until final revegetation or other stabilization of the site.
- 13 - The permittee must, at a minimum, inspect, maintain and repair all disturbed surfaces and all erosion and sediment control facilities and soil stabilization measures every day work is performed on the site and at least weekly until land-disturbing activity has ceased. Thereafter, the permittee must perform these responsibilities at least weekly until vegetative cover is established. The permittee will maintain a log of activities under this section for inspection by the District on request.
- 14 - Final site stabilization measures must specify that at least 6" of topsoil or organic matter be spread and incorporated into the underlying soil during final site treatment wherever topsoil has been removed.

**EROSION PREVENTION & SEDIMENT CONTROL BMP'S**

ITEM	QUANTITY
SILT FENCE	775 FEET
ROCK CONSTRUCTION ENTRANCE	50 TONS 1"-2" WASHED ROCK
INLET PROTECTION (PRE-CASTING)	1 DEVICES
INLET PROTECTION (POST-CASTING)	17 DEVICES

**CONSTRUCTION SEQUENCE SCHEDULE**

1. Install temporary rock construction entrance and continuously inspect.
2. Install silt fence as shown on the plans.
3. Remove topsoil from the site and place in temporary stockpile location.
4. Rough grade the site.
5. Seed and mulch disturbed areas on site.
6. Construct parking addition.
7. Final grade the site.
8. Stabilize site with sod or seed.
9. Remove silt fence and rock construction entrance.

**UTILITY NOTES**

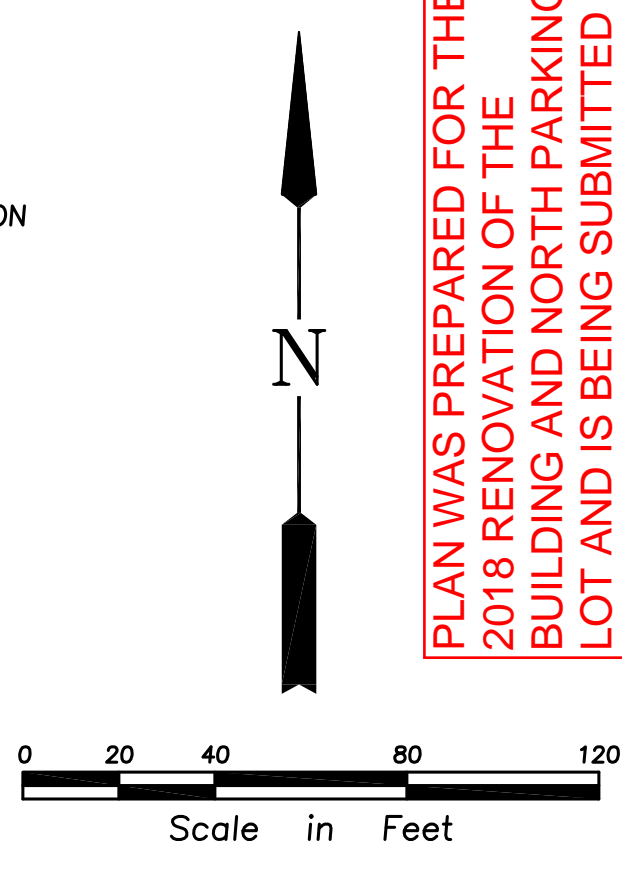
- 1 - Relocate existing hydrant and gate valve.
- 2 - All watermain to have a minimum of 7.5' of cover.

**LEGEND**

- PROPOSED MANHOLE
- PROPOSED CATCH BASIN
- ◆ PROPOSED HYDRANT
- ◆ PROPOSED GATE VALVE
- ▲ PROPOSED FLARED END
- PROPOSED STORM SEWER
- PROPOSED WATERMAIN
- PROPOSED CONTOUR
- PROPOSED ELEVATION
- SILT FENCE
- INLET PROTECTION DEVICE
- PROPOSED BUFFER SIGN
- SOIL BORING
- ▭ FULL REPLACEMENT PAVEMENT SECTION (SEE DETAIL 10/C4)
- ▨ PARTIAL REPLACEMENT PAVEMENT SECTION (SEE DETAIL 9/C4)
- ▭ PROPOSED CONCRETE
- ▨ PROPOSED WETLAND BUFFER AREA
- BOUNDARY/ROW/BLOCK LINE
- EASEMENT
- BUILDING/PARKING SETBACK LINE
- w- EXISTING WATERMAIN
- s- EXISTING SANITARY SEWER
- st- EXISTING STORM SEWER
- 980- EXISTING CONTOUR
- x 995.50 EXISTING ELEVATION

PARTY RESPONSIBLE FOR MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES  
XXXX  
XXXX  
XXXX

PLAN WAS PREPARED FOR THE 2018 RENOVATION OF THE BUILDING AND NORTH PARKING LOT AND IS BEING SUBMITTED FOR REFERENCE ONLY.



**Rehder & Associates, Inc.**  
Civil Engineers, Planners and Land Surveyors  
3440 Federal Drive, Suite 110 • Eagan, Minnesota 55122  
651-492-0051 • Fax: 651-492-9797 • email: info@rehder.com

PROJECT NO.: 191-2393.038 DRAWING FILE: 2393038.DWG

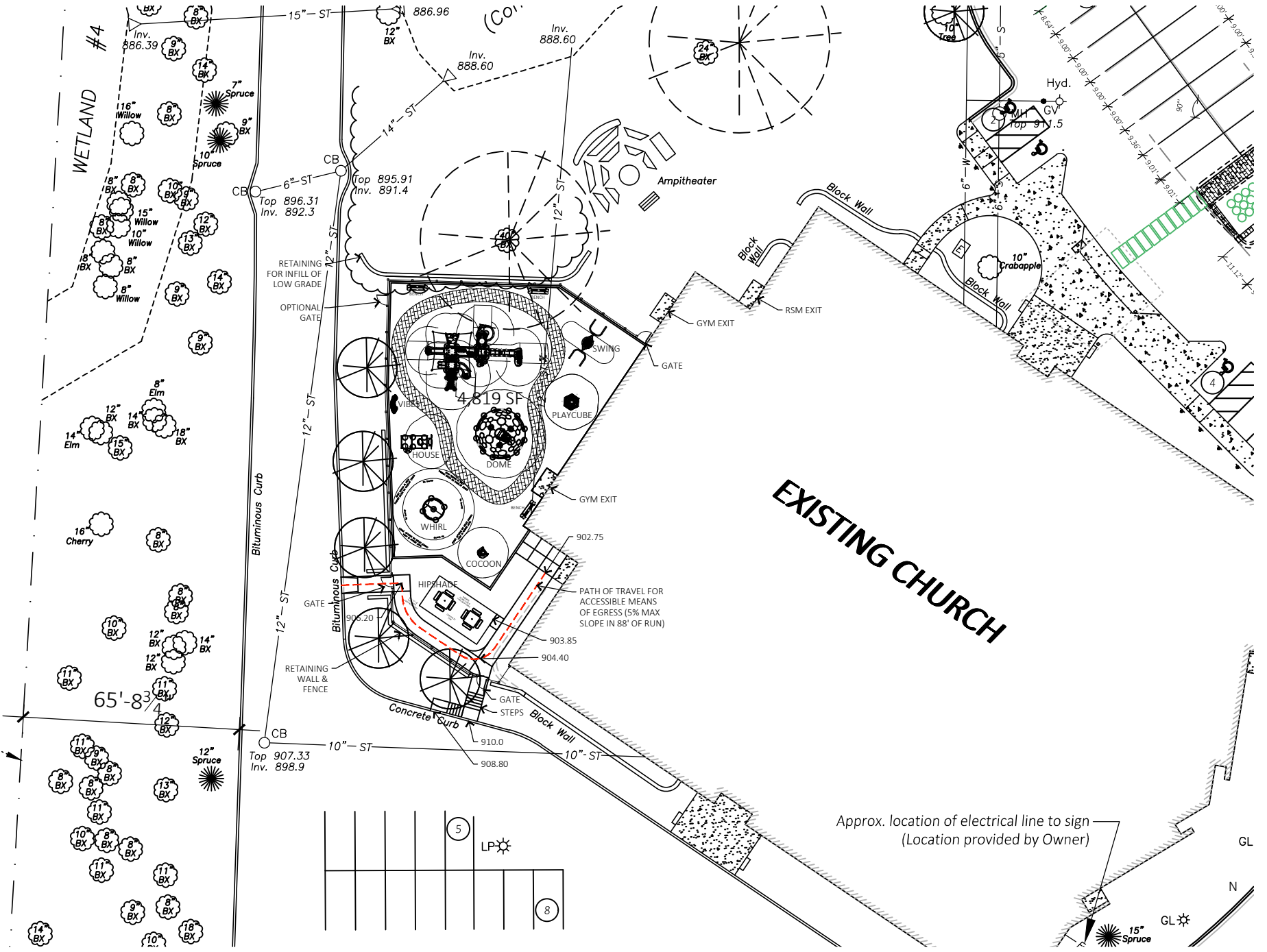
I hereby certify that this plan was prepared by me or a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
*Benton G. Ford*  
Name: Benton G. Ford Reg. No. 24392 Date: 7-24-19

5-24-19	ISSUED
5-29-19	PRICING SET
7-10-19	RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT SUBMITTAL
7-18-19	ADDRESS REVISION COMMENTS
7-24-19	FOR PERMIT

**GRADING, DRAINAGE, EROSION CONTROL & UTILITY PLAN**  
RIDGEWOOD CHURCH  
CITY OF MINNETONKA

SHEET NUMBER  
**C3**

West line of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 19, Township 117, Range 22

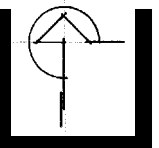


# PLAYGROUND LAYOUT 3

MINNETONKA, MN

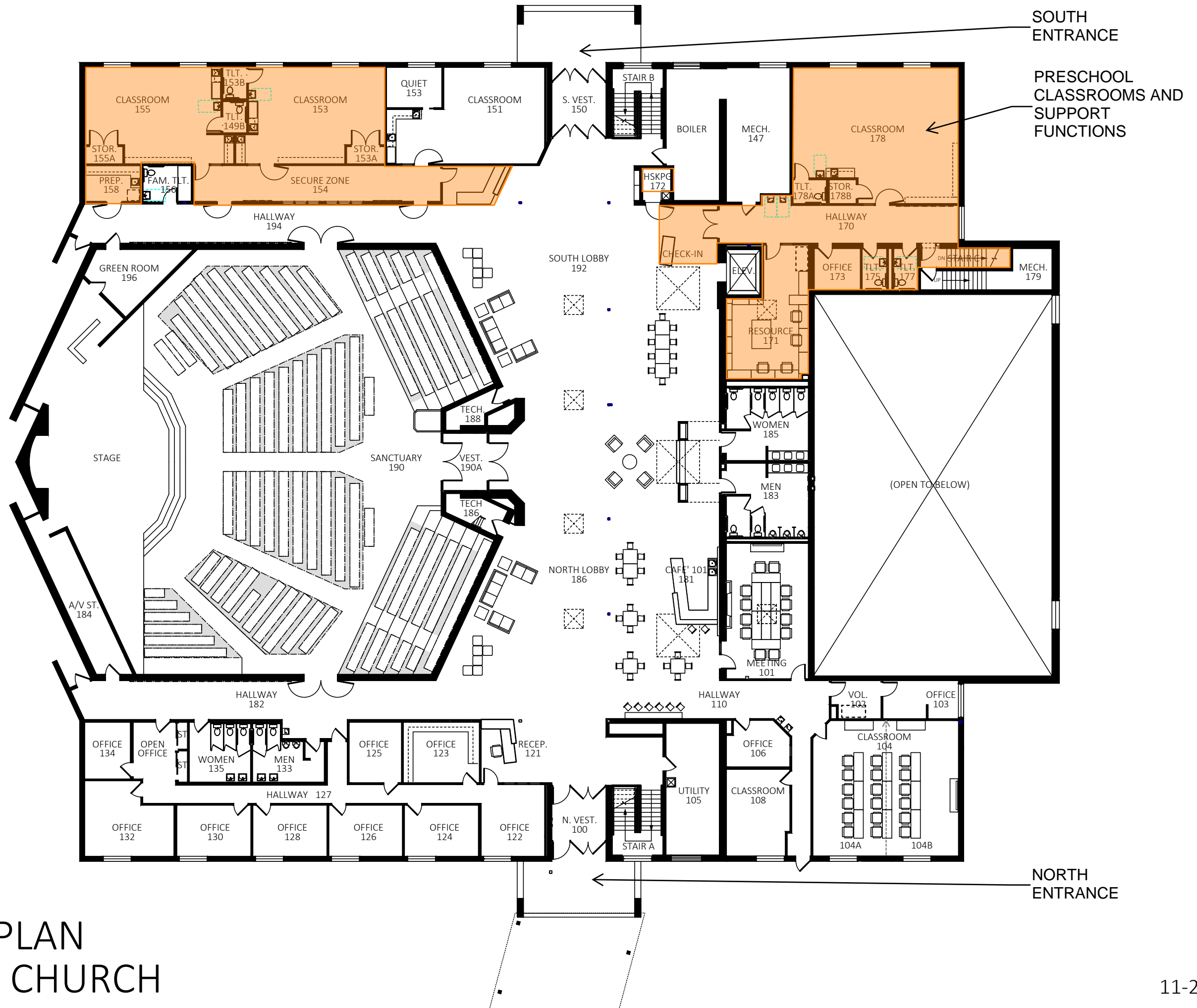
April 8, 2021

# RIDGEWOOD CHURCH





LOWER LEVEL PLAN  
RIDGEWOOD CHURCH



# MAIN LEVEL PLAN RIDGEWOOD CHURCH

**Resolution No. 2021-**

**Resolution approving a conditional use permit for a licensed daycare facility at  
Ridgewood Church at 4420 County Road 101**

---

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

Section 1. Background.

1.01 Walt Pittman and Stephen Oliver, on behalf of Ridgewood Church, have requested a conditional use permit for a preschool/licensed daycare facility for up to 144 children within the religious facility.

1.02 The property is located at 4420 County Road 101. It is legally described as:

The Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 19, Township 117 North, Range 22 West of the 5<sup>th</sup> Principal Meridan, according to the United States Government Survey thereof.

Hennepin County.  
Abstract Property.

1.03 City Code §300.10 Subd. 4(l) allows public buildings, except for recreational buildings and utility cabinets larger than 150 cubic feet, as conditionally-permitted uses.

1.04 City Code §300.10 Subd. 4(r) allows “other uses similar to those permitted in this section, as determined by the city” as conditional uses within the R-1 zoning district.

1.05 On June 17, 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 City Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

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

1. Site and building plans subject to review pursuant to section 300.27 of this ordinance.
2. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
3. Buildings set back 50 feet from all property lines;
4. Parking spaces and parking setbacks subject to section 300.28 of this ordinance;
5. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and
6. Stand-alone utility buildings, such as lift stations are only subject to site and building plan review.

Section 3. Findings.

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

3.02 The proposal would meet the specific conditional use permit standards outlined in City Code 300.16 Subd.3(l).

1. The outdoor play area is the only exterior modification to the site. It would meet all site and building plan review standards, as it has been reviewed by city departments to be consistent with ordinances and policies. It has been intuitively designed to ensure proper circulation patterns and relationships between open spaces and the built structures.
2. The site has direct access onto both Ridgewood Road, a major collector, and County Road 101, an arterial expander.
3. The building is set back more than 50 feet from all property lines.
4. The daycare would require 24 stalls at full capacity. The existing church, office, and classroom spaces would require 139 stalls. A total of 163 stalls could be accommodated in the existing 224 stall parking lot.
5. The site's impervious surface coverage would be 46 percent.
6. The proposal does not include utility buildings.

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 facility is allowed to serve up to 144 children. An increase in licensed capacity would require an amended conditional use permit.
  3. If the disturbance for the play area exceeds 5,000 square feet or 50 cubic yards, a grading permit is required.
  4. Prior to operation of the daycare, submit the following for staff review and approval:
    - a) Site plan identifying the location of the pickup and drop-off areas.
    - b) An illumination plan.
  5. The city council may reasonably add or revise conditions to address any future unforeseen problems.
  6. 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 June 28, 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 June 28, 2021.

---

Becky Koosman, City Clerk

# **Minnetonka Planning Commission Meeting**

## **Agenda Item 8**

Public Hearing: Non-Consent Agenda

**MINNETONKA PLANNING COMMISSION**  
**June 17, 2021**

**Brief Description** Ordinance relating to interim uses in the I-1, Industrial, and PID, Planned I-394, zoning districts.

**Recommended Action** Recommend the city council adopt the ordinance.

---

**Background**

Two groups recently contacted staff regarding potential, temporary land uses.

1. AT&T. Representatives from AT&T inquired about necessary permitting for the installation of a temporary telecommunications tower. Temporary towers are generally used when permanent towers/installations cannot function for some reason, for instance, when antennas need to be removed from water towers for tower maintenance or when natural disasters impact cellular coverage. In the case of AT&T, an existing telecommunications tower is being decommissioned, and the replacement tower has not yet been approved/constructed.
2. Backyard Butchers. Backyard Butchers sells frozen meat and seafood products directly to consumers via “pop-up” events. The company is hoping to hold such an event in the Ridgedale Center parking lot.

Both of these temporary uses are examples of interim uses.

**Interim Uses**

By ordinance, an interim use “is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.” The purposes for allowing interim uses are:

- To allow a use for a temporary period of time until a permanent location is obtained or while the permanent location is under construction;
- To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district;
- To allow a use that is seasonal in nature; or
- To allow a use for a limited period of time that reasonably uses the property where it is not reasonable to use it in the manner otherwise provided in the zoning ordinance or comprehensive plan.

Like conditional use permits, interim use permit (IUP) applications must be reviewed by the planning commission and may only be approved by the city council.

### **Proposed Ordinance**

While the city's residential and commercial ordinances contemplate interim uses, such uses are not included in the I-1 or PID ordinances. The proposed ordinance would add an interim use section for these ordinances. The following uses would be allowed by IUP in these districts:

- Outdoor entertainment. These uses are already allowed by IUP in commercial districts.
- Temporary telecommunication towers. The zoning ordinance is currently silent on this use. The proposed ordinance would allow such towers only in the I-1 and PID districts.
- Transient sales. These uses are already allowed by IUP in commercial districts.

### **Staff Recommendation**

Recommend the city council adopt the ordinance relating to interim uses in the I-1, Industrial, and PID, Planned I-394, zoning districts.

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

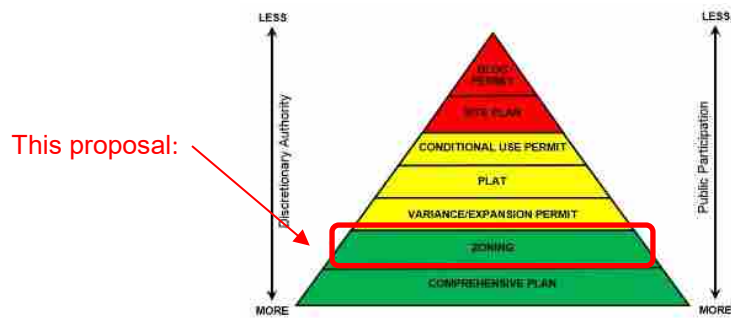
### Supporting Information

#### Commission Action

The planning commission will make a recommendation to the city council; a recommendation requires a majority vote of the commission. The planning commission has the following options:

1. Concur with staff's recommendation. In this case, a motion should be made recommending the city council adopt the ordinance.
2. Disagree with the staff's recommendation. In this case, a motion should be made recommending the city council not adopt the ordinance.
3. Table the ordinance. In this case, a motion should be made to table the item. The motion should include direction to staff.

#### Pyramid of Discretion



**Ordinance No. 2021-**

**An ordinance amending city code sections 300.21 and 300.31 regarding interim uses**

---

The City Of Minnetonka Ordains:

Section 1. Section 300.20 of the Minnetonka City Code, regarding the I-1, Industrial District is amended as follow:

7. Interim Uses.

The following uses are allowed in the I-1 district only pursuant to an approved interim use permit and in conformance with the standards specified in section 300.05 of this ordinance and the additional standards specified below:

a) Outdoor entertainment;

1) Must be located:

a. at least 100 feet from any residential property as measured from the closest property lines of the properties. The city may modify this distance based on physical characteristics of the commercial and residential properties such as existing sightlines, existing or proposed physical barriers, existing natural resources, and proposed landscaping;

b. in proximity to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

c. in a controlled or cordoned area; and

d. to not interfere with pedestrian or vehicular circulation;

2) Must not use public address systems, speakers, or other audio equipment which is audible anywhere on a residential lot that is within 400 feet, and must not create noise that is unreasonably disturbing to a reasonable person of ordinary sensitivity anywhere on a residential lot that is within 400 feet. The distance will be measured from the property lines of the source

---

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

---

and receiving properties that are closest to each other. Whether the sound is unreasonably disturbing to a reasonable person will be determined under section 850.005;

- 3) Must not occur between the hours of 10:00 p.m. and 7:00 a.m.; and
  - 4) Must be in compliance with applicable health, public safety, and building code regulations as imposed by the city or other pertinent agency.
- b) Temporary telecommunications towers;
- 1) May not be located adjacent to any low or medium-density residential property;
  - 2) Maximum tower height, excluding lightning rods, is 150 feet;
  - 3) Accessory equipment must meet minimum setback requirements established for accessory structures; and
  - 4) Tower, antennas, and support structures must be painted a non-contrasting color consistent with the surrounding area, such as gray, brown, or silver, or have a galvanized finish to reduced visual impact. Metal towers must be constructed of, or treated with, corrosion-resistant material.
- c) Transient sales;
- 1) Must be located in a suitable off-street location and shall not extend into adjacent right-of-way or other public property;
  - 2) Must not interrupt vehicular circulation on the site or obstruct parking spaces needed by a permanent business established on the site;
  - 3) Must have written authorization from the property owner;
  - 4) **The** business operator must secure all applicable licenses and approvals from the city, Hennepin county or other appropriate jurisdictions;
  - 5) Sight visibility clearances at street intersections and access points must be provided in accordance with section 300.15, subd. 9(e) of this ordinance or as determined by the city to protect public safety;
  - 6) No portion of the use may take place within 100 feet of any developed property zoned for residential use;
  - 7) Signs are subject to the following:
    - a. no more than four signs are allowed, which do not exceed 32 square feet in aggregate;

- 
- b. incidental product or pricing signs must be placed directly next to the appropriate product;
  - c. product advertising is permitted but must be included in the maximum allowed sign area;
  - d. the signs must have a professional appearance and must be securely mounted or erected in a safe location; and
  - e. these limitations apply to all signs associated with the use, including those affixed to vehicles;
- 8) Any display of items must be limited to representative samples and be arranged in as compact a manner as reasonably practicable;
- 9) The interim use permit will be issued in the name of the person requesting the permit and will be for the purpose of selling a particular item or range of items at a specific location. Any change in the person, location, or items sold will render the permit invalid; and
- 10) Violation of the above standards or other conditions placed upon the interim use permit will result in the immediate revocation of the interim use permit;

Section 2. Section 300.31, subdivision 4, of the Minnetonka City Code, regarding the PID, Planned I-394 District, is amended as follow:

#### 4. Uses

c) Interim Uses: The following uses are allowed in the PID district only pursuant to an approved interim use permit and in conformance with the standards specified in section 300.05 of this ordinance and the additional standards specified below:

- 1) Outdoor entertainment;
  - a. Must be located:
    - 1. at least 100 feet from any residential property as measured from the closest property lines of the properties. The city may modify this distance based on physical characteristics of the commercial and residential properties, such as existing sightlines, existing or proposed physical barriers, existing natural resources, and proposed landscaping;
    - 2. in proximity to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
    - 3. in a controlled or cordoned area; and
    - 4. to not interfere with pedestrian or vehicular circulation;



b. Must not use public address systems, speakers, or other audio equipment which is audible anywhere on a residential lot that is within 400 feet, and must not create noise that is unreasonably disturbing to a reasonable person of ordinary sensitivity anywhere on a residential lot that is within 400 feet. The distance will be measured from the property lines of the source and receiving properties that are closest to each other. Whether the sound is unreasonably disturbing to a reasonable person will be determined under section 850.005;

c. Must not occur between the hours of 10:00 p.m. and 7:00 a.m.;

and

d. Must be in compliance with applicable health, public safety, and building code regulations as imposed by the city or other pertinent agency.

2) Temporary telecommunications towers;

a. May not be located adjacent to any low or medium-density residential property;

b. Maximum tower height, excluding lightning rods, is 150 feet;

c. Accessory equipment must meet minimum setback requirements established for accessory structures; and

d. Tower, antennas, and support structures must be painted a non-contrasting color consistent with the surrounding area such as: gray, brown, or silver, or have a galvanized finish to reduced visual impact. Metal towers must be constructed of, or treated with, corrosion-resistant material.

3) Transient sales;

a. Must be located in a suitable off-street location and shall not extend into adjacent right-of-way or other public property;

b. Must not interrupt vehicular circulation on the site or obstruct parking spaces needed by a permanent business established on the site;

c. Must have written authorization from the property owner;

d. Business operator must secure all applicable licenses and approvals from the city, Hennepin county or other appropriate jurisdictions;

e. Sight visibility clearances at street intersections and access points must be provided in accordance with section 300.15, subd. 9(e) of this ordinance or as determined by the city to protect public safety;

f. No portion of the use may take place within 100 feet of any developed property zoned for residential use;

g. Signs are subject to the following:

1. No more than four signs are allowed, which do not exceed 32 square feet in aggregate;

2. Incidental product or pricing signs must be placed directly next to the appropriate product;

3. Product advertising is permitted, but must be included in the maximum allowed sign area;

4. The signs must have a professional appearance and must be securely mounted or erected in a safe location; and

5. These limitations apply to all signs associated with the use, including those affixed to vehicles;

h. Any display of items must be limited to representative samples and be arranged in as compact a manner as reasonably practicable;

i. The interim use permit will be issued in the name of the person requesting the permit and will be for the purpose of selling a particular item or range of items at a specific location. Any change in the person, location, or items sold will render the permit invalid; and

j. Violation of the above standards or other conditions placed upon the interim use permit will result in the immediate revocation of the interim use permit;

Section 4. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on \_\_\_\_\_, 2021.

---

Brad Wiersum, Mayor

Attest:

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

**Action on this ordinance:**

Date of introduction: June 14, 2021

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on \_\_\_\_\_, 2021.

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

**MINNETONKA PLANNING COMMISSION**  
**June 17, 2021**

**Brief Description** Resolutions approving an interim use permit for a temporary telecommunications tower at 6120 Blue Circle Drive.

**Recommended Action** Recommend the city council adopt the resolution approving the permit.

---

**Proposal**

An existing telecommunication tower located at Highway 169/County Road 62 interchange is being decommissioned and will be removed in September 2021. A new replacement tower has been proposed; the planning commission will review this tower at a future meeting. However, even if approved, this permanent replacement tower would not be operational until 2022. To ensure no “gap” in coverage between September 2021 and the construction of the new tower, AT&T is proposing to locate a temporary telecommunications tower on the property at 6120 Blue Circle Drive.

Temporary towers are generally used when permanent towers/installations cannot function for some reason, for instance, when antennas need to be removed from water towers for water tower maintenance or when natural disasters impact cellular coverage in an area. Depending on their height, temporary towers mounted on trailers or directly on existing surfaces with temporary, ballast foundations.

AT&T’s proposed temporary tower would be 100 feet in height. It would be located on a temporary, ballast foundation occupying two parking stalls within the 6120 Blue Circle Drive parking lot.



Trailer-mounted



Ballast foundation

**Staff Analysis**

Staff supports the IUP, as:

- The tower would meet the IUP standards suggested in the draft IUP ordinance. These standards are outlined in the “Supporting Information” section of this report.
- The tower would ensure coverage for AT&T customers following decommissioning of the existing, permanent tower.

- Though the proposed tower would occupy two parking spaces, the property is slightly over-parked by city code requirements. As such, the tower would not result in a parking supply/demand issue.

### **Staff Recommendation**

Recommend the city council adopt the resolution approving an interim use permit for a temporary telecommunication tower at 6120 Blue Circle Drive.<sup>1</sup>

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

---

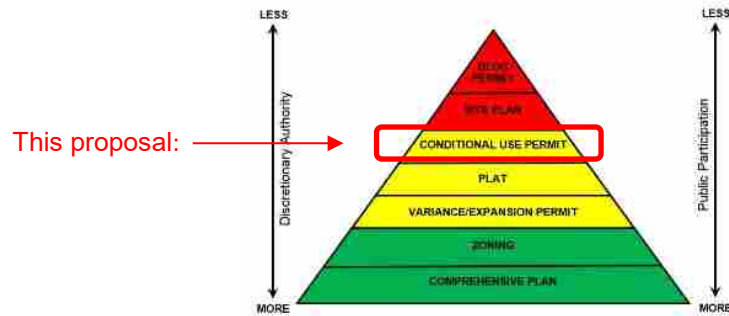
<sup>1</sup> City staff presented a draft IUP ordinance as a previous item on June 17, 2021 agenda. Under the ordinance, temporary telecommunication towers would be allowed in the industrial district by IUP. If this ordinance is not adopted, the applicant's request should be denied, as temporary telecommunication towers would not be an allowed use in the city.

## Supporting Information

<b>Subject Property</b>	The subject property is zoned I-1, industrial, and has a mixed-use land use designation in the Comprehensive Guide Plan. It is surrounded by other offices and industrial sites.
<b>Parking</b>	The subject property is owned by Zurah Temple Trustees; it is primarily used as a gathering space for Zurah Shriners meetings and special event gatherings. By city code, 47 parking stalls are required for the existing uses. There are currently 50 parking stalls on site.
<b>CUP Standards</b>	<p>Under the proposed IUP ordinance, temporary telecommunication towers would be subject to the following standards. The proposal would meet these standards:</p> <ol style="list-style-type: none"><li>1. May not be located adjacent to any low or medium-density residential property; <b>Finding:</b> The subject property is surrounded by office and industrial sites.</li><li>2. Maximum tower height, excluding lightning rods, is 150 feet; <b>Finding:</b> The proposed tower would be 100 feet in height.</li><li>3. Accessory equipment must meet minimum setback requirements established for accessory structures; and <b>Finding:</b> Accessory equipment would be located at the base of the tower and surrounded by a fenced enclosure. The required setback is 10 feet; the area would be set back 15 feet from the closest property line.</li><li>4. Tower, antennas, and support structures must be painted a non-contrasting color consistent with the surrounding area, such as gray, brown, or silver, or have a galvanized finish to reduced visual impact. Metal towers must be constructed of, or treated with, corrosion-resistant material. <b>Finding:</b> The proposed temporary tower would have a silver appearance.</li></ol>
<b>Neighborhood Comments</b>	The city sent notices to 17 area property owners and received no written comments to date.
<b>Commission Action</b>	The planning commission will make a recommendation to the city council; a recommendation requires a majority vote of the commission. The planning commission has the following options:

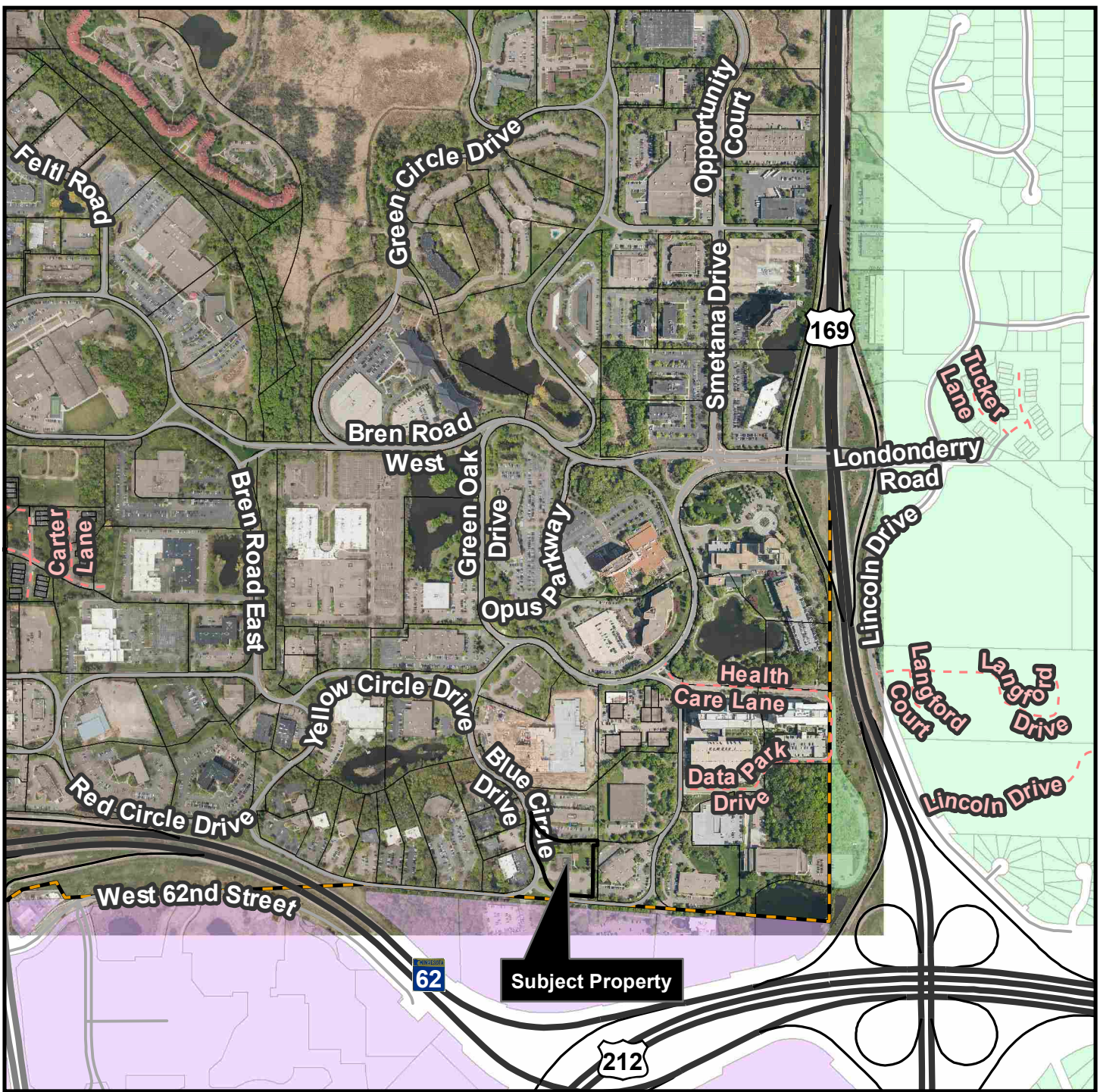
1. Concur with staff's recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the request.
2. Disagree with the staff's recommendation. In this case, a motion should be made recommending the city council deny the request. The motion should include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

**Pyramid of Discretion**



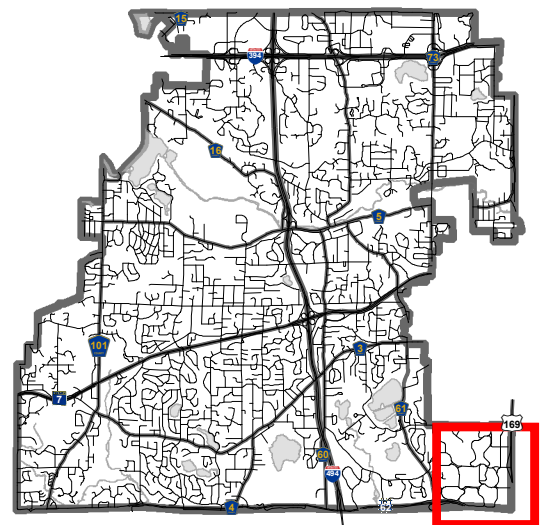
**Deadline for Action**

Aug. 23, 2021



**Location Map**

Project: AT&T  
 Address: 6120 Blue Cir Dr





### Written Statement

The proposed 100' Temp Ballast Pole is being proposed in the far NE corner of the existing parking lot at 6120 Blue Circle Drive. It will only take up 2 parking stalls. The Pole is Ballast, so there is no ground disturbance required. Takes less than 24hrs to set up. These types of Poles are used often by AT&T Mobility (AT&T) for temporary sites. Some examples are:

- Cell site emergencies
- Cell site relocations, to bridge the gap between when the old/existing tower is taken down and when the new/permanent tower gets built
- Special events/festivals, when large crowds are expected and temp sites are needed to increase coverage or capacity, i.e., state fair, marathons, 3m open, etc...
- FirstNet Deployment for First Responders or certain Local/State/Federal Government needs
- When collocated on water tanks and need to come off for 3-6mo while the water tank is being repainted
- When collocated on building rooftops and need to come off for 3-6mo while roof is being re-roofed

In this case here, the Temp Ballast Pole is required because of a *cell site relocation*. AT&T's existing cell site on the United Health Property, NW corner of Hwy 169/62, is coming down in Sept 2021. AT&T has found a permanent relocation for that site, but it will not be built until early 2022, thus requiring this temporary site to fill that 6mo gap. Once the permanent relocation tower site is built, this temporary site will be taken down shortly after.

This cell site is very critical to the area. Not only does it provide standard voice/text/data coverage, but it also serves the area for Hennepin County/FirstNet, meaning 911, first responders and emergency services.

## 5. General Standards.

No interim use permit may be granted unless the city council determines that the use will comply with the following:

- a) the general performance standards in section 300.16, subd. 2 will be met; **N/A**
- b) the use will not delay anticipated development or redevelopment of the site; **Correct. The use is just temporary, until the permanent relocation site gets approved/built on the parcel directly to North. Background.... ATT's tower lease is expiring on its existing tower site at United Health, it must be removed no later than Sept 30, 2021. So, this temporary site will bridge the gap (interim use) between when the existing site is taken down (Sept 2021) and until the permanent site gets built (early 2022)**
- c) the use will not be in conflict with any provisions of the city code on an ongoing basis; **Correct**
- d) the use will not adversely affect the adjacent property, the surrounding neighborhood, or other uses on the property where the use will be located; **Correct, the use is just temporary**
- e) the property on which the use will be located is currently in compliance with all applicable city code standards; **Correct**
- f) the use is allowed as an interim use in the applicable zoning district; **Correct (once ordinance is revised at May 2021 meeting)**
- g) the date or event that will terminate the use can be identified with certainty; **Correct. Once the permanent tower is built, the temporary will be removed within 45days**
- h) the use will not impose additional unreasonable costs on the public; and **Correct. Will assist the public and public safety/emergency agencies so calls/texts/data will operate like normal. The entire business park, offices, apartments, residences, roads, etc are served by this ATT Cell Site, thus why the temporary is critical**
- i) the applicant agrees in writing to any conditions that the city council deems appropriate for the use, including a requirement for a financial security to ensure removal of all evidence of the use upon termination. **Correct**

**SITE PHOTO**



# AT&T MOBILITY

**PROJECT: NSB - TEMP POLE**  
**AT&T SITE ID: MNL03065**  
**FA#: 10081778**

**ENGINEERING**

2012 INTERNATIONAL BUILDING CODE  
2017 NATIONAL ELECTRIC CODE  
2020 MINNESOTA BUILDING CODE  
TA/EA-222-H OR LATEST EDITION

**AT&T  
MOBILITY**

7900 XERXES AVE S  
3RD FLOOR  
BLOOMINGTON MN 55431



**BLACK & VEATCH**

BLACK & VEATCH CORPORATION  
7760 FRANCE AVENUE SOUTH  
SUITE 1200  
BLOOMINGTON, MN 55435

**PROJECT INFORMATION**

SITE ADDRESS: 6120 BLUE CIRCLE DR  
MINNETONKA, MN 55343

COUNTY: HENNEPIN

SITE NAME: OPUS RELO TEMP

AT&T SITE ID: MNL03065

FA NUMBER: 10081778

LATITUDE (NAD 83): 44° 53' 32.72" N  
44.8924222°

LONGITUDE (NAD 83): 93° 24' 24.62" W  
-93.4068389°

GROUND ELEVATION: 958" A.M.S.L.

ZONING DISTRICT: INDUSTRIAL

LANDLORD CONTACT: JON PAVOLA  
(551) 485-4923

GROUND OWNER: ZUBRAN TEMPLE TRUSTEES INC

OCCUPANCY GROUP: U

CONSTRUCTION TYPE: I-B

AT&T PROJECT MANAGER: MATI KRENN  
(605) 361-1010  
MKR201@ATT.COM

## OPUS RELO TEMP MINNETONKA, MN 55343

**REFERENCE MATERIALS**

**DRAWING INDEX**

SHEET NO:	SHEET TITLE
COVER	TITLE SHEET
Z-1	SITE PLAN
Z-2	ELEVATION

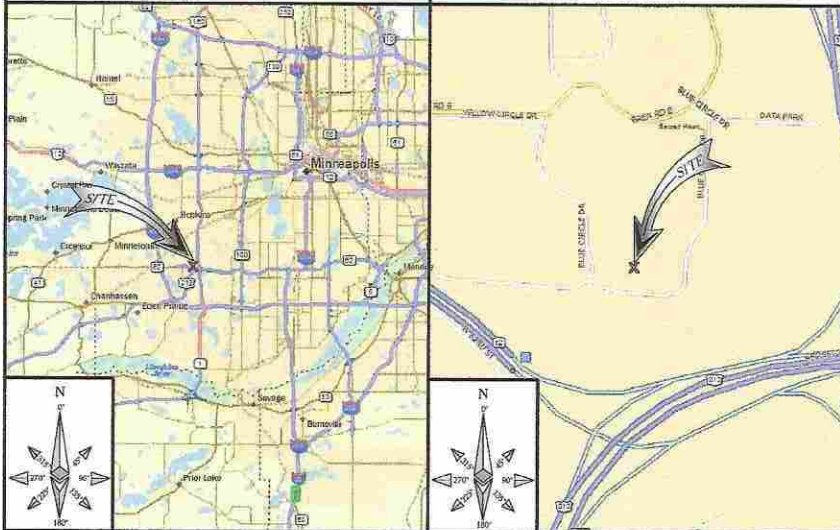
PROJECT NO: 16826210B3  
DRAWN BY: JKR  
CHECKED BY: JAT

REV	DATE	DESCRIPTION
0	04/09/21	ISSUED FOR CONSTRUCTION

**AREA MAP**

**VICINITY MAP**

**LOCAL MAP**



**DRIVING DIRECTIONS**

**DIRECTIONS FROM AT&T OFFICE:** GO STRAIGHT (SOUTH SOUTHWEST) ON SOUTHTOWN DR TURN RIGHT (WEST SOUTHWEST) ONTO W BOTH ST TURN RIGHT ONTO (NORTH) OR 17. KEEP RIGHT WEST ONTO I-494 RAMP, TAKE EXIT 10A. KEEP RIGHT (WEST) ONTO US 169 RAMP. KEEP LEFT (WEST NORTHWEST) ON US 169 RAMP. TURN RIGHT (NORTH) ONTO US 169. KEEP LEFT (NORTH) ONTO US 169 RAMP. KEEP RIGHT (NORTH) ONTO LONDONDERRY RD RAMP. TURN LEFT (WEST) ONTO LONDONDERRY RD. GO STRAIGHT (WEST) ONTO BREN RD W. KEEP LEFT (SOUTH SOUTHWEST) ONTO OPUS PKWY. GO STRAIGHT (SOUTH EAST) ONTO GREEN OAK DR. GO STRAIGHT (EAST) ONTO BREN RD E. TURN RIGHT (SOUTH SOUTHWEST) ONTO BLUE CIRCLE DR. ARRIVE AT 6120 BLUE CIRCLE DR, MINNETONKA, MN 55343. (TEMP LOCATION IS IN 2 PARKING STALLS IN NE CORNER OF PARKING LOT)

**11"x17" PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED**



**TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN MINNESOTA, CALL GOPHER STATE ONE CALL TOLL FREE: 1-800-252-1168 OR FAX A LOCATE: 1-800-236-4967**

MIN STATUTE REQUIRES MIN OF 48 HOURS NOTICE BEFORE YOU EXCAVATE



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DAILY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: ROBLEY A. EVANS

SIGNATURE: *Robley A. Evans*

DATE: 4/29/2021 LICENSE# 43119 EXP. 6/20

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

**OPUS RELO TEMP  
MNL03065  
6120 BLUE CIRCLE DR  
MINNETONKA, MN 55343  
NSB - TEMP POLE**

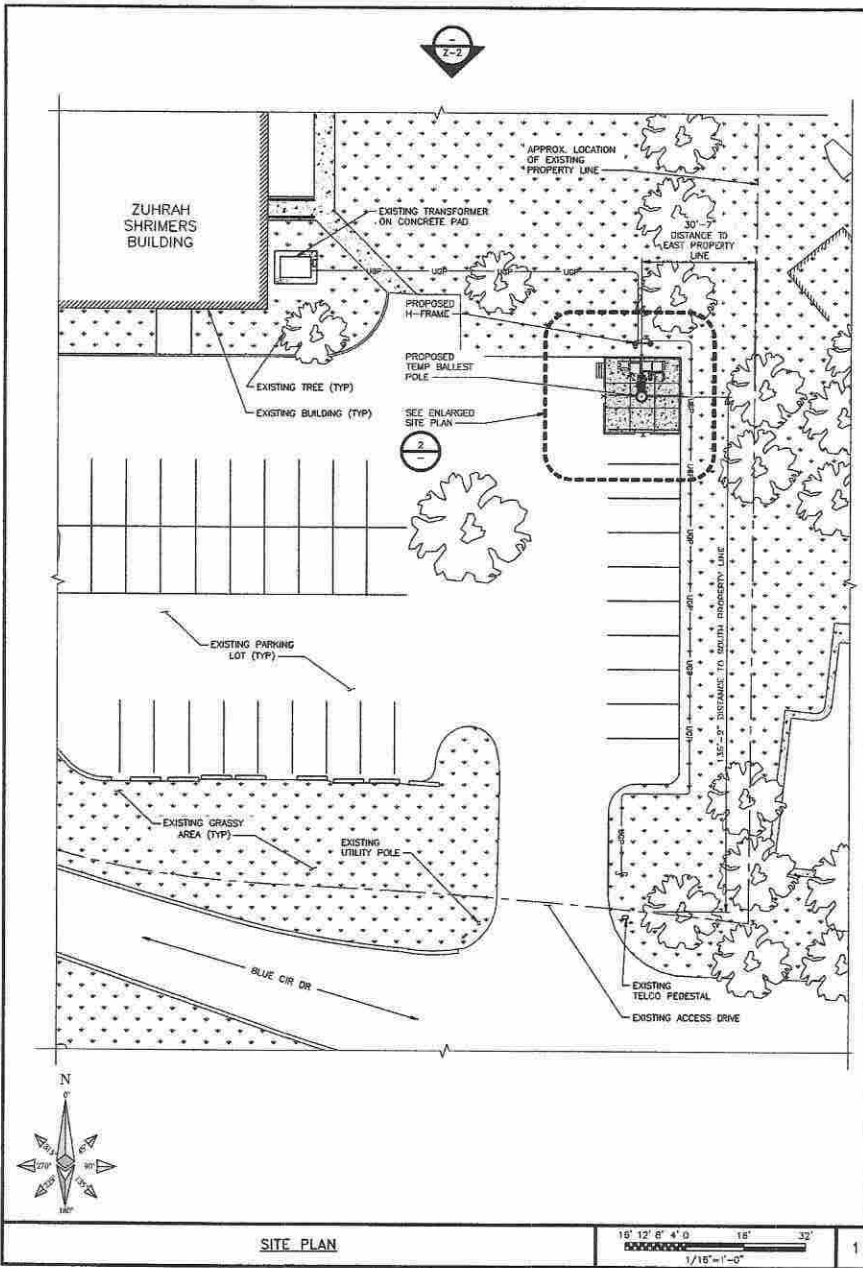
SHEET TITLE:

TITLE SHEET

SHEET NUMBER:

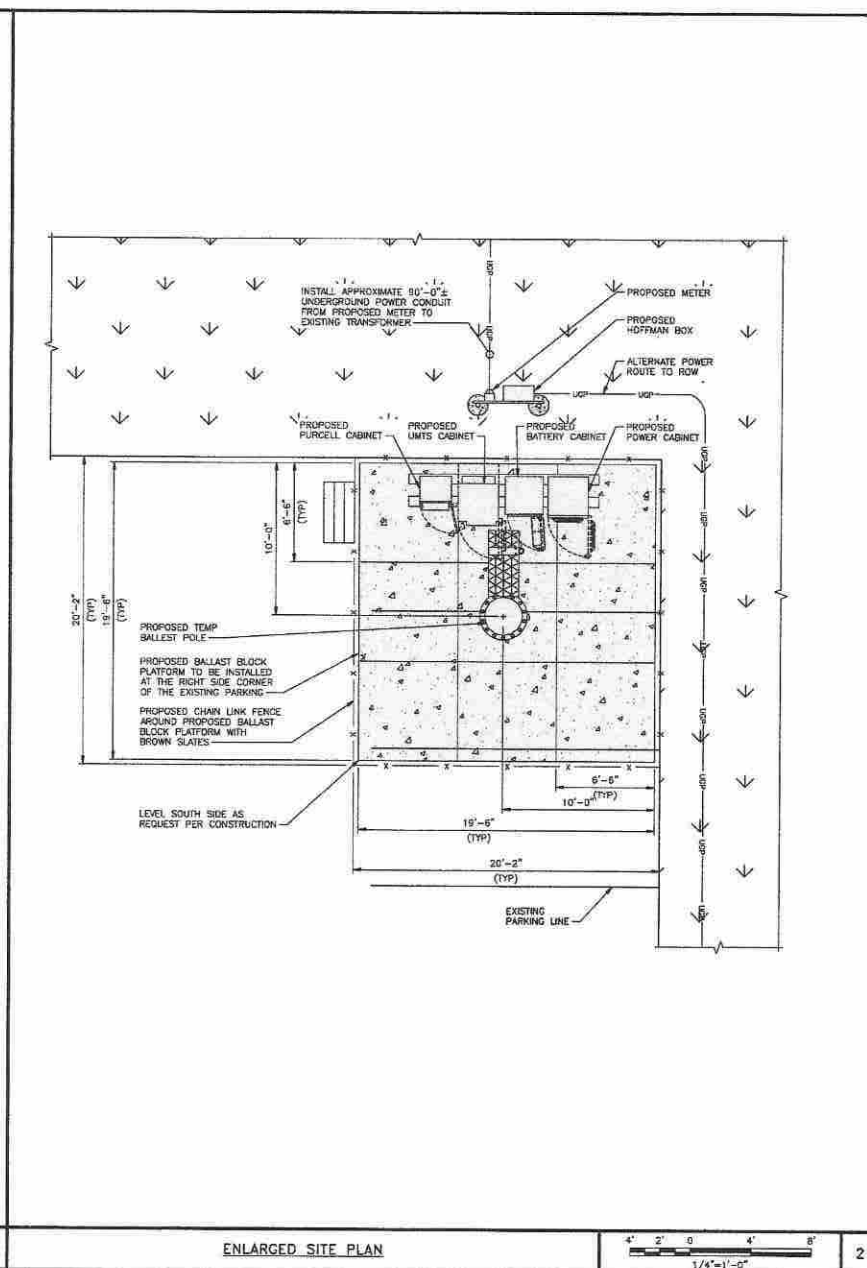
**COVER**

-THESE PLANS CONFORM TO ALL OF THE REQUIREMENTS CALLED OUT IN THE JURISDICTION PLANNING AND ZONING FOR ANTENNAS AND SUPPORT STRUCTURES WHERE SITE IS LOCATED.  
-SUBCONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING CONDITIONS ON SITE IMMEDIATELY NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO PERFORMING ANY WORK OR BE RESPONSIBLE FOR THE SAME.



SITE PLAN

16' 12' 8' 4' 0" 16' 32'  
 1/16"=1'-0"



ENLARGED SITE PLAN

4' 2' 0" 4' 8"  
 1/4"=1'-0"

**AT&T MOBILITY**  
 7900 XERKES AVE S  
 3RD FLOOR  
 BLOOMINGTON MN 55431

**BLACK & VEATCH**  
 BLACK & VEATCH CORPORATION  
 7760 FRANCE AVENUE SOUTH  
 SUITE 1200  
 BLOOMINGTON, MN 55435

PROJECT NO: 1882621093  
 DRAWN BY: JKR  
 CHECKED BY: JAT

REV	DATE	DESCRIPTION
0	04/29/21	ISSUED FOR CONSTRUCTION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: ROBLEY A. EVANS  
 SIGNATURE: *[Signature]*  
 DATE: 4/29/2021 LICENSE# 43119  
 EXP. 6/20

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

OPUS RELO TEMP  
 MNLO3065  
 6120 BLUE CIRCLE DR  
 MINNETONKA, MN 55343  
 NSB - TEMP POLE

SHEET TITLE  
 SITE PLAN

SHEET NUMBER  
**Z-1**

AT&T  
MOBILITY  
7900 XERXES AVE S  
3RD FLOOR  
BLOOMINGTON MN 55431



**BLACK & VEATCH**

BLACK & VEATCH CORPORATION  
7760 FRANCE AVENUE SOUTH  
SUITE 1200  
BLOOMINGTON, MN 55435

PROJECT NO: 188262:1093

DRAWN BY: JMR

CHECKED BY: JAT

REV	DATE	DESCRIPTION
0	04/09/21	ISSUED FOR CONSTRUCTION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: ROBLEY A. EVANS

SIGNATURE: *[Signature]*

DATE: 4/29/2021 LICENSE# 43119  
EXP. 6/20

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

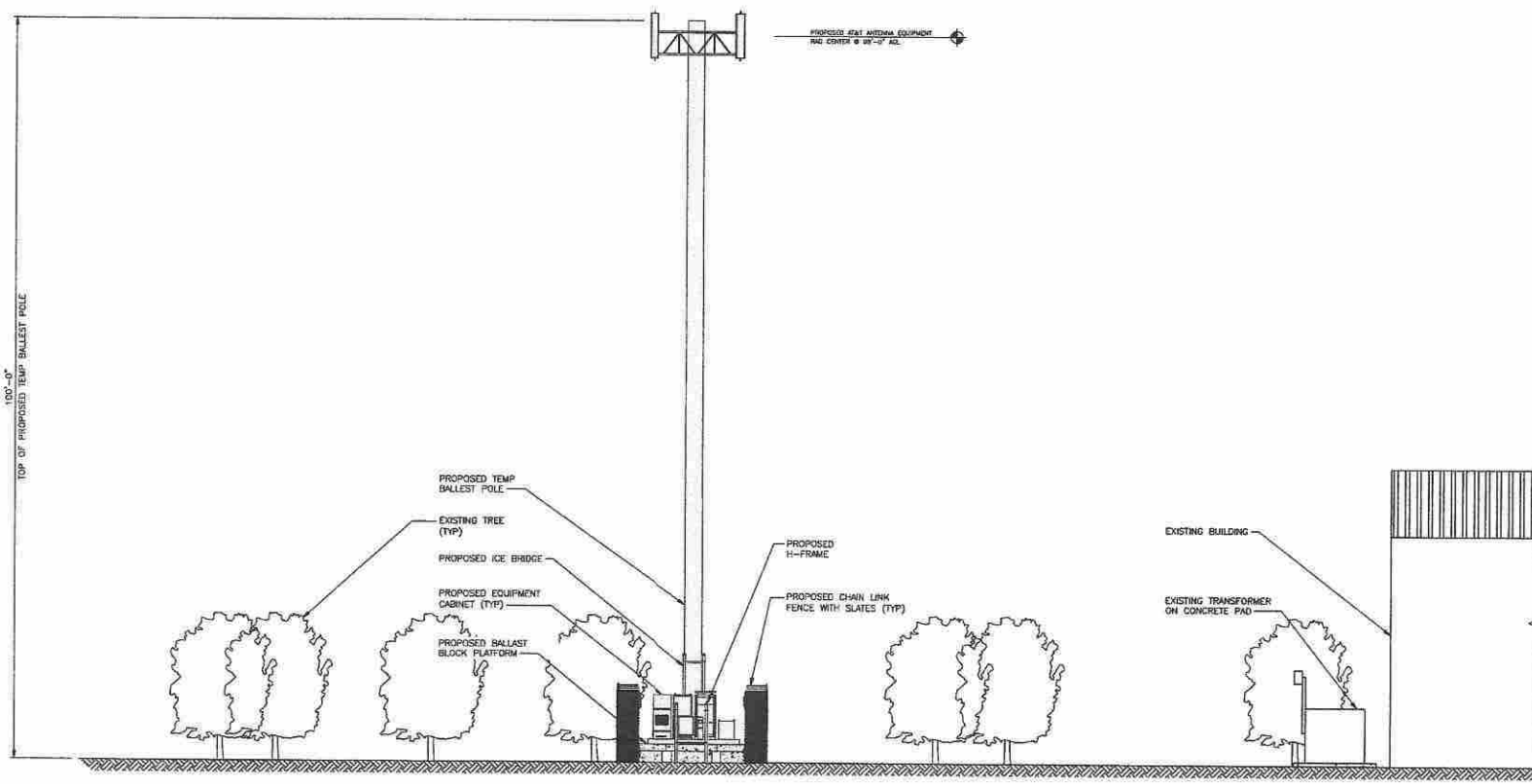
OPUS RELO TEMP  
MNL03065  
6120 BLUE CIRCLE DR  
MINNETONKA, MN 55343  
NSB - TEMP POLE

SHEET TITLE

ELEVATION

SHEET NUMBER

**Z-2**





# PHOTOGRAPHIC SIMULATION

## PROPOSED MODIFICATION OF WIRELESS COMMUNICATIONS FACILITY



The included Photographic Simulation(s) are intended as visual representations only and should not be used for construction purposes. The materials represented within the included Photographic Simulation(s) are subject to change.

SITE NUMBER: MNL03065  
SITE NAME: OPUS RELO TEMP  
SITE ADDRESS: 6120 BLUE CIRCLE DRIVE  
MINNETONKA, MN 55343  
DATE: 04/21/21  
APPLICANT: AT&T MOBILITY  
CONTACT: JASON HALL  
BLACK & VEATCH  
(612) 670-0101



# VIEW 1



EXISTING CONDITIONS

PROPOSED TEMP BALLEST  
POLE TOTAL HEIGHT  
100'-0" +/-

PROPOSED EQUIPMENT  
AREA



PHOTOGRAPHIC SIMULATION

**Resolution No. 2021-**

**Resolution approving an interim use permit for a temporary telecommunications tower at  
6120 Blue Circle Drive**

---

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

Section 1. Background.

- 1.01 The subject property is located at 6120 Blue Circle Drive. It is legally described on Exhibit A of this resolution.
- 1.02 Hall Institute, Inc., on behalf of AT&T, is proposing to locate a temporary telecommunication tower on the property at 6120 Blue Circle Drive.
- 1.03 On June 17, 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 incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

- 2.01 City Code §300.05 outlines the following general interim use permit standards.
  - 1. The general performance standards in Section 300.16, subd. 2 will be met;
  - 2. The use will not delay anticipated development or redevelopment of the site;
  - 3. The use will not conflict with any provisions of the city code on an ongoing basis;
  - 4. The use will not adversely affect the adjacent property, the surrounding neighborhood, or other uses on the property where the use will be located;
  - 5. The property on which the use will be located is currently in compliance with all applicable city code standards;



6. The use is allowed as an interim use in the applicable zoning district;
7. The date or event that will terminate the use can be identified with certainty;
8. The use will not impose additional unreasonable costs on the public; and
9. The applicant agrees in writing to any conditions that the city council deems appropriate for the use, including a requirement for financial security to ensure the removal of all evidence of the use upon termination.

2.02 City Code §300.20 Subd.7(b) outlines the specific interim use permit standards for a temporary telecommunication tower in the I-1, Industrial district.

1. May not be located adjacent to any low or medium-density residential property;
2. Maximum tower height, excluding lightning rods, is 150 feet;
3. Accessory equipment must meet minimum setback requirements established for accessory structures; and
4. Tower, antennas, and support structures must be painted a non-contrasting color consistent with the surrounding area, such as gray, brown, or silver, or have a galvanized finish to reduced visual impact. Metal towers must be constructed of, or treated with, corrosion-resistant material.

Section 3. Findings.

3.01 The proposal would meet the general interim use standards as outlined in City Code §300.05.

3.02 The proposal would meet the interim use standards as outlined in City Code §300.20 Subd.7(b):

1. The subject property is surrounded by office and industrial sites.
2. The proposed tower would be 100 feet in height.
3. Accessory equipment would be located at the base of the tower and surrounded by a fenced enclosure. The required setback is 10 feet; the area would be set back 15 feet from the closes property line.
4. The proposed temporary tower would have a silver appearance.

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 temporary tower must be installed in substantial compliance with the plans attached to Planning Commission Staff report, dated June 17, 2021
  3.           The temporary telecommunication tower must be fully removed from the subject property by March 31, 2022.
  4.           The applicant must agree to these conditions in writing.

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 28, 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 June 28, 2021.

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

**EXHIBIT A**

Lot 1, Block 11, Opus II 1st Addition, except that part of said Lot 1 lying Easterly of a line drawn parallel with and 25 feet Westerly of the East line of said Lot 1 (measured at right angles to said East line), according to the recorded plat of said Opus II 1st Addition, Hennepin County, Minnesota.

And also, including all of vacated Blue Circle Drive lying North of Lot 1, Block 11, Opus II 1st Addition and South of Lot 5, Block 10, opus II 1st Addition lying West of the West line of Lot 1, Block 2, Data 100 2nd Addition, and East of the following described line:

Beginning at the most Northerly corner of Lot 1, Block 11, Opus II 1st Addition; thence Northerly to the point of reverse curve on the Westerly line of Lot 5, Block 10, Opus II 1st Addition and there terminating; being all that part of Blue Circle Drive as dedicated within the plat of Opus II 1st Addition, according to the recorded plat thereof, Hennepin County, Minnesota, vacated by the Minnetonka City Council on July 10, 1978, by Resolution No. 78-5624.

Hennepin County, Minnesota  
Abstract Property

**MINNETONKA PLANNING COMMISSION**  
**June 17, 2021**

<b>Brief Description</b>	Resolution approving an interim use permit for a 30-day sale of food products within the Ridgedale Center parking lot at 12401 Wayzata Blvd.
<b>Recommended Action</b>	Recommend the city council adopt the resolution approving the permit.

---

**Proposal**

Backyard Butchers is requesting an interim use permit to sell frozen meat products in the Ridgedale Center parking lot. The sales area, located near the Plymouth Road entrance to the mall, would comprised of a six-wheel freezer truck and a small canopied area. Customers at the 30-day event would be encouraged to bring non-perishable items for donation to a local food shelf. After the sale, these items and all non-sold products would be donated.

Backyard Butchers indicates the sale will help the company determine whether Minnetonka is an appropriate location for a brick and mortar store. For more information about the company and other similar sales events, please see the [Backyard Butchers](#) website.

**Staff Analysis**

Staff supports the requested IUP, as:

- The event would meet IUP standards for transient sales suggested in the draft IUP ordinance. These standards are outlined in the “Supporting Information” section of this report.
- The proposed sales event would be just 30 days in duration.
- The sales area would be located in a visible yet underutilized parking area of the mall.

**Staff Recommendation**

Recommend the city council adopt the resolution approving an interim use permit for a 30-day sale of food products within the Ridgedale Center parking lot at 12401 Wayzata Blvd.<sup>1</sup>

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

---

<sup>1</sup> City staff presented a draft IUP ordinance as a previous item on June 17, 2021 agenda. Under the ordinance, transient sales would be allowed in the Planned I-394 zoning district by IUP. If this ordinance is not adopted, the applicant's request should be denied, as transient sales would not be an allowed use on the site.

### Supporting Information

#### Subject Property

The subject property is zoned PID, Planned I-394 Development, and has a mixed-use land use designation in the Comprehensive Guide Plan. It is surrounded by other similarly zoned and guided properties.

#### IUP Standards

Under the proposed IUP ordinance, transient sales would be subject to the following standards. The proposal would meet these standards:

1. Must be located in a suitable off-street location and shall not extend into adjacent right-of-way or other public property;

**Finding:** The sales event would be located in a visible but underutilized parking area at Ridgedale Center.

2. Must not interrupt vehicular circulation on the site or obstruct parking spaces needed by a permanent business established on the site;

**Finding:** The sales event would not interrupt vehicular circulation or occupy parking spaces necessary at this time of the year.

3. Must have written authorization from the property owner;

**Finding:** Brookfield Properties, the owner of Ridgedale Center, has authorized the sale.

4. The business operator must secure all applicable licenses and approvals from the city, Hennepin county or other appropriate jurisdictions;

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

5. Sight visibility clearances at street intersections and access points must be provided in accordance with section 300.15, subd. 9(e) of this ordinance or as determined by the city to protect public safety;

**Finding:** The city engineer has reviewed the proposal. It is not anticipated to negatively impact site visibility clearances.

6. No portion of the use may take place within 100 feet of any developed property zoned for residential use;

**Finding:** The sales area would be over 450 feet from the Avidor apartment building to the south, which is the closest residential property.

7. Signs are subject to the following:

- no more than four signs are allowed, which do not exceed 32 square feet in aggregate;
- incidental product or pricing signs must be placed directly next to the appropriate product;
- product advertising is permitted but must be included in the maximum allowed sign area;
- the signs must have a professional appearance and must be securely mounted or erected in a safe location; and
- these limitations apply to all signs associated with the use, including those affixed to vehicles;

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

8. Any display of items must be limited to representative samples and be arranged in as compact a manner as reasonably practicable;

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

9. The interim use permit will be issued in the name of the person requesting the permit and will be for the purpose of selling a particular item or range of items at a specific location. Any change in the person, location, or items sold will render the permit invalid; and

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

10. Violation of the above standards or other conditions placed upon the interim use permit will result in the immediate revocation of the interim use permit;

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

**Neighborhood  
Comments**

The city sent notices to 141 area property owners and received no written comments to date.

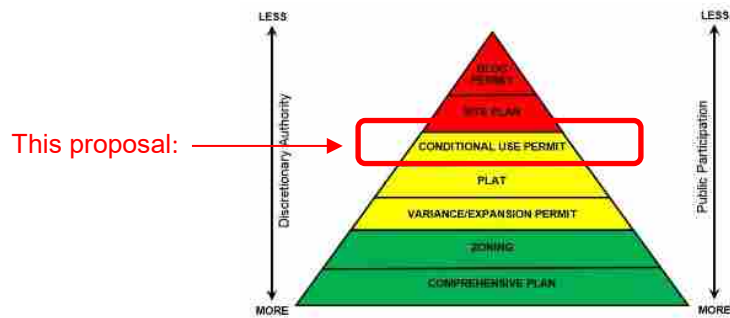
**Commission Action**

The planning commission will make a recommendation to the city council; a recommendation requires a majority vote of the commission. The planning commission has the following options:

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

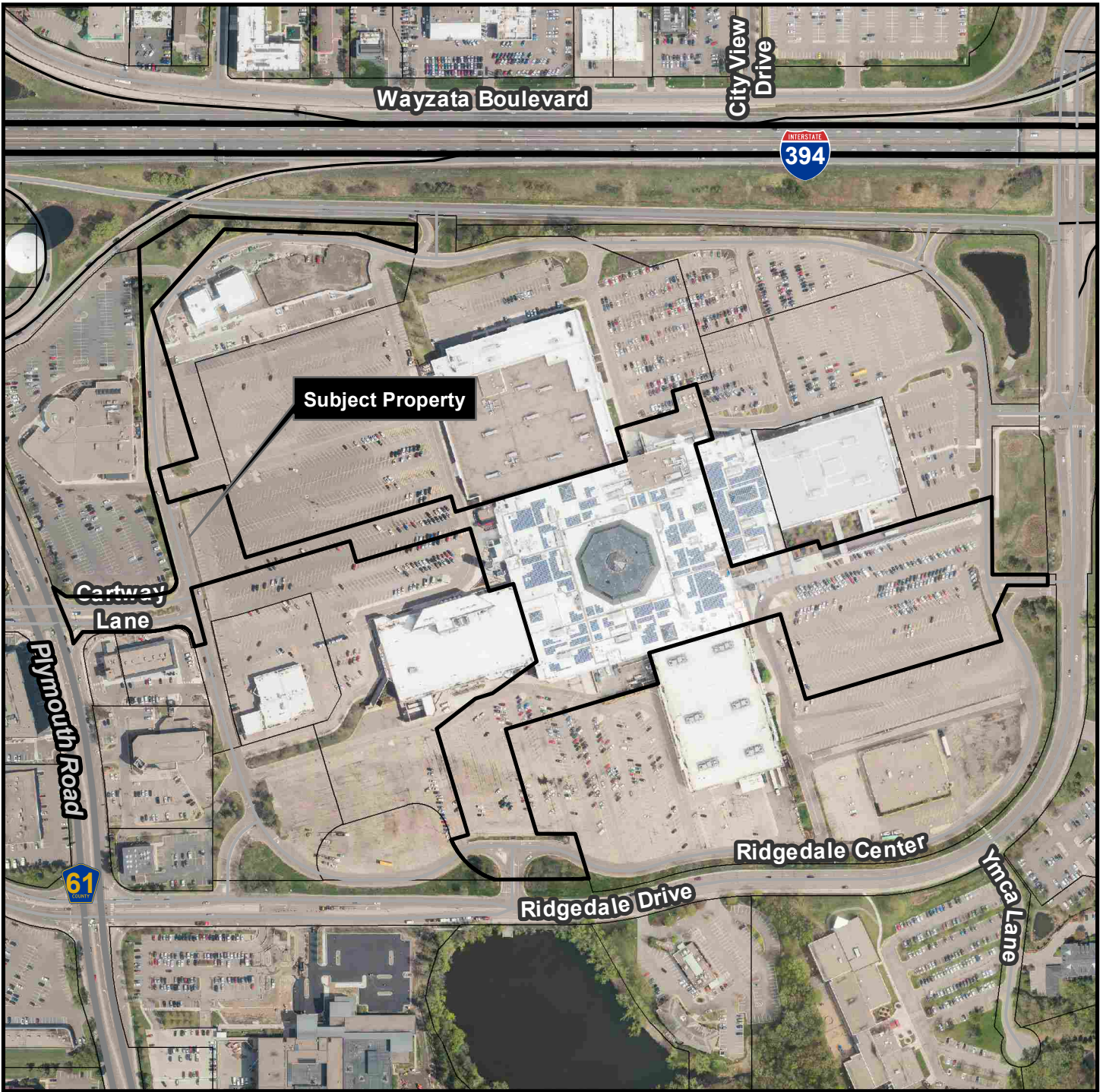
2. Disagree with the staff's recommendation. In this case, a motion should be made recommending the city council deny the request. The motion should include findings for denial.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to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

**Pyramid of Discretion**



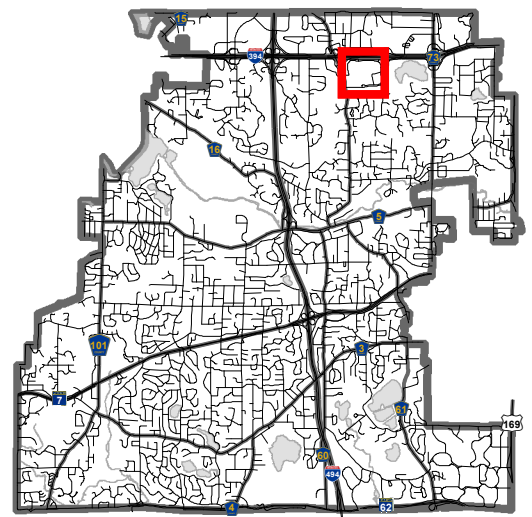
**Deadline for Action**

Sept. 13, 2021



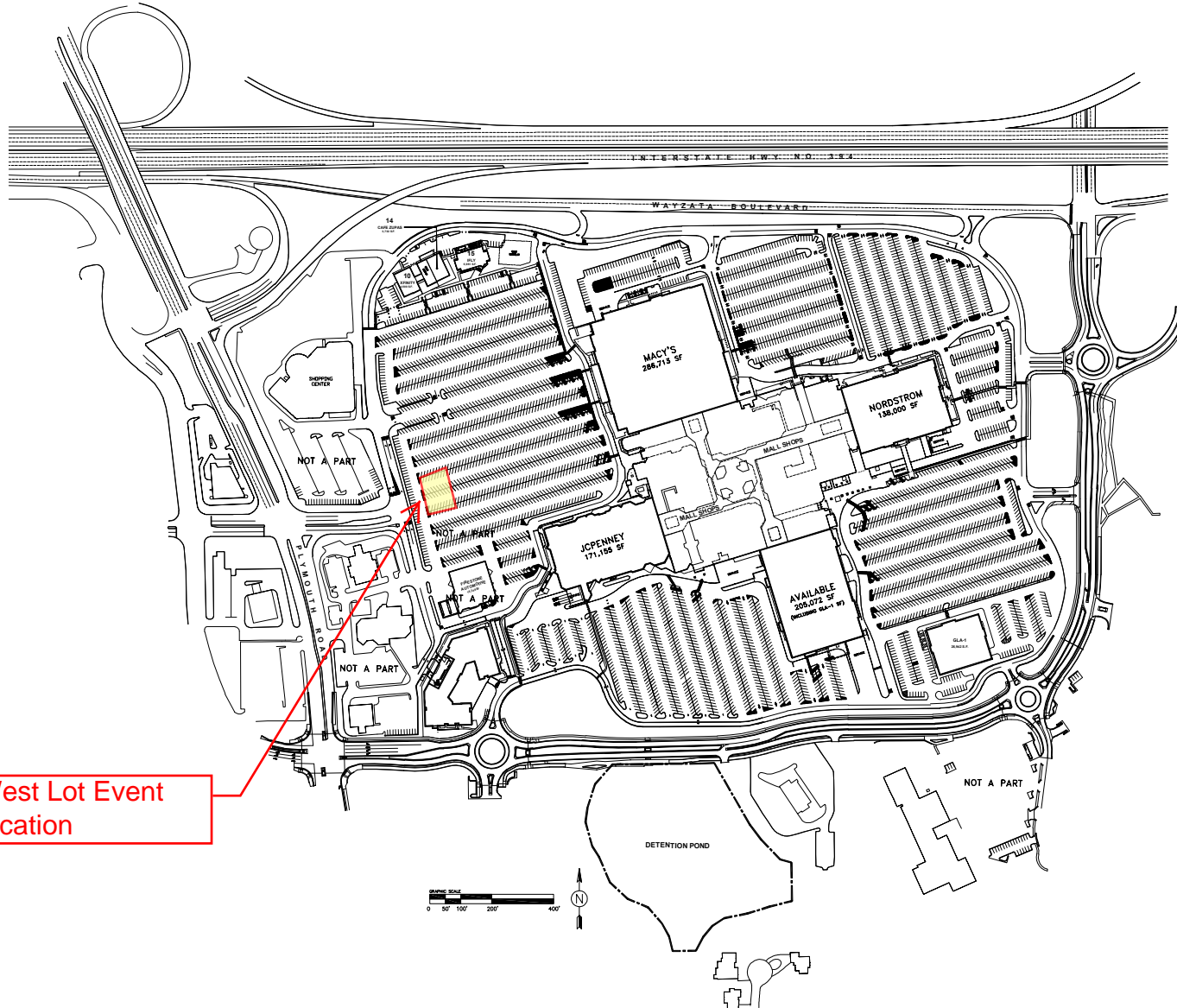
### Location Map

Project: Backyard Butcher  
Address: 12683 Wayzata Blvd





**RIDGEDALE CENTER**  
12401 WAYZATA BOULEVARD, 2ND FLOOR  
MINNETONKA, MINNESOTA 55305-5804



**West Lot Event  
Location**

TENANT NAMES SHOWN ON THIS PLAN REPRESENT NAMES WHICH THE DEVELOPER HAS FOR SHOWN ON A RECORDING. THE DEVELOPER HAS CONDUCTED VISUAL SITE ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT CAUSE ANY STATE, FEDERAL, OR ENVIRONMENTAL IMPACTS. THE DEVELOPER HAS CONDUCTED VISUAL SITE ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT CAUSE ANY STATE, FEDERAL, OR ENVIRONMENTAL IMPACTS. THE DEVELOPER HAS CONDUCTED VISUAL SITE ANALYSIS AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT CAUSE ANY STATE, FEDERAL, OR ENVIRONMENTAL IMPACTS.

ALL TENANT USE AREAS ARE REQUIRED TO BE PROVIDED WITH ACCESS FROM THE EXTERIOR FACE OF EXTERIOR WALL FROM THE FULL THICKNESS OF CONCRETE AND SHIRT WALLS AND FROM THE EDGE OF SLAB AT EACH SIDE WALL.

PROJECT NO. 4288  
DRAWN BY: TUC  
© Brookfield Property REIT Inc.

DESCRIPTION  
**SITE PLAN**

SHEET NO.  
**SP1**

## Ridgedale Center and Backyard Butchers Event

Brookfield Properties has invited Backyard Butchers to host a drive thru donation event in conjunction with a small sale of their frozen grocery products. The event will be advertised via Facebook and Radio ads. The community will have an opportunity to donate canned goods and purchase frozen and prepackaged meat for their own consumption. At the conclusion of the event unsold product and all gifts will be donated to a local food bank. This event will help Backyard Butchers determine if Minnetonka is a viable option for a brick and mortar storefront we are looking to open in Minnesota. We will be able to gage customer feedback and give back to the community as a thank you for allowing us to visit.

Backyard Butchers is a growing brand and we have partnered with major retail spaces including Simon Properties, CBL, Spinoso Real Estate Group and others across the nation to host similar events. Please visit our website at [www.backyardbutchers.com](http://www.backyardbutchers.com) to view other current locations.

- The Ridgedale Center event is located in the on the north side of the parking lot (see images below)
- Exact site can be adjusted per city and mall needs

As follows is the current plan but this can adjusted based off of city needs.

- This location is bordered by curbs that will ensure the event only has 1 entrance and one exit. If the city permits we will also have cones to help guide customers thru the drive thru.
- Please note this does not interfere with any other entrances/exits to the property which means there will be no interruption to regular traffic flow.
- The event will only need 10 parking spaces.
- We will have a 6 wheel Freezer Truck for the products and a 100sqft canopy for protection from the elements.
- The event will typically have 1 employee working on site and at times we may send a second employee to assist.
- Dates: June 18 2021 – July 18 , 2021 (30 days but can adjust as needed)
- Hours: 9:00am-6:00pm
- We will have one employee on site. There are rare instances when a second employee is needed and we will notify the city if this change is needed.
- Products being sold include, frozen and prepackaged steaks, chicken, seafood and pork.
- No food will be consumed on site as the product remains frozen and prepackaged through the point of sale.
- No services will be offered. The only interaction between employee and customer will be the sale of product or donation of canned goods.
- This event is a drive thru so this aids in keeping the area very clean. If there is any random trash we will negotiate in our lease that we can dispose of the trash in the mall dumpsters.
- No restrooms will be needed for the community as this is a drive thru event.
- The event will not disturb any flow of traffic
- The event is temporary in nature so there is no need for modifications to any property.
- The event is completely outdoors so there will be no structural changes needed.

## **Resolution No. 2021-**

### **Resolution approving an interim use permit for a 30-day sale of food products within the Ridgedale Center parking lot at 12401 Wayzata Blvd**

---

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

Section 1. Background.

1.01 The subject property is located at 12401 Wayzata Blvd. It is legally described as:

TRACT E, REGISTERED LAND SURVEY NO. 1826

1.02 Backyard Butchers has requested an interim use permit to conduct a 30-day sale of frozen meat products within the parking lot of the subject property. The sales area, located near the Plymouth Road entrance to the mall, would be comprised of a six-wheel freezer truck and a small canopied area.

1.03 On June 17, 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 City Code §300.05 outlines the following general interim use permit standards.

1. The general performance standards in Section 300.16, subd. 2 will be met;
2. The use will not delay anticipated development or redevelopment of the site;
3. The use will not be in conflict with any provisions of the city code on an ongoing basis;
4. The use will not adversely affect the adjacent property, the surrounding neighborhood, or other uses on the property where the use will be located;

5. The property on which the use will be located is currently in compliance with all applicable city code standards;
6. The use is allowed as an interim use in the applicable zoning district;
7. The date or event that will terminate the use can be identified with certainty;
8. The use will not impose additional unreasonable costs on the public; and
9. The applicant agrees in writing to any conditions that the city council deems appropriate for the use, including a requirement for financial security to ensure the removal of all evidence of the use upon termination.

## 2.02

City Code §300.31 Subd. 4(c)(3) outlines the specific interim use permit standards for transient sales in the Planned I-394 District.

1. Must be located in a suitable off-street location and shall not extend into adjacent right-of-way or other public property;
2. Must not interrupt vehicular circulation on the site or obstruct parking spaces needed by a permanent business established on the site;
3. Must have written authorization from the property owner;
4. The business operator must secure all applicable licenses and approvals from the city, Hennepin county or other appropriate jurisdictions;
5. Sight visibility clearances at street intersections and access points must be provided in accordance with Section 300.15, subd. 9(e) of this ordinance or as determined by the city to protect public safety;
6. No portion of the use may take place within 100 feet of any developed property zoned for residential use;
7. Signs are subject to the following:
  - no more than four signs are allowed, which do not exceed 32 square feet in aggregate;
  - incidental product or pricing signs must be placed directly next to the appropriate product;
  - product advertising is permitted but must be included in the maximum allowed sign area;
  - the signs must have a professional appearance and must be securely mounted or erected in a safe location; and

- these limitations apply to all signs associated with the use, including those affixed to vehicles;
8. Any display of items must be limited to representative samples and be arranged in as compact a manner as reasonably practicable;
  9. The interim use permit will be issued in the name of the person requesting the permit and will be for the purpose of selling a particular item or range of items at a specific location. Any change in the person, location, or items sold will render the permit invalid; and
  10. Violation of the above standards or other conditions placed upon the interim use permit will result in the immediate revocation of the interim use permit;

Section 3. Findings.

3.01 The proposal would meet the interim use standards as outlined in City Code §300.31 Subd. 4(c)(3):

1. The sales event would be located in a visible but underutilized parking area at Ridgedale Center.
2. The sales event would not interrupt vehicular circulation or occupy parking spaces necessary at this time of the year.
3. Brookfield Properties, the owner of Ridgedale Center, has authorized the sale.
4. The proposal has been reviewed by the city engineer. It is not anticipated to negatively impact site visibility clearances.
5. The sales area would be over 450 feet from the Avidor apartment building to the south.
6. As conditions of this resolution:
  - a) The business operator must secure all applicable licenses and approvals from the city, Hennepin county or other appropriate jurisdictions;
  - b) Any display of items must be limited to representative samples and be arranged in as compact a manner as reasonably practicable;
  - c) Signs are subject to the restrictions listed in City Code 300.31 Subd. 4(c)(3)

- d) The interim use permit will be issued in the name of the person requesting the permit and will be for the purpose of selling a particular item or range of items at a specific location. Any change in the person, location, or items sold will render the permit invalid; and
- e) Violation of the above standards or other conditions placed upon the interim use permit will result in the immediate revocation of the interim use permit;

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. This interim use permit is issued in the name of Backyard Butcher for the purpose of a 30-day sale of frozen meat products – beginning on or about July 2, 2021 and ending on or about August 2, 2021 – within the parking lot of the subject property.
3. Backyard Butcher must secure all applicable licenses and approvals from the city, Hennepin County, or other appropriate jurisdictions.
4. Any display of items must be limited to representative samples and be arranged in as compact a manner as reasonably practicable.
5. Signs are subject to the restrictions listed in City Code 300.31 Subd. 4(c)(3).
6. Violation of the above standards or other conditions placed upon the interim use permit will result in the immediate revocation of the interim use permit.
7. The applicant must agree to these conditions in writing.

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 28, 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 June 28, 2021.

---

Becky Koosman, City Clerk

**MINNETONKA PLANNING COMMISSION**  
**June 17, 2021**

<b>Brief Description</b>	Items concerning a two-phase, multi-family apartment project at 10901 Red Circle Drive:  <ol style="list-style-type: none"><li>1) Ordinance rezoning the property from B-1, office, to PUD, planned unit development;</li><li>2) Master development plan;</li><li>3) Site and building plan review; and</li><li>4) Preliminary and final plats</li></ol>
<b>Recommended</b>	Recommend the city council adopt the ordinance and resolutions approving the proposal.

---

## **Background**

Wellington Management, applicant and property owner, presented a concept plan to redevelop the property at 10901 Red Circle Drive. As contemplated, the site would be redeveloped in two phases for multi-family residential housing. The two-phase project would contain a 223-unit apartment building with a mixture of studio, 1-, 2- and 3- bedroom units. The project would provide affordable housing exceeding the city's housing policy. A second phase contemplates 150-185 units.

In September 2020, Wellington Management presented a concept plan which was reviewed by the planning commission, economic development advisory commission, and city council. (See [packets and minutes](#)).

## **Proposal Summary**

The following is intended to summarize the applicant's proposal. More detailed information can be found in the "Supporting Information" section of this report.

- **Existing Conditions.** The site is 4.68 acres in area and is improved with a 4-story office building and surface parking lots covering 65% of the property with impervious surface. There are three access points to the site along Red Circle Drive. A public trail exists along the north side of the property. In addition to these constructed features, the site contains 37 code-defined significant trees and 0 high priority trees.
- **Proposed Building.** The proposed four and 5-story building would contain a mix of studio, one-, two-, and three-bedroom units. In addition to the private units, the building would include several indoor and outdoor resident common spaces such as amenity rooms/roof decks, dog run, recreation area, pocket park, and a bike station and storage area. Grade level "walk-up" units would be located on all sides of the building except the east. Exterior building materials include brick, metal, and cement panels, block, and glazing. Windows



represent the highest percentage of façade area. The building roof is designed to accommodate solar panels, although not currently proposed for installation.

- **Proposed Site Plan.** The site plan indicates improvements associated with phase 1. Two access points from Red Circle Drive provide site access – one for surface-level parking and building access and a second to the underbuilding parking garage. The proposed building would be served by 303 parking stalls, of which 206 stalls would be located within an underbuilding parking garage. Private and public sidewalks and trails are proposed at the perimeter and internal to the site. The Opus trail system is located along the north property line. Plans show two site connections to the trail for resident access. A sidewalk along Red Circle allows future connections to the adjacent commercial area and other adjacent properties. (For more information about multi-modal transportation options, see the “Supporting Information” section of this report.)

### Primary Questions and Analysis

A land-use proposal is comprised of many details. These details are reviewed by members of the city’s economic development, engineering, fire, legal, natural resources, planning, and public works departments and divisions. These details are then aggregated into a few primary questions or issues. The analysis and recommendations outlined in the following sections of this report are based on the collaborative efforts of this larger staff review team.

- **Is the proposed residential land use appropriate?**

Yes. The proposed residential use is consistent with both the past plans for Opus and the future goals for the area. During its 1970s development, Opus was envisioned to contain residential areas “convenient to the office, commercial and industrial portions ... as well as to the surrounding services, communities, mass transportation systems, parks, and recreational areas.”<sup>1</sup> Looking to the future, the 2040 Comprehensive Guide Plan generally emphasizes accommodating a variety of housing types within the community that will appeal to residents of various ages and various income levels. The plan specifically notes that redevelopment within the Opus area should include the provision of additional residential uses.

- **Is the use of PUD zoning appropriate?**

Yes. The city of Minnetonka uses PUD zoning to provide flexibility from certain ordinance standards in order to achieve public benefits that may not otherwise be achieved. One of the specific public benefits recognized by the ordinance is the provision of affordable housing. The proposal would result in the provision of 52 new affordable housing units.

- **Is the building design appropriate?**

Yes. As proposed, the new building would be an attractive addition to Opus. Façade materials would include brick, block, cement, and metal panels. These materials and proposed color palette would complement other recently constructed and approved apartments in the Opus area.

---

<sup>1</sup> Rauenhorst Corporation, *Opus 2: Crossroads of Tomorrow, Today*. (Minneapolis, Rauenhorst Corporation), 13.



- **Is the proposed site design appropriate?**

Yes. The site is well organized, providing necessary services and amenities, creating a more livable and walkable environment.



**Staff Recommendation**

Items concerning a two-phase, multi-family apartment project at 10901 Red Circle Drive:

- 1) Ordinance rezoning the property from B-1, office, to PUD, planned unit development, and adopting a master development plan;
- 2) Resolution approving final site and building plans; and
- 3) Resolution approving a preliminary and final plats

Originator: Loren Gordon, AICP, City Planner

### Supporting Information

#### Surrounding Land Uses

North: Church, zoned I-1, guided mixed-use  
South: Highway 62  
East: Office building, zoned I-1, guided mixed-use  
West: Commercial, zoned PUD, guided mixed-use

#### Planning

Guide Plan designation: mixed-use  
Existing Zoning: B-1, office

#### Required Actions

The proposal requires the following:

#### Land Use

- **Rezoning.** To facilitate the proposed development, Wellington Management is requesting that the property be rezoned to PUD. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the rezoning.
- **Master Development Plan.** Under the zoning ordinance, a master development plan is required in conjunction with PUD zoning. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the master development plan.
- **Final Site and Building Plans.** By city code, site and building plan review is required in conjunction with PUD zoning. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the final site and building plans.
- **Preliminary Plat.** A preliminary plat is proposed to combine the two separate properties into one lot. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the master development plan.

#### PUD and MDP

In Minnetonka, the purpose of the PUD zoning is to provide flexibility from certain subdivision and zoning standards in order to realize public benefits that may not otherwise be achieved through non-PUD development of a property. When the city approves PUD zoning, that approval is subject to development occurring consistent with a master development plan (MDP) that is reviewed and approved concurrently with the rezoning request.

A MDP is a description or illustration of development; it particularly describes/illustrates the public benefit that supports the PUD zoning. MDPs usually comprise a series of narratives and plans that generally show proposed land uses, building location and mass, and public and private site improvements. Once approved, an MDP is a legal control

that governs the development of PUD property. In other words, an MDP establishes the city's general expectation for the future development of the site.

**SBP**

Site and building plans (SBP) specifically illustrate the location of trees and water resources, streets, utilities, stormwater improvements, buildings, and parking areas; proposed site grading, tree removal, and landscaping; building elevations and signs. When approved, these plans outline the city's specific requirements/conditions for construction on a site.

**Transportation Options** Aside from personal automobile transportation, the residents of the proposed apartment building would have access to:

Southwest Light Rail Transit. The proposed apartment building would be located 2000 feet (less than a half-mile) from the SWLRT Opus Station via the Opus trail system. If approved, the building would likely be occupied prior to the anticipated 2024 opening of SWLRT.

Biking. The site would have direct access to the six miles of paved trails within Opus. It is also located within 1.5 miles of the Minnesota River Bluffs LRT Regional Trail, with access to downtown Hopkins and to Uptown, Minneapolis. The building would include a bike storage room and a "fix-it" station.

**Park Options**

As proposed, residents would have access to "recreational amenities" on-site, including:

- New trail connections to existing sidewalks and trails;
- Pocket park,
- Dog run; and

Several area parks are within a short distance of the site:

- Opus trails/open space. Immediately adjacent. 6 miles of trails 50 acres of open space
- Lone Lake Park: 0.5 miles away, 146 acres
- Shady Oak Beach: 1 mile away, 85 acres
- Bryan Lake Park: 1 mile, 170 acres

**Grading**

The combined redevelopment site slopes downward from the south corner to the north, falling roughly 17 feet in elevation. To accommodate the proposed development, the finished grade high point of the site would be reduced to about 10 feet. Excavation would occur for the underbuilding parking and stormwater facilities. However, the general grade – falling from south to north– would remain the same.

**Tree Impact**

The property contains a total of 37 regulated trees. As proposed:

	Existing	Removed	% Removed <sup>2</sup>
High Priority	0	0	-
Significant	37	37	100%

As the proposal is for the property redevelopment, the level of tree removal/impact is permitted under the tree protection ordinance. Tree mitigation would be required for those trees located more than 20 feet from the building.

**Landscaping**

As proposed, the landscaping plan provides ground cover, shrubs, perennials, and trees. A requirement of final landscaping approvals is meeting the tree mitigation, project value requirements, and percent pollinator-friendly materials.

**Stormwater**

As proposed, the stormwater runoff would be directed to several catch basins and directed via a pipe to (1) an underground infiltration chamber located beneath the surface parking lot and (2) a rain garden on the east side of the property. The project would meet city stormwater management rules.

**Utilities**

Public sanitary sewer and water service would connect to public facilities along the north side of the site.

**Parking**

As proposed, parking for both residents and visitors would be constructed/supplied as follows:

Location	Total Stalls
Enclosed, Underbuilding	206
Surface	97
<b>TOTAL</b>	<b>303</b>

The parking ratio proposed is similar to that of other recently approved apartment buildings. It would also be consistent with the Institute of Transportation Engineers' suggested parking demand.

	Total Units	Total Bedrooms	Total Stalls	Stalls Per Unit	Stalls per Bedroom
<b>Traditional City Code Standard</b>				2	n/a
<b>ITE Demand Rates<sup>3</sup></b>				1.2	0.8
<b>Avidor</b> – Ridgedale Area, senior	168	232	216	1.3	0.9
<b>The Birke</b> – Ridgedale Area	175	209	236	1.3	1.1
<b>The Lux</b> – Ridgedale Area	78	106	178	2.3	1.7

<sup>2</sup> By City Code §300.28 Subd.19(f)(3)(d), a tree will be considered removed if girdled, if 30 percent or more of the trunk circumference is injured, if 30% or more of the crown is trimmed, if an oak is trimmed between April 1st and July 15th, or if the following percentage of the critical root zone is compacted, cut, filled or paved: 30 percent of the critical root zone for all species, except 40 percent for ash, elm, poplar species, silver maple, and boxelder.

<sup>3</sup>These rates are specific to suburban, mid-rise (3 to 10 stories), multi-family developments within 0.5 miles of a transit station.

<b>Dominium</b> – Opus Area, workforce/senior	482	949	552	1.1	0.6
<b>Minnetonka Station</b> – Opus Area	275	316	314	1.1	0.99
<b>The RiZe</b> – Opus Area	322	450	586	1.8	1.3
<b>Doran Apartments</b> – Opus Area	350	441	489	1.4	1.1
<b>AS PROPOSED</b>	223	263	303	1.4	1.2

**Traffic**

In 2020, an Alternative Urban Areawide Review (AUAR) was completed for the Opus area. The AUAR reviewed potential traffic impacts under two development scenarios; one scenario forecasted development at types and densities suggested by the comprehensive plan, and the second scenario contemplated development at an even higher intensity than the comprehensive plan.

The AUAR concluded that development could occur under the comp plan scenario without any roadway improvements. Improvements would be necessary if total development were to occur as projected under the more intense second scenario.

The proposed project would have no negative traffic impacts on the adjacent roadway system.

**Setbacks, Etc.**

The PUD ordinance contains no specific development standards relating to setbacks, lot coverage, etc. The following chart outlines these items for informational purposes:

	<b>Measurement</b>
Setback – North	37 ft
Setback – South	20 ft
Setback – East	20 ft
Setback –West	60 ft
Height	69 ft
Impervious Surface (phase 1)	72%
Floor Area Ratio	1.89

**SBP Standards**

City Code §300.27, Subd.5 outlines the following items that must be considered in the evaluation of the 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.

**Finding:** The proposed high-density residential development is consistent with the general housing goals of the 2040 Comprehensive Guide Plan and the plan’s specific goal to provide additional housing in the Opus area. Further, the proposal has been reviewed by city planning, engineering, and natural resources staff and found to be generally consistent with the city’s

development guides, including the water resources management plan.

2. Consistency with this ordinance.

**Finding:** The proposal is consistent with the PUD zoning ordinance.

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

**Finding:** The subject property is a developed site with no "natural" areas. The proposal is considered redevelopment.

4. Creation of 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:** The proposal would result in an orderly site relationship between buildings and open spaces.

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

- 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.
- The amount and location of open space and landscaping.
- Materials, textures, colors, and details of construction as an expression of the design concept and compatibility of the same with the adjacent and neighboring structures and uses.
- 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 proposal would result in an intuitively ordered, attractively designed development.

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

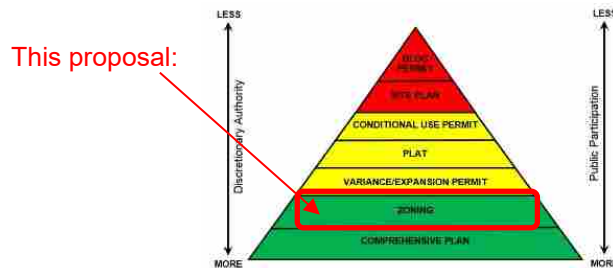


**Finding:** The application includes large building windows to add light and solar gain for well-positioned units during heating months. The roof is designed to accommodate solar panels.

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and site 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 proposal would visually and physically alter the property and the immediate area. However, this change would occur with any redevelopment of the site, which the city has long anticipated.

### Pyramid of Discretion



### Motion Options

The planning commission has three options:

1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the ordinance and resolutions approving the proposal.
2. Disagree with the staff's recommendation. In this case, a motion should be made recommending the city council deny the proposal. 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.

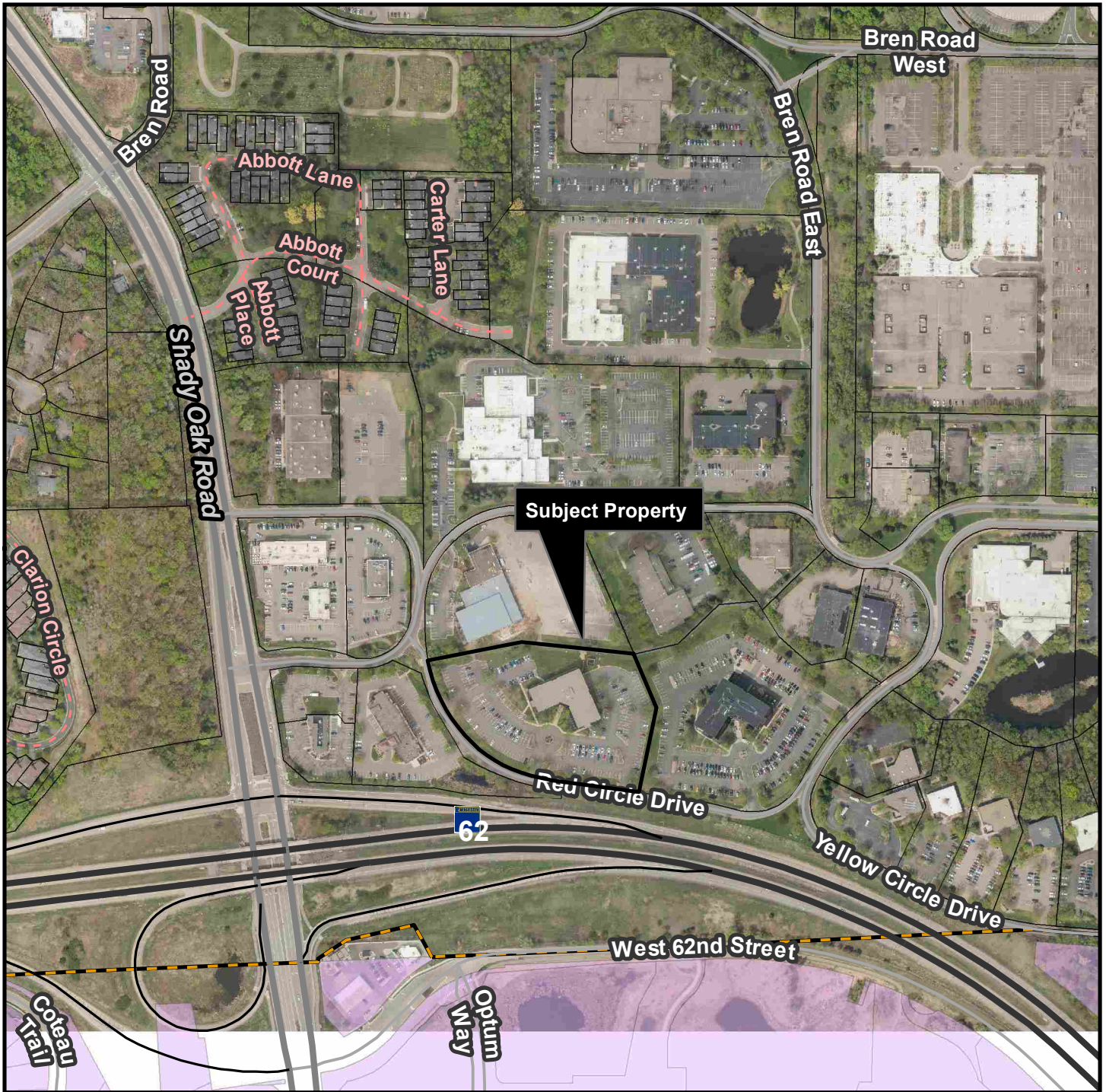
### Voting Requirement

The planning commission will make a recommendation to the city council. The city council's final approval requires an affirmative vote of four members.

### Neighborhood Comments

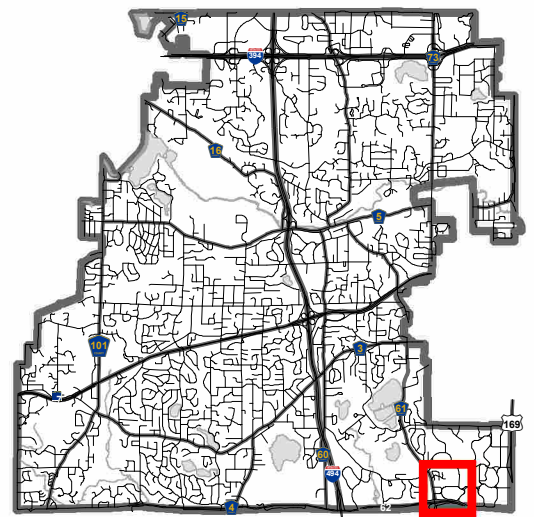
The city sent notices to 179 area property owners and has received no written comments to date.

**Deadline for Action** Aug. 7, 2021.



### Location Map

Project: Shady Oak Office Center  
Address: 10901 Red Cir Dr





**April 9, 2021**

Loren Gordon, City Planner  
City of Minnetonka  
14600 Minnetonka Blvd.  
Minnetonka, MN 55345

**RE: 10901 Red Circle Drive**

**Project Description:** The proposed project is located at 10901 Red Circle Dr and will include demolishing the existing office building and redeveloping the site with two multifamily, mixed-income buildings constructed in two phases. The 4.68-acre site is located immediately east of the commercial area along Shady Oak Road just north of Hwy 62. Wellington Management has owned and managed the office building since 2004. Based on the City's land use goals for Opus Park and the changing dynamics in how and where people choose to live, work, and play, Wellington believes the site will better serve the community as a multifamily housing project. The site is well positioned between two Southwest LRT stops, directly adjacent to the bike trail, and near a variety of retail amenities and significant employers. The project will help grow the Opus Park area from predominately office uses into a community where residents can live, work, and play all within a short walk, bike ride, or transit ride.

The design will include a pocket park and pollinator garden to connect the phase I and phase II buildings, adjacent to the bike trail on the northern edge of the site. There will also be a sidewalk connecting the bike trail to the walk-up units, a bike repair station on the northeast corner of the phase 1 building, and lighting, seating, and other landscaping improvements throughout the site. These enhancements will provide attractive and seamless connections for residents, bicyclists, and pedestrians interacting with the site and adjacent path.

The building will be a combination of brick, masonry, metal panel, and cement board siding. The design is intended to merge the look of an office structure with that of a residential structure creating a hybrid to fit into the overall context of the mixed-use Opus Park. Some of the massing, form, and color also took cues from the Optum building and the other commercial buildings nearby. The residential presence of the structure is enhanced with walk-up style units that create a residential feel, and also add vitality to the pedestrian walkways and trails. The walk-up units provide a strong connection to the trails and provide an openness to the building. The building has part four and part five-story segments around the perimeter. This height difference is accentuated by significant grade on the site which exposes an additional floor. The design on the north portion is intended to accentuate the change in height providing for a dynamic mix.

### Affordability Mix

In September 2020, members of Wellington’s team met with the Minnetonka Planning Commission, Economic Development Advisory Committee (EDAC), and City Council to share plans and collect feedback for its Shady Oak office redevelopment. At that time Wellington planned to develop 335 units, including 20% of units affordable at 50% of area median income in a multi-phase development. The September 17, 2020 EDAC staff report concluded that the project required public assistance totaling \$5 million for the phase 1 building and \$3 million for the phase 2 building. Following the aforementioned public meetings, Wellington and City staff had several discussions related to the site plan, building massing and affordability mix in the context of other public infrastructure and development projects planned within Opus Park. As part of those discussions, Wellington was asked to consider including units affordable at both the 50% and 80% AMI levels. In response, Wellington is pleased to present an updated project summary and affordability details for phase one of the two-phase redevelopment.

In order to provide an additional buffer and greenspace between the bike trail and the building, Wellington has slightly reduced the building massing/density in phase 1 (eastern building) from 250 units to 223 units based on current floor plans and estimated units sizes. The western building (phase 2) will likely include 150 - 185 units. Both buildings will include a mixture of studio, 1-, 2-, and 3-bedroom units. Within the phase 1 building 10% of the units will have rents restricted at/below 50% of area median income and 20% of the units will have rents restricted at/below 80% of area median income. The remaining units will be unrestricted at market rate rents. However, a majority of the market-rate units are anticipated to have rents between 80 - 100% of AMI thereby providing a wide range of workforce housing options within Opus Park.

### Gross Square Footages:

	RESIDENTIAL	COMMON AREA	PARKING	GROSS SF
<b>-1 UNDERGROUND</b>	0	0	66,690	<b>66,690</b>
<b>FIRST FLOOR</b>	33,255	11,515	0	<b>44,770</b>
<b>SECOND</b>	37,045	7,035	0	<b>44,080</b>
<b>THIRD</b>	40,365	5,275	0	<b>45,640</b>
<b>FOURTH</b>	40,015	5,285	0	<b>45,300</b>
<b>FIFTH</b>	9,650	3,370	0	<b>13,020</b>
<b>TOTAL</b>	<b>160,330</b>	<b>32,480</b>	<b>66,690</b>	<b>259,500</b>

**Lot Area:** 3.145 Acres

**Lot Coverage:** Impervious area = 2.258 Acres (71.8%). Building footprint = 66,690 sq.ft.

**Setbacks:** South property line = 18’, west property line=75’, north property line 11’- 5”, east property line 20’.

**Height:** The height of the building will be 5 stories on the north wing and 4 stories on the rest of the building. Because of the grade difference, the lower level is exposed at the northeast corner. The total height at this corner will be 70 feet above grade. The majority of the north wing is approximately 60’ above grade. The interior courtyard and southern end is approximately 50’ in height.

**Unit Counts:** The project consists of one, one bedroom den, two-bedroom, three bedroom, and studio units in the following totals:

<b>1 Bedroom</b>	143
<b>1 Bedroom + Den</b>	7
<b>2 Bedroom</b>	32
<b>3 Bedroom</b>	4
<b>Studio</b>	37
<b>TOTAL</b>	<b>223</b>

**Building Materials:** The materials will consist of architectural block, brick, fiber cement panels, wood printed metal panels, metal panels, and glazing.

**Parking:** Parking will be a mix of site parking and one level of underground parking.

<b>TOTAL</b>	<b>Site</b>	<b>Compact</b>
<b>303</b>	97	206

**Bike Parking:** Bike Parking will be provided in several locations. There will be bike loops provided at the back of the parking stalls for tenants to have long term storage. There will also be a bike room with some common area locking areas. There are also exterior bike racks at the northeast corner of the building near the bike trail. There are additional bike racks near the front entry door. Overall, there will be 20 exterior bike stalls, and 120 interior bike racks.

**Requested Applications**

- Master Development Plan
- Rezoning
- Preliminary Plat
- Final Plat

Please let me know if you have any questions regarding the application.

Sincerely,  
COLLAGE ARCHITECTS

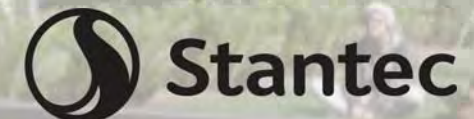


Pete Keely, A.I.A.  
*President*

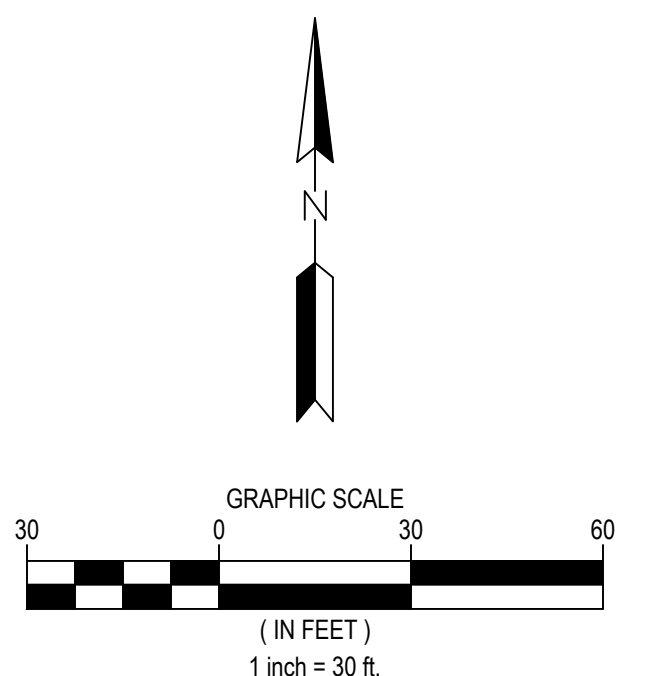
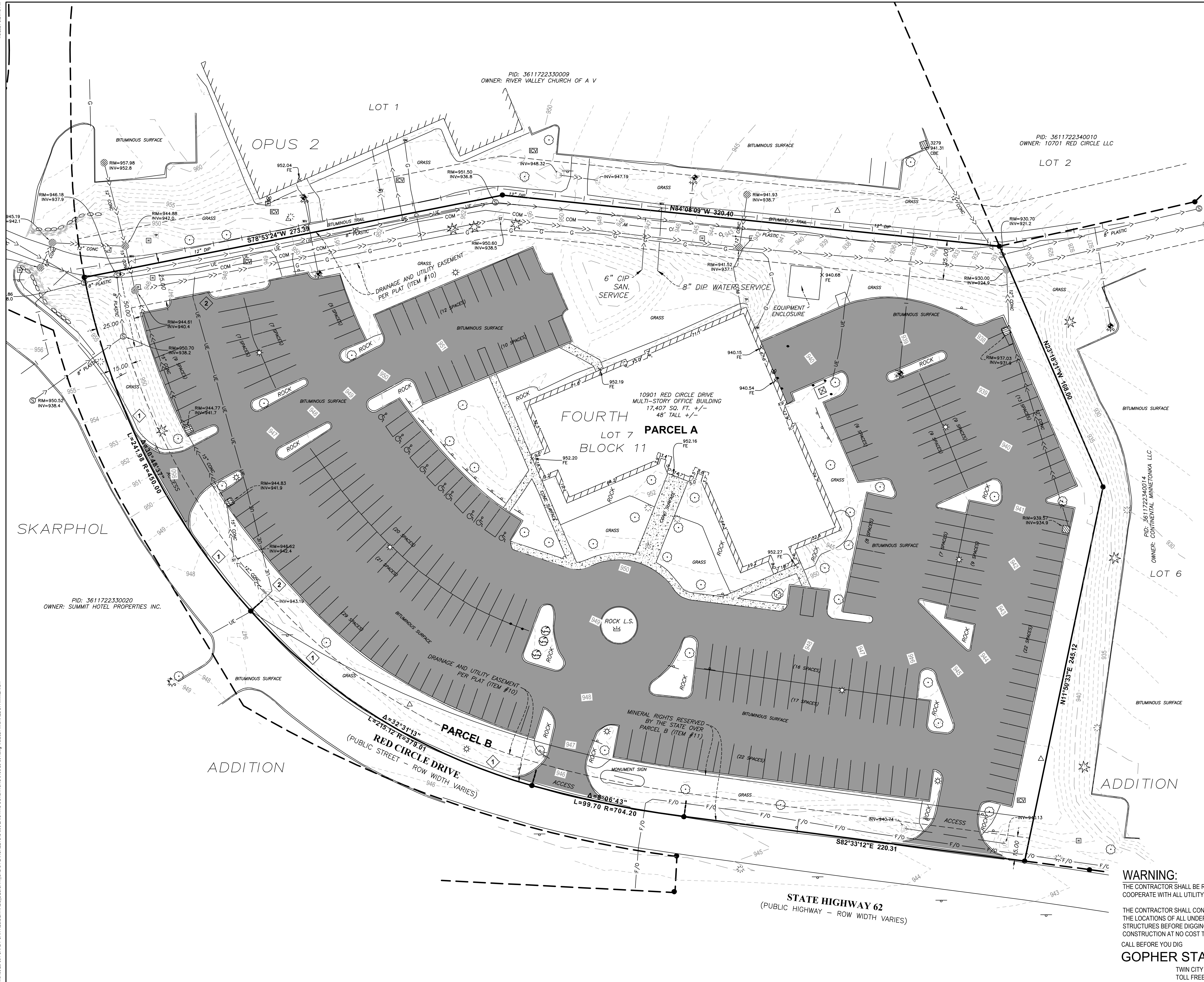
10901 RED CIRCLE DRIVE  
MINNETONKA, MN  
CITY SUBMITTAL  
MULTIFAMILY RESIDENTIAL  
4.09.2021



now part of



4/8/2021 5:21:48 PM



**LEGEND**

	PROPERTY BOUNDARY
	LOT LINE
	EASEMENT LINE
	SETBACK LINE
	RIGHT OF WAY LINE
	SECTION LINE
	QUARTER LINE
	EXISTING EASEMENT LINE
	EXISTING PROPERTY LINE
	EXISTING RETAINING WALL LINE
	EXISTING STORM SEWER
	EXISTING SANITARY SEWER
	EXISTING WATERMAIN
	EXISTING UNDERGROUND GAS LINE
	EXISTING UNDERGROUND COMMUNICATION LINE
	EXISTING UNDERGROUND FIBER OPTIC LINE
	EXISTING UNDERGROUND ELECTRIC LINE
	EXISTING CONCRETE SURFACE
	EXISTING ASPHALT SURFACE
	EXISTING BUILDING
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	EXISTING SANITARY MANHOLE
	EXISTING STORM SEWER MANHOLE
	EXISTING STORM SEWER INLET
	EXISTING STORM SEWER INLET
	EXISTING FLARED END SECTION
	EXISTING HYDRANT
	EXISTING WATER VALVE
	EXISTING AUTO SPRINKLER
	EXISTING GAS METER
	EXISTING COMMUNICATIONS PEDESTAL
	EXISTING TRANSFORMER
	EXISTING SIGN
	EXISTING BOLLARD/POST
	EXISTING LIGHT POLE
	EXISTING DECORATIVE LIGHT
	EXISTING DECIDUOUS TREE
	EXISTING CONIFEROUS TREE
	EXISTING SHRUB/BUSH
	EXISTING SOIL BORING
	EXISTING HAND HOLE

**NOTES**

- SEE SHEET G-002 FOR ADDITIONAL PROJECT NOTES.

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

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

CALL BEFORE YOU DIG  
**GOPHER STATE ONE CALL**  
TWIN CITY AREA: 651-454-0002  
TOLL FREE 1-800-252-1166

**WENCK**  
now part of  
**Stantec**  
7500 OLSON MEMORIAL HWY  
SUITE 300  
GOLDEN VALLEY, MN 55427  
PHONE: 763-252-6800  
FAX: 952-831-1288

**Collage**  
architects  
**WELLINGTON**  
MANAGEMENT

**10901 RED CIRCLE DRIVE**  
10901 RED CIRCLE DRIVE  
MINNETONKA, MN 55343

PROJECT TITLE:	10901 RED CIRCLE DRIVE
ISSUE NO.:	1
DESCRIPTION:	CITY SUBMITTAL
DATE:	04/09/2021

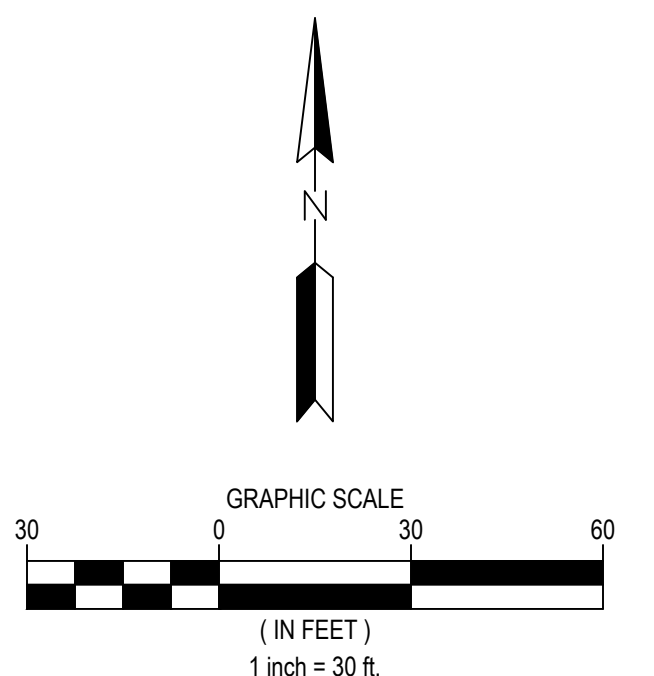
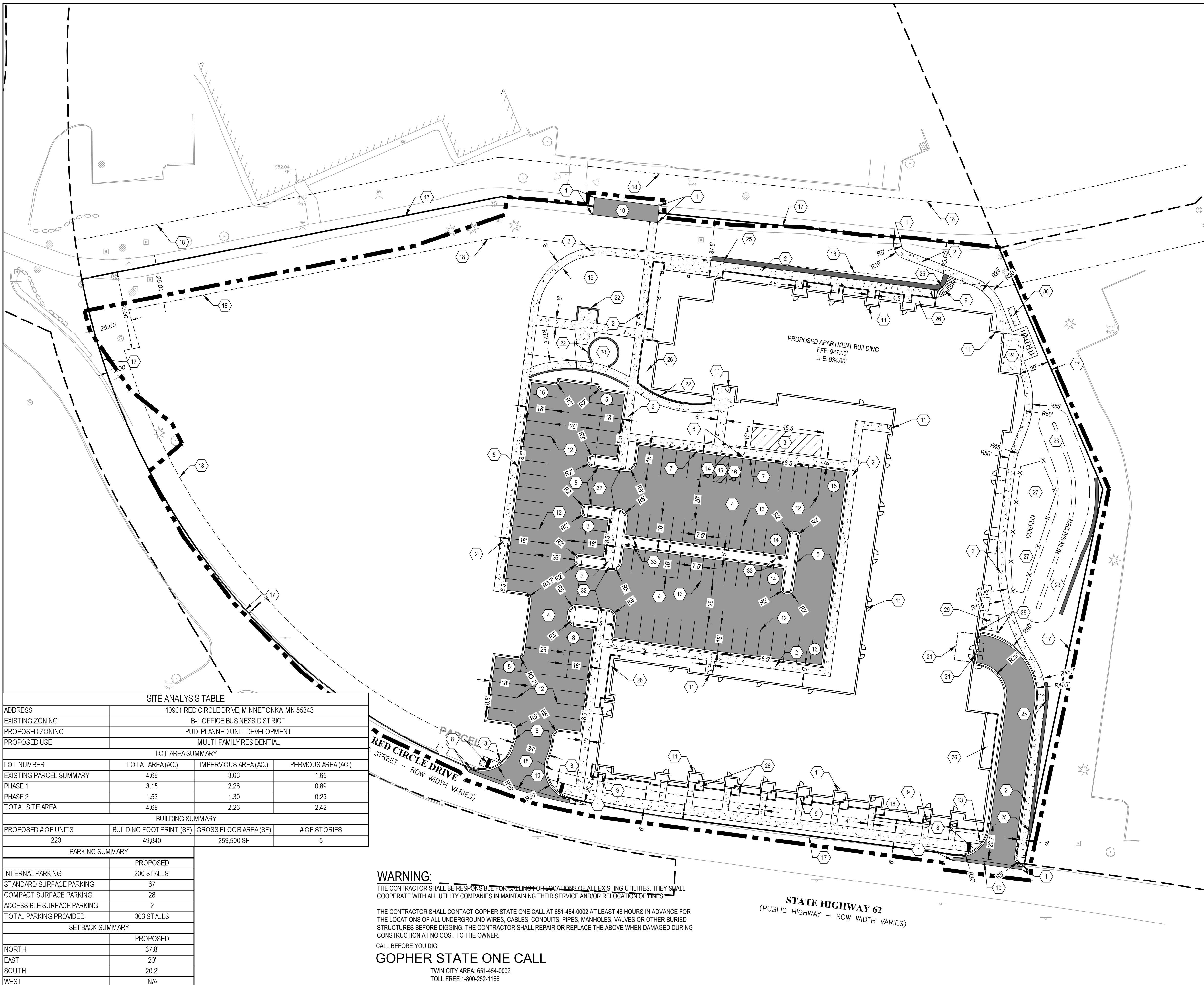
CERTIFICATION:  
**NOT FOR CONSTRUCTION**

PROJECT NO.:	6186-20-501
DWN BY:	MDH
CHK'D BY:	JRA
APP'D BY:	DML
ISSUE DATE:	04/09/2021
ISSUE NO.:	1
SHEET TITLE:	EXISTING CONDITIONS
SHEET NO.:	G-003

1/6/19/05-501 SHADY OAK RESIDENTIAL LG DESIGN: CAD/CADD PLANS SHEETS 603 EXISTING CONDITIONS 6186-20-501.dwg 4/8/2021 MICHAEL D. HUMMERT



4/8/2021 5:22:14 PM  
16/189/05-501 SHADY OAK RESIDENTIAL LG DESIGN - CAD/CAD PLANSHEET/3C-101 SITE PLAN 186-20-501.dwg 4/8/2021 MICHAEL D. HMMERICH



**LEGEND**

	PROPERTY BOUNDARY
	LOT LINE
	EASEMENT LINE
	SETBACK LINE
	RIGHT OF WAY LINE
	SECTION LINE
	QUARTER LINE
	EXISTING EASEMENT LINE
	EXISTING PROPERTY LINE
	CURB AND GUTTER
	BITUMINOUS PAVEMENT
	CONCRETE SIDEWALK
	RETAINING WALL (BY OTHERS)
	PROPOSED PARKING COUNT

- NOTES**
- SEE SHEET G-002 FOR ADDITIONAL PROJECT NOTES.
  - ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.

- KEYNOTES**
- MATCH EXISTING
  - CONCRETE SIDEWALK - SEE DETAIL 3/C-812
  - AMENITY SPACE - SEE ARCHITECTURAL/ STRUCTURAL PLANS
  - BITUMINOUS PAVEMENT - SEE DETAIL 4/C-812
  - B612 CURB AND GUTTER (TYP.) - SEE DETAIL 1/C-812
  - FLAT CURB - SEE DETAIL 2/C-812
  - CURB TRANSITION - B612 TO FLAT CURB
  - ADA ACCESSIBLE CURB RAMP WITH DETECTABLE WARNING STRIP
  - STAIRS (TYP.) - SEE ARCHITECTURAL/ STRUCTURAL PLANS
  - PATCH BITUMINOUS PAVEMENT - MATCH EXISTING SECTION
  - DOOR LOCATION/ STRUCTURAL STOOP/ STAIRS WITH LANDING (TYP.) - SEE ARCHITECTURAL/ STRUCTURAL PLANS FOR DETAIL AND PRECISE LOCATION
  - 4" WHITE PAINT STRIPE (TYP.) - SEE DETAIL 12/C-812
  - STOP SIGN - SEE DETAIL 13/C-812
  - ADA VAN ACCESSIBLE PARKING STALL WITH SIGN - SEE DETAILS 5, 6, 9/C-812
  - ADA AISLE WITH SIGN - SEE DETAILS 5, 6, 9/C-812
  - ADA ACCESSIBLE STALL WITH SIGN - SEE DETAILS 5, 6, 9/C-812
  - PROPERTY BOUNDARY LINE
  - EXISTING EASEMENT LINE
  - POCKET PARK - SEE LANDSCAPE PLANS
  - POLLINATOR GARDEN - SEE LANDSCAPE PLANS
  - UNDERGROUND PARKING ENTRANCE WITH OVERHEAD DOOR - SEE ARCHITECTURAL/ STRUCTURAL PLANS
  - DECORATIVE RETAINING WALL (DESIGN BY OTHERS)
  - STORMWATER RAIN GARDEN
  - BICYCLE STORAGE AND ACCESS - SEE ARCHITECTURAL/ STRUCTURAL PLANS
  - RETAINING WALL
  - LANDSCAPE PLANTERS (TYP.) - SEE LANDSCAPE PLAND
  - DOG RUN WITH FENCE - SEE ARCHITECTURAL/ STRUCTURAL PLANS
  - BOLLARD - SEE DETAIL 11/C-812
  - 10' X 10' TRANSFORMER PAD (DESIGN BY OTHERS)
  - 4' X 12' GENERATOR PAD (DESIGN BY OTHERS)
  - TRENCH DRAIN - SEE DETAIL 10/C-812
  - ADA ACCESSIBLE CURB RAMP
  - \*COMPACT PARKING ONLY\* SIGN

**SITE ANALYSIS TABLE**

ADDRESS	10901 RED CIRCLE DRIVE, MINNETONKA, MN 55343		
EXISTING ZONING	B-1 OFFICE BUSINESS DISTRICT		
PROPOSED ZONING	PUD: PLANNED UNIT DEVELOPMENT		
PROPOSED USE	MULTI-FAMILY RESIDENTIAL		
LOT AREA SUMMARY			
LOT NUMBER	TOTAL AREA (AC.)	IMPERVIOUS AREA (AC.)	PERVIOUS AREA (AC.)
EXISTING PARCEL SUMMARY	4.68	3.03	1.65
PHASE 1	3.15	2.26	0.89
PHASE 2	1.53	1.30	0.23
TOTAL SITE AREA	4.68	2.26	2.42
BUILDING SUMMARY			
PROPOSED # OF UNITS	BUILDING FOOTPRINT (SF)	GROSS FLOOR AREA (SF)	# OF STORIES
223	49,840	259,500 SF	5
PARKING SUMMARY			
	PROPOSED		
INTERNAL PARKING	206 STALLS		
STANDARD SURFACE PARKING	67		
COMPACT SURFACE PARKING	28		
ACCESSIBLE SURFACE PARKING	2		
TOTAL PARKING PROVIDED	303 STALLS		
SET BACK SUMMARY			
	PROPOSED		
NORTH	37.8'		
EAST	20'		
SOUTH	20.2'		
WEST	N/A		

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

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

CALL BEFORE YOU DIG  
**GOPHER STATE ONE CALL**  
TWIN CITY AREA: 651-454-0002  
TOLL FREE 1-800-282-1166

**STATE HIGHWAY 62**  
(PUBLIC HIGHWAY - ROW WIDTH VARIES)

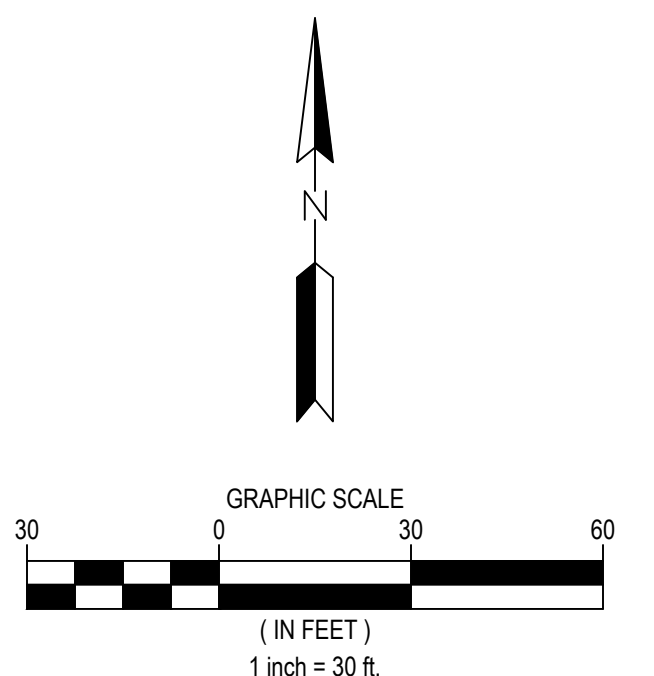
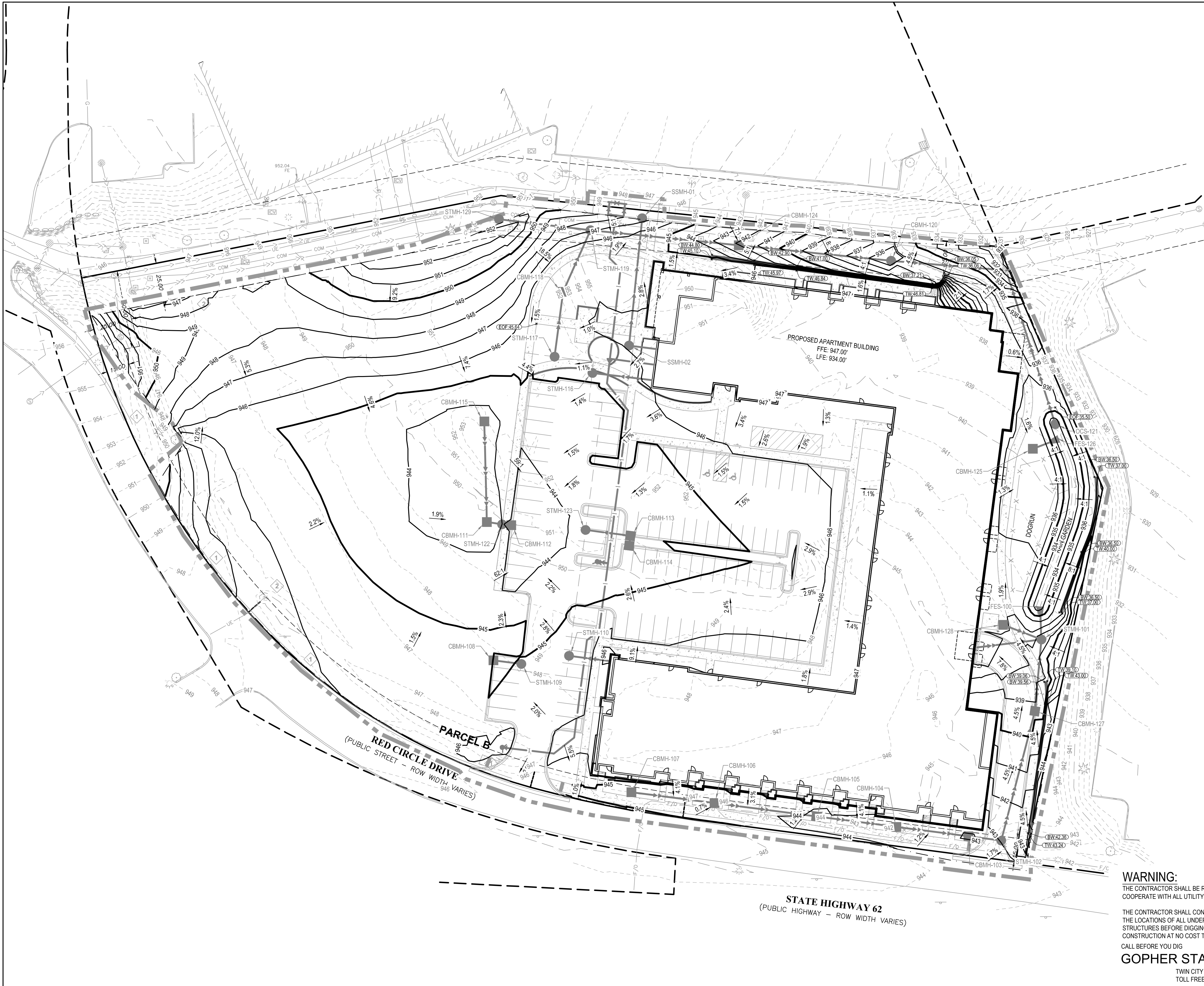
PROJECT TITLE: 10901 RED CIRCLE DRIVE

ISSUE NO.:	1
DESCRIPTION:	CITY SUBMITTAL
DATE:	04/09/2021

CERTIFICATION:

**NOT FOR CONSTRUCTION**

PROJECT NO.:	6186-20-501				
DWN BY:	MDH	CHK'D BY:	JRA	APP'D BY:	DML
ISSUE DATE:	04/09/2021				
ISSUE NO.:	1				
SHEET TITLE:	SITE PLAN				
SHEET NO.:	C-101				



**LEGEND**

	PROPERTY BOUNDARY
	LOT LINE
	EASEMENT LINE
	SETBACK LINE
	RIGHT OF WAY LINE
	SECTION LINE
	QUARTER LINE
	EXISTING EASEMENT LINE
	EXISTING PROPERTY LINE
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	901 PROPOSED MINOR CONTOUR
	900 PROPOSED MAJOR CONTOUR
	901 GRADING LIMITS
	900 GRADING LIMITS
	TOP OF WALL ELEVATION
	BOTTOM OF WALL ELEVATION (AT GRADE)
	1.00% SURFACE GRADE & FLOW DIRECTION
	3.0:1 SURFACE SLOPE (H:V) & FLOW DIRECTION

- NOTES**
- SEE SHEET G-002 FOR ADDITIONAL PROJECT NOTES.
  - EXISTING SPOT ELEVATIONS AT MATCH POINTS ARE BASED ON INTERPOLATED POINT TO POINT SURVEY DATA. CONTRACTOR IS RESPONSIBLE FOR VERIFYING CONNECTION POINTS PRIOR TO INSTALLATION OF IMPROVEMENTS. CONTRACTOR SHALL NOTIFY ENGINEER IN WRITING IMMEDIATELY OF ANY FIELD DISCREPANCIES. CONTRACTOR IS RESPONSIBLE FOR MAKING NECESSARY ADJUSTMENTS IN THE FIELD FOR CONSTRUCTABILITY, REGULATORY COMPLIANCE (ADA), POSITIVE DRAINAGE, AND TO ENSURE SMOOTH TRANSITIONS TO FIELD CONDITIONS. CONTRACTOR IS RESPONSIBLE FOR REWORK OF A DISCREPANCY THAT IS NOT COMMUNICATED TO THE ENGINEER IN WRITING.
  - CONTRACTOR MUST IMMEDIATELY NOTIFY THE OWNER AND ENGINEER OF DISCREPANCIES OR CONFLICTS IN THE CONTRACT DOCUMENTS BEFORE COMMENCING WORK. NO FIELD CHANGES OR DEVIATIONS ARE TO BE MADE WITHOUT PRIOR WRITTEN APPROVAL FROM ENGINEER. FAILURE TO NOTIFY OWNER AND ENGINEER OF AN IDENTIFIABLE CONFLICT BEFORE PROCEEDING WITH INSTALLATION RELIEVES OWNER AND ENGINEER OF ANY OBLIGATION TO PAY FOR A RELATED CHANGE ORDER.

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

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

CALL BEFORE YOU DIG

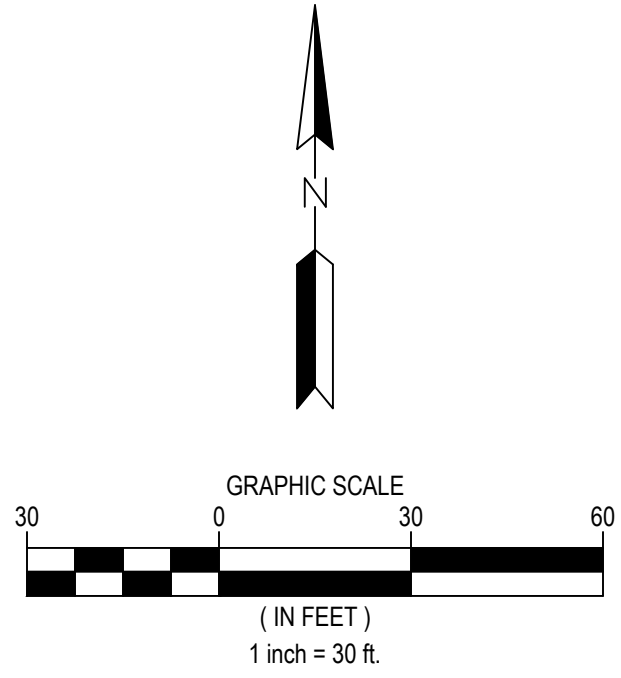
**GOPHER STATE ONE CALL**  
 TWIN CITY AREA: 651-454-0002  
 TOLL FREE 1-800-252-1166

PROJECT TITLE:	10901 RED CIRCLE DRIVE
ISSUE NO.:	1
DESCRIPTION:	CITY SUBMITTAL
DATE:	04/09/2021
CERTIFICATION:	

**NOT FOR CONSTRUCTION**

PROJECT NO.:	6186-20-501				
DWN BY:	MDH	CHK'D BY:	JRA	APP'D BY:	DML
ISSUE DATE:	04/09/2021				
ISSUE NO.:	1				
SHEET TITLE:	GRADING PLAN				
SHEET NO.:	C-301				

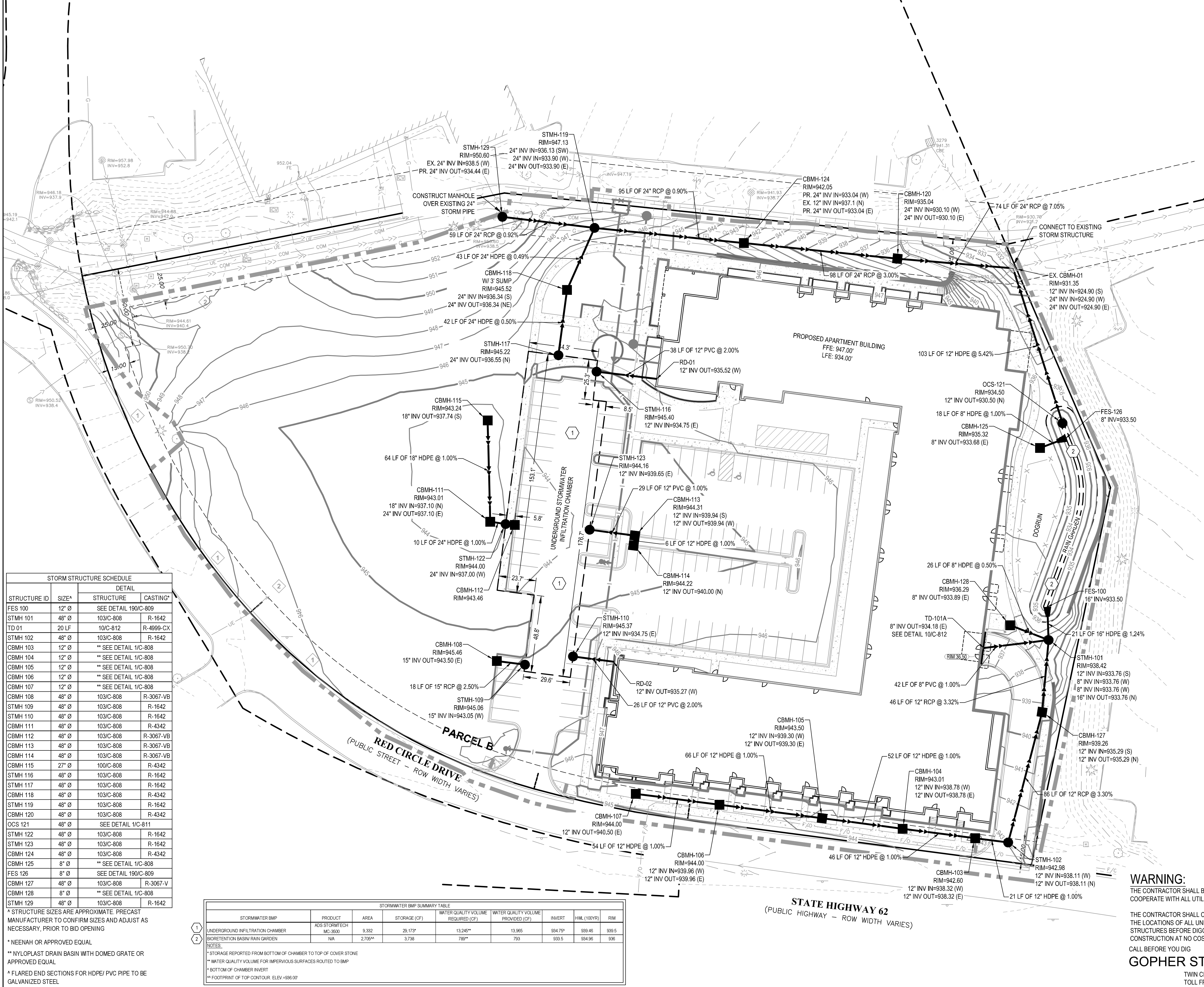




LEGEND: PROPERTY BOUNDARY, LOT LINE, EASEMENT LINE, SETBACK LINE, RIGHT OF WAY LINE, SECTION LINE, QUARTER LINE, EXISTING EASEMENT LINE, EXISTING PROPERTY LINE, EXISTING MINOR CONTOUR, EXISTING MAJOR CONTOUR, EXISTING STORM SEWER, EXISTING SANITARY SEWER, EXISTING WATERMAIN, EXISTING SANITARY MANHOLE, EXISTING STORM SEWER MANHOLE, EXISTING STORM SEWER INLET, EXISTING FLARED END SECTION, PROPOSED MINOR CONTOUR, PROPOSED MAJOR CONTOUR, GRADING LIMITS, STORM SEWER, SANITARY SEWER, WATERMAIN, STORM MANHOLE, STORM CATCH BASIN, FLARED END SECTION, SANITARY MANHOLE, HYDRANT, GATE VALVE.

NOTES: 1. SEE SHEET G-002 FOR ADDITIONAL PROJECT NOTES.

WARNING: THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND/OR RELOCATION OF LINES. THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER. CALL BEFORE YOU DIG. GOPHER STATE ONE CALL TWIN CITY AREA: 651-454-0002 TOLL FREE 1-800-252-1166

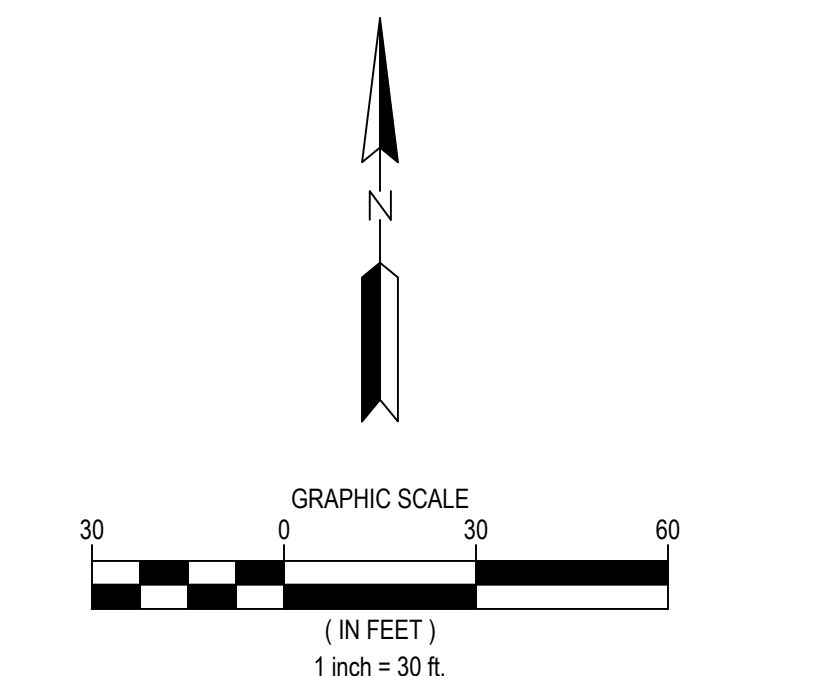
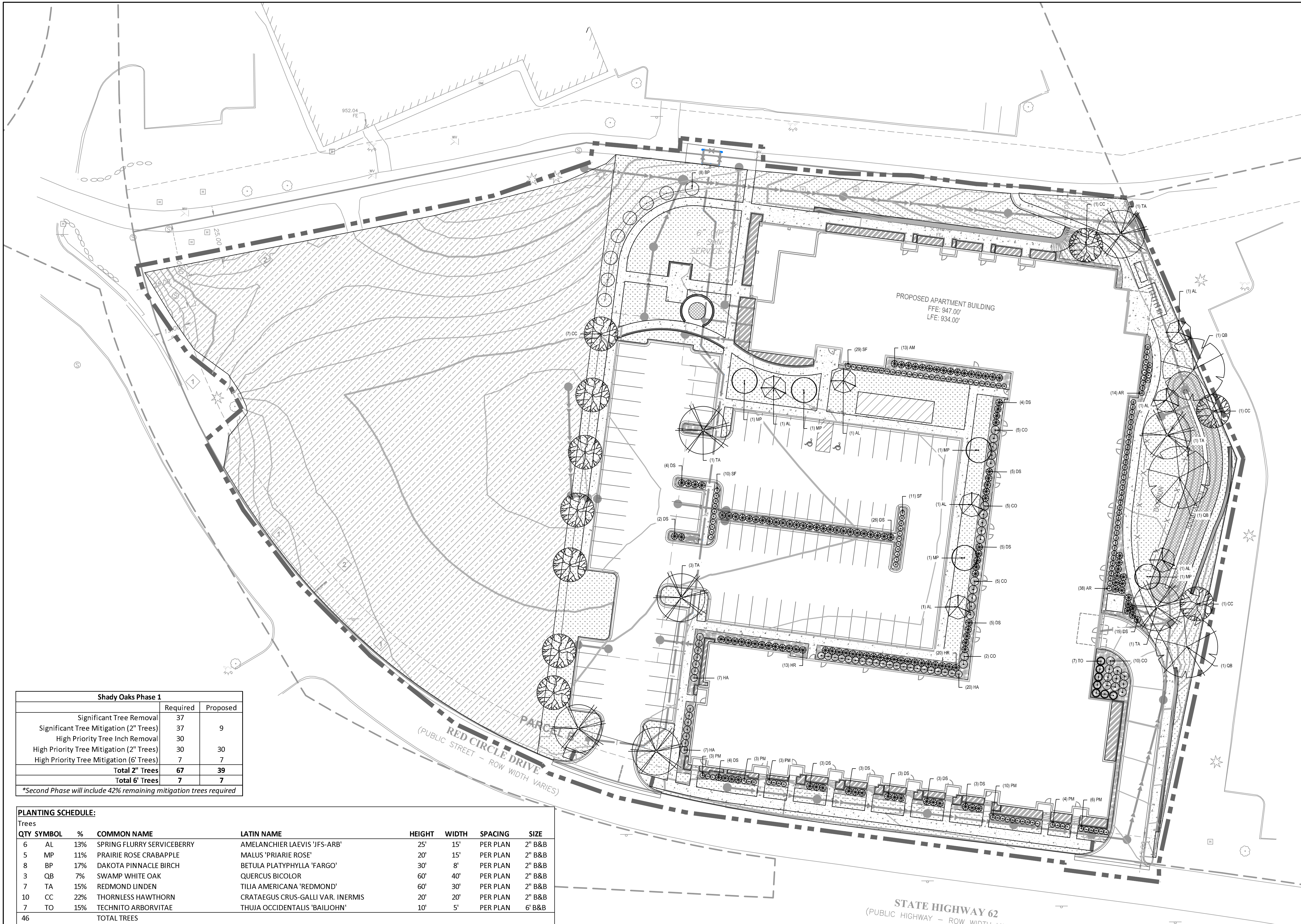


STORM STRUCTURE SCHEDULE table with columns: STRUCTURE ID, SIZE, DETAIL, CASTING. Lists structures like FES 100, STMH 101, TD 01, etc.

STORMWATER BMP SUMMARY TABLE with columns: STORMWATER BMP, PRODUCT, AREA, STORAGE (CF), WATER QUALITY VOLUME REQUIRED (CF), WATER QUALITY VOLUME PROVIDED (CF), INVERT, H/M (100YR), RIM. Lists BMPs like UNDERGROUND INFILTRATION CHAMBER and BIORETENTION BASIN RAIN GARDEN.

\* STRUCTURE SIZES ARE APPROXIMATE. PRECAST MANUFACTURER TO CONFIRM SIZES AND ADJUST AS NECESSARY, PRIOR TO BID OPENING. \* NEENAH OR APPROVED EQUAL. \*\* NYLOPLAST DRAIN BASIN WITH DOMED GRATE OR APPROVED EQUAL. \* FLARED END SECTIONS FOR HDPE/PVC PIPE TO BE GALVANIZED STEEL.

\* STORAGE REPORTED FROM BOTTOM OF CHAMBER TO TOP OF COVER STONE. \*\* WATER QUALITY VOLUME FOR IMPERVIOUS SURFACES ROUTED TO BMP. \* BOTTOM OF CHAMBER INVERT. \*\* FOOTPRINT OF TOP CONTOUR, ELEV = 936.00'



**LEGEND**

- PROPERTY BOUNDARY
- LOT LINE
- EASEMENT LINE
- SETBACK LINE
- RIGHT OF WAY LINE
- SECTION LINE
- QUARTER LINE
- EXISTING EASEMENT LINE
- EXISTING PROPERTY LINE

- DECIDUOUS TREE
- ORNAMENTAL TREE
- CONIFEROUS TREE
- SHRUB/PERENNIAL PLANT
- DOUBLE SHREDDED HARDWOOD MULCH
- CONSTRUCTION STABILIZATION SEED
- TURF SEED
- PLANTER BEDS
- RAIN GARDEN & POLLINATOR BEDS

**NOTES**

- SEE SHEET G-002 FOR ADDITIONAL PROJECT NOTES.

Shady Oaks Phase 1		
	Required	Proposed
Significant Tree Removal	37	
Significant Tree Mitigation (2" Trees)	37	9
High Priority Tree Inch Removal	30	
High Priority Tree Mitigation (2" Trees)	30	30
High Priority Tree Mitigation (6" Trees)	7	7
<b>Total 2" Trees</b>	<b>67</b>	<b>39</b>
<b>Total 6" Trees</b>	<b>7</b>	<b>7</b>

\*Second Phase will include 42% remaining mitigation trees required

**PLANTING SCHEDULE:**

Trees									
QTY	SYMBOL	%	COMMON NAME	LATIN NAME	HEIGHT	WIDTH	SPACING	SIZE	
6	AL	13%	SPRING FLURRY SERVICEBERRY	AMELANCHIER LAEVIS 'JFS-ARB'	25'	15'	PER PLAN	2" B&B	
5	MP	11%	PRAIRIE ROSE CRABAPPLE	MALUS 'PRIARIE ROSE'	20'	15'	PER PLAN	2" B&B	
8	BP	17%	DAKOTA PINNACLE BIRCH	BETULA PLATYPHYLLA 'FARGO'	30'	8'	PER PLAN	2" B&B	
3	QB	7%	SWAMP WHITE OAK	QUERCUS BICOLOR	60'	40'	PER PLAN	2" B&B	
7	TA	15%	REDMOND LINDEN	TILIA AMERICANA 'REDMOND'	60'	30'	PER PLAN	2" B&B	
10	CC	22%	THORNLESS HAWTHORN	CRATAEGUS CRUS-GALLI VAR. INERMIS	20'	20'	PER PLAN	2" B&B	
7	TO	15%	TECHNITO ARBORVITAE	THUJA OCCIDENTALIS 'BAILJOHN'	10'	5'	PER PLAN	6" B&B	
46			TOTAL TREES						

Shrubs & Perennials									
QTY	SYMBOL	COMMON NAME	LATIN NAME	HEIGHT	WIDTH	SPACING	SIZE		
34	HA	INCREDIBALL HYDRANGEA	HYDRANGEA ARBORESCENS 'ABETWO'	5'	4'	PER PLAN	#3 POT		
79	DS	BUTTERFLY BUSH HONEYSUCKLE	DIERVILLA SESSILIFOLIA 'BUTTERFLY'	4'	4'	PER PLAN	#3 POT		
16	AM	AUTUMN MAGIC CHOKEBERRY	ARONIA MELANOCARPA 'AUTUMN MAGIC'	6'	4'	PER PLAN	#3 POT		
30	PM	MINIATURE SNOWFLAKE MOCKORANGE	PHILADELPHUS X 'MINIATURE SNOWFLAKE'	4'	3'	PER PLAN	#3 POT		
50	SF	FIRE LIGHT SPIREA	SPIRAEA X 'FIRE LIGHT'	3'	3'	PER PLAN	#3 POT		
22	CO	FIBER OPTICS BUTTONBUSH	CEPHALANTHUS OCCIDENTALIS 'BAILOPTICS'	5'	5'	PER PLAN	#3 POT		
52	AR	IROQUIOS BEAUTY CHOKEBERRY	ARONIA MELANOCARPA 'MORTON'	4'	3'	PER PLAN	#3 POT		
33	HR	ROYAL STANDARD HOSTA	HOSTA 'ROYAL STANDARD'	2'	4'	PER PLAN	#1 POT		
316		TOTAL SHRUBS & PERENNIALS							

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

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

CALL BEFORE YOU DIG  
**GOPHER STATE ONE CALL**  
 TWIN CITY AREA: 651-454-0002  
 TOLL FREE 1-800-252-1166

ISSUE NO.:	DESCRIPTION:	DATE:
1	CITY SUBMITTAL	04/09/2021

CERTIFICATION:

PROJECT NO.: 6186-20-501

DWN BY:	CHK'D BY:	APP'D BY:
MDH	JRA	DML

ISSUE DATE: 04/09/2021

ISSUE NO.: 1

SHEET TITLE:  
 LANDSCAPE PLAN

SHEET NO.:  
**L-101**

**NOT FOR CONSTRUCTION**

# OPUS 2 ELEVENTH ADDITION

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

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

KNOW ALL PERSONS BY THESE PRESENTS: That Shady Oak Office Center, LLC, a Minnesota limited liability company, owner of the following described property situated in the County of Hennepin, State of Minnesota to wit:

That part of Lot 7, Block 11, Opus 2 Fourth Addition, lying Northerly of the Southerly line of Opus II First Addition, according to the recorded plat thereof, Hennepin County, Minnesota.

Torrens Property

AND

That part of Lot 7, Block 11, Opus 2 Fourth Addition, lying Southerly of the Southerly line of Opus II First Addition, according to the recorded plat thereof, Hennepin County, Minnesota.

Abstract Property

Has caused the same to be surveyed and platted as OPUS 2 ELEVENTH ADDITION and does hereby donate and dedicate to the public for public use the drainage and utility easements as created by this plat.

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

Signed: Shady Oak Office Center, LLC.

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

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

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ the \_\_\_\_\_ of Shady Oak Office Center, LLC, a Minnesota limited liability company, on behalf of the company.

(Notary's Signature) (Notary's Name Printed)

Notary Public, \_\_\_\_\_ County, Minnesota

My Commission Expires: \_\_\_\_\_

### SURVEYOR CERTIFICATE

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

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

Chris Ambourn, Licensed Land Surveyor  
Minnesota License No. 43055

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

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Chris Ambourn.

(Notary's Signature) (Notary's Name Printed)

Notary Public, \_\_\_\_\_ County, Minnesota

My Commission Expires: \_\_\_\_\_

### CITY COUNCIL, CITY OF MINNETONKA, MINNESOTA

This plat of OPUS 2 ELEVENTH ADDITION was approved and accepted by the City Council of the City of Minnetonka, Minnesota at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, 2020, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Minnetonka, Minnesota

By: \_\_\_\_\_ Mayor  
By: \_\_\_\_\_ Manager

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

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

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

### SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to MN. STAT. Sec. 383B.565 (1969) this plat has been approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

### REGISTRAR OF TITLES, Hennepin County, Minnesota

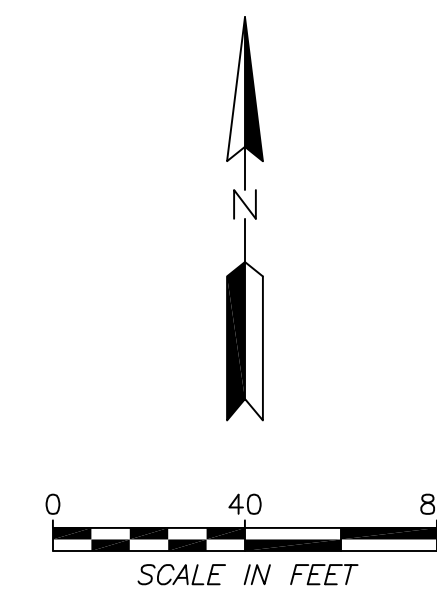
I hereby certify that the within plat of OPUS 2 ELEVENTH ADDITION was filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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

### COUNTY RECORDER, Hennepin County, Minnesota

I hereby certify that the within plat of OPUS 2 ELEVENTH ADDITION was recorded in this office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

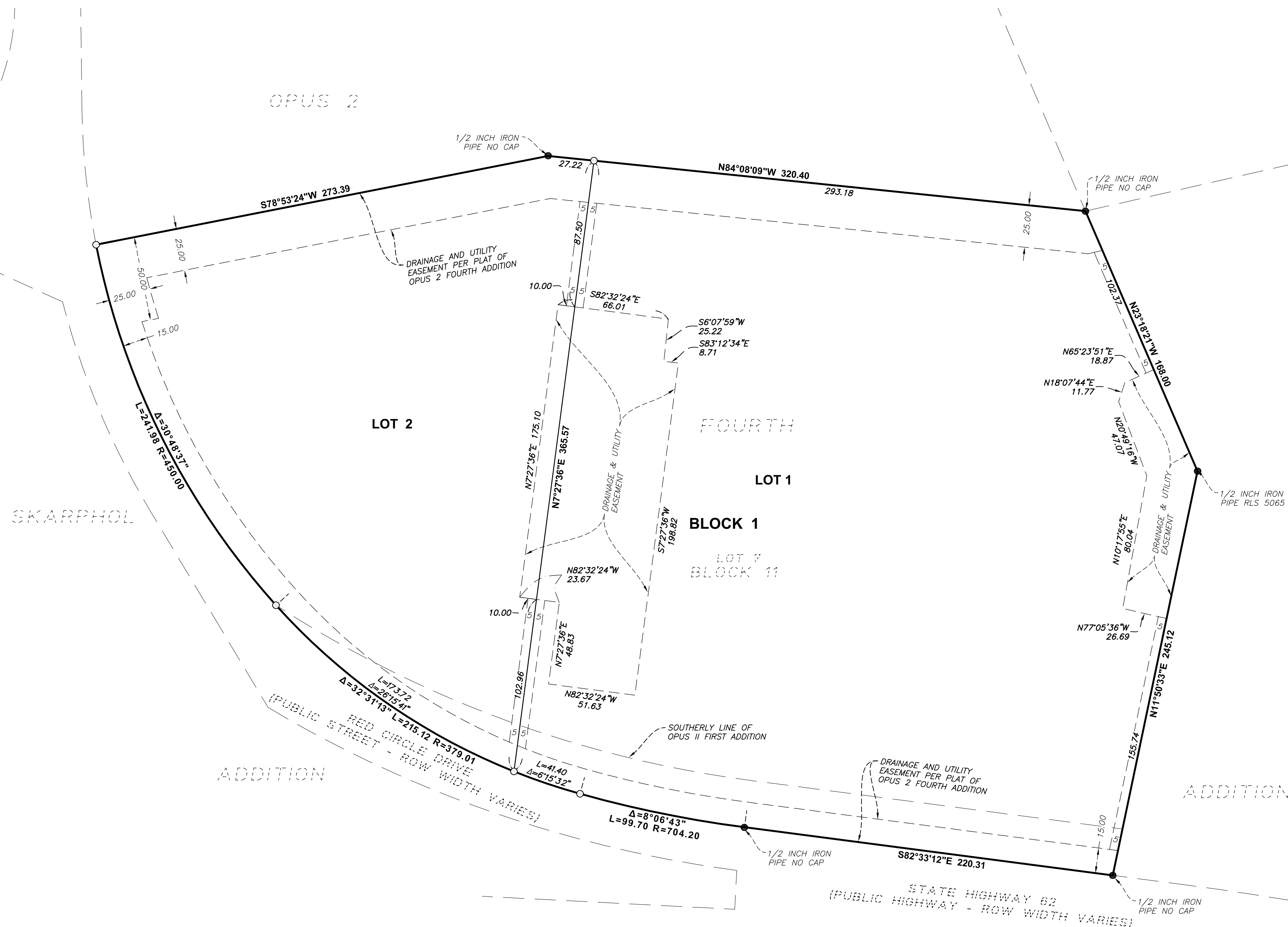
Martin McCormick, County Recorder By: \_\_\_\_\_ Deputy

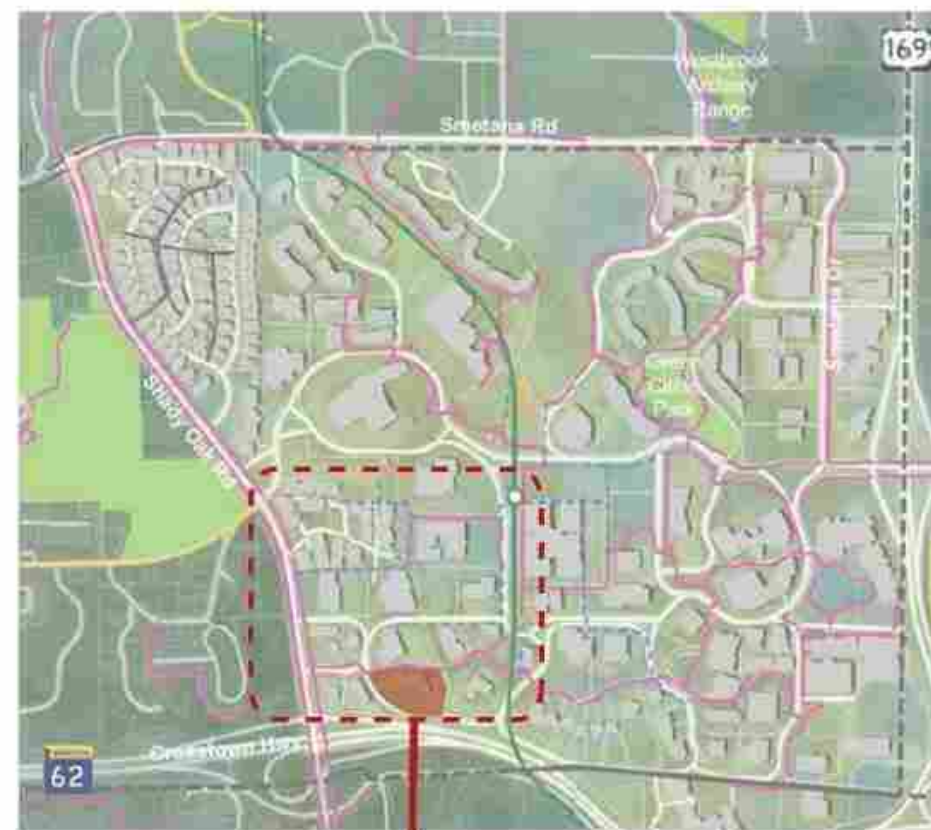


BEARINGS ARE BASED ON THE NORTH LINE OF OPUS 2 FOURTH ADDITION WHICH IS ASSUMED TO BEAR N84°08'09"W

### LEGEND

- SET 3/4"O.D.x15" IRON PIPE WITH PLASTIC CAP MARKED 43055
- FOUND MONUMENT AS DESCRIBED
- - - EASEMENT LINE



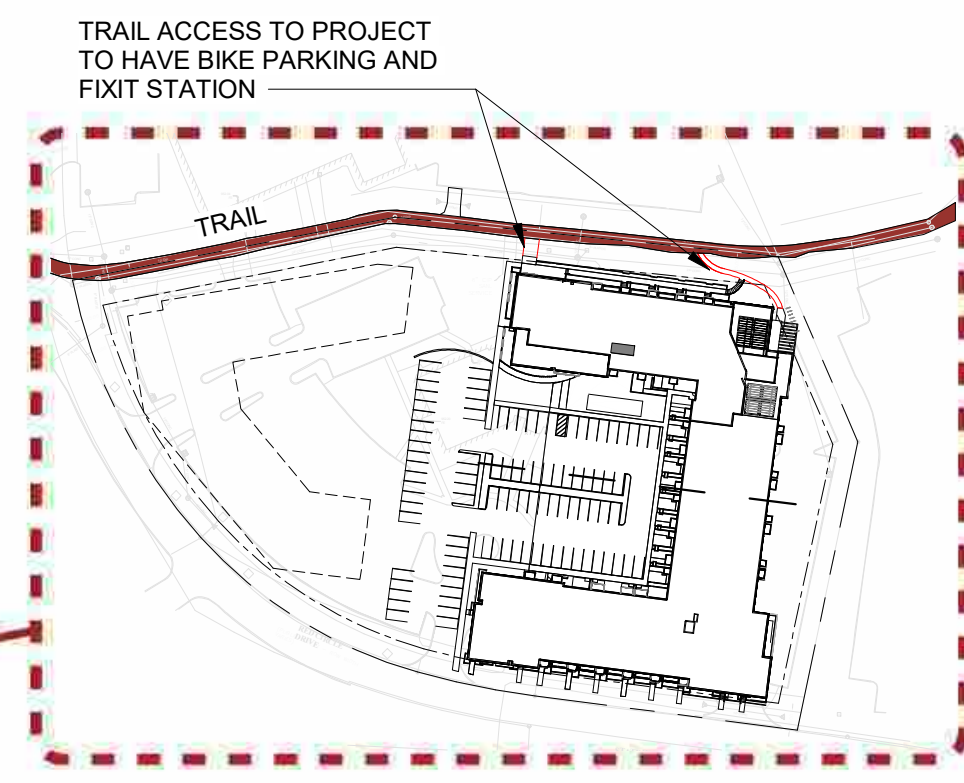


EXISTING TRAILS

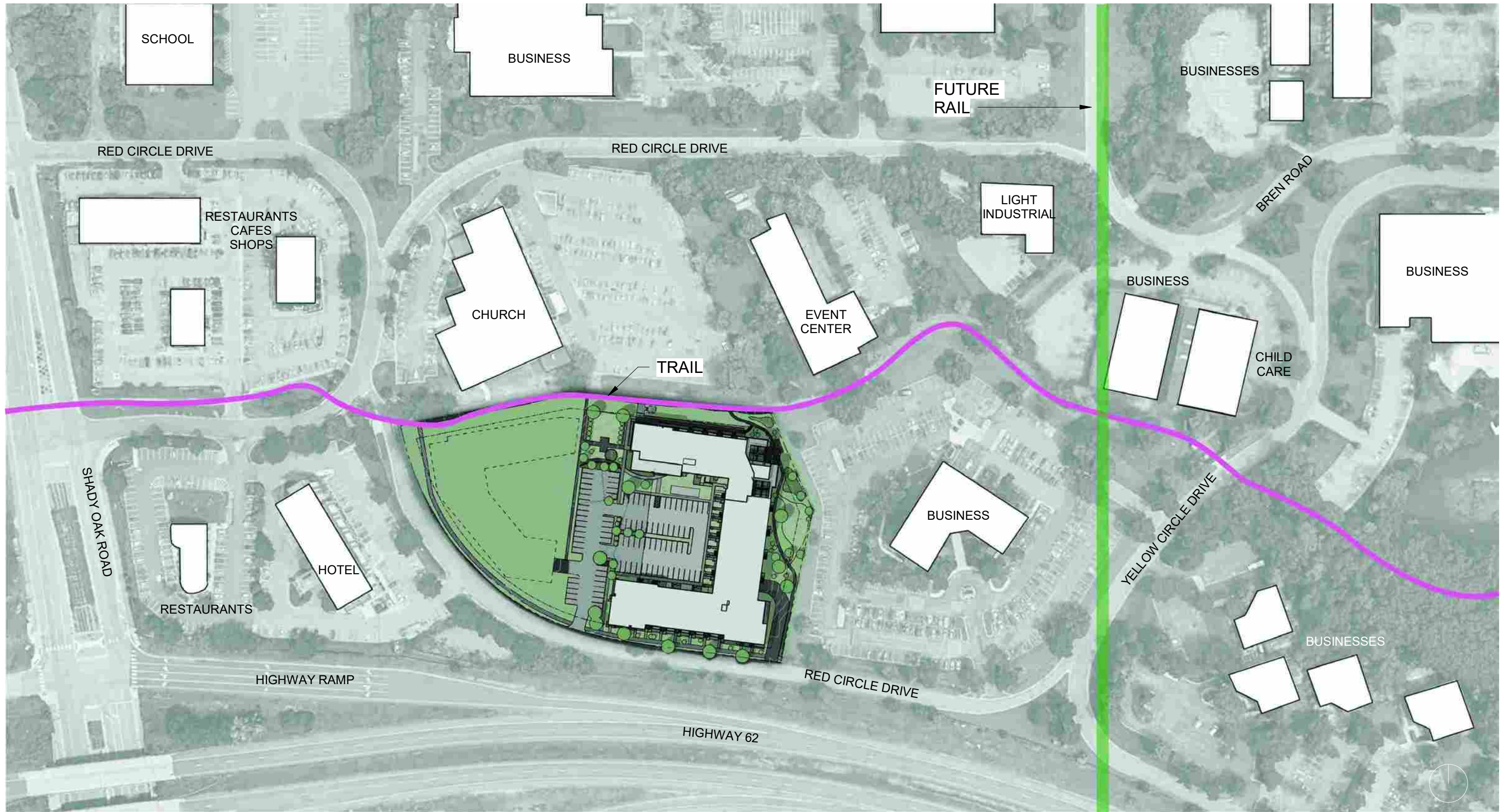
IMAGES TAKEN FROM THE OPUS AREA PLACEMAKING AND URBAN DESIGN IMPLEMENTATION GUIDE



RED TRAIL - FOOD LOOP



PROJECT SITE



NOT TO SCALE





NORTHWEST CORNER OFF OF BIKE TRAIL



NORTHWEST BUILDING ENTRY



NORTHEAST CORNER OFF OF BIKE TRAIL



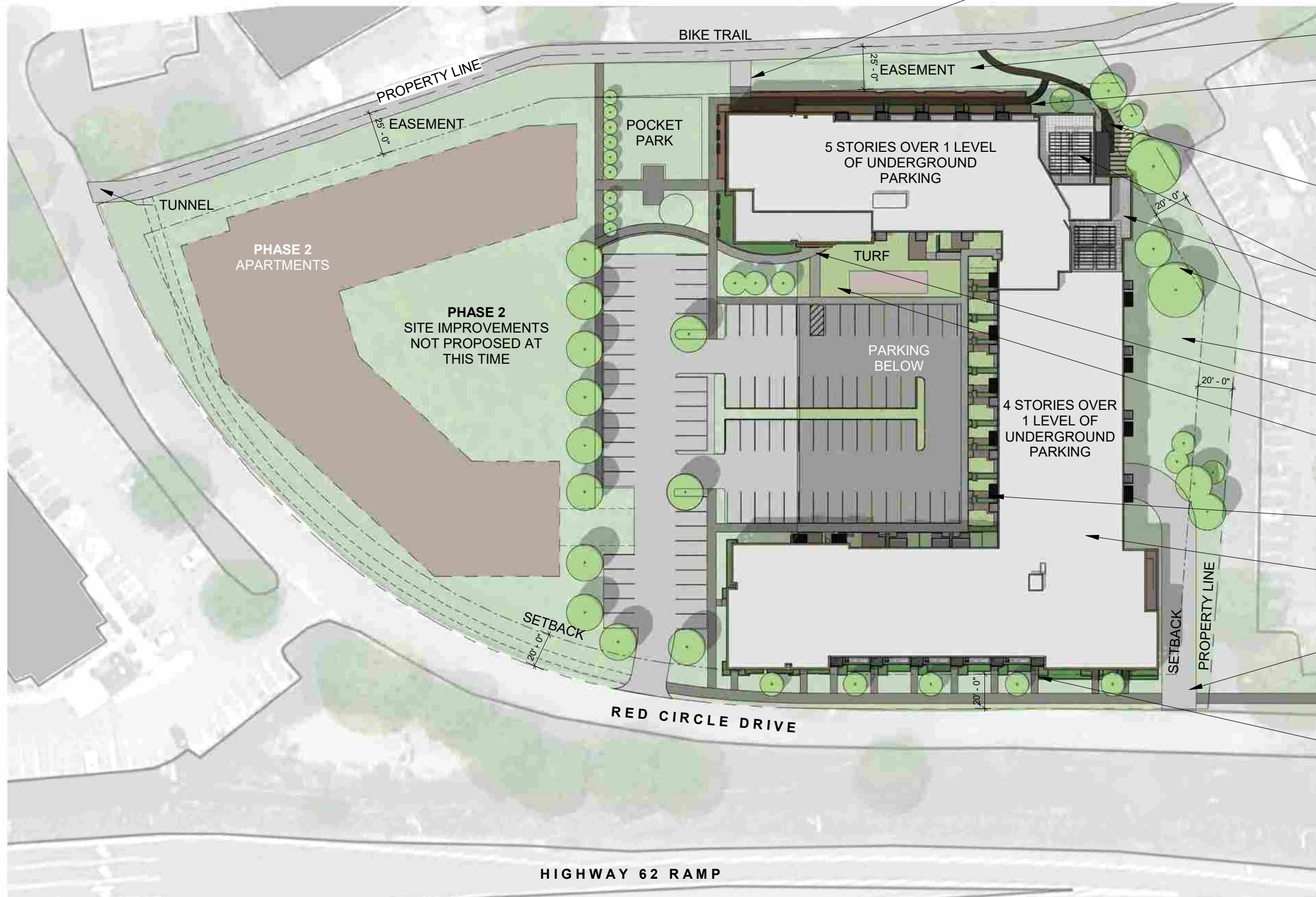
EAST ELEVATION LOOKING NORTHWEST



WEST ELEVATION

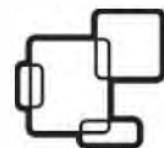


SOUTHWEST CORNER

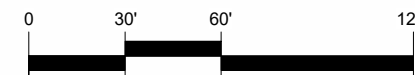


- BIKE ACCESS FROM TRAIL TO LEVEL 1 WITH BIKE PARKING
- NATIVE PLANTINGS AT EASEMENT
- WALK-UP UNITS
- BIKE ACCESS FROM TRAIL TO BASEMENT LEVEL WITH BIKE PARKING AND FIXIT STATION
- ROOF DECKS AT LEVEL 5
- RAIN GARDEN
- DOG RUN
- MAIN ENTRANCE
- OUTDOOR RECREATION AREA
- MICRO-YARDS AT WALK-UP UNITS
- SOLAR PANEL READY ROOF
- DRIVE ACCESS TO BASEMENT PARKING
- WALK-UP UNITS

1 | SITE PLAN  
1" = 60'-0"



Collage | architects

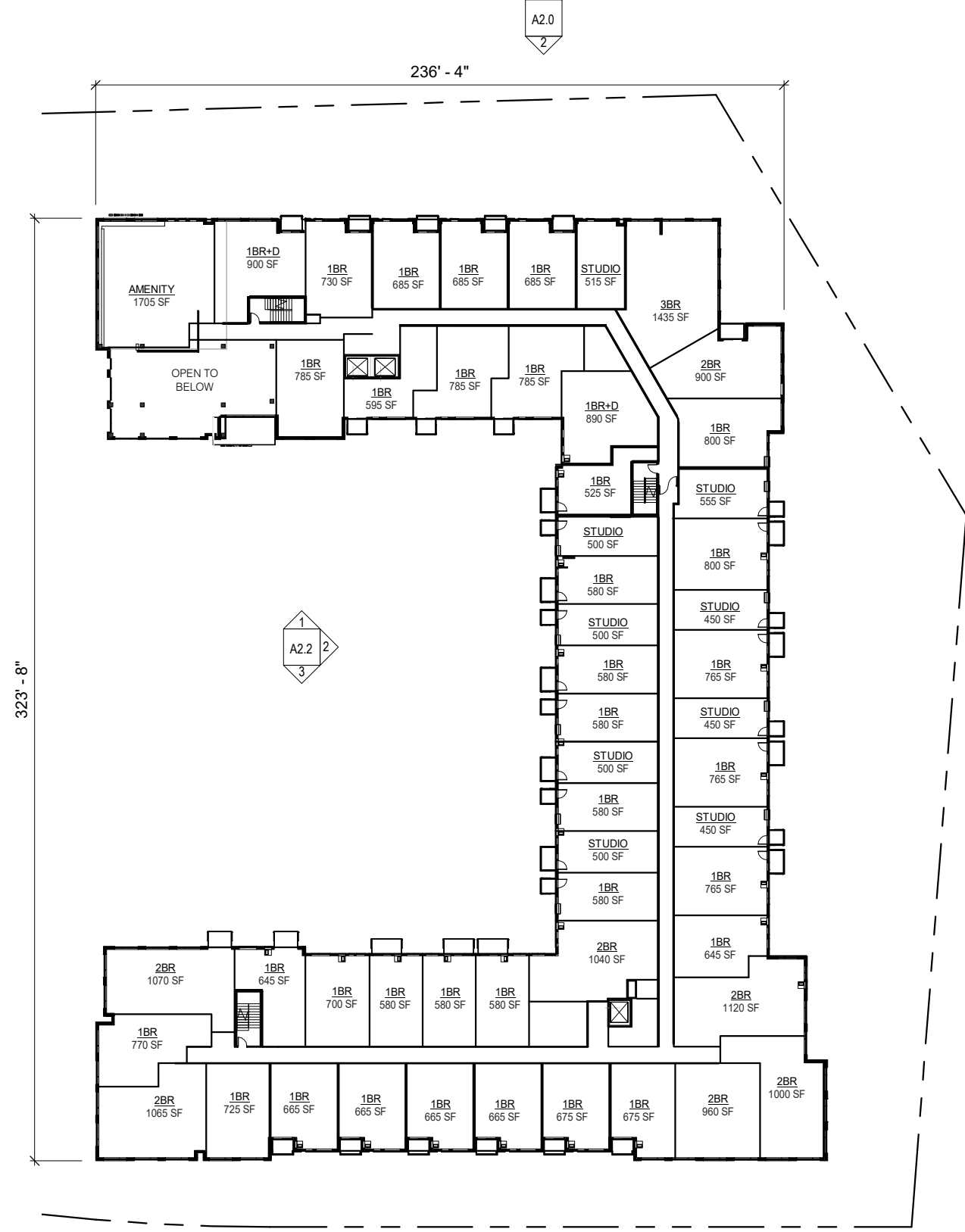


CITY SUBMITTAL | SITE PLAN

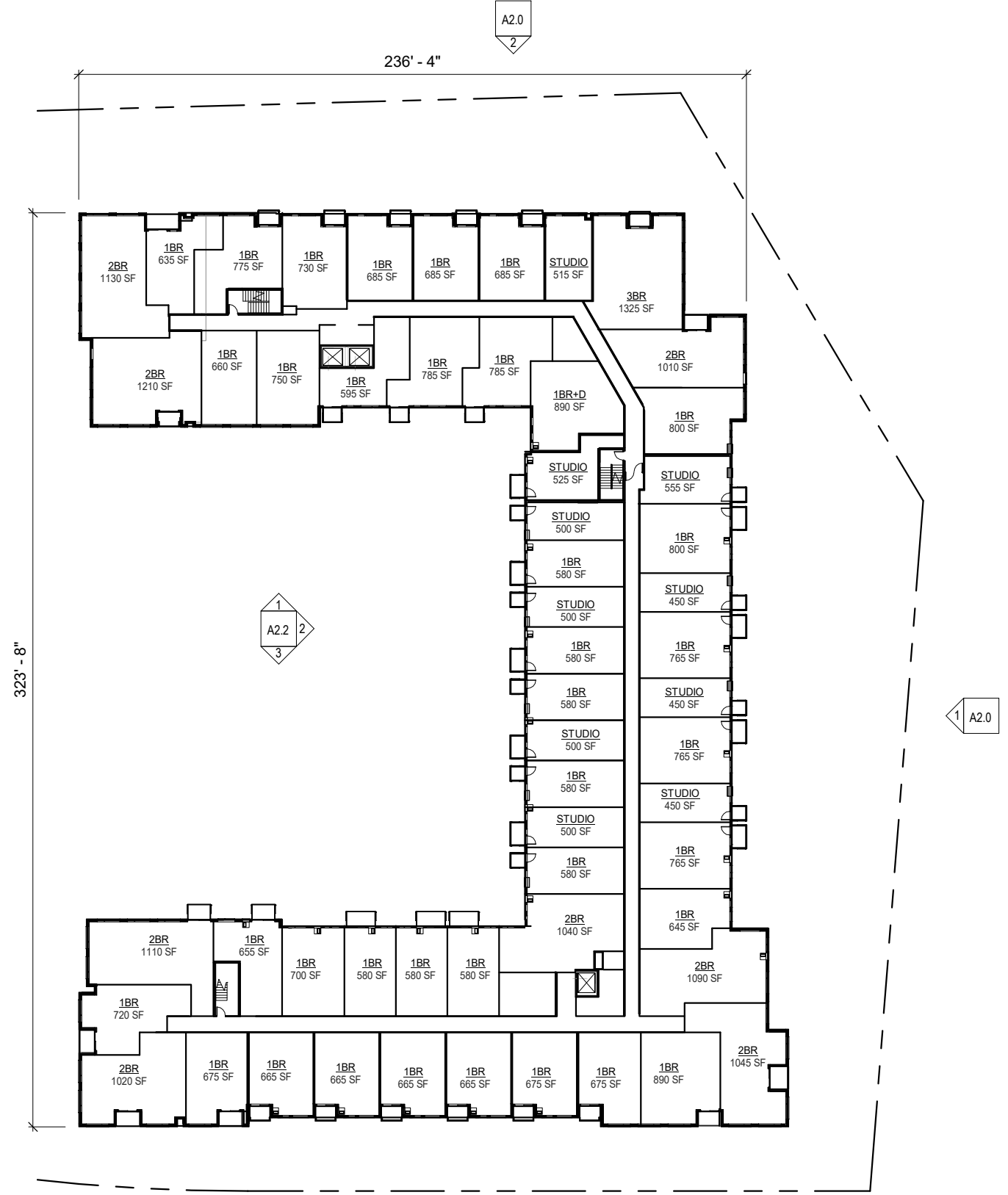
10901 RED CRICLE DR. | A1.0

4.09.2021

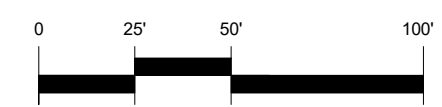




1 FLOOR PLAN - LEVEL 2  
1" = 50'-0"



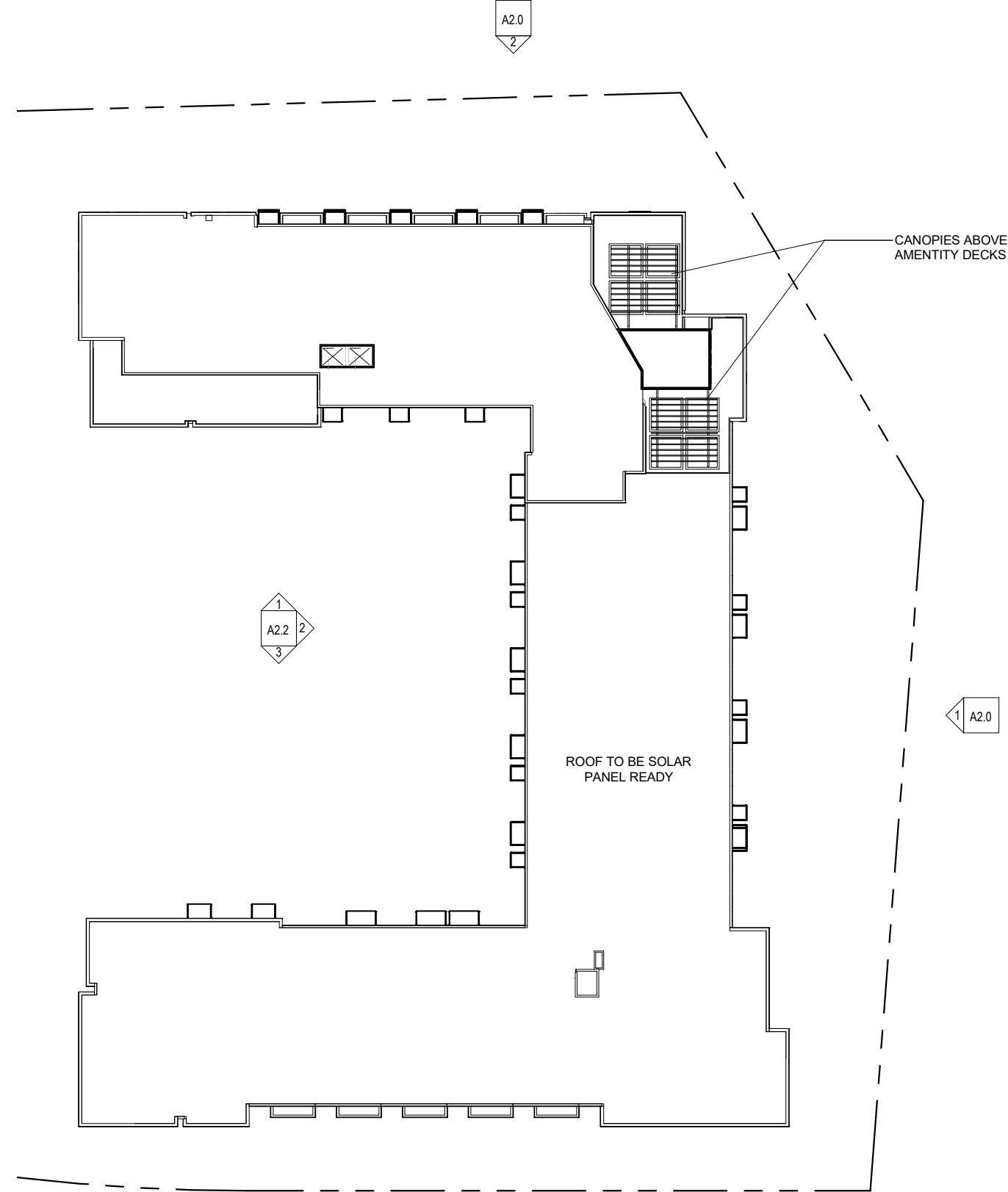
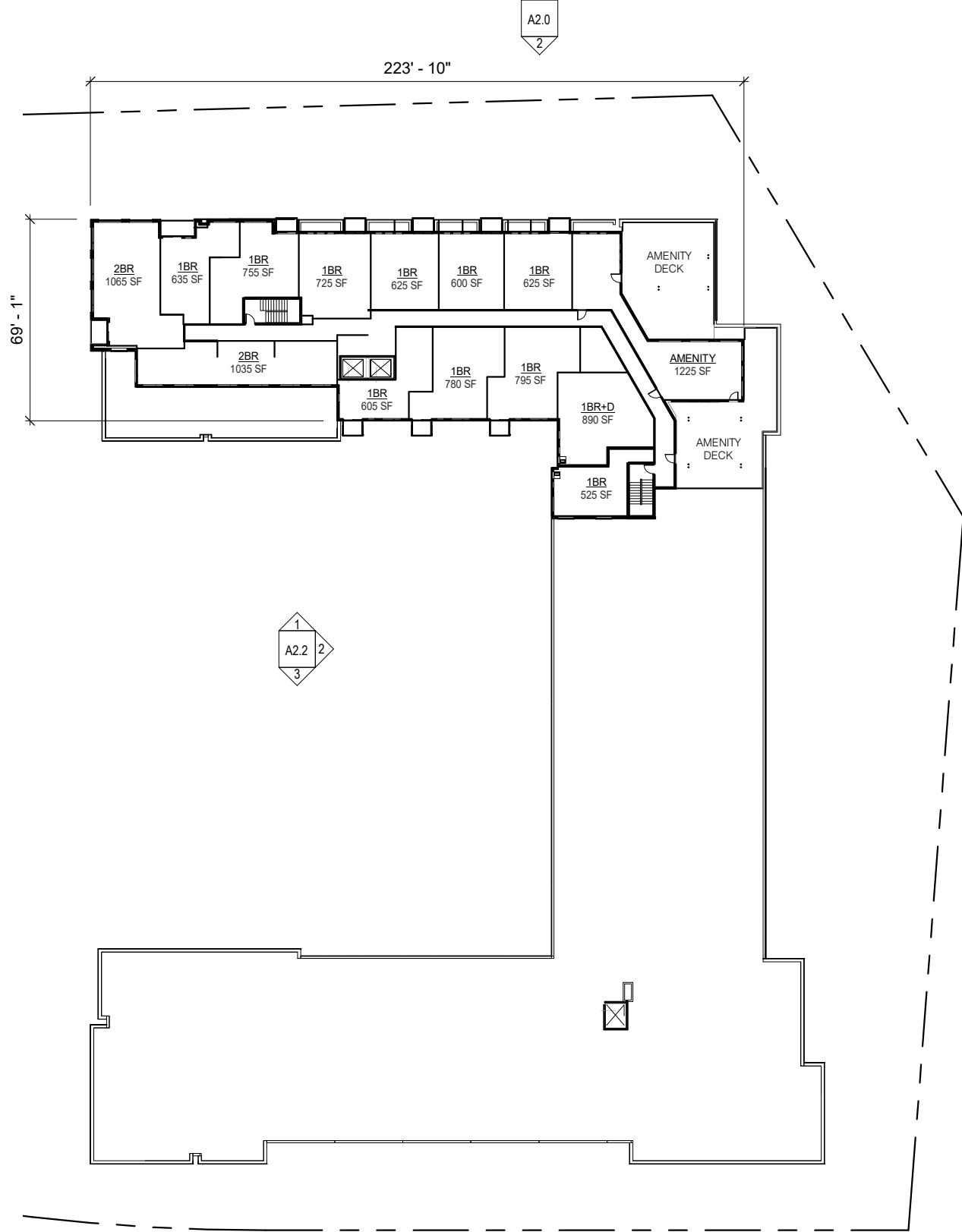
2 FLOOR PLAN - LEVELS 3-4  
1" = 50'-0"



CITY SUBMITTAL | FLOOR PLANS

10901 RED CRICLE DR. | A1.2





1 FLOOR PLAN - LEVEL 5  
1" = 50'-0"

2 ROOF PLAN  
1" = 50'-0"



WALK-UP UNITS ON NORTH SIDE

**AREAS BY TYPE AND LEVEL**

NAME	AREA*
-1 UNDER GROUND PARKING	66685 SF
1ST FLOOR	
1BR	18845 SF
1BR+D	1895 SF
2BR	7265 SF
3BR	1335 SF
AMENITY	1380 SF
CIRCULATION	4635 SF
COMMON AREA	5340 SF
STUDIO	3915 SF
2ND FLOOR	
1BR	22270 SF
1BR+D	1790 SF
2BR	7155 SF
3BR	1430 SF
AMENITY	1705 SF
CIRCULATION	4390 SF
COMMON AREA	765 SF
STUDIO	4400 SF
3RD FLOOR	
1BR	24575 SF
1BR+D	890 SF
2BR	8645 SF
3BR	1325 SF
CIRCULATION	4335 SF
COMMON AREA	770 SF
STUDIO	4930 SF
4TH FLOOR	
1BR	24280 SF
1BR+D	890 SF
2BR	8590 SF
3BR	1325 SF
CIRCULATION	4335 SF
COMMON AREA	770 SF
STUDIO	4930 SF
5TH FLOOR	
1BR	6660 SF
1BR+D	890 SF
2BR	2100 SF
AMENITY	1220 SF
CIRCULATION	1915 SF
COMMON AREA	180 SF

**TOTAL FLOOR AREAS**

LEVEL	AREA
-1 UNDER GROUND	66,690 SF
1ST FLOOR	44,770 SF
2ND FLOOR	44,080 SF
3RD FLOOR	45,640 SF
4TH FLOOR	45,300 SF
5TH FLOOR	13,020 SF
GRAND TOTAL	259,500 SF

**UNIT COUNTS BY TYPE**

UNIT TYPE	#
1BR	143
1BR+D	7
2BR	32
3BR	4
STUDIO	37
TOTAL UNITS: 223	

**PARKING**

PARKING LEVEL	#
-1 UNDER GROUND	206
SITE PARKING	97
TOTAL PARKING	: 303



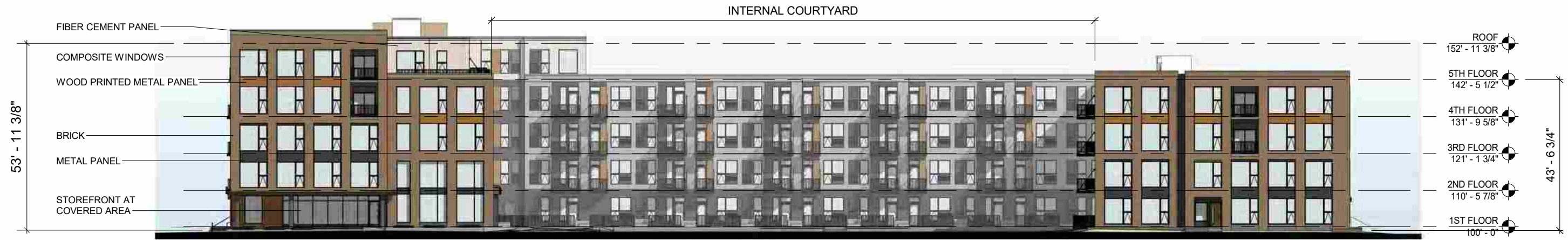
**1 EAST ELEVATION**  
1" = 30'-0"

EAST ELEVATION		17,734 SF
BRICK	18%	
WOOD PRINTED METAL PANEL	02%	
METAL PANEL	10%	
FIBER CEMENT PANEL	26%	
GLAZING	30%	
ARCHITECTURAL BLOCK	12%	



**2 NORTH ELEVATION (ALONG BIKE TRAIL)**  
1" = 30'-0"

NORTH ELEVATION		13,610 SF
BRICK	22%	
WOOD PRINTED METAL PANEL	05%	
METAL PANEL	12%	
FIBER CEMENT PANEL	19%	
GLAZING	36%	
ARCHITECTURAL BLOCK	02%	



**1 WEST ELEVATION**  
1" = 30'-0"

WEST ELEVATION		15,710 SF
BRICK	19%	
WOOD PRINTED METAL PANEL	02%	
METAL PANEL	15%	
FIBER CEMENT PANEL	28%	
GLAZING	34%	



**2 SOUTH ELEVATION**  
1" = 30'-0"

SOUTH ELEVATION		11,175 SF
BRICK	29%	
WOOD PRINTED METAL PANEL	03%	
METAL PANEL	13%	
FIBER CEMENT PANEL	16%	
GLAZING	36%	



**1 COURTYARD LOOKING NORTH**  
1" = 30'-0"

COURTYARD LOOKING NORTH		8,790 SF
BRICK		19%
WOOD PRINTED METAL PANEL		02%
METAL PANEL		12%
FIBER CEMENT PANEL		27%
GLAZING		38%



**2 COURTYARD LOOKING EAST**  
1" = 30'-0"

**COURTYARD LOOKING EAST**  
CALCULATION INCLUDED IN EAST ELEVATION

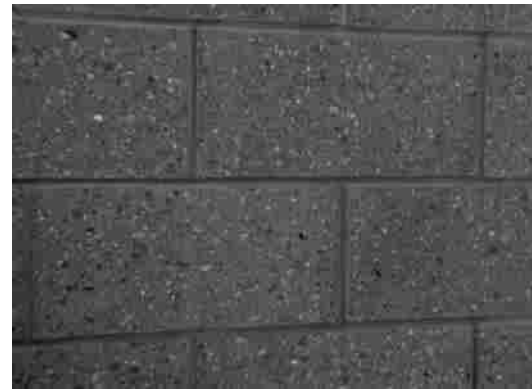


**3 COURTYARD LOOKING SOUTH**  
1" = 30'-0"

COURTYARD LOOKING SOUTH		6,910 SF
BRICK		22%
WOOD PRINTED METAL PANEL		02%
METAL PANEL		13%
FIBER CEMENT PANEL		26%
GLAZING		35%



BRICK BLEND



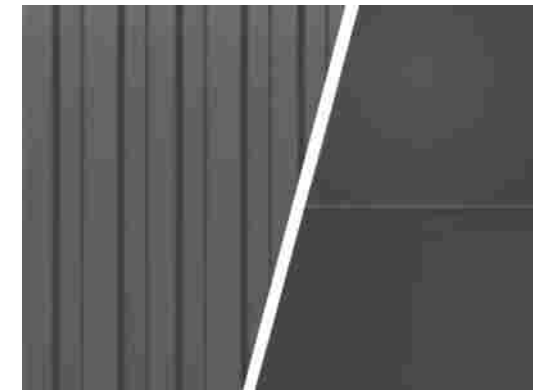
ARCHITECTURAL BLOCK  
BASIS OF DESIGN: BURNISHED AND PIGMENTED



FIBER CEMENT PANELS  
LIGHT GRAY SHOWN



WOOD PRINTED METAL PANELS  
BASIS OF DESIGN: LONGBOARD LIGHT CHERRY



METAL PANEL  
CORRUGATED AT WALLS/  
FLAT PANELS AT TRIM AND INFILL

## **Concept Plan Review**

**City Council Agenda Item #14A**  
**Meeting of Sept. 21, 2020**

<b>Brief Description</b>	Concept plan review for Shady Oak Office Center at 10901 Red Circle Drive
<b>Action Requested</b>	Discuss concept plan with the applicant. No formal action required

**Background**

Wellington Management is exploring redevelopment and conversion of the Shady Oak Office Center at 10901 Red Circle Drive from an office to an apartment building. Wellington has owned and managed the office building for the past 16 years. The 4.68-acre site is located immediately east of the commercial area along Shady Oak Road just north of Hwy 62.

The project would involve a 5-story, two-phased apartment containing 435 units (phase 1 (east) – 250 units; phase 2 (west) – 185 units). The units would contain both market-rate and affordable units, details of which are under discussion. The buildings would be physically connected by shared common and amenity spaces. Parking would be located under the buildings with some surface spaces located in the center common area. Project and common resident amenities are yet to be determined.

The existing office building is centrally located on the property. Surface parking surrounds most of the building with some under building parking as well. Three access driveways connect the site to Red Circle Drive. A public trail is located along the northern property line connecting the site to the Opus Business Park. Topography is lowest in the northeast corner of the property, rising approximately 20 feet at the parking lots along Red Circle Drive.

**Key Issues**

The city council should evaluate land-use in light of the city's development guides – including the comprehensive plan and zoning ordinance. City staff has identified the following considerations for the concept plan:

- **Conversion of Use:** The Opus area was developed as a mixed-use area with housing, employment, limited retail, and recreational amenities. In recent years, there has been a shift to more residential housing through the conversion of office and industrial sites. This was anticipated in the city's comprehensive plan, largely due to the availability of access to the Southwest Light Rail Transit Green Line, which is planned to be operational in 2023. Specific facts regarding Opus can be found at this [link](#).
- **Site and Building Design:** The proposed site plan shows two buildings, constructed in two phases. Access to the larger site would be provided from Red Circle Drive. Comments related to the physical relationship between the two phases would be appropriate. A typical building perspective is provided in the packet. The plans should address how it will implement elements of the [Opus Placemaking document](#).



- **Environmental Review:** In the Minneapolis/St. Paul seven-county metropolitan area, the proposer of multifamily residential housing with 375 attached units or more, must prepare an environmental assessment worksheet (EAW) in accordance with the state environmental quality board rules. The most recent project requiring an EAW was the Dominion residential project, which was approved in 2018. As an alternative to the EAW, the city has elected to prepare a more comprehensive environmental review document for the entire Opus Business Park – an Alternative Urban Areawide Review (AUAR). The AUAR is nearing completion and will be reviewed by the planning commission and city council in the near future.

## Review Process

Staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted.

- **Neighborhood Meeting.** A neighborhood meeting was held on Wed., Sept. 9, from 5 – 6:00 p.m. on site. One person attended the meeting.
- **Planning Commission Concept Plan Review.** The planning commission Concept Plan Review is intended as a follow-up to the neighborhood meeting. The objective of this meeting is to identify major issues and challenges to inform the subsequent review and discussion. The meeting will include a presentation by the developer of conceptual sketches and ideas, but not detailed engineering or architectural drawings. No staff recommendations are provided, the public is invited to offer comments, and planning commissioners are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

The planning commission provided the following comments:

- Supported the conversion of use from office to residential.
- Height and density seem appropriate for the property/area.
- Fits the character of Opus.
- Amenity package is well thought through.

The planning commission also asked a number of questions about building efficiencies, unit mix, and amenities.

- **Economic Development Advisory Commission.** The economic development advisory commission will review a request from the applicant for financial assistance. The commission will review information prepared by the applicant and reviewed by city staff and the city's financial consultant.
- **City Council Concept Plan Review.** The city council Concept Plan Review is intended as a follow-up to the planning commission meeting and would follow the same format as the planning commission Concept Plan Review. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

**Staff Recommendation**

Staff recommends the city council provide comment and feedback on the identified key issues and others the city council deems appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Through: GERALYN BARONE, City Manager  
          Julie Wischnack, AICP, Community Development Director

Originator: Loren Gordon, AICP, City Planner

## ADDITIONAL INFORMATION

### Next Steps

- **Formal Application.** If the developer/property owner chooses to file a formal application, notification of the application would be mailed to area property owners. Area property owners are encouraged to view plans and provide feedback via the city's website. Through recent website updates: (1) staff can provide owners with ongoing project updates, (2) owners can "follow" projects they are particularly interested in by signing up for automatic notification of project updates; (3) owners may provide project feedback on project; and (4) and staff can review resident comments.
- **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial concept plan review meeting, and to provide direction about any refinements or additional issues they wish to be researched, and for which staff recommendations should be prepared.
- **Planning Commission Review.** The planning commission would hold an official public hearing for the development review and would subsequently recommend action to the city council.
- **City Council Action.** Based on input from the planning commission, professional staff and general public, the city council would take final action.

### Roles and Responsibilities

- **Applicants.** Applicants are responsible for providing clear, complete and timely information throughout the review process. They are expected to be accessible to both the city and to the public, and to respect the integrity of the public process.
- **Public.** Neighbors and the general public will be encouraged and enabled to participate in the review process to the extent they are interested. However, effective public participation involves shared responsibilities. While the city has an obligation to provide information and feedback opportunities, interested residents are expected to accept the responsibility to educate themselves about the project and review process, to provide constructive, timely and germane feedback, and to stay informed and involved throughout the entire process.
- **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council's consideration by carefully balancing the interests of applicants, neighbors, and the general public.
- **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants and other advisors. Accordingly, council members traditionally

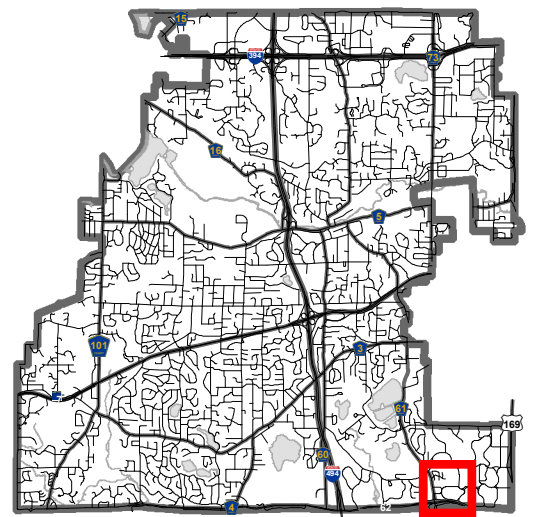
keep an open mind until all the facts are received. The council ensures that residents have an opportunity to effectively participate in the process.

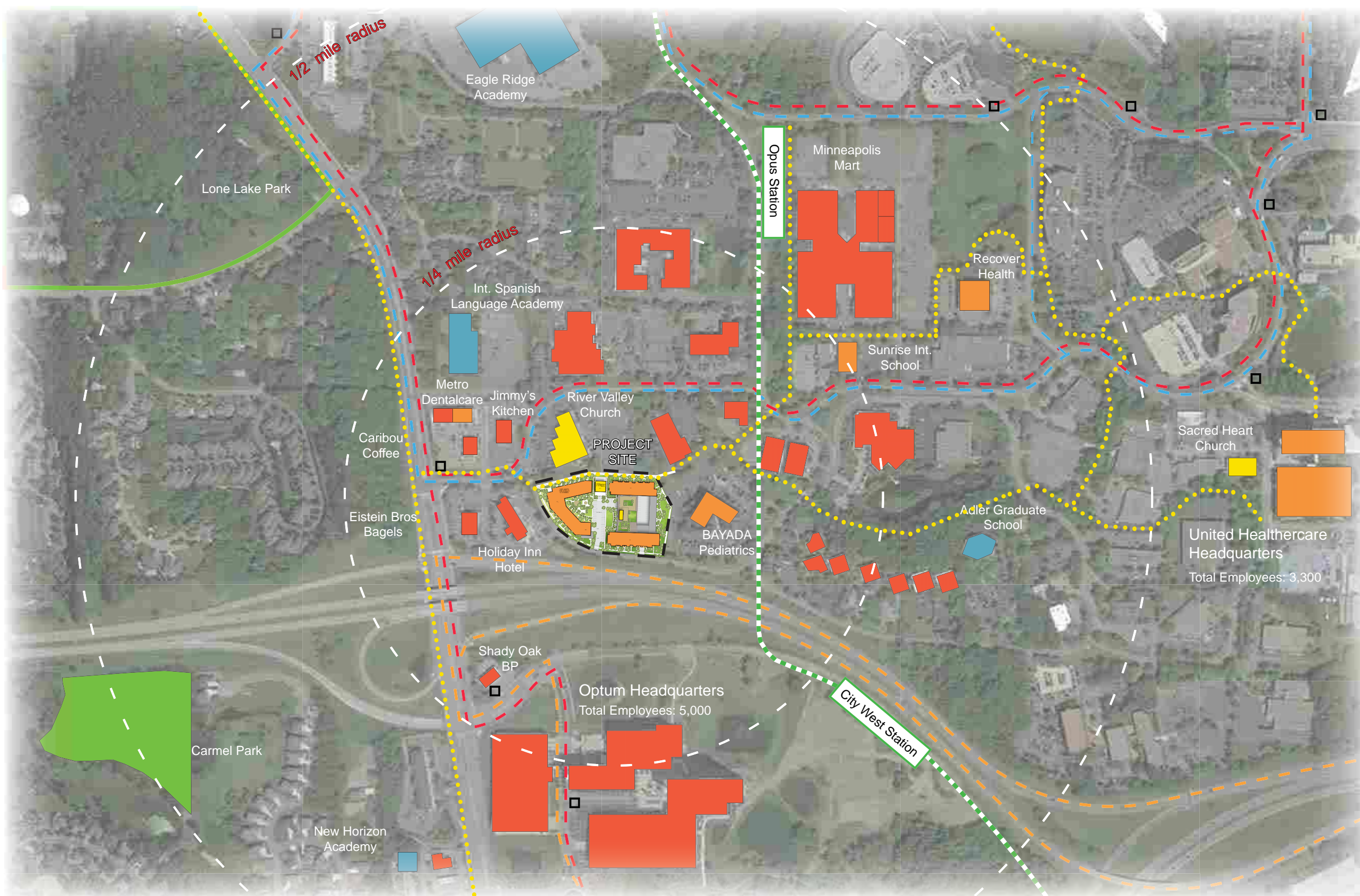
- **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.



### Location Map

Project: Shady Oak Office Center  
Address: 10901 Red Cir Dr





**SHADY OAK**  
 Minnetonka, MN  
 07.08.2020

- PLACE OF WORSHIP
  - River Valley Church
  - Sacred Heart Church
- SERVICES
  - United Healthcare
  - Recover Health
  - Sunrise International School
  - Metro Dentalcare
  - BAYADA Pediatrics
- EDUCATIONAL
  - Adler Graduate School
  - New Horizon Academy
  - Int. Spanish Language Academy
  - Eagle Ridge Academy
- RETAIL
  - Holiday Inn Hotel
  - Eistein Bros Bagels
  - Jimmy's Kitchen and Bar
  - Caribou Coffee
  - Shady Oak BP
  - Minneapolis Mart
  - Optum Headquarters
- PUBLIC PARKS
- - - PROPOSED GREEN LINE LRT
- - - BUS ROUTE 12
- - - BUS ROUTE 498
- - - BUS ROUTE 600
- BUS STOPS
- ⋯ BIKE ROUTES





## SHADY OAK

Minnetonka, MN

07.08.2020



# SHADY OAK

Minnetonka, MN

07.08.2020



1.

NORTHWEST VIEW FROM TRAILWAY



2.

NORTHEAST VIEW FROM TRAILWAY

SOUTHWEST VIEW FROM RED CIRCLE DR



3.



4.

SOUTHEAST VIEW FROM RED CIRCLE DR



SITE CONDITIONS

NTS







**SHADY OAK**  
 Minnetonka, MN  
 09.08.2020

- B1: BUILDING ONE**
- SIX STORIES
- COMMUNITY ROOF DECK
- B2: BUILDING TWO**
- FIVE STORIES
- AMENITY / HOUSING
- THREE - FOUR STORIES





**2 LEVELS UNDERGROUND WITH EXTENDED DECK OPTION**



**SHADY OAK**  
Minnetonka, MN  
09.08.2020



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | [eminnetonka.com](http://eminnetonka.com)

**To:** Planning Commission  
**From:** Loren Gordon, AICP, City Planner  
**Date:** Sept. 10, 2020  
**Subject:** Change Memo for the Sept. 10 Planning Commission Agenda

---

**ITEM 9A – 10901 Red Circle Drive, Shady Oak Office Center**

The following comment was received after publication of the packet:

*Norine Larson, 5923 Abbott Court - Too much population in one area. The Dominion project was suddenly allowed to be much bigger than originally proposed. In the business magazine that just came out this Wellington project is set to be 436 homes which is much different than what they are saying in their proposal. Either way, Shady Oak Road is already too congested as is Bren Road. Is anybody looking at that? Why is all this population being put in one area? Why not the other side of Minnetonka?*

The public hearing was opened. Wicks noted that no callers were waiting to speak. No testimony was submitted and the hearing was closed.

Henry lives in this neighborhood. He supports the proposal. It is fun to see all of the improvements. He wishes the applicant the best.

Powers visited the neighborhood. The lot is beautiful. He hopes the garage improves the aesthetics of the property. He supports the proposal.

Waterman agrees. The proposal is cut and dry. The lot has some circumstances that predate the ordinance. The structure would be nice.

Luke concurs. She supports the proposal. It is very reasonable.

Chair Sewall agrees. It would feel bigger due to the reorientation to the road. It seems reasonable.

***Luke moved, second by Henry, to adopt the resolution approving a front yard setback variance from 20 feet to 15 feet for construction of a detached garage at 4811 Acorn Ridge Road.***

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

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

## **9. Other Business**

### **A. Concept plan for Shady Oak Office Center at 10901 Red Circle Drive.**

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

Gordon reported. Staff recommends the planning commission provide comments and feedback on the identified key issues and other issues commissioners deem appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Casey Dzieweczynski, of Wellington Management, representing the applicant, stated that:

- The company has owned the Shady Oak Office Center building since 2004. It is a great site. Leasing spaces slowed down a little even before Covid. It is currently 65 percent occupied.
- They are working with staff to change the use to residential and, potentially, provide an affordable housing component.
- They are meeting with the EDAC Thursday and city council Oct. 21, 2020.

Pete Keely, of Collage Architects, representing the applicant, stated that:

- The applicant has explored utilizing the site for a commercial use, a hotel use, and a residential use.
- The office building no longer functions very well.
- A commercial use would be difficult to do with the one-way streets and elevations.
- The site has great visibility; is walkable to commercial uses; and has access to the SWLRT and trails.
- Adding multiple-family housing would complement the existing residential area.
- The proposal would enhance the walking system. A sidewalk would be added.
- There would be studio, one-bedroom, and two-bedroom apartments. There may be a penthouse on the top floor. The majority of units would be small, one-bedroom units to provide affordability.
- There would be green areas, potentially a dog area, and rain and pollinator garden areas.
- There may be a clubhouse added to break-up the façade between the buildings completed in Phase One and Phase Two. There would be a mix of heights going up to six stories. Brick would be used along the base. There would be a fair number of balconies.
- The buildings would be located nearer to the roads and the parking lot in the middle to create an environment that would be more pedestrian friendly and create green space.
- There would be a second floor amenity deck with grills and individual patios.
- There would be two full levels of parking.
- There would be a bike facility.
- There would be a separate pedestrian walkway from the bike trail.

Powers asked how Mr. Keely would describe the proposal in the context of Opus to someone unfamiliar with Opus. Mr. Keely stated that he would describe the Opus area as an office area set in a park. There is a circular street, paramount open green space, and commercial office spaces with large, block-buildings with contemporary style. Maintaining the park-like spaces is critically important. The pedestrian sidewalk area is part of the park system. The ability to do plantings and streetscapes along the buildings would be important. He was working with a contemporary style that would blend office and commercial uses. He would say that Opus is made up of 70 percent of businesses that have a lot of surface parking and it does not look like the rest of Minnetonka.

Luke asked if the proposed five-story and six-story buildings would compare to others in the city. Mr. Keely said that the Shady Oak Office Building is similar to a five-story building. The proposal would be consistent with Dominion's building. New multi-family residential apartment buildings usually have five stories.

In response to Waterman's questions, Mr. Keely explained that to convert the office building into a residential use would require mechanical systems to be redone since residences create much more humidity than office buildings, adding individual control of mechanical systems, and making changes to meet fresh air requirements. It would be more expensive and result in poorer quality units to remodel the existing building rather than build a new one.

Joe Houseman, of Wellington Management, stated that he has been managing leasing the building for years. Two large tenants moved out of the building and into higher-class buildings. It is an economic challenge to have tenants pay high-enough rent to make improvements. There is a sister building to this one with an additional story. That one has a couple large tenants and is doing o.k. The newer buildings are doing better than the vintage buildings built in the 1970s and 1980s.

Wischnack stated that she would provide commissioners with data collected on uses located in Opus.

Powers asked how many of the units would have one bedroom and for the rent price point. Mr. Dziejewczynski explained that it would not be a luxury project. The proposal would target a broad demographic. The market-rate units would be comparable or a little below the market to make it a place that folks recently graduating from college could afford. The goal would be to make everyone feel comfortable and integrate the affordable units with market-rate units. Based on the market study feedback, he estimated that roughly 60 percent of the units would have one-bedroom, 20 percent would have two-bedrooms, and the remainder would be studio and three-bedroom units.

Wischnack provided that Opus currently has 534 condominium units, 409 townhomes, and 1,550 apartment units. Of the 1,550 apartment units, 800 are new units (Dominium and Rize). About 500 of the new apartment units meet affordable housing rent limits. Dominium and Rize were previous office buildings that were replaced with new residential apartment buildings. Cloud Nine was an office building converted into condominiums. There have been many challenges with the conversion.

In response to Henry's question, Mr. Keely stated that outdoor spaces are even more important now to help deal with Covid. People want to be connected to parks, trails, and outdoor spaces. The notion of working from home is prompting him to look into providing an office space with the appropriate ventilation and mechanical systems to provide units with the ability to individually control fresh air. He is looking at making a sustainable building.

Henry suggested he work with Partners in Energy for the project. Mr. Keely stated that the applicant works with Xcel's energy design assistance program and would be happy to work with the Partners in Energy program. Quality insulation is key to provide energy efficiency to reduce energy costs and provide high-efficiency units. Wellington Management uses LED lights in all of its project. A project being done currently in St. Paul reuses stormwater and uses low-flow fixtures. Green community standards would be used.



Mr. Dzieweczynski explained that a project he is currently overseeing for Wellington Management captures runoff from the roof which then travels to an underground system that uses it to irrigate a community garden. The applicant has experience with applying for grants to cover the cost of sustainable items. Most of Wellington Management's projects follow green community standards. The proposal would provide electric vehicle charging stations. He would be happy to continue those conversations with staff.

Powers noted that the Ridgedale area is limited to upper-end rental units. The proposed site would provide for an entry-level worker to be able to afford to live in Minnetonka and want to stay living in the city. Anything to help this building be energy efficient is a positive. He likes that the developer is thinking along the lines of sustainability and wanting the site to integrate with the rest of Minnetonka.

Chair Sewall asked how dependent the success of the project would be tied to the ridership of the SWLRT. Mr. Dzieweczynski said that the SWLRT helps, but the area is still a very desirable location to live with the park-like setting and numerous trails. Ridership of the SWLRT would not make or break the project, but it is another feature of the proposal to be marketed. When Chair Sewall asked Wischnack the same question, she stated that she looks at how the SWLRT may decrease the amount of traffic and number of parking stalls needed for the proposed apartment building.

Powers asked if the exterior windows and walls near the street and pedestrian side of the building would have additional sound proofing compared to other parts of the building. Mr. Keely answered that the windows would be pretty well sealed. Red Circle Drive has a relatively low level of traffic. The traffic on County Road 62 creates an audible hum. He would not expect any noise concerns. Quality windows would be used. Wellington Management has an apartment building located closer to the Hiawatha lite rail than the proposed building would be located to Red Circle Drive and the developer has not received any complaints from residents regarding noise levels when the windows are shut.

Henry asked if individual entrances could cause a safety concern. Mr. Keely explained that having more people invested in the landscape and having eyes on the area is positive. The places that end up with more crime and issues are areas that are not visible by residents. The units are extremely popular with dog owners.

Henry asked if a shadow study would be done. Mr. Keely noted that parts of the bike trail in the southwest corner could be covered by a shadow in Sept. The majority of the year, the church would not be affected except for December. A shadow study could be provided.

Henry asked if all of the units would have balconies. Mr. Keely answered that 20 percent to 25 percent of the units would not have a balcony due to the layout of the building not having enough separation between the balconies for some units and in an effort to keep some units more affordable.

Henry asked if providing home-office spaces that could be rented is being considered. Mr. Keely answered affirmatively. Making storage units into office units is being explored. The amenity package would gear more towards providing working from home spaces.

Henry liked the building focusing on contemporary styles. Opus has always been styled to look to the future. He encouraged a signature-design element be showcased. Mr. Keely said that simplicity and consistency of materials would be utilized.

Wicks reported that no one was waiting to provide comments on the concept plan.

Powers stated that:

- He likes the idea in general.
- He looks forward to seeing a more detailed plan of the building.
- He likes the rent structure and make up of units.
- The developer planning for the future is a good thing. He likes the developer taking Covid into consideration, but not letting the present crisis dominate the proposal.
- Minnetonka needs this type of housing at this price point.
- He supports the proposal.
- A shadow study would be nice.
- He supports anything to improve the energy efficiency of the site.
- Affordable, work-force housing would allow young workers to live and work in Minnetonka.

Waterman stated that:

- He agrees with Powers.
- The use makes a lot of sense for the area and the space.
- The city is getting closer to meeting its apartment-unit housing goal.
- He looks forward to reviewing a more detailed plan.
- He likes how the parking area is located in the middle with the buildings pushed to the outside.
- He likes the simple, outdoor amenities. He thought grills would be popular. The balconies would be smart.
- He likes the close proximity to bike trails.

Luke stated that:

- She appreciates the developer's presentation.
- The proposal would be a good use of the site.
- She concurs with Powers.
- The location would be excellent.
- The developers are being very thoughtful.

Henry stated that:

- He loves the idea. He is excited to see the future of Opus.

- The proposal would add density while preserving the single-family residential nature of the surrounding area.
- The proposal would provide an opportunity for new families and young workers to live in the city. Affordable housing is a huge necessity.
- The developer has taken a lot into consideration.
- He likes the inside-out nature with the parking lot in the middle of the buildings instead of located on the perimeter.
- There would be outdoor group spaces to promote social interaction.
- He was concerned with a potential increase in traffic and pedestrian safety.
- He was excited for the proposal to proceed.

Chair Sewall stated that:

- He supports the change of use from office to residential.
- He likes how the project would be affordable naturally by providing small units.
- He supports integrating affordable units with market-rate units. Everyone would share the amenities and function as a community.
- He would like a little more green space between the bike trail and the building.

Chair Sewall confirmed with Gordon that commissioners provided salient feedback on the proposal and that this item is scheduled to be reviewed by the city council at its meeting on Sept. 21, 2020.

## **10. Adjournment**

***Henry moved, second by Waterman, to adjourn the meeting at 8:30 p.m. Motion carried unanimously.***

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

Lois T. Mason  
Planning Secretary

councilmember Schack and recommended the expense be split between the city and the property owner.

Wiersum discussed the city's communication and billing practices for nuisance items and assessments. He requested further information regarding the number of notifications that were sent to Mr. Fish regarding this matter. Wischnack state she did not have a sense on that, but explained Mr. Fish was made aware of this matter when the assessment roll was completed. She understood there was a lag of time given the fact the work was completed in 2019 and would be assessed in 2020. Finance Director Darin Nelson explained assessment notices are sent to homeowners after the public hearing was set. He reported assessments are cut off on July 31 each year and this work was completed in August of 2019, which meant the work would be assessed in 2020.

Schack moved, Calvert seconded a motion to hold the public hearing and adopt Resolution 2020-075, Resolution 2020-076, Resolution 2020-077, Resolution 2020-078, Resolution 2020-079 and Resolution 2020-080 except as it relates to Project No. N577 for the property at 11620 Timberline Road to modify the assessment amount to \$241.50. Carter, Calvert, Schaeppi, Schack and Wiersum voted "yes." Coakley and Kirk voted "no". Motion carried.

#### **14. Other Business:**

##### **A. Concept plan review for Shady Oak Office Center at 10901 Red Circle Drive**

City Planner Loren Gordon gave the staff report.

Wiersum requested further information regarding how the proposal would increase traffic in the Opus area. Gordon discussed trip characteristics for office developments versus residential projects. He reported there was more traffic from a business development versus a residential development.

Casey Dziejewczynski Development Manager at Wellington Management provided the council with additional information regarding the proposed development. He explained Wellington Management owns over 100 properties across the metro area, with a mix of both affordable and market rate housing, in addition to retail, office and light industrial uses. He reported Wellington Management has owned this building for 15 years. He stated he has had trouble leasing the space. He believed now was the right time to move forward with the housing proposal. He explained the project would be completed in two phases. Phase one would include 250 units on the east side and phase two would include 185 units on the west side. He indicated both projects would include 20% affordable units at 50% of the area median income level. He commented TIF would be requested for this project in the amount of \$5 million for phase one and \$3 million for phase two. He hoped to secure financing for this project over the

coming months in order to break ground in the summer of 2021. He anticipated the project would take 18 to 20 months to complete.

Pete Keely, Collage Architects, reviewed the plans for the site in further detail with the council. He explained plans were considered to convert the existing building from office to housing. He noted this site has great visibility and was close to transportation/services, which made it more appealing for housing. He stated it was determined the existing building had very little value. He commented further on the proposed site plan, reviewed building elevations and noted the perimeter would have pedestrian access. It was noted the units would range from studios to larger units with a focus towards affordability. This meant the majority of the units would be on the smaller size. It was noted the site would have a mix of amenity spaces.

Calvert stated families need places to live and it was often times families that needed affordable apartment units. She requested further information regarding the mix of units that would be developed. Mr. Dziejewczynski explained he was projecting a mix of affordable units. He stated phase one would have 40% studios, 40% one bedroom units, 15% two bedroom units and a handful of three bedroom units. He reported the affordability would be split up equally between the unit mix. He indicated the affordability would not be focused just on the studios and one bedroom apartments.

Schack asked if the rental market was softening. She questioned if this was a concern for the developer. Mr. Dziejewczynski stated he was unsure of what the next several months or year would bring. He commented the advantage was that he was confident the city needed to provide housing long-term, even during a pandemic. He indicated this project was not trying to hit the luxury market, but rather would be providing needed housing at a reasonable price point. He explained the project was being split into phases to spread the risk out and to assist with market saturation. He commented further on other projects he was completing in the metro area.

Kirk discussed the current condition of the Opus site. He questioned how traffic would flow in and out of this site. Gordon reported Red Circle would get reversed. He explained the road in front of this building would go counter clockwise. He indicated the traffic would eventually come out to Bren Road.

Kirk stated the bike paths and the bike routes were interesting for this development. He appreciated the connections this site would have. He explained he understood why the development had been broken into two phases but he feared how the development would fare if the second phase were not completed. He stated he appreciated that the AMI would be set at 50% and noted he would be supportive of the over all development.

Schack indicated this project reminded her of the Mariner project that was canceled earlier this year. She appreciated the fact that the affordability would be disbursed throughout the two buildings. She was pleased with the proposed layout. She believed this was a good location for housing and would not create a great deal of disruption. She appreciated the perspective of the neighbors in the townhouses to the north. She explained the Opus campus was going through a transformation and it was getting closer to the original vision than ever before in history. She indicated this was a big change because some of the property was shifting to residential. She stated she liked the proposed development and believed this would be a good fit for Opus. She commented this development would also benefit by being in close proximity to the light rail station. She encouraged the developer to consider sustainability options, but not at the expense of the affordability of the development.

Schaeppi thanked the applicant for the proposal. He stated he supported the development and appreciated the proposed walkout units. He indicated this was the location for density and he noted he would support a higher building if it was cost effective. He explained it will be nice to see more of the specifics on the amenities, but he anticipated this would come later in the planning process. He encouraged the developer to match the type of units that would be in demand in Minnetonka.

Calvert stated she agreed with much that has been said. She explained she was excited about the proposed affordability rate for these units. She indicated she liked the walkout units and believed this was the right location for density. She commented the proposed amenities would be nicely received by the future tenants. She encouraged the developer to explore more energy efficiency and sustainability. She noted she like the idea of a pollinator garden or a green roof, while still maintaining affordability. She stated it was exciting that this development was next to light rail and she indicated she supported the proposed color palette.

Coakley commented this was a well thought out development. She believed the building looked nice and she appreciated the bike trails. She questioned how diversity in this area would be increased through this development and asked who this development would be targeted towards. She supported the development having affordable units, but she feared the entire building would be filled with young, white college students.

Carter stated she liked the project. However, she encouraged the council to proceed with caution when placing every dense residential development on Opus. She commented this could create a culture of stigma around affordability. Rather, she wanted Opus to be thoughtful and well planned. She hoped that the area would have variety as well as diversity with both soft and hard surfaces. She wanted to see this site developed intentionally, with purpose, and not just be more of the same.

Calvert thanked Carter for her comments. She agreed the city should not ghettoize high density in any one sector of the city. She noted she had brought this up before within Opus. She indicated the architecture for this development was alright, but might not have longevity. She commented she did like the idea of mixing up the uses within Opus from industrial or business/commercial to different kinds of uses such as places of worship and housing.

Wischnack stated there were a lot of projects coming forward and a lot of units. She explained staff was working on a matrix to better understand the entire development. She commented the next time the council discusses this project, the matrix will be presented to allow the council to address the diversification.

Wiersum indicated this was a quality, work force project that would target more than college students. He anticipated this development would have a diverse housing mix. He stated he liked the affordability proponent. He explained the council would have to take a deeper look at the TIF request. He discussed the amount of traffic that would be generated by this type of development. He commented further on the mass and scale of the proposed building. He encouraged the council to be mindful about what building design and architecture. He stated the council had to consider how the light rail and future transit would impact this area. He questioned if this development could have a larger portion of the units subsidized, 20% being affordable in order to create a development that was below 100% of AMI. He stated he appreciated councilmember Carter's comment and how the council should proceed with caution when considering the placement of all of the city's affordable housing on Opus. He agreed the council did not want to put all of its high density residential in one sector of the city. He indicated the council had to consider what amenities would be put into Opus in order to create community and not just a place with a lot of high density development. He stated this would be critical in order to make Opus successful.

Mr. Dzieweczynski thanked the council for their input. He stated he believed this development would meet the affordability levels that were at or below 100%. He noted this was not a luxury development. He commented after the 20% affordable units, the remainder would be 75% to 100% AMI without the subsidy. He recognized the entire project had to work in the community and would have to be attractive to a variety of residents. He explained the people living in this development would recognize the benefits of the trail and light rail access. He stated he was working to create an attractive project that would look good in 20 years and would serve a variety of residents at a variety of income levels. He reported he would further investigate the sustainability components for this development.

Wiersum thanked Mr. Dzieweczynski for his presentation and wished him good luck in the next step of the planning process.

Discussed concept plan with the applicant. No formal action required.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

**B. 2021 – 2025 Capital Improvements Program (CIP)**

City Manager Geralyn Barone gave the staff report.

Wiersum asked if the primary changes to the 2020 CIP were for the HVAC upgrades. Barone stated this was correct, but noted there were new items related to the fire station roof and the skylights in the community center.

Calvert commented she had questions for staff this morning and they were largely answered. She explained for transparency purposes, the council had discussed the CIP at previous meetings.

Schack thanked staff for being nimble and for working to adjust the CIP to meet the goals and objectives of the city council.

Schack moved, Calvert seconded a motion to adopt the 2021-2025 CIP Res. 2020- 081 All voted “yes.” Motion carried.

Calvert moved, Kirk seconded a motion to amend the 2020-2024 CIP. All voted “yes.” Motion carried.

Barone explained she has been talking with councilmember Schaeppi about the trail on Minnetonka Boulevard. She encouraged councilmember Schaeppi to bring this item before the council for further consideration.

Schaeppi commented he would like to direct staff to amend the CIP at a future city council meeting in order to consider the inclusion of a pedestrian crossing of Groveland Avenue. He explained he has had a tremendous amount of people reach out to him regarding this matter. He noted he reached out to Hennepin County regarding this matter and understood they would not have funds for this project. He asked if the council could support a motion directing staff to place this project in the CIP in 2023. Barone suggested if this was something the council would like to consider that an amendment be made to the CIP as a separate page for the unfunded project. She reported this would not obligate the council to the project but would provide a holding spot. She commented the other option would be to bring the item forward next spring for consideration.

Carter asked what was being requested.



## **Ordinance No. 2021-**

### **An ordinance rezoning from B-1 to planned unit development and amending the existing master development plan for the properties at 10901 Red Circle Dr.**

---

The City Of Minnetonka Ordains:

Section 1. Background

1.01 The subject property is located at 10901 Red Circle Dr.

1.02 The property is legally described as:

Lot 7, Block 11, Opus 2 Fourth Addition, Hennepin County, Minnesota

1.03 Wellington Management is proposing to demolish the existing office building at 10901 Red Circle Drive and redevelop the site into two multifamily, mixed-income buildings. The project would be developed in two phases; both buildings would include a mixture of studio, 1-, 2-, and 3- bedroom units. Phase 1 would contain 223 units. Phase 2 proposes between 150-185 units.

Section 2. Findings

2.01 The proposal is consistent with the OPUS area's mixed-use designation in the comprehensive guide plan.

2.02 The proposal is consistent with City Council Policy 13.2, Affordable Housing Policy.

2.03 The proposal would not negatively impact public health, safety, or general welfare.

Section 3.

3.01 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans unless modified by the conditions below:

- Site Plan dated 04/09/2021
- Grading Plan dated 04/09/2021
- Utility Plan dated 04/09/2021
- Landscape Plan dated 04/09/2021
- Building Elevations dated 04/09/2021

Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective immediately.

Adopted by the City Council of the City of Minnetonka, Minnesota, on \_\_\_\_\_ 2021.

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

Attest:

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

**Action on this ordinance:**

Date of introduction: May 24, 2021

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on \_\_\_\_\_ 2021

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

**Resolution No. 2021-**

**Resolution approving final site and building plans for a multi-family residential building  
at 10901 Red Circle Drive**

---

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

Section 1. Background.

1.01 Wellington Management has requested approval of the final site and building plans for a 223-unit apartment building at 10901 Red Circle Drive

1.02 The property is legally described as:

Lot 7, Block 11, Opus 2 Fourth Addition, Hennepin County, Minnesota

1.03 On June 17, 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 the city council approve the final site and building plans.

Section 2. Standards.

2.01 City Code §300.27, Subd.5 outlines several items that must be considered in the evaluation of the site and building plans. Those items are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposal would meet site and building plan standards outlined in the City Code §300.27, Subd.5.

1. The proposed high-density residential development is consistent with the general housing goals of the 2040 Comprehensive Guide Plan and the plan's specific goal to provide additional housing in the Opus area. Further, the proposal has been reviewed by city planning, engineering, and natural resources staff and found to be generally consistent with the city's development guides, including the water resources management plan.

2. The proposal is consistent with the PUD zoning ordinance.
3. The subject property is a developed site with no “natural” areas. The proposal is considered redevelopment.
4. The proposal would result in an orderly site relationship between buildings and open spaces.
5. The proposal would result in an intuitively ordered, attractively designed development.
6. The application includes large building windows to add light and solar gain for well-positioned units during heating months. The roof is designed to accommodate solar panels.
7. The proposal would visually and physically alter the property and the immediate area. However, this change would occur with any redevelopment of the site, which the city has long anticipated.

Section 4. City Council Action.

4.01 Final site and building plans are hereby approved based on the findings outlined in Section 3 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
  - Site Plan dated 04/09/2021
  - Grading Plan dated 04/09/2021
  - Utility Plan dated 04/09/2021
  - Landscape Plan dated 04/09/2021
  - Building Elevations dated 04/09/2021
2. A site development permit is required. This permit will cover demolition, grading, installation of sewer, water, and stormwater facilities, and construction of parking lots, sidewalks, and trails.
  - a) Unless authorized by appropriate staff, no site work – including tree removal – may begin until a complete site development permit application has been submitted, reviewed by staff, and approved.
  - b) The following must be submitted for the site development permit application to be considered complete.

- 1) Electronic plans and specifications submitted through the city's electronic permit and plan review system.
- 2) Final site, grading, utility, stormwater management, landscape, tree mitigation plans, and a stormwater pollution prevention plan for staff approval. In addition:
  - a. Final site plan. The plan must:
    - Note that driveway access locations are subject to the approval of the city engineer.
    - Illustrate a minimum 20-foot horizontal setback from the 100-year high water level of the stormwater best management practice.
  - b. Final utility plan.
    1. Utilities within the property must be designed and constructed in accordance with the MN Plumbing Code.
    2. All unused sewer and water connections must be removed back to the main, with the connections being cut out and sleeved.
    3. Water:
      - If the developer decides to repave the entire trail, public works would like to evaluate water main replacement adjacent to the trail alignment.
      - Submit a MPCA Sanitary Sewer Extension permit or documentation that such permit is not required.
  - c. Final stormwater management plan. The plan must demonstrate conformance with the following criteria:
    - Rate. Limit peak runoff flow rates to that of existing conditions from the 2-, 10-, and 100-year events at all points where stormwater leaves the site.

- Volume. Provide for onsite retention of 1.1-inch of runoff from the entire site's impervious surface.
- Quality. Provide for all runoff to be treated to at least 60 percent total phosphorus annual removal efficiency and 90 percent total suspended solid annual removal efficiency.

In addition:

- Provide an impermeable layer between the stormwater best management practice and the building.
  - The stormwater basin on site must be sized for the future expansion and construction of the required turn lane.
  - All stormwater BMPs must meet a 48 hour drawdown time.
  - The building must meet a 20' horizontal setback from the 100-yr HWL of the stormwater BMPs.
  - Provide an impermeable layer between the stormwater BMPs and the building.
  - All stormwater best management practices must meet a 48-hour drawdown time.
- 3) A utility exhibit. The exhibit must show only property lines, buildings, sewer, water, storm sewer, and underground stormwater facilities. The exhibit must clearly note which facilities are public and which are private.
  - 4) Dedicate 7 ft. wide drainage and utility easements along the easterly property line.
  - 5) Convey a secondary roadway easement over the trail and associated structures.
  - 6) Provide cross-access easements or other private easements prior to building permits for lot 2.
  - 7) Provide documentation that the underground stormwater system and underbuilding parking will be able to support

83,000 pounds and 10,800 pounds per square foot of fire truck outrigger point loading.

- 8) Draft development contract.
- c) Prior to issuance of the site development permit:
- 1) This resolution must be recorded at Hennepin County.
  - 2) Obsolete utility easements must be vacated.
  - 3) The final plat must be released for recording.
  - 4) Administrative and engineering fees, as required by the ordinance, must be submitted.
  - 5) Park dedication in the amount of \$1,115,000 must be submitted.
  - 6) Submit the following documents
    - a. Executed development contract.
    - b. A stormwater maintenance agreement in a city-approved format for review and approval of city staff.
    - c. A private hydrant maintenance agreement in a city-approved format for review and approval of city staff.
    - d. Staging plan and construction phasing exhibit(s) for staff review and approval. The plan and exhibit(s) must:
      - Illustrate crane locations and swing radii to confirm how the building will be constructed. Road closures or lane shifts will not be permitted to facilitate the construction of the building.
      - Illustrate material delivery and storage locations.
      - Include proof of off-site parking arrangements for construction employees. Employee parking will not be permitted on the public roadway.

- e. A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.
- f. A MPCA Sanitary Sewer Extension permit or documentation that a permit is not required.
- g. A MDH permit for the proposed water main construction or documentation that a permit is not required.
- h. A MPCA NPDES permit.
- i. Financial guarantees in the amount of 125% of a bid cost or 150% of an estimated cost to comply with grading permit and landscaping requirements and to restore the site. Staff is authorized to negotiate the manner in which site work and landscaping guarantees will be provided, except bonds will not be accepted. The city will not fully release the guarantee until: (1) as-built drawings and tie-cards have been submitted; (2) a letter certifying that the underground facility has been completed according to the plans approved by the city; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.
- j. Evidence that an erosion control inspector has been hired to monitor the site through the course of construction. This inspector must provide weekly reports to natural resource staff in a format acceptable to the city. At its sole discretion, the city may accept escrow dollars, in an amount to be determined by natural resources staff, to contract with an erosion control inspector to monitor the site throughout the course of construction.
- k. Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:



- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
  - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- 7) Install erosion control, tree protection fencing, and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
  - 8) Provide a tree inventory.
  - 9) Hold a preconstruction meeting with site contractors and city planning, engineering, public works, and natural resources staff. The meeting may not be held until all items required under 2(b) and 2(c)(6) of this resolution have been submitted, reviewed by staff, and approved.
  - 10) Permits may be required from other outside agencies, including the Nine-Mile Creek Watershed District. It is the applicant's responsibility to obtain any necessary permits.
3. Prior to issuance of a building permit, submit the following:
- a) A final landscaping plan. The plan must:
    - 1) Include information pertaining to species, sizes, quantities, locations, and landscape value.
    - 2) Meet value and mitigation requirements per city code requirement.
    - 3) Include pollinator-friendly species per city code requirements.
    - 4) Meet the guidelines of the Opus Area Placemaking + Urban Design Implementation Guide.
    - 5) Show deciduous trees to be located at least 15 feet from public trails. Evergreens must be located at least 20 feet from public trails.

Also note:

- 1) Minnetonka is under quarantine for Emerald Ash Borer (EAB). All ash trees identified for removal on this site must be disposed of in accordance with the State of Minnesota EAB quarantine protocol.
  - 2) Only small shrubs, perennials, and grasses may be located in public easements unless specifically approved by public works and engineering staff.
- b) A snow removal and chloride management plan.
  - c) A construction management plan. This plan must be in a city-approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing site work, the construction management plan submitted at the time of grading permit may fulfill this requirement.
  - d) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:
    - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
    - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- If the builder is the same entity doing site work, the escrow submitted at the time of grading permit may fulfill this requirement.
4. The property owner is responsible for replacing any required landscaping that dies.
  5. Construction must begin by Dec. 31, 2022, unless the city council grants a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on \_\_\_\_\_, 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 duly authorized meeting held \_\_\_\_\_, 2021.

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

SEAL

**Resolution No. 2021-**

**Resolution approving a preliminary and final plat at 10901 Red Circle Drive**

---

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

Section 1. Background.

1.01 Wellington Development has requested approval of a preliminary and final plat for the properties located at 10901 Red Circle Dr. for a two-phase apartment building.

1.02 The property is legally described as:

Lot 7, Block 11, Opus 2 Fourth Addition, Hennepin County, Minnesota

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposed plat would meet the design standards as outlined in City Code §400.030.

Section 4. Council Action.

4.01 The above-described preliminary and final plat is hereby approved, subject to the following conditions:

1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received. The following must be submitted for a final plat application to be considered complete:

- a) A final plat drawing that clearly illustrates the following:

- 1) A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
  - 2) Utility easements over existing or proposed public utilities, as determined by the city engineer.
  - 3) Drainage and utility easements over stormwater management facilities, as determined by the city engineer.
- b) Documents for the city attorney's review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
- 1) Title evidence that is current within thirty days before the release of the final plat.
  - 2) Trail easements over future public trails and sidewalks, as determined by the city engineer.
2. Prior to final plat approval:
- a) This resolution must be recorded with Hennepin County.
  - b) The documents outlined in section 4.01(1)(a)(2) above must be approved by the city attorney.
3. Prior to the release of the final plat for recording, submit the following:
- a) Two sets of mylars for city signatures.
  - b) An electronic CAD file of the plat in microstation or DXF.
  - c) Payment of park dedication fees in the amount of \$1,115,000.
4. This approval will be void on June 14, 2022, if: (1) a final plat is not recorded, and (2) the city council has not received and approved a written application for a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 28, 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 duly authorized meeting held on June 28, 2021.

---

Becky Koosman, City Clerk