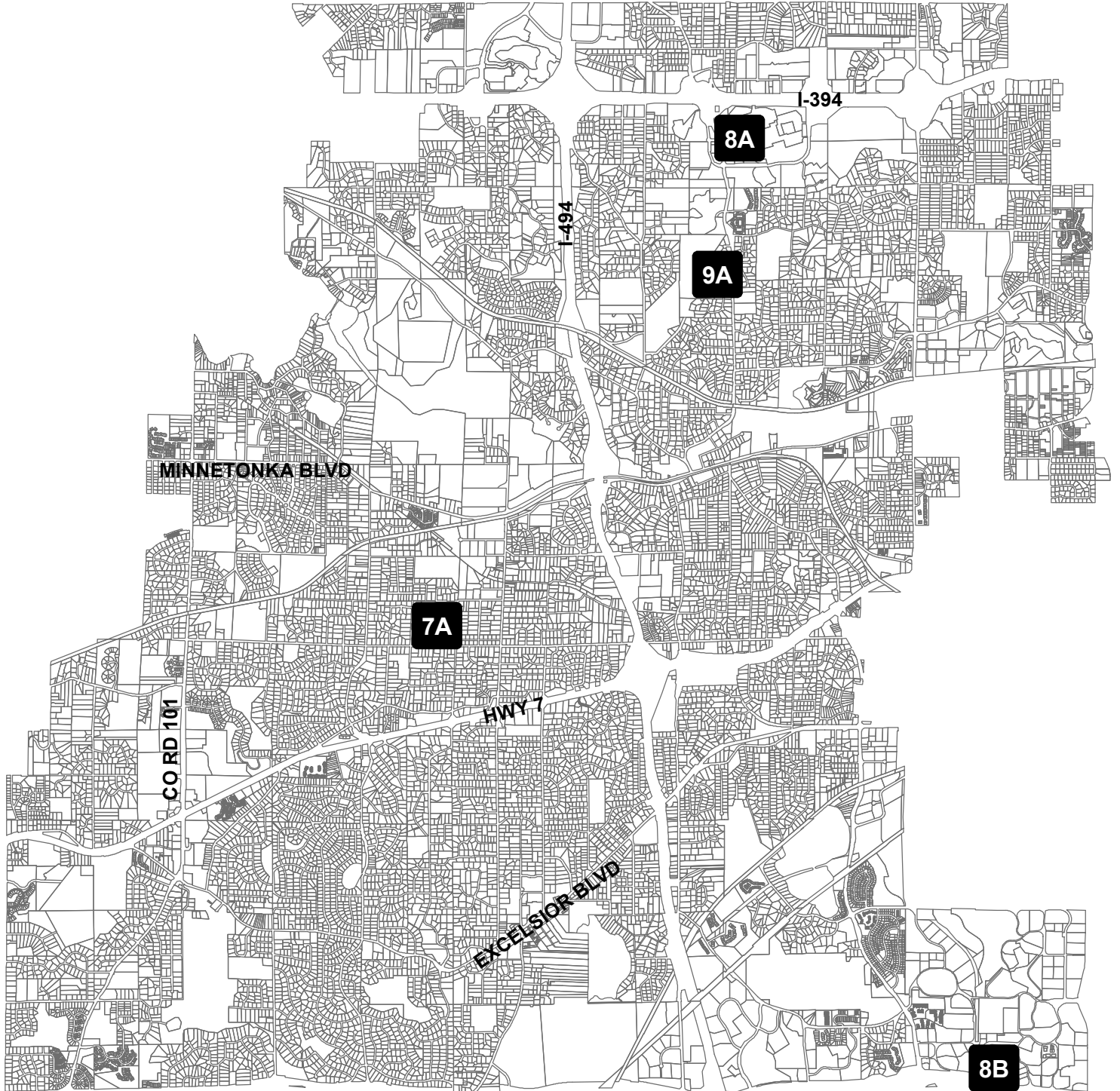




CITY OF
MINNETONKA

PLANNING COMMISSION JULY 1, 2021

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





Planning Commission Agenda

July 1, 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 17, 2021
- 5. Report from Staff**
- 6. Report from Planning Commission Members**
- 7. Public Hearings: Consent Agenda**
 - A. Resolution approving a setback variance for conversion of an existing deck into an enclosed porch at 4010 Skyview Road.

Recommendation: Adopt the resolution. (5 votes)
 - Final Decision, subject to appeal
 - Project Planner: Ashley Cauley
- 8. Public Hearings: Non-Consent Agenda Items**
 - A. Resolution approving a conditional use permit for The Tavern Grill Restaurant and Bar at 12653 Wayzata Blvd.

Recommendation: Recommend the city council adopt the resolution. (4 votes)
 - Recommendation to City Council (July 12, 2021)
 - Project Planner: Ashley Cauley
 - B. Resolution approving a conditional use permit for telecommunication tower at 6110 Blue Circle Drive.

Planning Commission Agenda

July 1, 2021

Page 2

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

- Recommendation to City Council (July 12, 2021)
- Project Planner: Susan Thomas

9. Other Business

A. Concept plan for Woodhaven of Minnetonka at 2424 and 2440 Plymouth Road.

Recommendation: Provide feedback; no formal action.

- To City Council (July 12, 2021)
- Project Planner: Ashley Cauley

10. Adjournment

Planning Commission Agenda
July 1, 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 15, 2021 agenda.

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

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

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

Project Description	Rush Bowls, CUP
Project Location	13005 Ridgedale Drive
Assigned Staff	Ashley Cauley
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	Strampe Residence, setback variance
Project Location	12803 Linde Lane
Assigned Staff	Drew Ingvalson
Ward Councilmember	Brian Kirk, Ward 1

**Unapproved
Minnetonka Planning Commission
Minutes**

June 17, 2021

1. Call to Order

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

2. Roll Call

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

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

3. Approval of Agenda

Waterman moved, second by Banks, to approve the agenda as submitted with the addition of a comment received after the agenda packet was distributed regarding Item 7A and modifications made to the resolution for Item 8D.

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

4. Approval of Minutes: June 3, 2021

Hanson moved, second by Waterman, to approve the June 3, 2021 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of June 14, 2021:

- Adopted an ordinance and resolutions concerning a multi-family residential development at 5959 Shady Oak Road.
- Introduced an ordinance relating to interim uses in the Industrial and Planned I-394 zoning districts.
- Adopted 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.
- Adopted a resolution approving the final plat of Damyan's Addition, a two-lot subdivision, at 9598 Ann Lane.

There is a presentation commissioners are invited to attend by the Urban Land Institute scheduled for July 19, 2021.

There is a boards and commissions dinner scheduled to be held on July 21, 2021.

The next planning commission meeting is scheduled to be held on July 1, 2021.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion.

Banks moved, second by Waterman, to approve the item listed on the consent agenda as recommended in the staff report as follows:

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

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

Erica Austin, 17720 Southridge Court, stated that the site's parking lot currently has commercial trucks parked in it. She requested that the property owner remember that the site is surrounded by residential homes. The facility itself and the daycare seem like a fine idea.

Chair Sewall confirmed with Gordon that staff would discuss the comment with the applicant.

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

8. Public Hearings

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

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.

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

Waterman moved, second by Banks, to recommend that the city council adopt the ordinance relating to interim uses in the Industrial, I-1, and Planned I-394, PID, zoning districts.

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

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

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.

Banks confirmed with Thomas that the proposal would take up two parking stalls.

Hanson asked if this tower would be removed when a more permanent tower would be installed. Thomas answered affirmatively. A condition of approval requires the proposed tower to be removed by March 31, 2022. The applicant could request an extension if the new tower would not yet be operational.

Jason Hall, representing AT&T Mobility, the applicant, stated that the staff report is great. The applicant agrees to the conditions. The tower would have similar coverage to the existing tower and fill the gap in coverage between the existing tower being removed and the new tower being installed. He was available for questions.

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

Hanson suggested notifying residents that the proposed tower would be temporary.

Waterman noted that the location would not be near any residences. He supports the application.

Banks concurred. He appreciated the gap in service being covered during the transition to a new tower.

Chair Sewall confirmed with Mr. Hall that the site where the current tower is located could not accommodate the current tower to remain while the new one would be completed.

Hanson moved, second by Waterman, to recommend that the city council adopt the resolution approving an interim use permit for a temporary telecommunication tower at 6120 Blue Circle Drive.

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

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.

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.

Ivan Quinones, the applicant, stated that Thomas did a great job with the presentation. He plans to donate to the local food bank at the end of the event.

Waterman asked if the event would be a sales event or donation event. Mr. Quinones clarified that frozen meat products would be sold, and food donations would be accepted that would be given to the local food shelf at the end of the 30-day event.

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

Banks confirmed with Thomas that the applicant would have to receive a license for the sale of food.

Waterman supports the proposal.

Chair Sewall agreed that there is ample parking in the area, and the parking lot is currently underutilized. He was glad to see that the parking area would be used. He appreciates the support of the food shelf.

Banks moved, second by Waterman, to recommend that 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.

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

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

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 the residential proposal would improve the traffic flow for the area. The number of expected vehicle trips it would generate would be acceptable without additional street or intersection improvements.

Banks asked if comments received during the review of the concept plan prompted changes that have been incorporated into the current proposal. Gordon noted that the underground parking garage moved to the east side of the building; the architecture was modified; the affordability component evolved, and a green edge was added to the trail.

Hanson asked if there would be a commercial use on the ground floor. Gordon answered that the building would contain only residential units and common areas.

Hanson asked if the trail would meet ADA requirements. Gordon answered affirmatively, except for stairs that would connect a few floor units to the trail.

Chair Sewall confirmed with Gordon that the designated area for Phase Two would remain green space until the property owner submits a land-use application.

Chair Sewall noted that the site would be visible from Hwy. 62. He asked if Phase Two could include commercial use. Gordon stated that the increase in residential housing in the area might prompt retail and commercial services to want to locate nearby.

Casey Dziejewczynski, of Wellington Management, applicant, stated that:

- He appreciated the opportunity to speak at the meeting.
- He appreciated working with Gordon and the staff since last fall.
- Wellington has owned the building since 2008.
- The office market has changed over the last few years.
- He looked forward to the commission's input and feedback.
- The applicant is excited to start construction.
- Wellington will continue to own and manage the proposed building.
- The affordable component has been increased to provide 30 percent of the units affordable for 30 years.
- The pool and amenity space were modified to provide connections to the trail.
- The goal is to build Phase One, receive feedback from the market, and identify the demand for the types of units to guide the decisions for Phase Two. Having a ground-floor commercial or retail use may be a good fit by the time Phase Two would be completed.

Pete Keely, Collage Architects, representing the applicant, stated that Gordon did such a great job with his presentation that he did not have much to add. He stated that:

- The feedback received during the concept plan review prompted some changes, including creating more connections with the trails' outside edges.

- The bike facility in the northeast corner was made more usable for bicyclists for residents and the public.
- The building and amenity spaces would be fully accessible.
- The pool was added to compete with surrounding apartments and allow residents to go outside and socialize.
- The amenity space in the front of the building is in the northeast area. There would be a four-season porch to connect with the pocket park, trail, public spaces with seating, and the pool.
- The four-story portion of the building would be raised up in elevation. The brick portions would step up the hill to tie into the natural grade.
- The building's decks, balconies, stoops, and large windows would provide a building transition from office park to residential, multi-family housing.
- The building's exterior color in earth tones would be similar to those used by the Optum building across the street.
- The building's outside appearance was made to be more consistent, and more brick was added.
- He was available for questions.

Waterman asked why more surface parking was added. Mr. Keely answered that a level of below-ground parking was removed for the project to afford to include affordable housing units.

Waterman confirmed with Mr. Keely that Phase Two would have its own parking. The central access aisle for Phase One would be oversized for it to be shared with Phase Two. The current proposal may have slightly more parking than it may need, but that could be addressed when Phase Two would be completed. If the northwest corner of Phase Two would become a commercial use, then the parking dynamic would change.

Waterman asked if the pool area would be big enough. Mr. Keely answered affirmatively. Based on other projects he has done, the space around the pool is used more than the actual pool.

Banks asked what it would mean for the roof to be "solar-panel ready." Mr. Keely explained that penetrations and mechanical equipment would be positioned to allow solar panels to be added to the roof. The roof structure would be designed to carry the necessary pounds per square foot. At a later date, solar panels could be installed and connected electrically. The latest building code has raised the bar for sustainability. The building would be over-insulated and require a higher level of ventilation. The energy-design-assistance programs from Xcel and CenterPoint Energy would be utilized. All lighting would be LED.

Mr. Dzieweczynski clarified that the intent is to install the solar panels when they are ready.

Banks appreciated the proposal providing more affordable housing units than the city's policy recommends.

Hanson likes the look of the building. He asked if the proposed building would have an average amount of amenities. Mr. Keely responded that the proposal would not be luxury apartments but would have more amenities than an average apartment building that offers units with lower, market-rate rents as well as rents for those who have incomes that meet affordability guidelines. Hanson appreciates the proposal providing different rent price points than what already exists in the area.

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

Hanson stated that:

- He was impressed with the redesign, the aesthetics of the building, and the site. The windows are very attractive. The design of the building stands out and fits with surrounding office buildings. He likes where the proposal is headed.
- It is nice to see the possibilities included in the current application for Phase Two.
- He looks forward to when a commercial or residential use would be added to the area.

Banks stated that:

- He agreed. The design is beautiful. He likes the colors and use of the brick on the exterior, making it stand out and fit in with buildings in the area.
- He felt it would cater to the average renter. The affordable units and more affordable market-rate units would provide for a large number of residents.
- He likes the addition of the pool.
- The location is great.

Waterman stated that:

- He concurred. He supports the proposal.
- He likes the use of the land and the general site layout. The proposal has only improved since the review of the concept plan.
- The building would be beautiful. He likes the brick and large windows.
- The proposal may set the bar for providing amenities in a building that provides rents for a variety of incomes.
- The site plan looks good. He saw the loss of green space for the above-ground parking as the only downside.
- He loves the walk-up style units, which would add vitality.
- He did not think Phase One would look incomplete without Phase Two.
- He appreciates the areas that may also be used by the public.

- He looks forward to commercial or retail use in the area sometime in the future.

In response to Chair Sewall's question, Mr. Dziejewczynski stated that the affordable units would be mixed in with market-rate units.

Chair Sewall stated that:

- He likes the market-rate price points, as well as the affordable-unit price points that the proposal would provide. He acknowledged that council members would look at the broader topic of dispersing affordable housing throughout the city.
- He was not as thrilled with the increase in the amount of surface parking. He would like a little more green space or trees near the parking surface. He understood the necessary removal of the second level of underground parking to afford the affordable housing units.
- He supports the proposal.

Waterman likes the height variability of the building.

Chair Sewall noted that the affordable housing units provide a public good that justifies rezoning the property to a planned unit development.

Waterman moved, second by Banks, to recommend that the city council adopt the following items regarding a two-phase, multi-family apartment project at 10901 Red Circle Drive:

- ***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 preliminary and final plats.***

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

9. Adjournment

Hanson moved, second by Banks, to adjourn the meeting at 8:07 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
July 1, 2021

Brief Description	Setback variance for conversion of an existing deck into an enclosed porch at 4010 Skyview Road.
Recommendation	Adopt the resolution approving the request.

Proposal

The subject property is 22,000 square feet in size. A house was constructed on the lot in 1989, and a deck was constructed in the rear of the home during the 1990s. J Brothers Design Build Remodel is proposing to remove the deck in order to construct an enclosed porch. Though the porch would have the same footprint as the deck, the setback requirement for porches and decks differs. The proposed porch requires a variance to reduce the rear yard setback from 40 feet to 35 feet.

Staff Analysis

Staff finds the applicant's request is reasonable:

- The proposed enclosed porch would replace an existing deck.
- The city owns the adjacent property to the north and west for stormwater purposes.
- The proposed porch would not be visible from the right of way.
- Even with an increased floor area, the home would not exceed the largest floor area ratio of the neighborhood.

Staff Recommendation

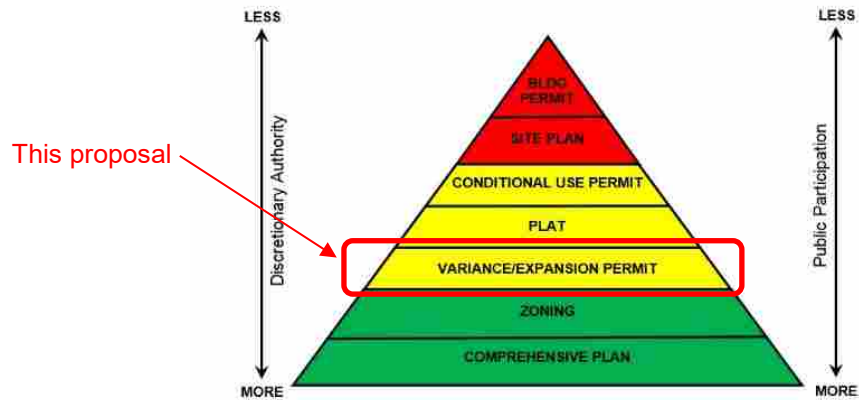
Adopt the resolution approving a setback variance for conversion of the deck into an enclosed porch at 4010 Skyview Road.

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

Supporting Information

Surrounding Land Uses	Northerly and westerly: stormwater facility, owned by the city of Minnetonka. Easterly and southerly: Single-family residential homes, zoned R-1
Planning	Guide Plan designation: low density residential Zoning: R-1, low density residential
McMansion	<p>The city's McMansion policy regulates the floor area ratio (FAR) on properties when either the property or the home on the property requires a variance. The policy restricts FAR on such properties/homes to no more than the highest FAR within 400 feet of the subject property and within 1,000 feet along the same roadway.</p> <p>There are several homes in the neighborhood that have a FAR of 0.18. This is the largest FAR in the neighborhood. The proposal would result in a FAR of 0.09.</p>
Variance Standard	A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)
Natural Resources	Best management practices must be followed during site preparation and construction activities. This would include the installation and maintenance of erosion control fencing.
Appeals	Any person aggrieved by the planning commission's decision about the requested variances may appeal such a decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.
Neighborhood Comments	The city sent notices to 43 area property owners and received no comments.

Pyramid of Discretion



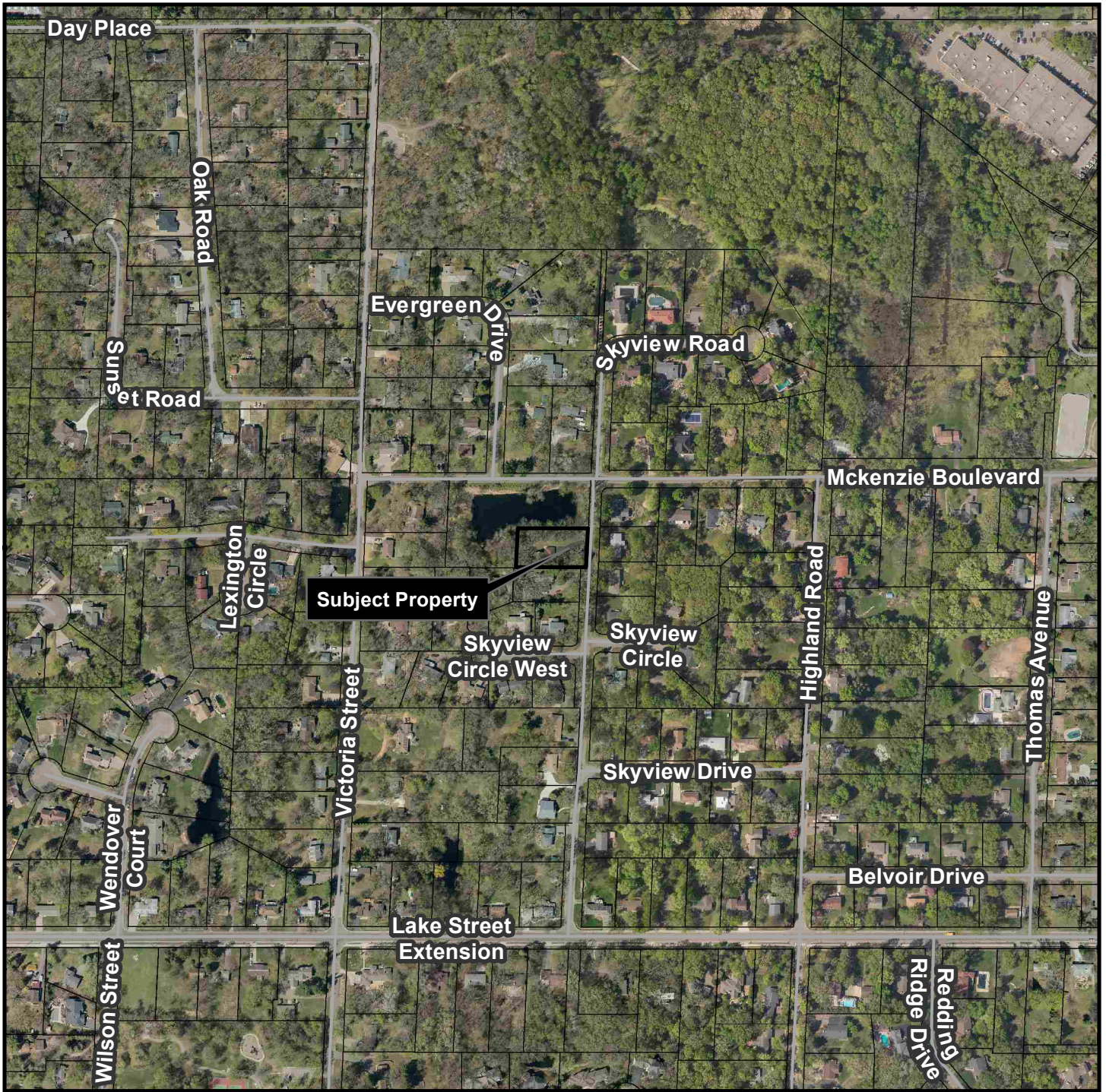
Motion options

The planning commission has the following motion options:

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

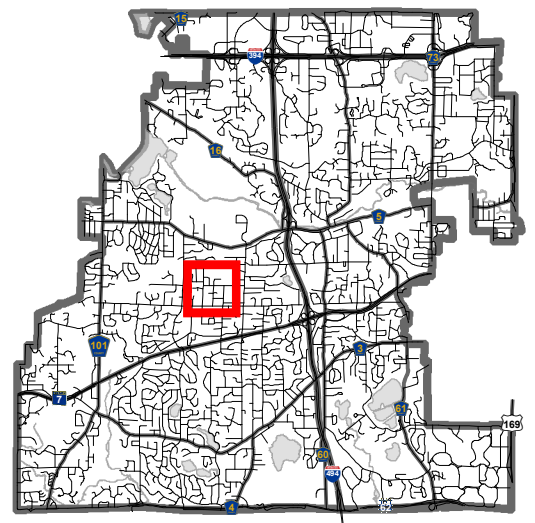
Deadline for Decision

Sept. 18, 2021



Location Map

Project: Waitz Residence
Address: 4010 Skyview Rd



Variance Application, Practical Difficulties Worksheet, Additional Information

4010 Skyview Road

Describe why the proposed use is reasonable:

The proposed use is reasonable as only a portion of the screened-in porch will require a variance. In the direction of the proposed variance [westerly], the nearest neighbor's property line is over 200ft away from our property line. The screened-in porch would add to the character of the home as well as the neighborhood, add value, and tie in with the existing structure of the house. The proposed screened-in porch still falls within the bounds of the existing retaining wall structure on the property, and is in the same location as the deck which existed on the home when we purchased it in 2019.

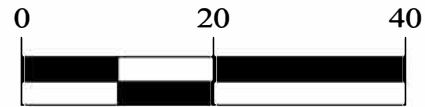
Describe: circumstances unique to the property; why the need for variance was not caused by the property owner; and why the need is not solely based on economic considerations.:

The home was constructed in 1989, and we purchased the home in 2019. At the time of the purchase, there was already a deck present, in the location of the proposed screened-in porch. A review of Hennepin County aerial photography shows that a deck was present, in the planned location of the screened-in porch, as far back as 2002. The property is located adjacent to a pond which leads to significant seasonal insects. Thus, replacing the existing deck with a screened-in porch will allow us to enjoy the environment without excessive insect nuisance.

Describe why the variance would not alter the essential character of the neighborhood:

The essential character of the neighborhood will not be altered by the proposed variance. Only a portion of the screened-in porch would require a variance. The design of the screened-in porch will tie into the existing structure of the house. Multiple homes in the area have screened-in porches.

CERTIFICATE OF SURVEY FOR: J. BROTHERS CONSTRUCTION



SCALE IN FEET

LEGEND

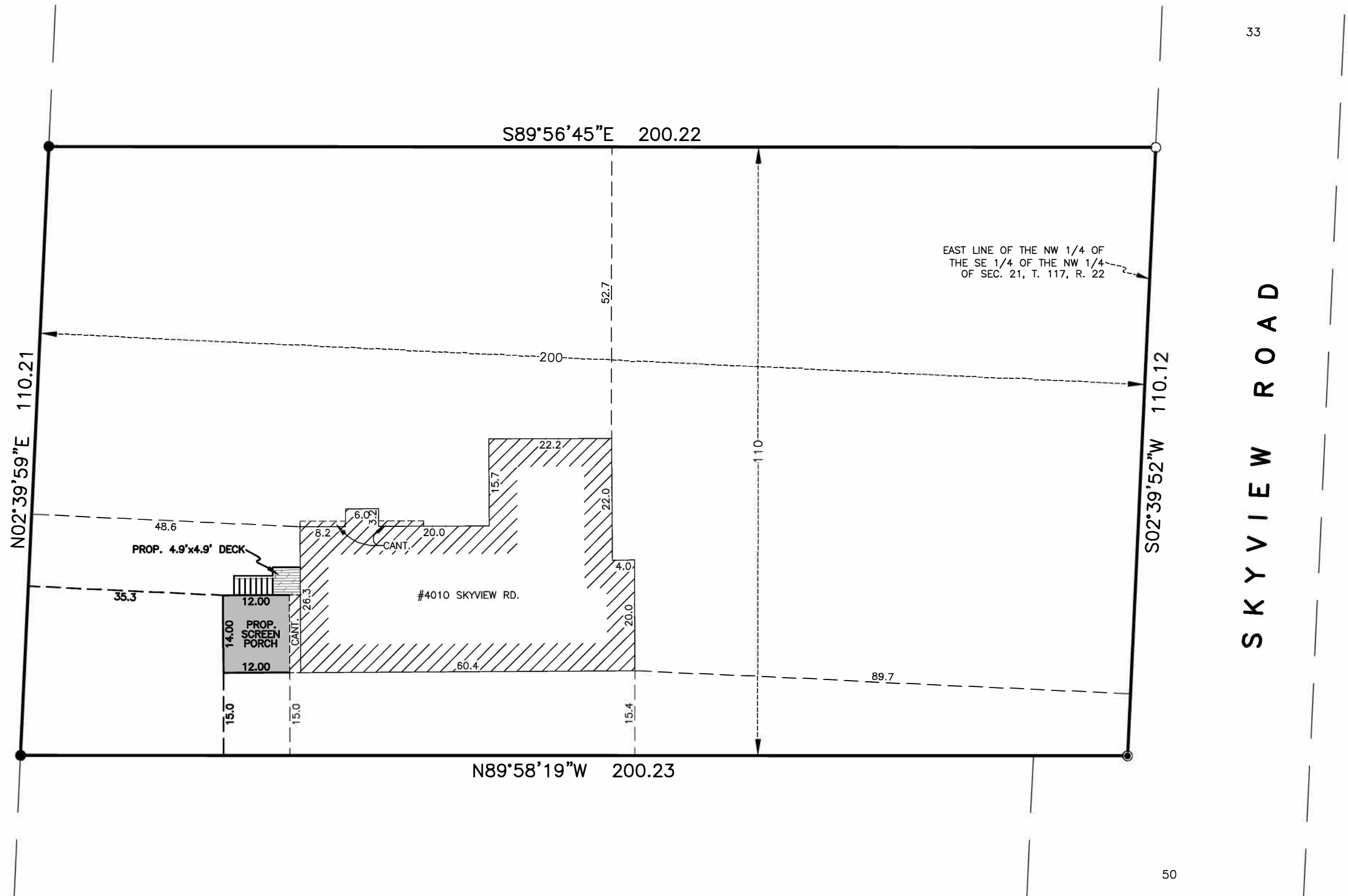
- Found Iron Monument
- ⊙ Set Mag Nail
- Set Iron Monument Inscribed R.L.S 15230

PROPERTY DESCRIPTION:

The East 200 feet of the South 110 feet of: That part of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 21, Township 117, Range 22, described as follows, to-wit: Commencing at the Northwest corner of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 21, Township 117, Range 22, thence along the North line of said Quarter a distance of 655 feet to the Northeast corner of said Quarter; thence Southerly along the East line of said Quarter 252 feet; thence Westerly parallel with the North line of said Quarter 654 feet to the West line of said Quarter; thence Northerly along the West line of said Quarter to the point of beginning, Hennepin County, Minnesota.

NOTES:

- All existing building dimensions are measured to the finished siding and not the building foundation.
- No search was made for any easements.




33

50

JOB NO.	201-21
BOOK/PAGE	158/61
SHEET	1 of 1

SCALE	1" = 20'
DRAWN	CME
REFERENCE	

SITE ADDRESS
4010 Skyview Rd.
Minnetonka, MN 55345

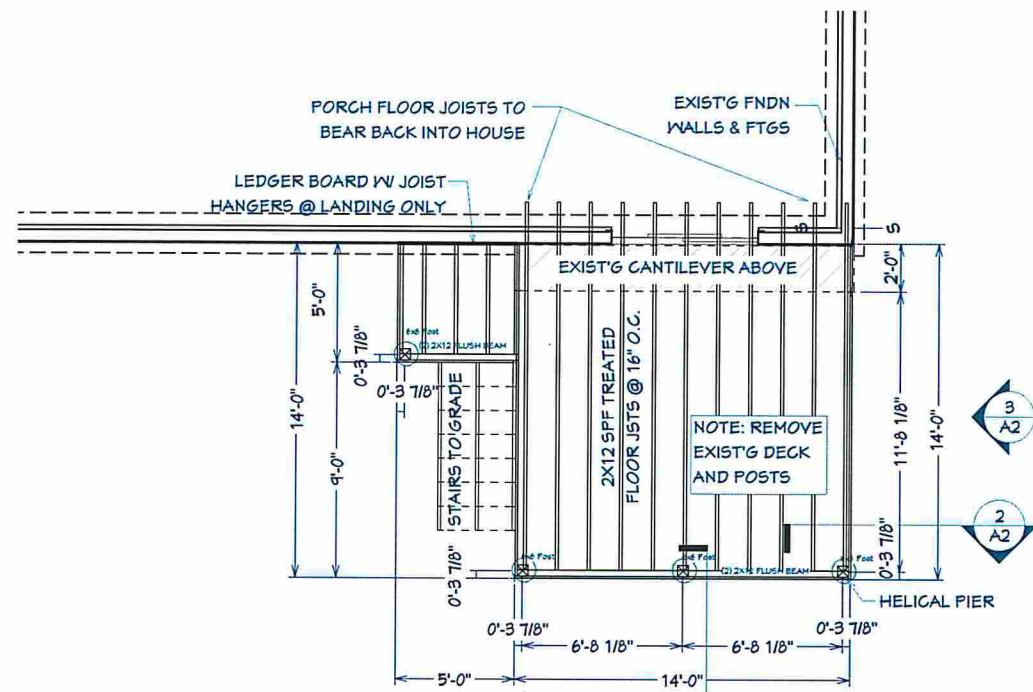
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.
W. BROWN LAND SURVEYING, INC.

DATED: 05-20-2021
Woodrow A. Brown, R.L.S. MN REG 15230



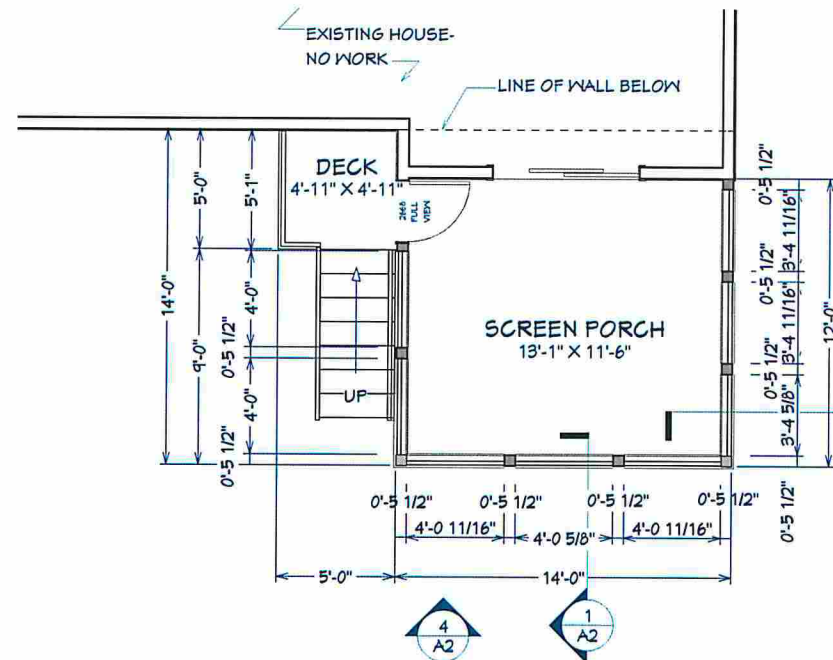
W. BROWN LAND SURVEYING, INC.
8030 CEDAR AVENUE So., SUITE 228.
BLOOMINGTON, MN 55425
Bus: (952) 854-4055
Fax: (952) 854-4268
EMAIL: INFO@WBROWNLANDSURVEYING.COM

New screen porch to
go where existing deck is

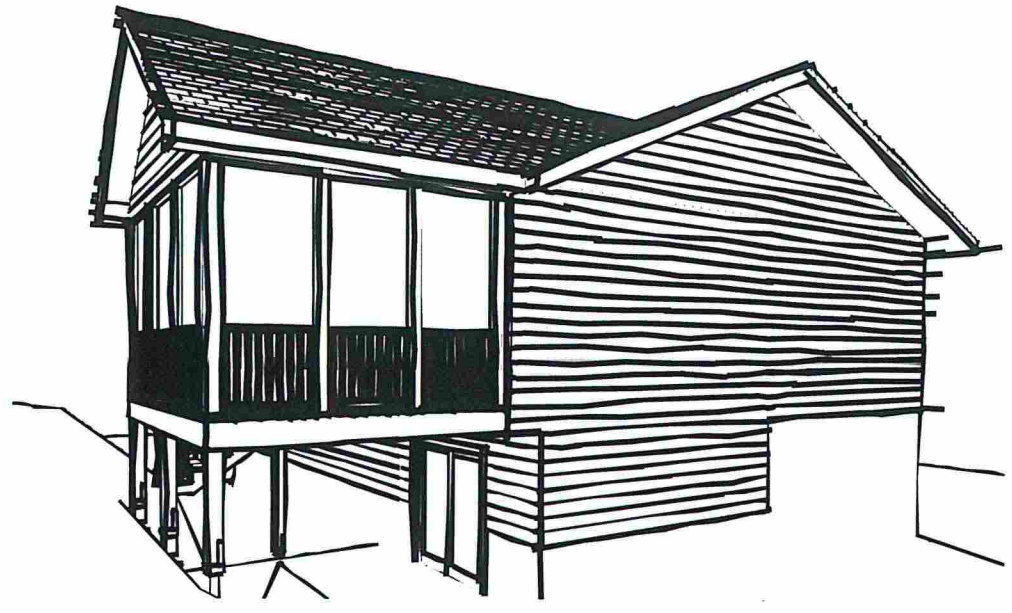




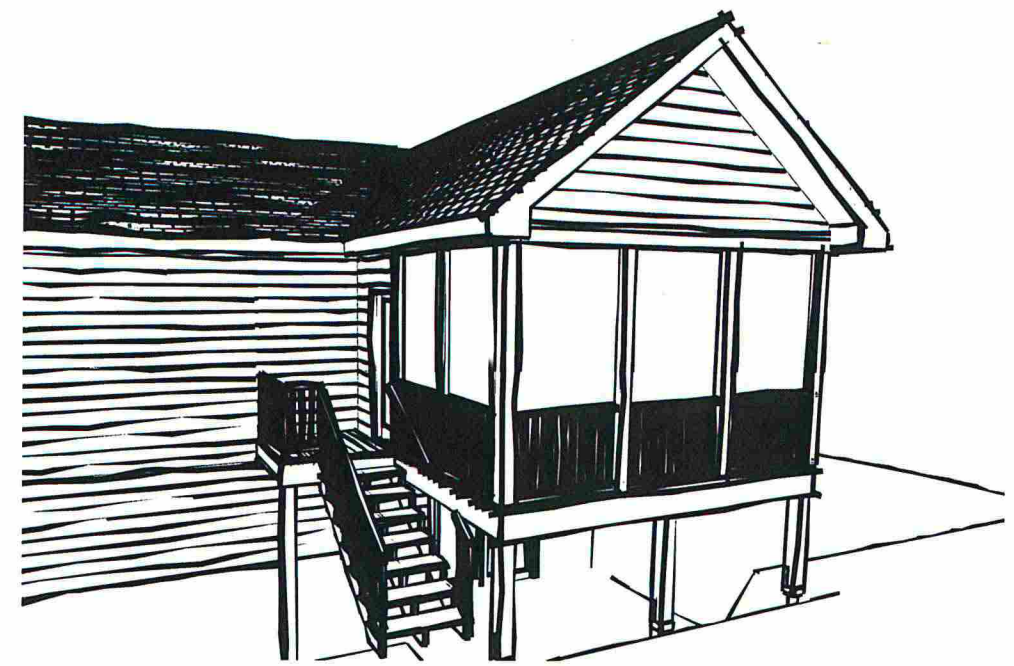
1 FOUNDATION/ DECK FRAMING PLAN
 A1 1/4" : 1'-0"



2 FLOOR & ROOF PLAN
 A1 1/4" : 1'-0"



SCREEN PORCH ADDITION PLANS FOR
 ARIEL & CARI WAITZ
 4010 SKYVIEW ROAD
 MINNETONKA, MN 55345



REVISION	TABLE
NUMBER	DATE

SCREEN PORCH ADDITION
 PLANS FOR:
 ARIEL & CARI WAITZ
 4010 SKYVIEW ROAD
 MINNETONKA, MN 55345

FLOOR PLANS



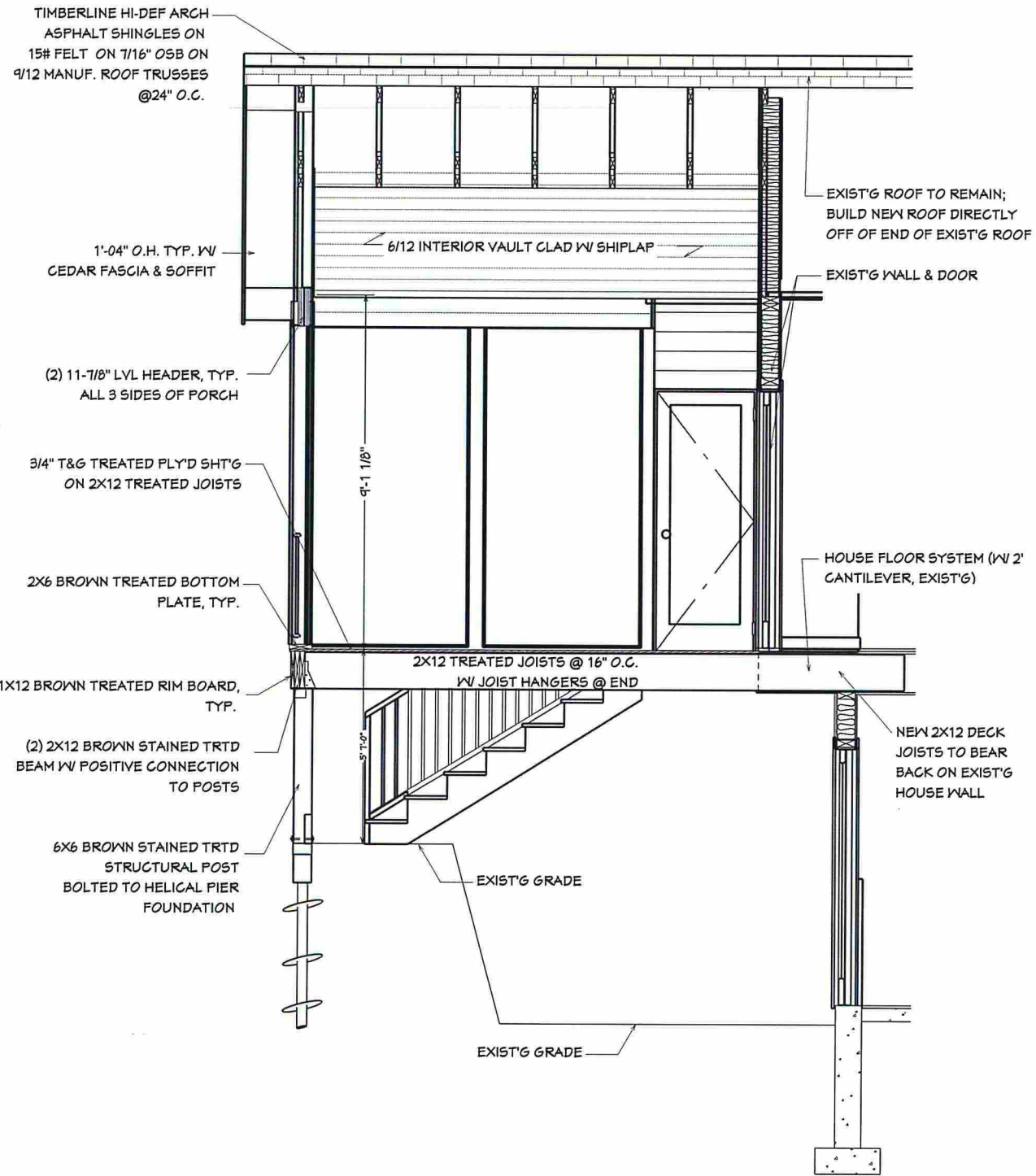
DRAWINGS PROVIDED BY:
 KAREN RIVERS
 RIVERS DESIGN HOUSE, LLC
 www.riversdesignhouse.com
 763.670.4806

DATE:
 4/2/2021

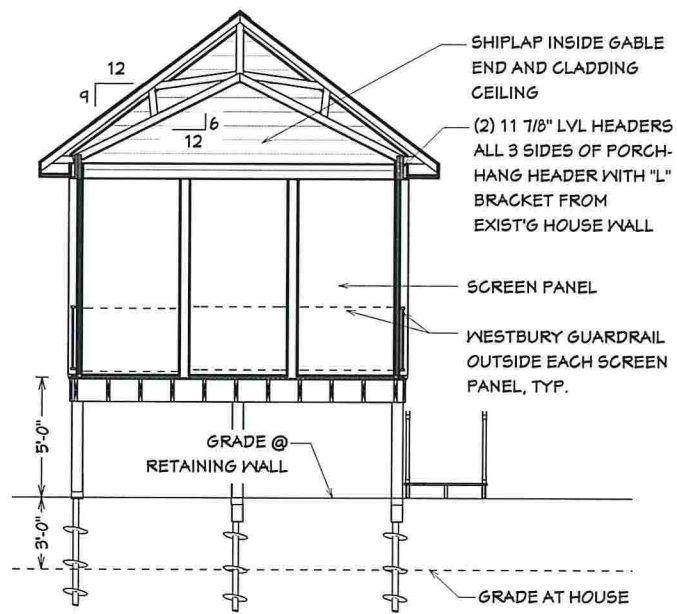
SHEET:

A1

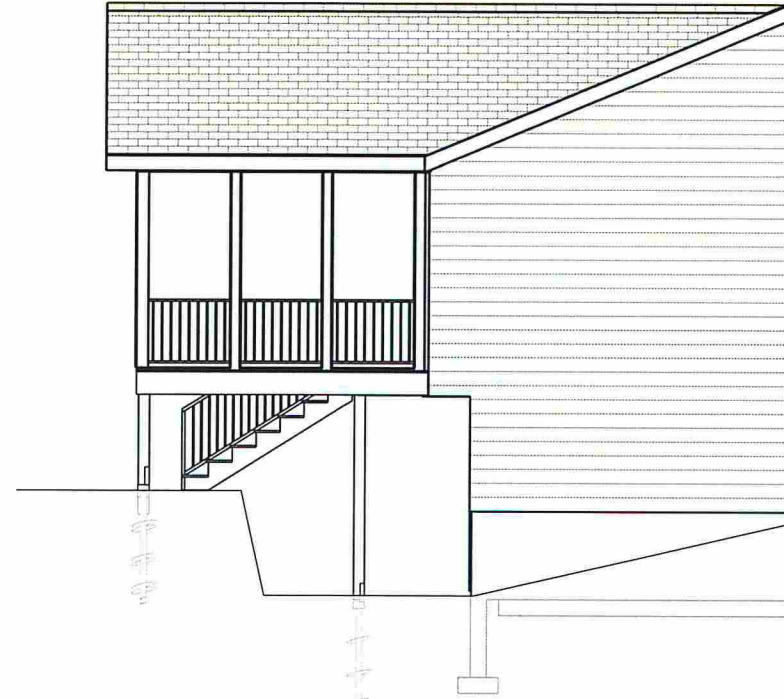
NOTE: HALF SCALE ON 11X17



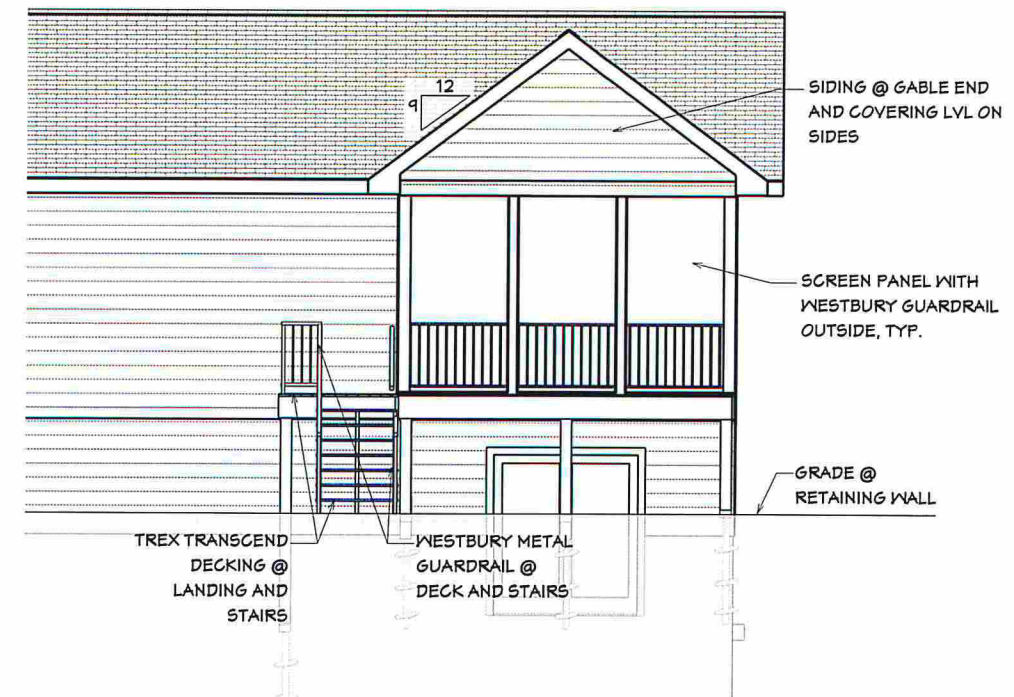
1
A2
PORCH CROSS SECTION
1/2" : 1'-0"



2
A2
REAR ELEVATION
1/4" : 1'-0"



3
A2
SIDE ELEVATION
1/4" : 1'-0"



4
A2
REAR ELEVATION
1/4" : 1'-0"

REVISION	TABLE
NUMBER	DATE

SCREEN PORCH ADDITION
PLANS FOR:
ARIEL & CARI WATZ
4010 SKYVIEW ROAD
MINNETONKA, MN 55345

**CROSS SECTIONS /
ELEVATIONS**



DRAWINGS PROVIDED BY:
KAREN RIVERS
RIVERS DESIGN HOUSE, LLC
www.riversdesignhouse.com
763.670.4806

DATE:
4/2/2021

SHEET:

A2

Planning Commission Resolution No. 2021-

Resolution approving a setback variance for conversion of an existing deck into an enclosed porch at 4010 Skyview Road.

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

Section 1. Background.

1.01 J Brothers Design Build Remodel has requested a variance from the city code for an enclosed porch (Project #21013.21a)

1.02 The property is located at 4010 Skyview Road. It is legally described as:

The East 200 feet of the South 110 feet of: That part of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 21, Township 117, Range 22, described as follows, to-wit: Commencing at the Northwest corner of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 21, Township 117, Range 22, thence along the North line of said Quarter a distance of 655 feet to the Northeast corner of said Quarter; thence Southerly along the East line of said Quarter 252 feet; thence Westerly parallel with the North line of said Quarter 654 feet to the West line of said Quarter; thence Northerly along the West line of said Quarter to the point of beginning, Hennepin County, Minnesota.

Torrens Certificate No. 1489782

1.03 The existing home is improved with a deck in the rear of the home. Aerial photography suggests the deck was built after the construction of the home in the 1990s.

1.04 City Code §300.10, Subd 5(d) requires a rear yard setback of 40 feet or 20 percent of the depth of the lot, whichever is less. The rear yard setback for the subject property is 40 feet. The applicant is proposing 35 feet.

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

Section 2. Standards.

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

Section 3. Findings.

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

1. **PURPOSE AND INTENT OF THE ZONING ORDINANCE:** The intent of the rear yard setback is to provide adequate separation between homes. The proposed porch would replace an existing deck. The adjacent parcel, in the rear, is owned by the city of Minnetonka for stormwater purposes.
2. **CONSISTENT WITH COMPREHENSIVE PLAN:** The guiding principles in the comprehensive guide plan provide for maintaining, preserving, and enhancing existing neighborhoods. The requested variance would allow for continued residential use of the property while providing investment into a property.
3. **PRACTICAL DIFFICULTIES:** There are practical difficulties in complying with the ordinance:
 - a) **REASONABLENESS:** The requested variance is reasonable as it would enclose space currently occupied by a deck.
 - b) **UNIQUE CIRCUMSTANCE and CHARACTER OF LOCALITY:** The enclosed porch would replace an existing deck and would not be visible from the right of way. The city owns the property to the north and west of the subject property for stormwater purposes. Additionally, the increase in floor area would not exceed the largest floor area ratio within the neighborhood.

Section 4. Planning Commission Action.

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

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, excepted as modified by the conditions below:

- Survey, dated May 20, 2021
 - Plans, dated April 2, 2021
2. Prior to issuance of a building permit:
 - a) A copy of this resolution must be recorded with Hennepin County.
 - b) Install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.
 3. This variance will end on Dec. 31, 2022, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on July 1, 2021.

Josh Sewall, Chairperson

Attest:

Fiona Golden, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on July 1, 2021.

Fiona Golden, Deputy City Clerk

Minnetonka Planning Commission Meeting

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
July 1, 2021

Brief Description	Conditional use permit for The Tavern Grill Restaurant and Bar at 12401 Wayzata Blvd.
Recommendation	Recommend the city council approve the request.

Background

In 1986, the city council reviewed a liquor license application and provided feedback on the floor plan for Applebee's, within the Ridgedale Mall, at 12401 Wayzata Blvd. The restaurant was constructed shortly after approval and was expanded in 1996. Ultimately, the restaurant closed in January 2012.

Following the expiration of the conditional use permit for Applebee's, the city council approved a new conditional use permit and a sign plan amendment for Bar Louie in May 2013.¹ Bar Louie operated in the space until March of 2018. The space has since remained vacant.

Proposal

Tavern Grill Restaurant and Bar is proposing to occupy the former restaurant space. The roughly 7,000 square foot space would be "rebranded" but would generally be consistent with the former Bar Louie's floor plan. The 4,500 square foot outdoor patio would continue to consist of seating and an outdoor bar area. The interior and exterior entrances would be refaced with natural-colored brick. No other exterior improvements are proposed at this time.

Staff Analysis

Staff finds the proposed restaurant and outdoor dining patio reasonable, as:

- The proposed restaurant is an appropriate use for the site. Ridgedale Mall consists of existing retail, commercial and restaurant uses. The proposed restaurant is consistent with the existing uses and provides appropriate reuse of a former restaurant space.
- The proposed restaurant would not adversely impact parking or traffic. The restaurant would be located within a regional shopping center, and the tenant space has been predominately occupied by a restaurant use for 35 years.
- The proposed restaurant and patio would meet all conditional use permit standards.

Staff Recommendation

Recommend that the city council adopt the attached resolution approving a conditional use permit for The Tavern Grill Restaurant and Bar at 12401 Wayzata Blvd.

¹ [City Code §300.06, Subd. 7](#): A conditional use permit shall expire if the normal operation of the use has been discontinued for 12 or more months. Time shall be calculated as beginning on the day following the last day in which the use was in normal operation and shall run continuously after.

Originator: Ashley Cauley, Senior Planner

Through: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding Land Uses

Northerly: I-394
Easterly: Crane Lake
Southerly: Ridgedale Library, zoned PID and guided for institutional uses
Westerly: Bonaventure Shopping Center and banks; zoned PID and guided for mixed-use

Planning

Guide Plan designation: Mixed-Use
Zoning: PID, Planned I-394 District

Signage

The plans include new interior and exterior signage.

Interior sign: The interior signage does not require a sign permit as it cannot be seen from an adjacent street.²

Exterior sign: The exterior signage exceeds what is allowed by the Ridgedale sign plan and would require a sign plan amendment. Unless the applicant revises the proposed signs, the planning commission will review signage at a future meeting.



PROPOSED CONDITIONS

CUP Standards

The proposal would meet the general conditional use permit standards outlined in City Code §300.31 Subd. 4(b)(2):

1. The use is in the best interest of the city;
2. The use is compatible with other nearby uses; and
3. The use is consistent with other requirements of this ordinance.

The proposal would also meet the specific conditional use permit standards as outlined in City Code §300.31, Subd. 4(0) for restaurants:

² By [City Code §325.02](#), any writing, pictorial presentation, number, illustration or decoration, flag, banner, or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term "sign" shall not be deemed to include: the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information; works of art that do not convey commercial messages and that are painted on a building wall; flags that do not convey commercial messages; or any sign structure or device that is not visible from an adjacent street, property line or building on adjacent property.

1. Must be in retail multiple tenant centers only and conform to the architecture of a specific center.

Finding: The restaurant would be located in a multiple tenant shopping center, and the proposed architecture improvements are consistent with the design of the mall.

2. Will not be permitted when traffic studies indicate significant impacts on the levels of service as defined by the Institute of Traffic Engineers on the roadway system;

Finding: The proposed restaurant would not impact the level of service on surrounding public roadways. The proposed restaurant would generate similar traffic to the previous restaurant, which occupied the tenant space.

3. Outdoor seating areas will be approved only subject to the following:

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

Finding: The outdoor patio would be located within an existing patio. It must be fully enclosed in order to meet liquor license requirements. This has been added as a condition of approval.

- b) must be set back at least 200 feet and screened from any adjacent property designated in the comprehensive plan for residential use;

Finding: The site is not located adjacent to any properties designated for residential use.

- c) must be located and designed so as not to interfere with pedestrian and vehicular circulation;

Finding: The patio would be located within an existing patio area. It is located in an area that would not obstruct vehicular or pedestrian circulation.

- d) must be located next to an entrance to the main use;

Finding: The entrance to the patio is provided through the restaurant building.

- e) must be equipped with refuse containers and periodically patrolled for litter pick-up;

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

- f) must not have speakers or audio equipment that is audible from adjacent residential parcels; and

Finding: The site is not adjacent to residential properties.

- g) must meet building setback requirements.

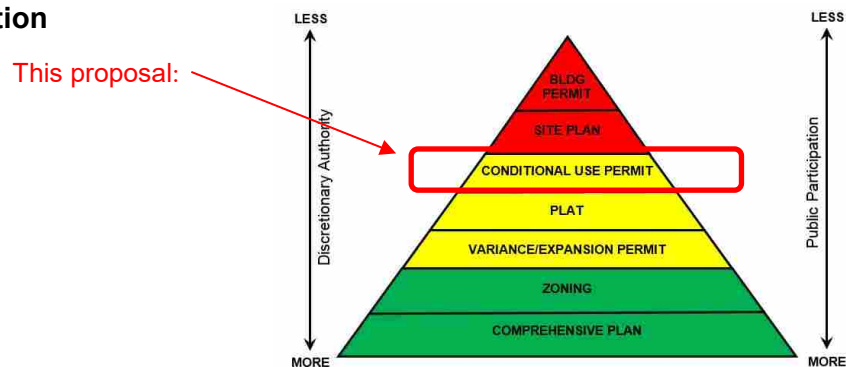
Finding: The patio meets all setback requirements.

- 4. drive-up windows and related stacking spaces will be approved only subject to the following:

- a) public address systems must not be audible from any residential parcel; and
- b) stacking for a minimum of six cars per aisle must be provided subject to applicable parking lot setbacks.
- c) must be set back at least 100 feet and screened from any adjacent property designated in the comprehensive plan for residential use.

Finding: The restaurant would not have a drive-up window.

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 177 area property owners and received no comments.

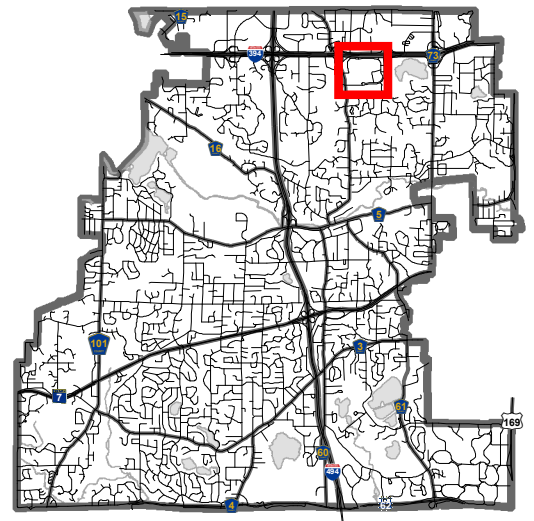
**Deadline for
Decision**

2021-10-01



Location Map

Project: The Tavern Grill
Address: 12653 Wayzata Blvd.





The Tavern Grill
RESTAURANT+BAR

THETAVERNGRILL.COM

The Tavern Grill Restaurant & Bar is an upscale casual full-service dining experience with a fully customizable menu. Our first location, Tavern on France on France Ave in Edina, MN, opened in 2009. Soon after, the first "Tavern Grill" in Blaine, MN opened, changing up the name but keeping the beloved food & service. Our doors then opened in Woodbury, MN, Arden Hills, MN, Fargo, ND, Apple Valley, MN, and soon in Minnetonka, MN, and Bismarck, ND. The love of great food that fills you up and service that goes the extra step is what runs thick through our bloodstreams. [Our menu](#) includes an impressive selection of appetizers, salads, pasta, sandwiches, flatbread pizzas, seafood, steak, and of course, dessert. We also feature our very own concept of build-your-own burgers, salads, and pizzas – with thousands of combinations! Coining us as the Home of the Build Your Owns. Our motto is “There is something for everyone at Tavern.” We intended to utilize the property as a full-service family restaurant that will offer both indoor and outdoor dining along with to go service.

FOODSERVICE EQUIPMENT SCHEDULE

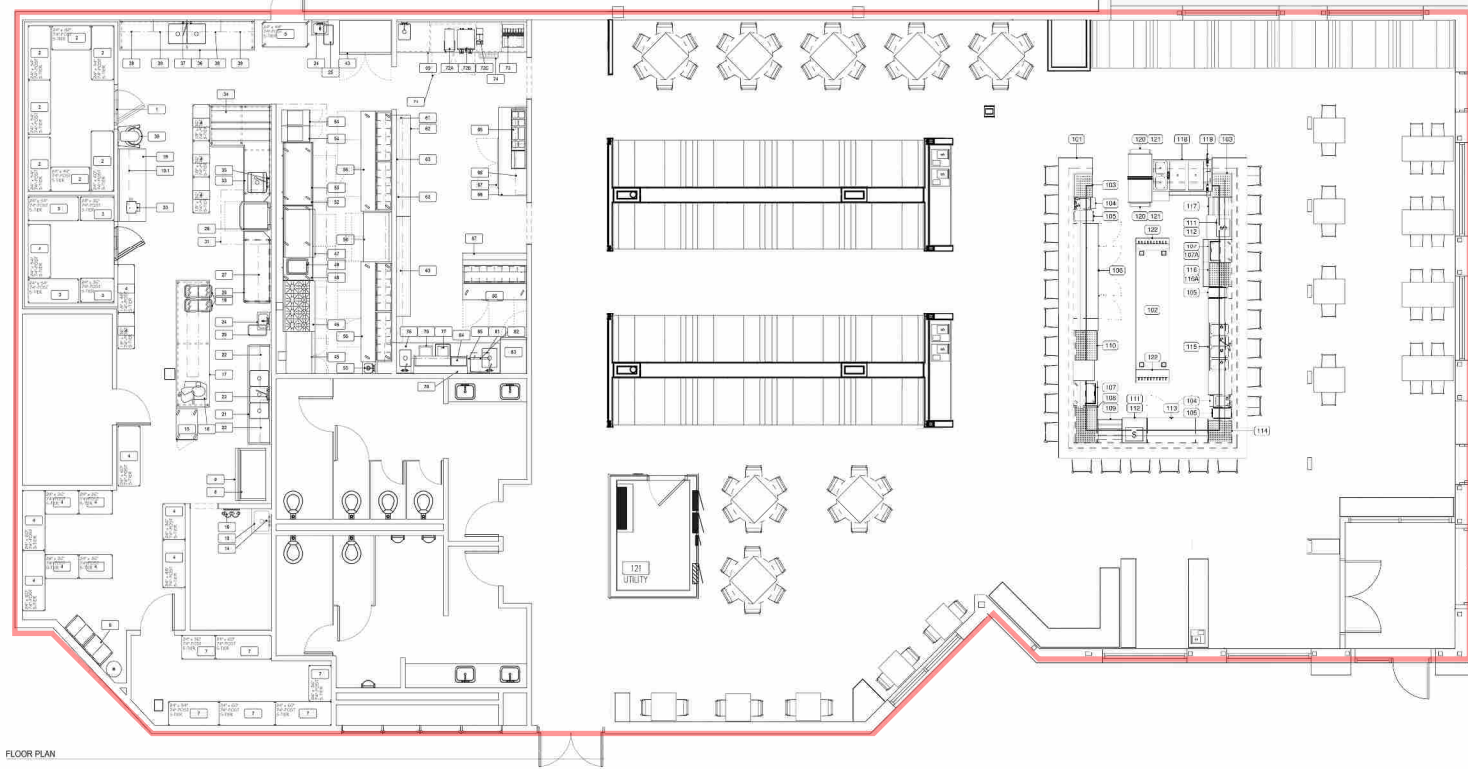
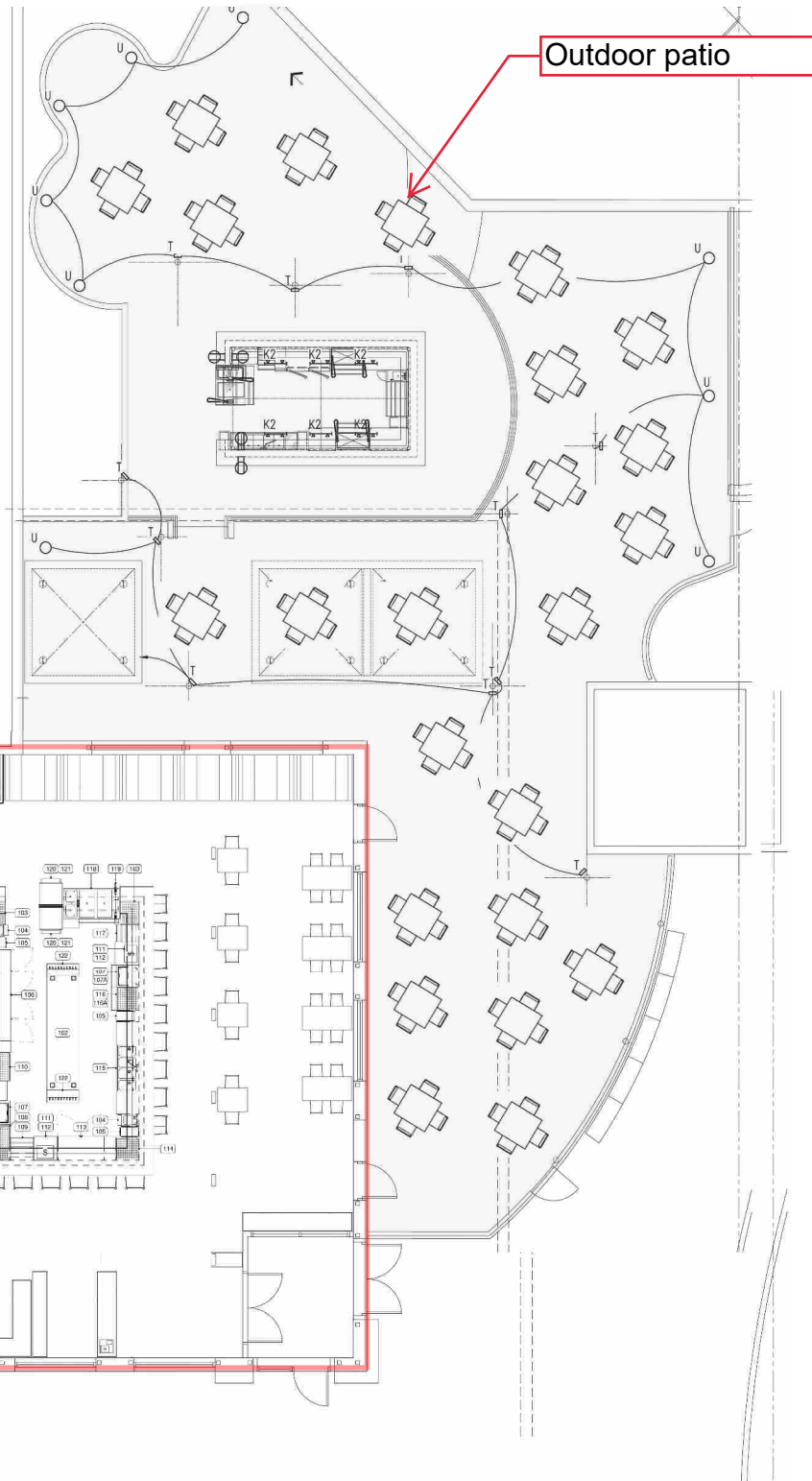
ITEM NO.	QTY	DESCRIPTION	EXISTING	REMARKS
1	1	WALK IN COOLER		
2	8	WIRE SHELVING UNIT, COOLER STORAGE		
3	5	WIRE SHELVING UNIT, FREEZER STORAGE		
4	13	WIRE SHELVING UNIT, DRY STORAGE		
5	1	MOBILE SHELVING UNIT, DRY STORAGE		
6	1	SODA SYSTEM	OTHERS	
7	7	WIRE SHELVING UNIT, DRY STORAGE		
8	1	ICE MAKER		
9	1	ICE BIN		
10	1	WATER FILTER		
11	1	SPARE NUMBER		
12	1	SPARE NUMBER	EXISTING	
13	1	MOP SINK	EXISTING	
14	1	MOP SINK FAUCET	EXISTING	
15	1	OVEN, COOK & HOLD		
16	1	BURGER		
17	1	WORK TABLE		
18	2	INGREDIENT BINS	OTHERS	
19	1	WORK TABLE		
19.1	1	TABLE MOUNT SHELF		
20	1	FOOD PROCESSOR		
21	1	3-COMPARTMENT SINK		
22	2	WALL SHELF		
23	1	FAUCET		
24	2	WALL MOUNTED HAND SINK		
25	2	TRASH RECEPTACLE	OTHERS	
26	1	CLAM DISHWASHER		
27	2	WALL SHELF		
28	1	WARRANTY	OTHERS	
29	1	SPARE NUMBER		
30	1	CONDENSATE HOOD	EXISTING	
31	1	CONDENSATE PAN	EXISTING	
32	1	ROLL DOWN RAILS - SHAPE		
33	1	DISH RACK SHELF		
34	1	PREP TABLE SHELF		
35	1	WORK TABLE W/ 2 COMP SINK		
36	1	FAUCET		
37	4	WALL SHELF		
38	1	30 QUART VMWR		
39	1	SPARE NUMBER		
40	1	STAINLESS STEEL INSULATED PANEL		
41	1	SPREADER TABLE		
42	1	HEALTHY HULLMILL		
43	1	EXHIBIT HOOD	EXISTING	
44	1	CONVECTION OVEN, 2 DECK		
45A	1	CONVECTION OVEN, TOP DECK		
46	1	RANGE W/ CONVECTION BASE		
46.1	1	BRUSH CHEESE MELTER		
47	1	CHAR BROILER		
48	1	REFRIGERATED BASE 72"		
49	1	COUNTERTOP FOOD WARMER		
50	1	SPARE NUMBER		

FOODSERVICE EQUIPMENT SCHEDULE

ITEM NO.	QTY	DESCRIPTION	EXISTING	REMARKS
51	1	SPARE NUMBER		
52	1	GRIDDLE, 60"		
53	1	REFRIGERATED BASE, 60"		
54	2	PIZZER		
55	1	WALL MOUNTED HAND SINK		
56	2	REFRIGERATED RAIL, TABLE MOUNT		
57	1	WORK TABLE		
58	1	UNDERCOUNTER REFRIGERATOR		
59	1	SPARE NUMBER		
60	1	SPARE NUMBER		
61	1	2-TIER OVERSHELF		
62	2	DRINK CABINET/EXPO COUNTER		
63	3	HEAT LAMP, 60"		
64	1	SPARE NUMBER		
65	1	REFRIGERATED COUNTER TOP PREP UNIT		
66	2	WALL SHELF		
67	1	L/C REFRIGERATOR		
68	1	WORK TABLE		
69	1	BEVERAGE COUNTER w/ SINK		
70	1	WALL SHELF		
71	1	L/C REFRIGERATOR		
72A	1	TEA BREWER	OTHERS	
72B	1	COFFEE BREWER	OTHERS	
72C	1	COFFEE/ESPRESSO GRINDER	OTHERS	
73	1	DRCP IN SODA DISPENSER	OTHERS	
74	1	DESSERT COUNTER		
75	1	COUNTER TOP HOTWELL		
76	1	DRCP IN ICE CREAM FREEZER		
77	1	SPRINKLER		
78	1	SPARE NUMBER		
79	1	SPARE NUMBER		
80	1	SPARE NUMBER		
81	1	STAINLESS MICROWAVE SHELF		
82	1	COMMERCIAL MICROWAVE OVEN		
83	1	REACH-IN REFRIGERATOR / LOCK		
84	1	REFRIGERATED COUNTER TOP PREP UNIT	SITS ON 85	
85	1	WALL MOUNT SEATED OVERSHELF		
86	1	REFRIGERATED PREP TABLE		
87	1	PICK UP SHELF		
88-100	1	SPARE NUMBER		
101	1	BAR TOP & DR WALL	G.C.	
102	1	ISLAND BAR TOP	OTHERS	
103	2	UNDERBAR DRAINBOARDS		
104	2	UNDERBAR SINK		
105	3	WASH RACK/FAUCET	OTHERS	
106	2	BACK BAR COOLER		
107	2	MUG FRIESTER		
107A	1	SPEED RAIL		
108	1	UNDERBAR DRAINBOARD		
109	1	UNDERBAR LIQUOR DISPLAY		
110	1	UNDERBAR DRAINBOARD		
111	2	POS STATIONS		
112	2	POS CABINETS	OTHERS	
113	1	BACK BAR COOLER		

FOODSERVICE EQUIPMENT SCHEDULE

ITEM NO.	QTY	DESCRIPTION	EXISTING	REMARKS
114	1	UNDERBAR DRAINBOARD		
115	1	UNDERBAR 4-COMPARTMENT SINK		
116	1	UNDERBAR DRAINBOARD		
117	1	SPEED RAIL		
118	1	UNDERBAR LIQUOR DISPLAY		
119	1	COCKTAIL STATION		
120	2	SODA GUNS		
121	2	DRINKBOARD STORAGE CABINETS		
122	12	GLASS RACKS		
122	2	BEER TOWER & SYSTEM	BY OWNER	
123-130	1	SPARE NUMBER		
131	1	BAR TOP & DR WALL	G.C.	
132	1	TRASH RECEPTACLE	OTHERS	
133	1	UNDERBAR DUMP SINK		
134	1	UNDERBAR 4-COMPARTMENT SINK		
135	1	BACK BAR COOLER		
136	1	UNDERBAR LIQUOR DISPLAY		
137	3	UNDERBAR DRAINBOARDS		
138	1	UNDERBAR DRAINBOARD		
139	1	SPEED RAIL		
139A	1	REFRIG RAIL		
140	1	SPARE NUMBER		
141	1	UNDERBAR HAND SINK		
142	1	UNDERBAR LIQUOR DISPLAY		
143	1	MUG FRIESTER		
144	1	BEER TOWER & SYSTEM	BY OWNER	
145	1	UNDERBAR LIQUOR DISPLAY		
146	1	UNDERBAR DRAINBOARD		
147	2	SODA GUNS		
148	2	SODA GUN HOLDERS		
149	2	SODA GUN HOLDERS		
150	1	PASS THRU ICE BIN		
150A	1	SPEED RAIL		
151	1	DRINK RAIL		





EXISTING CONDITIONS



PROPOSED CONDITIONS

SIGN A

FACE LIT EXTERIOR ICON & LETTERSET

- (A) ICON**
 - 4" DEEP BLACK RETURNS
 - 1" BLACK TRIM CAP
 - 3/16" #7328 WHITE ACRYLIC FACE
 - 3M OPAQUE BLACK VINYL (3630-22)
 - 3M GOLD NUGGET VINYL (3630-141)
 - SLOAN WHITE PRISM LED ILLUMINATION
- (B) LETTERS**
 - 4" DEEP BLACK RETURNS
 - 1" BLACK TRIM CAP
 - 3/16" #7328 WHITE ACRYLIC FACE
 - 3M OPAQUE BLACK VINYL (3630-22)
 - SLOAN WHITE PRISM LED ILLUMINATION
- (C) CHANNEL CAPSULE**
 - 4" DEEP BLACK RETURNS
 - 1" BLACK TRIM CAP
 - 3/16" #7328 WHITE ACRYLIC FACE (3 FACE SECTIONS)
 - 3M OPAQUE BLACK VINYL (3630-22)
 - SLOAN WHITE PRISM LED ILLUMINATION

INSTALL

STUD MOUNTED FLUSH INTO SILICONE FILLED HOLES

Project:
TAVERN GRILL
MINNETONKA, MN

Designer: RR
Job Number: 130428
Date: 05.24.21

Rev. 1:
Rev. 2:
Rev. 3:
Rev. 4:
Rev. 5:



archetype

9611 James Ave S.
Minneapolis, Minnesota 55431

952 641 9600

archetypesign.com

Contact:
John Hollenbeck
952 641 9605
johnh@archetypesign.com

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Approved: _____

Type:
Description:
FACE LIT EXTERIOR
ICON AND LETTERSET



SQUARE FOOTAGE: 102.77

1 FACE VIEW



2 END VIEW

Scale: 3/8"=1'-0"

Scale: 3/8"=1'-0"



EXISTING CONDITIONS



PROPOSED CONDITIONS

SIGN B

FACE LIT EXTERIOR ICON & LETTERSET

- (A) ICON**
 - 4" DEEP BLACK RETURNS
 - 1" BLACK TRIM CAP
 - 3/16" #7328 WHITE ACRYLIC FACE
 - 3M OPAQUE BLACK VINYL (3630-22)
 - 3M GOLD NUGGET VINYL (3630-141)
 - SLOAN WHITE PRISM LED ILLUMINATION
- (B) LETTERS**
 - 4" DEEP BLACK RETURNS
 - 1" BLACK TRIM CAP
 - 3/16" #7328 WHITE ACRYLIC FACE
 - 3M OPAQUE BLACK VINYL (3630-22)
 - SLOAN WHITE PRISM LED ILLUMINATION
- (C) CHANNEL CAPSULE**
 - 4" DEEP BLACK RETURNS
 - 1" BLACK TRIM CAP
 - 3/16" #7328 WHITE ACRYLIC FACE (3 FACE SECTIONS)
 - 3M OPAQUE BLACK VINYL (3630-22)
 - SLOAN WHITE PRISM LED ILLUMINATION

INSTALL
STUD MOUNTED FLUSH INTO SILICONE FILLED HOLES

Project:
TAVERN GRILL
MINNETONKA, MN

Designer: RR
Job Number: 130428
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Rev. 1:
Rev. 2:
Rev. 3:
Rev. 4:
Rev. 5:



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Approved: _____

Type:
Description:
FACE LIT EXTERIOR
ICON AND LETTERSET



① FACE VIEW



② END VIEW

Scale: 3/8"=1'-0"

Scale: 3/8"=1'-0"



PROPOSED CONDITIONS



PROPOSED CONDITIONS

SIGN C

INTERIOR CABINET SIGN - ILLUMINATED

A CABINET

- 1/8" ALUMINUM FACE (CNC), PAINTED MP BLACK, SATIN
- 3/4" CLEAR ACRYLIC PUSH THRU (CNC) (1/2" PROJ.)
- 2ND SURFACE WHITE DIFFUSER 3635-70
- DIGITALLY PRINTED TRANSLUCENT GRAPHICS ON WHITE TRANSLUCENT VINYL APPLIED TO FACE (SEIKO)
- 2" X 4" ALUM. RECT TUBE. RIPPED IN HALF FOR FACE FRAME
- 2" X 2" X 1/8" ALUMINUM MOUNTING ANGLE FRAME
- SLOAN WHITE PRISM LED ILLUMINATION, 6500K
- PRE-FINISHED WHITE ALUMINUM BACK ON MOUNTING ANGLE FRAME

INSTALL

MOUNTING/BACKER ANGLE FRAME SECURED TO WALL
FACE FRAME SCREWED TO MOUNTING ANGLE

Project:
TAVERN GRILL
MINNETONKA, MN

Designer: RR
Job Number: 130428

Date: 05.24.21

Rev. 1:
Rev. 2:
Rev. 3:
Rev. 4:
Rev. 5:



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952 641 9600

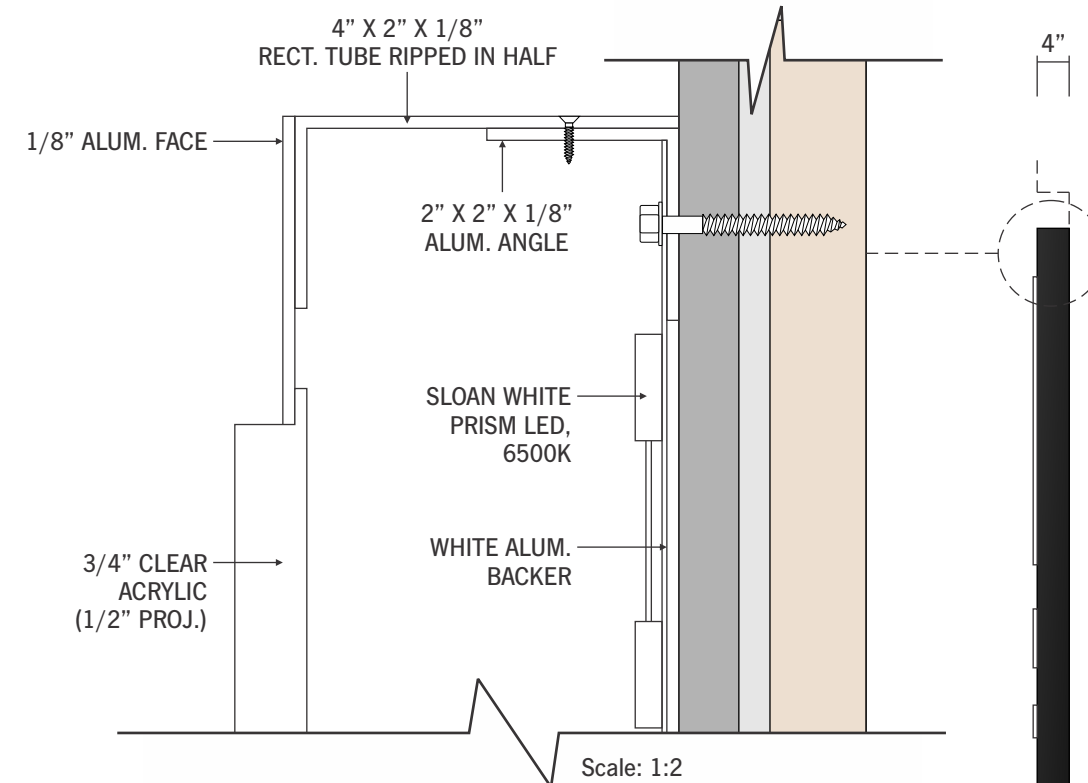
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1 FACE VIEW



Scale: 1/2"=1'-0"

2 END VIEW

Scale: 1/2"=1'-0"

Approved: _____

Type:
Description:
INTERIOR
CABINET SIGN

Resolution No. 2021-

Resolution approving a conditional use permit for The Tavern Grill Restaurant and Bar, a restaurant and an outdoor patio, at 12401 Wayzata Blvd.

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

Section 1. Background.

- 1.01 Tavern Minnetonka LLC has requested a conditional use permit for The Tavern Restaurant and Bar to operate a restaurant and an outdoor patio.
- 1.02 The property is located at 12401 Wayzata Blvd. It is legally described as:
Lot 2, Block 1, Ridgedale Center Fourth Addition, Hennepin County, Minnesota.
Torrens certificate number: 1477447
- 1.03 On July 1, 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 §300.31 Subd. 4(b)(2) outlines that a conditional use permit will be issued only if the city finds that the specific standards of the ordinance are met, the use is in the best interest of the city, the use is compatible with other nearby uses, and the use is consistent with other requirements of this ordinance.
- 2.02 City Code §300.31, Subd. 4(b)2(o) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:
1. Must be in retail multiple tenant centers only and conform to the architecture of a specific center;
 2. Will not be permitted when traffic studies indicate significant impacts on the levels of service as defined by the Institute of Traffic Engineers on the roadway system;

3. Outdoor seating areas will be approved only subject to the following:
 - a) Must be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required, and the enclosure shall not be interrupted; access must be only through the principal building;
 - b) Must be set back at least 200 feet and screened from any adjacent property designated in the comprehensive plan for residential use;
 - c) Must be located and designed so as not to interfere with pedestrian and vehicular circulation;
 - d) Must be located next to an entrance to the main use;
 - e) Must be equipped with refuse containers and periodically patrolled for litter pick-up;
 - f) Must not have speakers or audio equipment that is audible from adjacent residential parcels; and
 - g) Must meet building setback requirements.
4. Drive-up windows and related stacking spaces will be approved only subject to the following:
 - a) Public address systems must not be audible from any residential parcel; and
 - b) Stacking for a minimum of six cars per aisle must be provided subject to applicable parking lot setbacks.
 - c) Must be set back at least 100 feet and screened from any adjacent property designated in the comprehensive plan for residential use.

Section 3. Findings.

- 3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.31 Subd. 4(b)(2).
- 3.02 The proposal meets the specific conditional use permit standards outlined in City Code 300.31, Subd. 4(o):
 1. The restaurant would be located in a multiple tenant shopping center, and the proposed architecture improvements are consistent with the mall's design.

2. The proposed restaurant would not impact the level of service on surrounding public roadways. The proposed restaurant would generate similar traffic to the previous restaurant, which occupied the tenant space.
3. The outdoor seating areas will be approved only subject to the following
 - a) The outdoor seating area would be enclosed and only accessible from the interior. Nonetheless, this has been added as a condition of approval.
 - b) The site is not located adjacent to any properties designated for residential use.
 - c) The patio would be located within an existing patio area. It is located in an area that would not obstruct vehicular or pedestrian circulation.
 - d) The entrance to the patio is provided through the restaurant building.
 - e) This has been added as a condition of approval.
 - f) The site is not adjacent to residential properties.
 - g) The patio meets all setback requirements.
4. The restaurant would not have a drive-up window.

Section 4. City Council Action.

- 4.01 The above-described conditional use permit is approved, subject to the following conditions:
1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the narrative and plans submitted on June 3, 2021.
 2. This resolution must be recorded with Hennepin County before the issuance of a building permit.
 3. An enclosure is required around the perimeter of the outdoor patio. The enclosure shall not be interrupted, and access must be only through the principal building.
 4. The outdoor patio cannot interfere with the sidewalk around the perimeter of the outdoor patio.
 5. The outdoor dining area must be equipped with refuse containers and be periodically patrolled for litter pick-up.

6. The city council may reasonably add or revise conditions to address any future unforeseen problems.
7. Any change to the approved use resulting 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 July 12, 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 July 12, 2021.

Becky Koosman, City Clerk

MINNETONKA PLANNING COMMISSION
July 1, 2021

Brief Description Resolution approving a conditional use permit for a telecommunication tower at 6110 Blue Circle Drive.

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

Proposal

Buell Consulting Inc., on behalf of CTI Tower Assets II and AT&T, is requesting a conditional use permit to install a 150-foot telecommunication tower on the property at 6110 Blue Circle Drive. This tower would replace an existing tower – located 0.25 miles to the east – that is being decommissioned. The proposed tower would be 150 feet in height and a stealth design, with all tower components internally mounted.

Staff 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 tower generally reasonable?**

Yes. The proposal would meet the general and specific conditional use permit standards for telecommunication towers. These standards are outlined in the "Supporting Information" section of this report. Further, the city's telecommunications consultant reviewed the proposal. Among other things, the consultant report concluded that the tower:

- ✓ Would provide coverage to eliminate an existing poor coverage area and would enhance existing coverage and capacity;
- ✓ Is not predicted to cause interference to any protected telecommunication/radio frequency in the area;
- ✓ Is not predicted to be a radiofrequency radiation hazard.

- **Does the city have discretion in regulating telecommunication towers?**

Yes, at the time, an ordinance is drafted and adopted. As the commission is aware, the city has little to no discretion on the location of small cell wireless facilities within public rights-of-way; federal and state legislation preempts local authority for such facilities. The city has more discretion when it comes to regulating large, macrocell telecommunication towers such as the one proposed by the applicant. However, this discretion is codified in the CUP standards included in the telecommunication

ordinance.¹ In other words, the city cannot arbitrarily choose to approve or deny a CUP application. Rather, the decision to approve or deny must be based on a determination of compliance with the standards the city has already established in the city code.

Staff Recommendation

Recommend the city council adopt the resolution approving a conditional use permit for a telecommunications tower at 6110 Blue Circle Drive.

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

¹ The conditional use permit standards for macro cell towers have generally been in place in their current form since 2002 and were not changed during the recent update of the telecommunication ordinance as it pertained to small cell wireless installations.

Supporting Information

Subject Property 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 to the south and east and by high-density residential to the north.

Parking The subject property is occupied by a two-story office building and 119 parking stalls. Though the proposed tower would essentially remove two existing parking stalls, the stalls would be "regained" by the addition of one new stall and restriping of existing stalls.

Telecomm. Act Under the federal Telecommunications Act, the city cannot:

- ✓ Specifically, prohibit telecommunication facilities;
- ✓ Discriminate among providers; or
- ✓ Cite environmental concerns as a reason for denial when a facility complies with Federal Communications Commission (FCC) rules.

CUP Standards The proposal would meet the general standards for telecommunication towers outlined in both City Code §310.03 Subd.7(a) and 7(c):

1. Service Provider. A telecommunications service provider must be identified for the proposed telecommunication facility and must occupy the facility within twelve months of approval.

Finding: AT&T is identified as the initial service provider.

2. Lighting. Telecommunications facilities may not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety or unless necessary to facilitate service to ground-mounted equipment.

Finding: Lighting is not proposed or required.

3. Construction. Facilities and equipment must be constructed in compliance with applicable building and electrical code requirements. Structural design, mounting, and installation of the telecommunication facility must be in compliance with the manufacturer's specifications.

Finding: This is included as a condition of approval.

Subd. 7(c):

2. Accessory equipment is subject to the following:

- a. Equipment or buildings meet minimum setback requirements established for accessory structures in the associated zoning district.

Finding: The equipment area would be located 10 feet from the east property line and 15 feet from the south property line, meeting the 10-foot setback required on industrially-zoned properties.

- b. Equipment or buildings must be designed to blend in with the surrounding natural or built environment or must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood.

Finding: An existing dumpster fencing enclosure would be removed and the dumpster/accessory equipment enclosed by new fencing.

- c. No more than one accessory building is permitted for each tower. If additional space is needed to accommodate the co-location of antennas, the existing accessory building must be expanded, or a new accessory building must be constructed adjacent and complementary to the existing building.

Finding: No accessory building is proposed.

The proposal would also meet the specific standards for telecommunication towers outlined in City Code §310.03 Subd.8(b)

1. Location.

- a. Design. General. Facilities must be located in an area that will meet the applicant's reasonable coverage and capacity needs. However, the city may require that a different location be used if it would result in less public visibility, is available, and would continue to meet the applicant's reasonable capacity and coverage needs.

Finding: Analysis provided by both the applicant and the city's consultant indicate that: (1) the proposed location would reasonably meet AT&T's coverage and capacity needs; and (2) there are no other existing support structures available in the coverage area.

- b. Zoning Districts. Facilities may be located within any zoning district. However, on properties guided low-density residential, telecommunication towers may only be located on public or institutional property.

Finding: The subject property is zoned I-1, Industrial.

- c. Setbacks. Towers located adjacent to low or medium-density residential properties must meet the minimum setback requirements established for principal structures within the associated residential zoning district, but only from the property line abutting the residential district. The city council may waive the setback requirement if necessary to implement stealth design techniques. Accessory equipment must meet minimum setback requirements established for accessory structures within the zoning district.

Finding: The proposed tower would be located adjacent to high-density and office/industrial properties.

2. Design

- a. Stealth Design. Facilities must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques.

Finding: The proposed tower would have a fully enclosed design; all components would be located within the tower.

- b. Collocation. New telecommunication towers must be designed to accommodate more than one telecommunication provider at more than one height within the tower unless it is physically impossible or impractical to do so at the tower's proposed location. In addition, the applicant, tower owner, landlord, and their successors must agree in writing to (1) meet reasonable terms and conditions for shared use; (2) submit a dispute over the potential terms and conditions to binding arbitration.

Finding: Space would be available for at least one additional provider.

- c. Height. Maximum tower height, excluding lightning rods, is restricted based on the land use designation of property on which the tower is located:

Land Use Designation	Single-User Tower	Multiple-User Tower
Low/Medium Density Residential	60 ft	90 ft
High-Density Residents	75 ft	90 ft
Office, Commercial	75 ft	90 ft
Industrial	150 ft	150 ft
Institutional	60 ft	90 ft

The city council may increase height if the applicant can demonstrate that the increase would not have a significant impact on surrounding properties because of things like proximity, topography, or screening by trees or buildings. The council may likewise waive height restrictions for towers wholly or partially for essential public services, such as public safety.

Finding: The proposed tower would 150 feet in height, meeting this height standard for towers within the industrial district.

- d. Projections. Antennas may not project out from an antenna support structure or tower unless it is physically impossible to locate the antenna with the structure or tower, in which case they may not project out more than three feet. Facilities located on transmission towers, water towers, or buildings may not extend more than 15 feet above the structure to which they are attached. Wall or façade-mounted antennas may not extend above the building cornice line.

Finding: The proposed tower would a fully enclosed design; all components would be located within the tower.

- e. Color. 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.

Finding: The proposed tower would have a galvanized finish.

**Neighborhood
Comments**

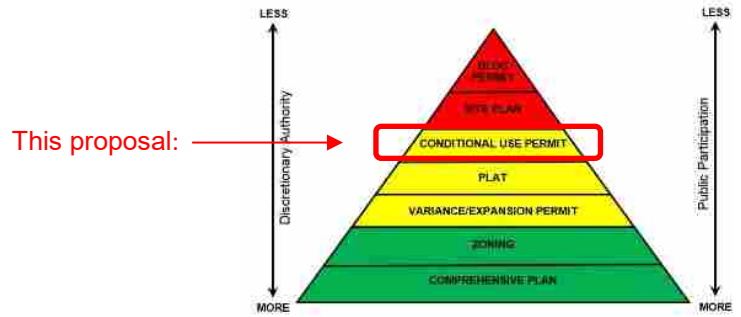
The city sent notices to 25 area property owners and received no written comments to date.

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



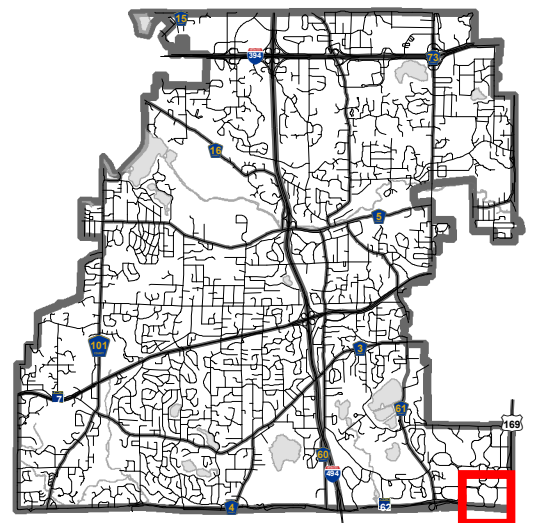
Deadline for Action

Sept. 13, 2021



Location Map

Project: CTI Towers
Address: 6110 Blue Cir Dr





BUELL CONSULTING, INC.
720 Main Street, Suite 200
Saint Paul, MN 55118
(651) 361-8110
www.buellconsulting.com

Friday, May 21, 2021

City of Minnetonka, MN
Attn: Ms. Susan Thomas, Planner
14600 Minnetonka Blvd.
Minnetonka, MN 55345

RE: CUP Application for New Stealth Tower Site – CTI Towers Ref. OPUS Relo or Edina Relo
Property: Hennepin County PID 36-117-22-43-0003; Address: 6110 Blue Circle Drive,

Dear Ms. Thomas, the City of Minnetonka Planning Commission, and the City of Minnetonka City Council,

On behalf of CTI Towers, Buell Consulting hereby submits a Conditional Use Application for a Telecommunications Facility on the property with Hennepin County PID 36-117-22-43-0003, address of 6110 Blue Circle Drive, and owned by Purple Square, LLC.

Enclosed with this letter are the following items:

1. Zoning Narrative (see immediately following pages) explaining how our proposed project complies with the City of Minnetonka Telecommunication Facility Conditional Use Permit Application requirements and the City's zoning ordinance as it relates to towers, and including the Written Statement as required by the application
2. CUP application fee check in the amount \$800, to be delivered to the City offices in person today, 5/21/21
3. Escrow fee check in the amount \$6,000, to be delivered to the City offices in person today, 5/21/21
4. CUP application form completed and signed by the owner and by me, on behalf of the applicant
5. Deed of subject property including legal description of the same
6. Site Survey for the proposed Telecommunication Facility
7. Site Plans by Edge Consulting dated 4/19/2021, which includes a privacy fence in lieu of landscaping
8. Photo simulation showing existing and proposed simulated views from four locations near the subject project
9. Coverage map from AT&T Radiofrequency Engineer showing existing coverage, coverage when existing site gets taken down, and coverage from this new proposed facility

Please do not hesitate to call for any clarifications or additional questions related to any of the CUP application materials, and please confirm when you consider our application complete.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Buell", is written over a light blue horizontal line.

Scott Buell
Site Development Agent on behalf of CTI Towers

Phone: 651-225-0793
Email: sbuell@buellconsulting.com

Encl.

Zoning Narrative
Conditional Use Permit Application for Telecommunication Facility
 Hennepin County PID 36-117-22-43-0003

This zoning narrative is included to state how our application complies with the requirements of the Conditional Use Permit Application for a Telecommunication Facility and with the City of Minnetonka Code of Ordinances.

Telecommunications Facility Conditional Use Permit Application Submittal Requirements:

- **Telecommunications Facility Conditional Use Permit Application:** This has been included with this narrative and signed by both the owner and the applicant
- **Application Fee:** Check in the amount of \$800 to be delivered to the City offices in person today, 5/21/21
- **Escrow Fee:** Check in the amount of \$6,000 to be delivered to the City offices in person today, 5/21/21
- **Legal Description:** the Warranty Deed with eCRV number 757083 recorded on December 6, 2017 with the Office of the Hennepin County Recorder, is included with this application package, and the description is as follows: Parcel 1 is Lot 5, Block 10, Opus II 1st Addition, Hennepin County, Minnesota, together with Parcel 2 which is described as a non-exclusive easement for roadway, drainage and utility purposes, as set forth in the Warranty Deed dated August 31, 1976, recorded September 7, 1976, as Document No. 4231003, in the Office of the Hennepin County Recorder
- **Survey:** a site survey performed by Wenck and dated 5/18/2021 is included with this application
- **Site Plan:** site plans by Edge Consulting and dated 5/19/2021 are included with this application
- **Landscape Plan:** the location of trees and shrubs near the proposed telecommunication facility are noted on the aforementioned Site Plans included with this package, but a landscape plan is not included *per se*. Instead, due to the location of this proposed facility and the nearby land uses, we designed a privacy fence around the facility and that will best serve as both a design element and as a visual buffer. No plantings are planned as part of this proposed project.
- **Written Statement:** please see below for our written statement describing the intended use of the property and the impetus for this project
- **Other Items As Required:** City staff has stated that a propagation map describing the coverage to be provided by our proposed telecommunication facility be included with this application, so we have enclosed a coverage map prepared by the AT&T Radiofrequency Engineer showing existing coverage, coverage when the existing site to the east gets taken down, and coverage provided by having this new proposed facility. Note that this area of the City of Minnetonka will experience an improvement in in-building coverage due to the relocation of this AT&T site.

Written Statement:

CTI Towers intends to develop a 150'-tall stealth monopole telecommunication tower within a 20'x36' lease area enclosed with a privacy fence, located in the southeast corner of the subject property, together with access and utility easements between Blue Circle Drive and the tower site. This new telecommunication facility will replace an existing facility on a property owned by United Health Group approximately 1500' east of the proposed new facility, and which existing facility will be taken down later this year.

Telecommunication Facility allowed as a Conditional Use:

According to Section 310.03, "Telecommunication Facilities Regulations," of the City of Minnetonka Code of Ordinances, subdivision 5.b) states that new telecommunications towers are conditional uses in all zoning districts, subject to the conditions outlined in subdivision 8, which are also excerpted and annotated below.

This Proposed Telecommunication Facility Meets All Applicable Performance Standards:

- **Setbacks:** The subject property is zoned I-1, and according to Section 300.20 subdivision 5, the side and rear setbacks are 20' when adjacent to industrial properties (both adjacent parcels to east and south are also

zoned I-1). The proposed tower structure exceeds these dimensional standards as shown on sheet C-102 (page 3) of the enclosed site plans. Additionally, according to Section 300.20 subdivision 5.d), accessory structures in the I-1 district not exceeding 600 square feet in size, which will apply to any ground-related installations by carriers placing equipment at the proposed telecommunication facility, "...shall be equal to the parking setback as specified in section 300.28, subd. 12(b)(4)," which depicts a parking setback table showing a setback of 10' for the I-1 district, and which setback we will meet or exceed since our proposed privacy fence to enclose the proposed telecommunication facility will be no closer than 10' to adjacent property lines.

- **Tower-Specific Standards:** Tower-specific standards are listed in Section 310.03, "Telecommunication Facilities Regulations," of the City of Minnetonka Code of Ordinances, subdivision 8 "Standards; Conditional Uses", which are as follows (cited ordinance language is in *blue italics*, our responses are in normal font):

- b) Non-Small Cell Wireless Facilities. Conditionally-permitted, non-small cell wireless facilities are subject to the requirements in subdivision 7(c) above and the following:

1) *Location.*

- a. *Design. General. Facilities must be located in an area that will meet the applicant's reasonable coverage and capacity needs. However, the city may require that a different location be used if it would result in less public visibility, is available, and would continue to meet the applicant's reasonable capacity and coverage needs.*

This project is a replacement site for an existing tower that will be removed later this year. We are attempting to build a new structure as close to that existing tower site as possible, and this is the best location we were able to secure for this proposed project. As demonstrated by the enclosed coverage maps provided by AT&T's Radiofrequency Engineer, this tower site will effectively replace the coverage that will be lost when the existing tower is taken down, with a small additional gain in in-building capabilities to the northwest of this site, and a small loss of the same to the far east of the coverage area as shown on the coverage map. Additionally, this location is on the far interior corner of this property, which naturally screens the facility from public view as much as possible. This project was carefully designed and located to meet all these needs.

- b. *Zoning Districts. Facilities may be located within any zoning district. However, on properties guided low-density residential, telecommunication towers may only be located on public or institutional property.*

This project is located in the I-1 district, which is perhaps one of the most appropriate zoning districts for a tower site.

- c. *Setbacks. Towers located adjacent to low or medium-density residential properties must meet the minimum setback requirements established for principal structures within the associated residential zoning district, but only from the property line abutting the residential district. The city council may waive the setback requirement if necessary to implement stealth design techniques. Accessory equipment must meet minimum setback requirements established for accessory structures within the zoning district.*

This project is located on a property near property lines adjacent to other properties also zoned I-1, and we meet the minimum setback of the tower which is 20' in I-1 districts, and we also meet the minimum setback of 10' for accessory structures as indicated earlier in this narrative.

2) *Design*

- a. *Stealth Design. Facilities must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques.*

We have designed this structure to be a stealth monopole to allow all antenna and related tower equipment to be enclosed behind a shroud or screen, such that the overall tower will have a clean, monolithic aesthetic.

- b. *Collocation. New telecommunication towers must be designed to accommodate more than one telecommunication provider at more than one height within the tower, unless it is physically impossible or impractical to do so at the tower's proposed location. In addition, the applicant, tower owner, landlord, and their successors must agree in writing to: (1) meet reasonable terms and conditions for shared use; (2) submit a dispute over the potential terms and conditions to binding arbitration.*

This tower will be designed to accommodate multiple users, and there will immediately be available space for at least one additional carrier on the tower and on the ground space at the proposed telecommunication facility. The applicant hereby agrees to the requirements of this section.

- c. *Height. Maximum tower height, excluding lightning rods, is restricted based on the land use designation of property on which the tower is located:*

<i>Land Use Designation</i>	<i>Single-User Tower</i>	<i>Multiple-User Tower</i>
<i>Low and Medium Density Residential</i>	<i>60 feet</i>	<i>90 feet</i>
<i>High Density Residential</i>	<i>75 feet</i>	<i>90 feet</i>
<i>Office, Commercial</i>	<i>75 feet</i>	<i>90 feet</i>
<i>Industrial</i>	<i>150 feet</i>	<i>150 feet</i>
<i>Institutional</i>	<i>60 feet</i>	<i>90 feet</i>

This tower will be 150 feet in height so that the coverage will continue to be effective at the interchange of highways 169 and 62 which is about 1600 feet east of the proposed tower site, just east of the existing tower that will be taken down later this year. The extra height has the additional benefit of improving in-building capabilities of the AT&T network in the area, as shown on the enclosed coverage map.

- d. *The city council may increase height if the applicant can demonstrate that the increase would not have a significant impact on surrounding properties because of things like proximity, topography, or screening by trees or buildings. The council may likewise waive height restrictions for towers wholly or partially for essential public services, such as public safety.*

We are not seeking to increase the height above the 150 foot height limitation for industrial districts outlined above.

- e. *Projections. Antennas may not project out from an antenna support structure or tower, unless it is physically impossible to locate the antenna with the structure or tower, in which case they may not project out more than three feet. Facilities located on transmission towers, water towers or buildings may not extend more than 15 feet above the structure to which they are attached. Wall or façade-mounted antennas may not extend above the building cornice line.*

All antennas will be enclosed within an RF-neutral shroud on the tower.

- f. *Color. 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.*

This tower is designed with a galvanized finish which is the best color and finish to allow the structure to blend with and reflect the sky and its ever-changing conditions.

Conditional Use Permit Review Standards:

Section 300.21 "Conditional Use Permit Standards for Business and Industrial Districts" subdivision 2. "General Standards" in the City of Minnetonka Code of Ordinances lays out the review criteria for any

Conditional Use Permit to be granted by the City Council, and our proposed use satisfies each of these standards or criteria which are cited below (cited ordinance language is in *blue italics*, our responses are in normal font):

2. *General Standards.*

No conditional use permit shall be granted unless the city council determines that all of the following standards will be met:

a) *the use is consistent with the intent of this ordinance;*

Our proposed telecommunication facility use is consistent with the intent of this ordinance as demonstrated by the use and performance standards we meet as outlined above in this narrative.

b) *the use is consistent with the goals, policies and objectives of the comprehensive plan;*

Our project is consistent with the goals, policies and objective of the comprehensive plan by enabling robust communication infrastructure to serve the community in this part of the City of Minnetonka. Wireless communications are essential to supporting emergency services, businesses, and residents by providing reliable connectivity.

c) *the use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;*

There will be no adverse impact on governmental facilities, utilities, services, or existing or proposed improvements. The proposed project will connect to existing power and telecommunications services in the neighborhood. This will be an unmanned facility.

d) *the use is consistent with the city's water resources management plan;*

This proposed telecommunication facility will not use any water resources and will have a minimal footprint, and as such will be consistent with the City's water resources management plan. We will provide erosion control and drainage details as required during the building permit application review process.

e) *the use is in compliance with the performance standards specified in section 300.28 of this ordinance; and*

This proposed telecommunication facility complies with all performance standards specified in section 300.28 of this ordinance.

f) *the use does not have an undue adverse impact on the public health, safety or welfare.*

This proposed telecommunication facility will not have an undue adverse impact on the public health, safety or welfare, and rather will be providing for the continuation and improvement of essential wireless communication network coverage and capacity in the area. Reliable wireless communication network connectivity has become an integral necessity for everyday life for the vast majority of individuals, business, and governmental institutions, and as such this project supports the public health, safety, and welfare for all stakeholders in this part of the City of Minnetonka and immediately adjacent portions of the Cities of Edina and Eden Prairie.

Thank you for your consideration of this proposed telecommunication facility conditional use permit application.

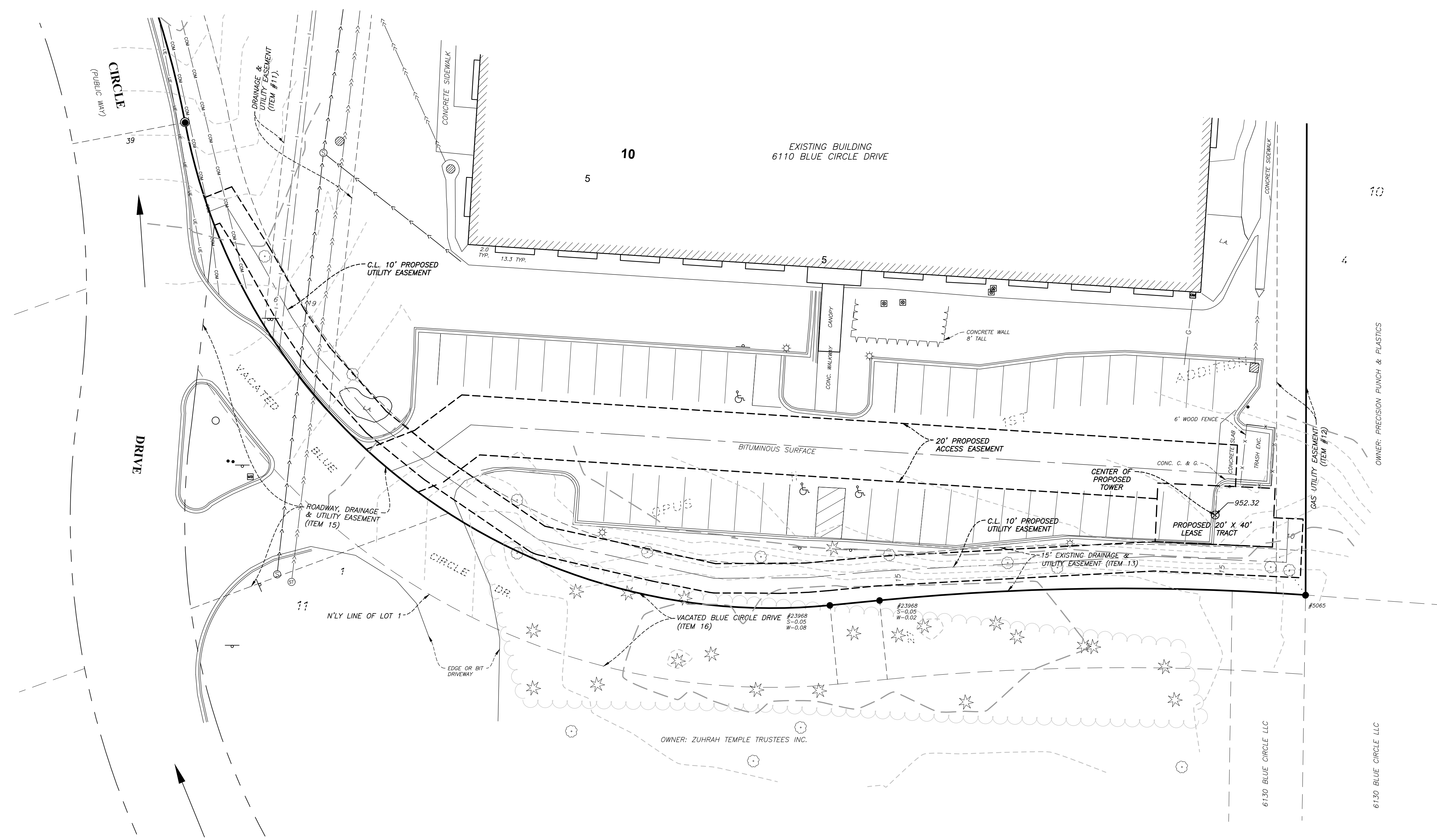
Sincerely,



Scott Buell
Site Development Agent on behalf of CTI Towers

Phone: 651-225-0793

Email: sbuell@buellconsulting.com

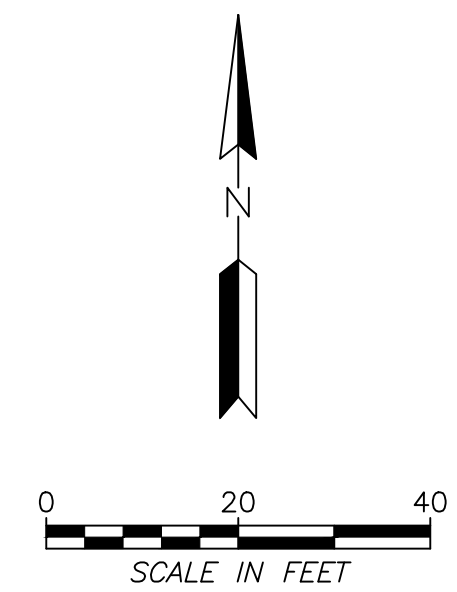


LEGEND

- SET 3/4"ODx14" IRON PIPE WITH PLASTIC CAP #6563 OR MAG NAIL W/WASHER
- FOUND MONUMENT
- ⊙ SANITARY SEWER MANHOLE
- ⊕ STORM SEWER MANHOLE
- ⊗ STORM SEWER INLET
- ⊘ STORM SEWER INLET
- ⊙ HYDRANT
- ⊙ COMMUNICATIONS PEDESTAL
- ⊙ ELECTRIC TRANSFORMER
- ⊙ TRAFFIC SIGN
- BOLLARD/POST
- ⊙ LIGHT POLE
- ⊙ HANDICAP PARKING SPACE
- ⊙ WATER VALVE
- ⊙ AIR CONDITIONER
- ⊙ RETAINING WALL
- ⊙ STORM SEWER
- ⊙ SANITARY SEWER
- ⊙ WATERMAIN
- ⊙ UNDERGROUND GAS LINE
- ⊙ UNDERGROUND COMMUNICATION LINE
- ⊙ UNDERGROUND ELECTRIC LINE
- ⊙ BUILDING FOOTPRINT
- L.A. DENOTES LANDSCAPE AREA
- ⊙ DENOTES FENCE LINE
- ⊙ DECIDUOUS TREE
- ⊙ CONIFEROUS TREE

GENERAL NOTES

1. Bearings shown hereon are based on the Hennepin County Coordinate System relative to the NAD83(11) control adjustment.
2. Contours shown are at 1 foot elevation intervals, and are based on NAVD88. Benchmark used for survey was NGS and MN/DOT name NEVAEH having an elevation of 915.26.

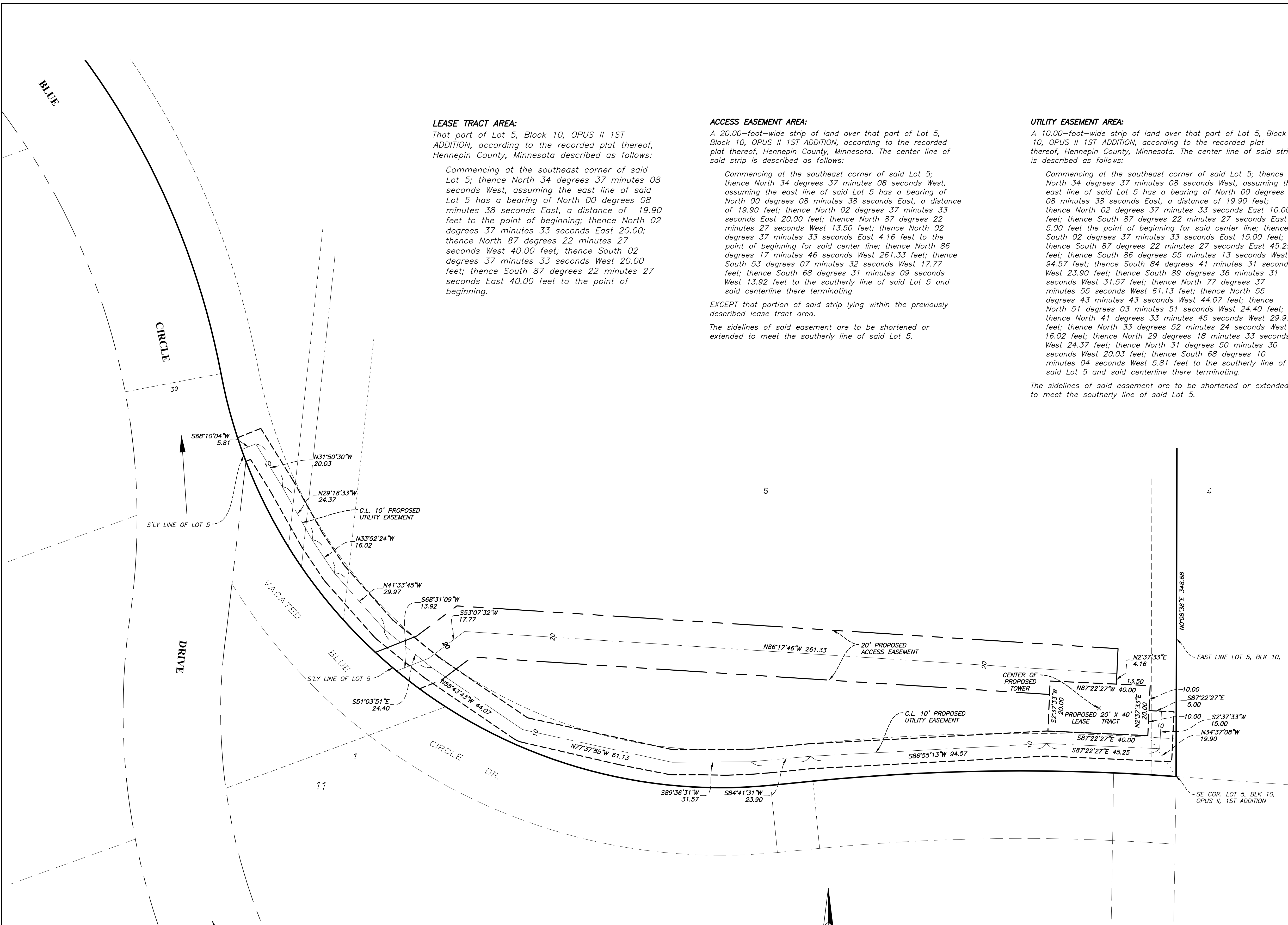


CLIENT NAME
BUELL CONSULTING, INC.

PROJECT TITLE
EXISTING CONDITIONS SURVEY

DWN BY GJB	CHK'D XXX	APP'D XXX	DWG DATE APRIL 2021
PROJECT NO. 227702819			SHEET NO. 2 OF 3

SCALE 1" = 20'



LEASE TRACT AREA:
 That part of Lot 5, Block 10, OPUS II 1ST ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota described as follows:

Commencing at the southeast corner of said Lot 5; thence North 34 degrees 37 minutes 08 seconds West, assuming the east line of said Lot 5 has a bearing of North 00 degrees 08 minutes 38 seconds East, a distance of 19.90 feet to the point of beginning; thence North 02 degrees 37 minutes 33 seconds East 20.00; thence North 87 degrees 22 minutes 27 seconds West 40.00 feet; thence South 02 degrees 37 minutes 33 seconds West 20.00 feet; thence South 87 degrees 22 minutes 27 seconds East 40.00 feet to the point of beginning.

ACCESS EASEMENT AREA:

A 20.00-foot-wide strip of land over that part of Lot 5, Block 10, OPUS II 1ST ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota. The center line of said strip is described as follows:

Commencing at the southeast corner of said Lot 5; thence North 34 degrees 37 minutes 08 seconds West, assuming the east line of said Lot 5 has a bearing of North 00 degrees 08 minutes 38 seconds East, a distance of 19.90 feet; thence North 02 degrees 37 minutes 33 seconds East 20.00 feet; thence North 87 degrees 22 minutes 27 seconds West 13.50 feet; thence North 02 degrees 37 minutes 33 seconds East 4.16 feet to the point of beginning for said center line; thence North 86 degrees 17 minutes 46 seconds West 261.33 feet; thence South 53 degrees 07 minutes 32 seconds West 17.77 feet; thence South 68 degrees 31 minutes 09 seconds West 13.92 feet to the southerly line of said Lot 5 and said centerline there terminating.

EXCEPT that portion of said strip lying within the previously described lease tract area.

The sidelines of said easement are to be shortened or extended to meet the southerly line of said Lot 5.

UTILITY EASEMENT AREA:

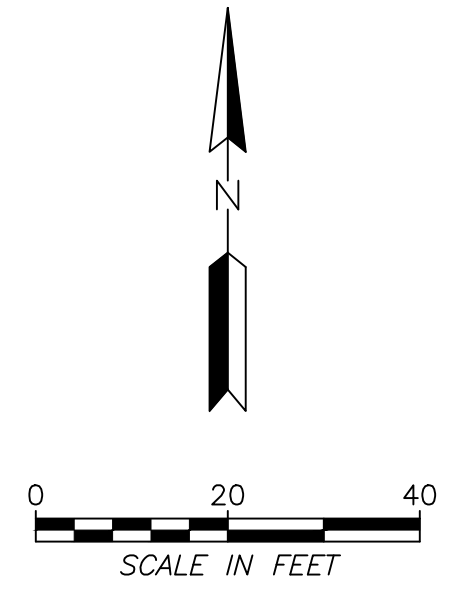
A 10.00-foot-wide strip of land over that part of Lot 5, Block 10, OPUS II 1ST ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota. The center line of said strip is described as follows:

Commencing at the southeast corner of said Lot 5; thence North 34 degrees 37 minutes 08 seconds West, assuming the east line of said Lot 5 has a bearing of North 00 degrees 08 minutes 38 seconds East, a distance of 19.90 feet; thence North 02 degrees 37 minutes 33 seconds East 10.00 feet; thence South 87 degrees 22 minutes 27 seconds East 5.00 feet the point of beginning for said center line; thence South 02 degrees 37 minutes 33 seconds East 15.00 feet; thence South 87 degrees 22 minutes 27 seconds East 45.25 feet; thence South 86 degrees 55 minutes 13 seconds West 94.57 feet; thence South 84 degrees 41 minutes 31 seconds West 23.90 feet; thence South 89 degrees 36 minutes 31 seconds West 31.57 feet; thence North 77 degrees 37 minutes 55 seconds West 61.13 feet; thence North 55 degrees 43 minutes 43 seconds West 44.07 feet; thence North 51 degrees 03 minutes 51 seconds West 24.40 feet; thence North 41 degrees 33 minutes 45 seconds West 29.97 feet; thence North 33 degrees 52 minutes 24 seconds West 16.02 feet; thence North 29 degrees 18 minutes 33 seconds West 24.37 feet; thence North 31 degrees 50 minutes 30 seconds West 20.03 feet; thence South 68 degrees 10 minutes 04 seconds West 5.81 feet to the southerly line of said Lot 5 and said centerline there terminating.

The sidelines of said easement are to be shortened or extended to meet the southerly line of said Lot 5.

GENERAL NOTES

- Bearings shown hereon are based on the Hennepin County Coordinate System relative to the NAD83(11) control adjustment.



CLIENT NAME
 BUELL CONSULTING

PROJECT TITLE
 LEASE TRACT AND EASEMENT EXHIBIT

DWN BY GJB	CHK'D CNA	APP'D XXX	DWG DATE APRIL 2021
			SCALE 1" = 20'

PROJECT NO.
227702819

SHEET NO.
3 OF 3



CONSULTANT:
Edge
 Consulting Engineers, Inc.
 2101 HWY. 13 W.
 BURNSVILLE, MN 55337
 952.683.1032 VOICE
 www.edgeconsult.com

CLIENT:
CTI TOWERS
 5000 CENTREGREEN WAY
 SUITE 325
 CARY, NC 27513

SITE PLAN
OPUS RELOCATION
MINNETONKA, MINNESOTA

SHEET TITLE:

SUBMITTAL:

INT.	DATE:	DESCRIPTION:
ZRS	04/14/21	REV. A
ZRS	04/19/21	REV. B
SMP	05/19/21	REV. C

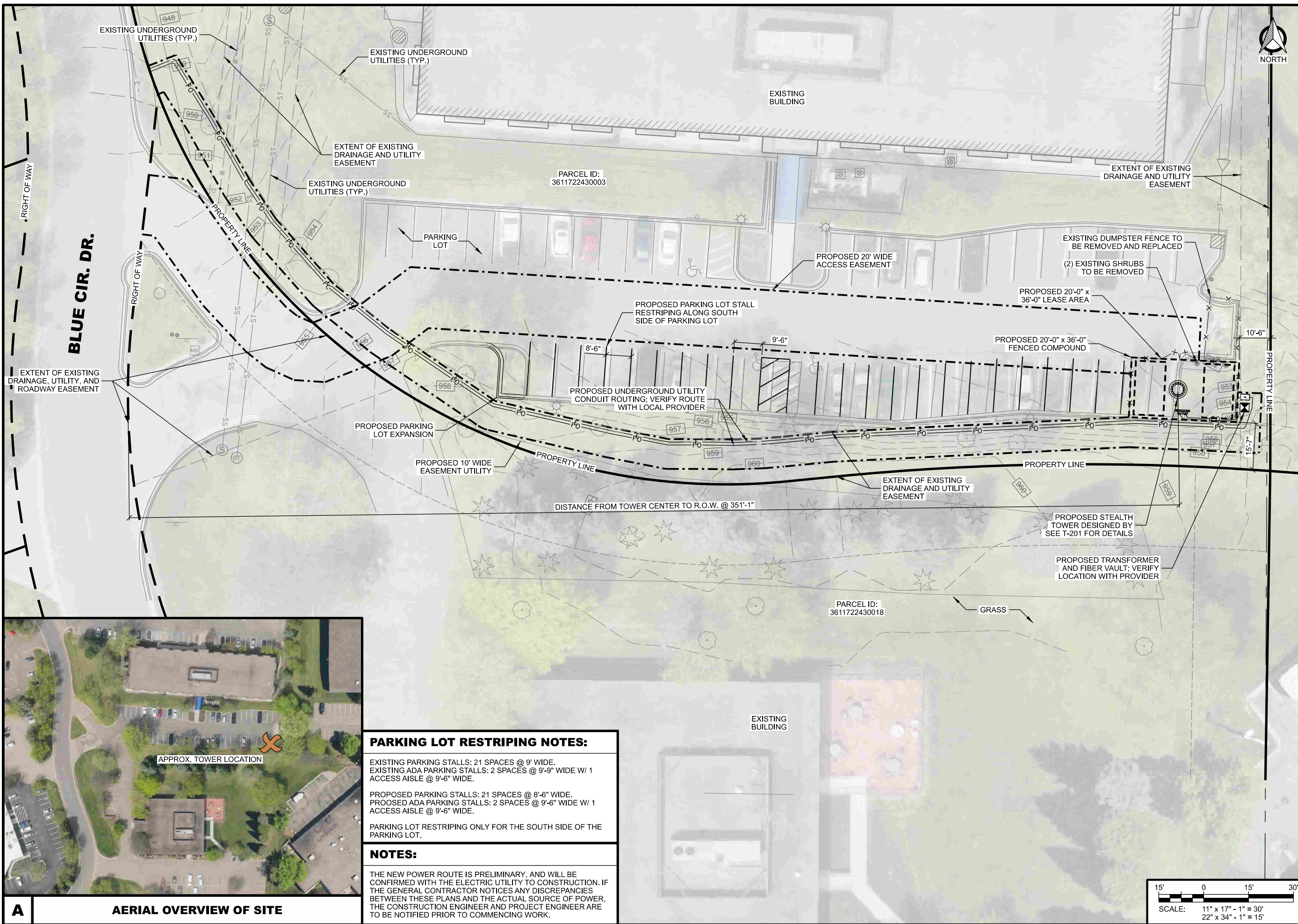
CHECKED BY: OGD

PLOT DATE: 5/19/2021

PROJECT NUMBER: 30324

SET TYPE: ZONING DWGS.

SHEET NUMBER: **C-101**



A AERIAL OVERVIEW OF SITE

PARKING LOT RESTRIPIING NOTES:

EXISTING PARKING STALLS: 21 SPACES @ 9' WIDE.
 EXISTING ADA PARKING STALLS: 2 SPACES @ 9'-9" WIDE W/ 1 ACCESS AISLE @ 9'-6" WIDE.

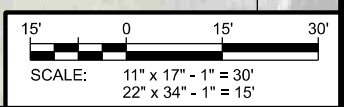
PROPOSED PARKING STALLS: 21 SPACES @ 8'-6" WIDE.
 PROPOSED ADA PARKING STALLS: 2 SPACES @ 9'-6" WIDE W/ 1 ACCESS AISLE @ 9'-6" WIDE.

PARKING LOT RESTRIPIING ONLY FOR THE SOUTH SIDE OF THE PARKING LOT.

NOTES:

THE NEW POWER ROUTE IS PRELIMINARY, AND WILL BE CONFIRMED WITH THE ELECTRIC UTILITY TO CONSTRUCTION. IF THE GENERAL CONTRACTOR NOTICES ANY DISCREPANCIES BETWEEN THESE PLANS AND THE ACTUAL SOURCE OF POWER, THE CONSTRUCTION ENGINEER AND PROJECT ENGINEER ARE TO BE NOTIFIED PRIOR TO COMMENCING WORK.

L:\30300\30324\Design\CAD\Zoning\Plan\TC-101.dgn





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 BURNSVILLE, MN 55337
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 www.edgeconsult.com

CLIENT:
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 5000 CENTREGREEN WAY
 SUITE 325
 CARY, NC 27513

**ENLARGED SITE PLAN
 OPUS RELOCATION
 MINNETONKA, MINNESOTA**



NOTES:

THE NEW POWER ROUTE IS PRELIMINARY, AND WILL BE CONFIRMED WITH THE ELECTRIC UTILITY PRIOR TO CONSTRUCTION. IF THE GENERAL CONTRACTOR NOTICES ANY DISCREPANCIES BETWEEN THESE PLANS AND THE ACTUAL SOURCES OF POWER, THE CONSTRUCTION ENGINEER AND PROJECT ENGINEER ARE TO BE NOTIFIED PRIOR TO COMMENCING WORK.



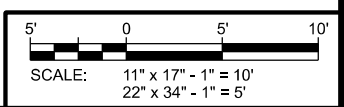
A **SITE OVERVIEW**

SHEET TITLE:

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
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ZRS	04/19/21	REV. B
SMP	05/19/21	REV. C

CHECKED BY:	OGD
PLOT DATE:	5/19/2021
PROJECT NUMBER:	30324
SET TYPE:	ZONING DWGS.

SHEET NUMBER **C-102**



L:\30300\30324\Design\CAD\Zoning\Plot\IC-102.dgn

CONSULTANT:

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Consulting Engineers, Inc.
2101 HWY. 13 W.
BURNSVILLE, MN 55337
952.683.1032 VOICE
www.edgeconsult.com

CLIENT:

CTI TOWERS

5000 CENTREGREEN WAY
SUITE 325
CARY, NC 27513

**SITE ELEVATION
OPUS RELOCATION
MINNETONKA, MINNESOTA**

SHEET TITLE:

SUBMITTAL:

INT.	DATE:	DESCRIPTION:
ZRS	04/14/21	REV. A
ZRS	04/19/21	REV. B
SMP	05/19/21	REV. C

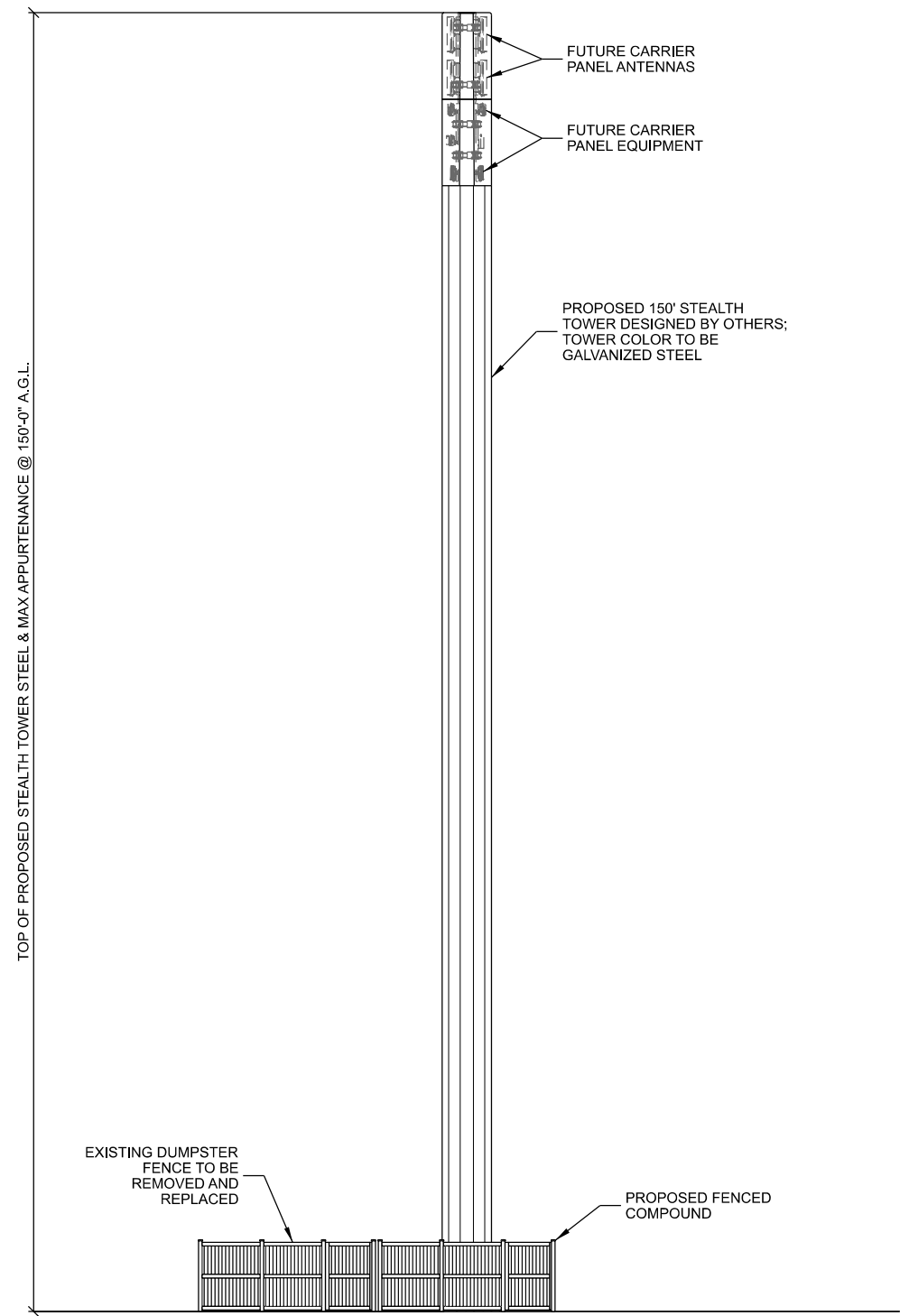
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PLOT DATE: 5/19/2021

PROJECT NUMBER: 30324

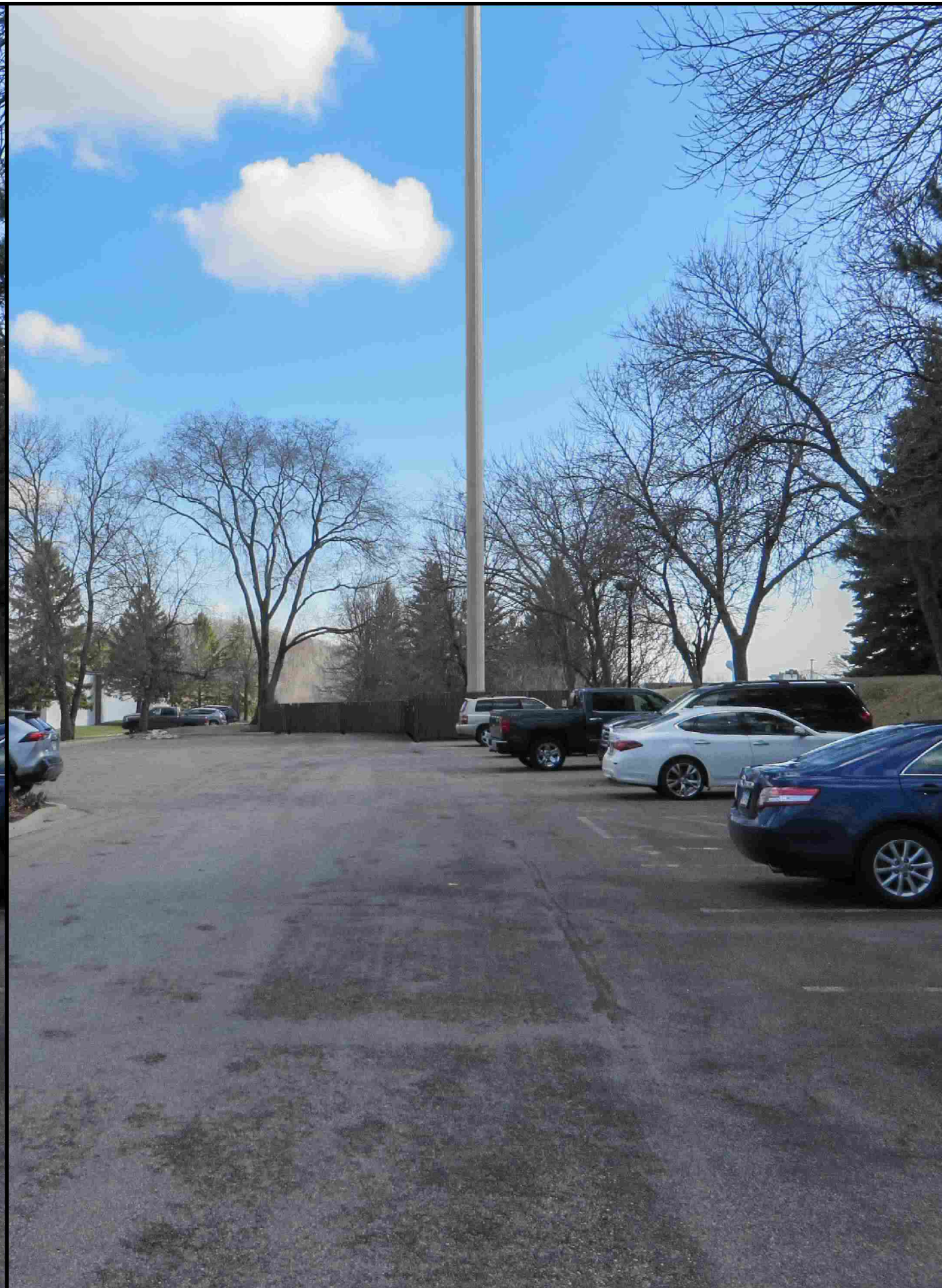
SET TYPE: ZONING DWGS.

SHEET NUMBER: **T-201**



A SITE ELEVATION
SCALE: 11" x 17" - 1" = 20'-0"
22" x 34" - 1" = 10'-0"

L:\30300\30324\Design\CAD\Zoning\Plot\T-201.dgn



CONSULTANT:

Edge
 Consulting Engineers, Inc.
 2101 HIGHWAY 13 W
 BURNSVILLE, MN 55337
 952.683.1032 VOICE
 952.405.8583 FAX
 www.edgeconsult.com

CLIENT:
CTI TOWERS
 5000 CENTREGREEN WAY
 SUITE 325
 CARY, NC 27513

PHOTO SIMULATION
 OPUS TOWER RELO
 MINNETONKA, MINNESOTA

ENGINEER SEAL:
 PRELIMINARY -
 NOT FOR CONSTRUCTION

SIGNATURE: _____
 DATE: _____

I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PROJECT NO:	N/A
LOCATION CODE:	N/A
RFDS DATE:	N/A

STRUCTURAL ANALYSIS:	
DATE:	DESCRIPTION:
N/A	N/A

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
JDM	04/27/2021	PHOTOSIM

CHECKED BY:	OGD
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PLOT DATE:	4/28/2021
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PROJECT NUMBER:	30324
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SET TYPE:	DRAFT
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SHEET NUMBER:	T-901
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A PHOTOGRAPH BEFORE SIMULATION

B PHOTOGRAPH AFTER SIMULATION

L:\30300\30324\Design\CAD\PSI\PHOT-901.dgn



A

PHOTOGRAPH BEFORE SIMULATION

B

PHOTOGRAPH AFTER SIMULATION

CONSULTANT:

 2101 HIGHWAY 13 W
 BURNSVILLE, MN 55337
 952.683.1032 VOICE
 952.405.8583 FAX
 www.edgeconsult.com

CLIENT:
CTI TOWERS
 5000 CENTREGREEN WAY
 SUITE 325
 CARY, NC 27513

PHOTO SIMULATION
 OPUS TOWER RELO
 MINNETONKA, MINNESOTA

ENGINEER SEAL:
 PRELIMINARY -
 NOT FOR CONSTRUCTION

SIGNATURE: _____
 DATE: _____
 I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PROJECT NO:	N/A
LOCATION CODE:	N/A
RFDS DATE:	N/A

STRUCTURAL ANALYSIS:	
DATE:	DESCRIPTION:
N/A	N/A

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
JDM	04/27/2021	PHOTOSIM

CHECKED BY:	OGD
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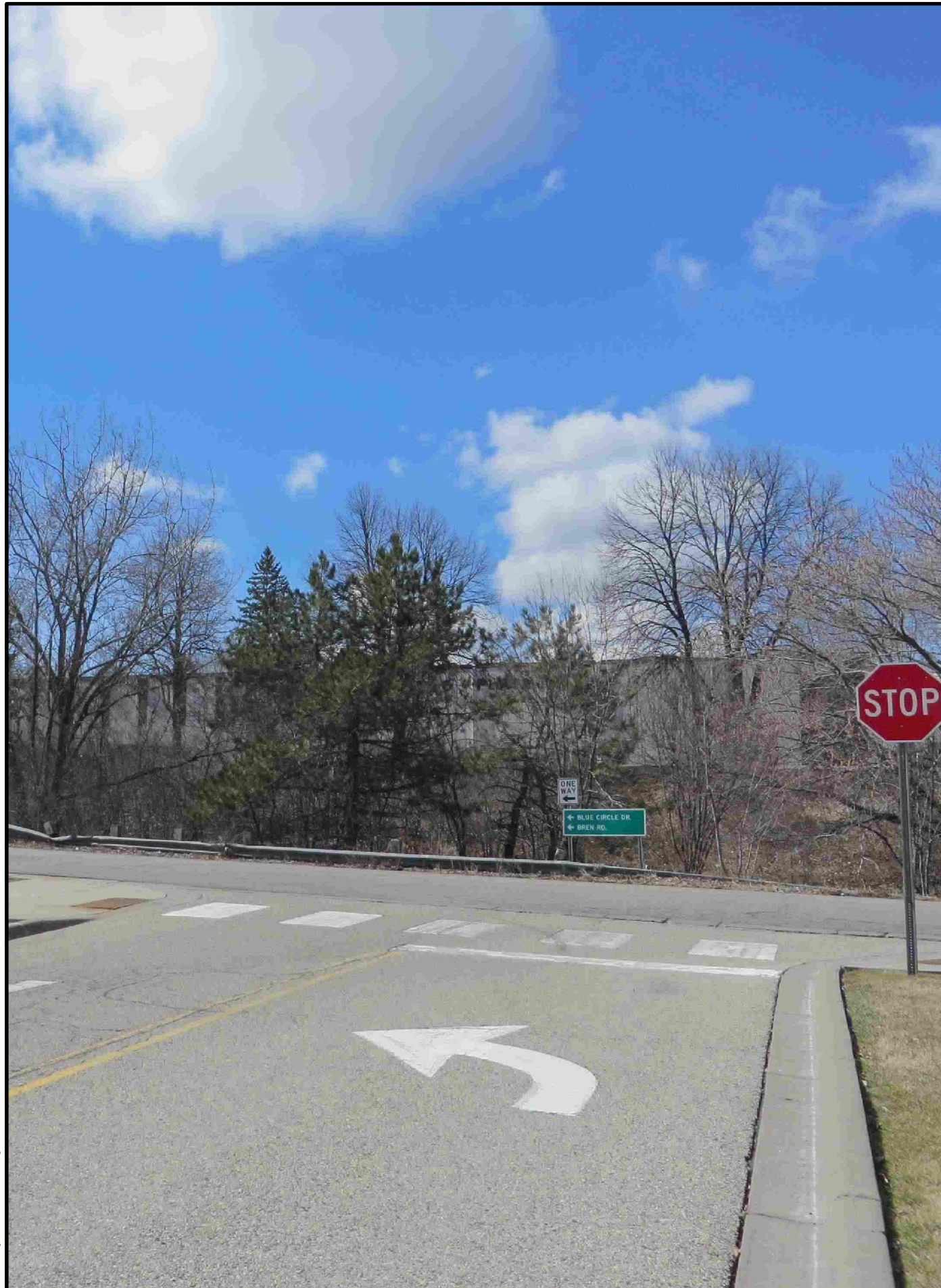
PLOT DATE:	4/28/2021
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PROJECT NUMBER:	30324
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SET TYPE:	DRAFT
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SHEET NUMBER:	T-902
---------------	--------------

L:\303000\30324\Drawings\CAD\PS\PH\T-902.dgn



A

PHOTOGRAPH BEFORE SIMULATION

B

PHOTOGRAPH AFTER SIMULATION

CONSULTANT:

Edge
 Consulting Engineers, Inc.
 2101 HIGHWAY 13 W
 BURNSVILLE, MN 55337
 952.683.1032 VOICE
 952.405.8583 FAX
 www.edgeconsult.com

CLIENT:
CTI TOWERS
 5000 CENTREGREEN WAY
 SUITE 325
 CARY, NC 27513

PHOTO SIMULATION
 OPUS TOWER RELO
 MINNETONKA, MINNESOTA

ENGINEER SEAL:
 PRELIMINARY -
 NOT FOR CONSTRUCTION

SIGNATURE: _____
 DATE: _____

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PROJECT NO:	N/A
LOCATION CODE:	N/A
RFDS DATE:	N/A

STRUCTURAL ANALYSIS:	
DATE:	DESCRIPTION:
N/A	N/A

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
JDM	04/27/2021	PHOTOSIM

CHECKED BY:	OGD
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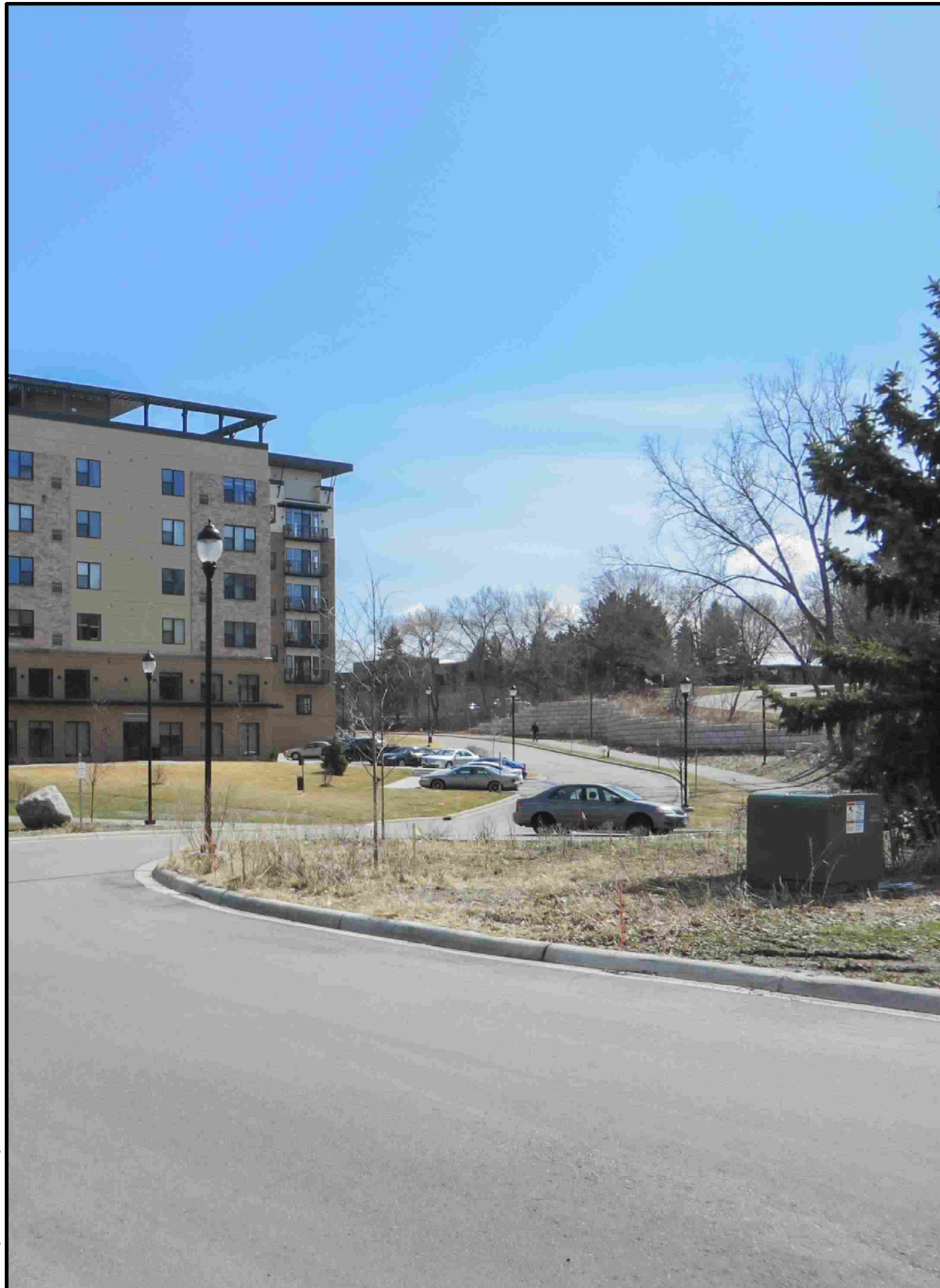
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PROJECT NUMBER:	30324
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SET TYPE:	DRAFT
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SHEET NUMBER:	T-903
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CONSULTANT:

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 Consulting Engineers, Inc.
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 952.405.8583 FAX
 www.edgeconsult.com

CLIENT:
CTI TOWERS
 5000 CENTREGREEN WAY
 SUITE 325
 CARY, NC 27513

PHOTO SIMULATION
 OPUS TOWER RELO
 MINNETONKA, MINNESOTA

ENGINEER SEAL:
 PRELIMINARY -
 NOT FOR CONSTRUCTION

SIGNATURE: _____
 DATE: _____

I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PROJECT NO:	N/A
LOCATION CODE:	N/A
RFDS DATE:	N/A

STRUCTURAL ANALYSIS:	
DATE:	DESCRIPTION:
N/A	N/A

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
JDM	04/27/2021	PHOTOSIM

CHECKED BY:	OGD
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PLOT DATE:	4/28/2021
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PROJECT NUMBER:	30324
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SET TYPE:	DRAFT
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SHEET NUMBER:	T-904
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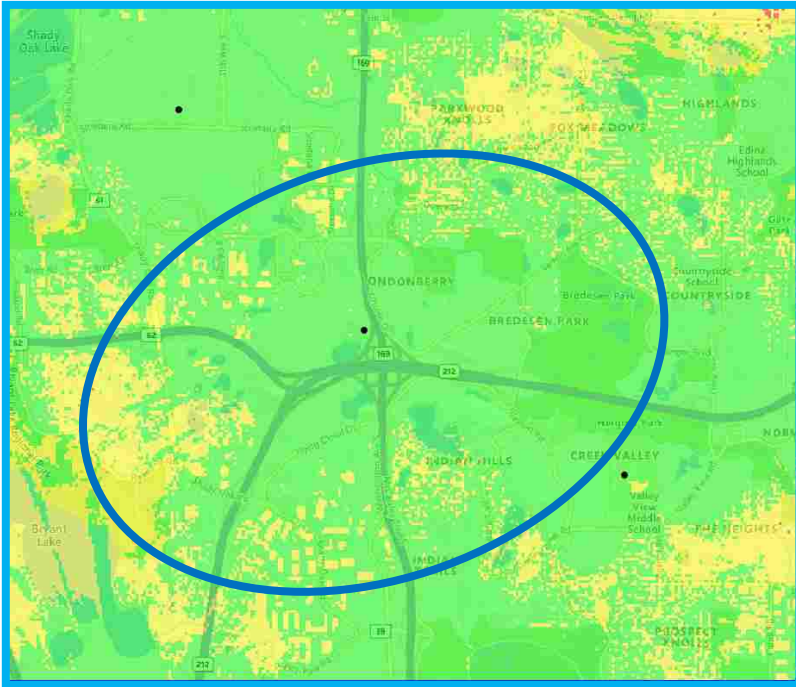
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A PHOTOGRAPH BEFORE SIMULATION

B PHOTOGRAPH AFTER SIMULATION

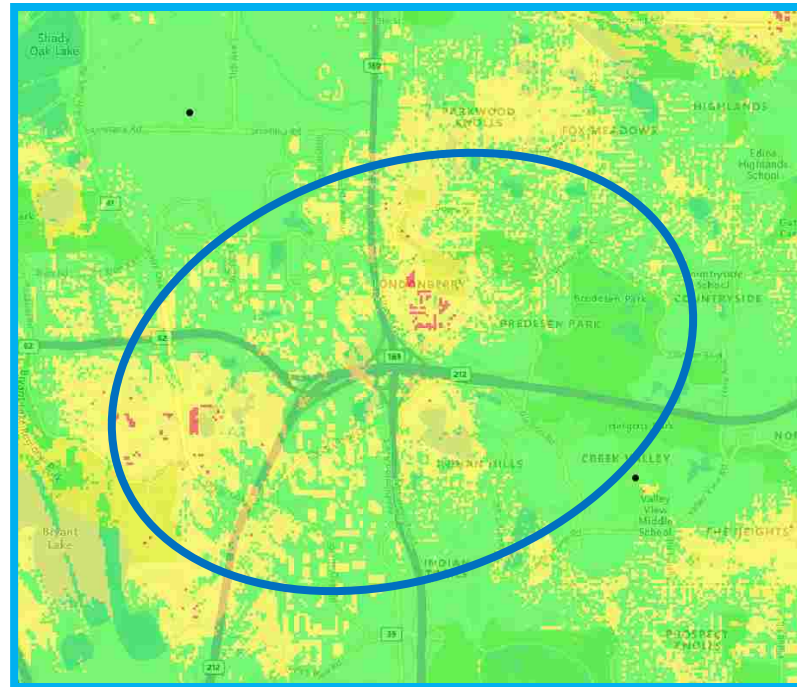
Cellular Coverage

Existing



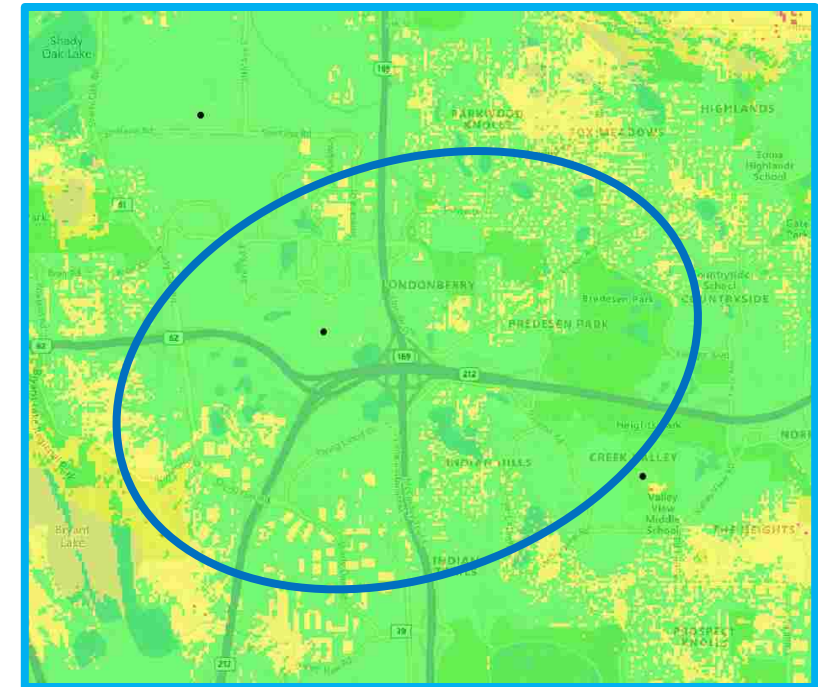
79% of the serving area has great indoor coverage, 100% has great outdoor coverage

Without Opus



64% of the serving area has great indoor coverage, 99% has great outdoor coverage, 1% now has poor/no coverage

With Opus Relo



82% of the serving area has great indoor coverage, 100% has great outdoor coverage

- AT&T Macro Site
- Opus serving area

RSRP Coverage (dBm):

■ ≥ -98

(great indoor coverage)

■ -112 to -98

(great outdoor/
marginal indoor coverage)

■ ≥ -122 to -112

(poor/no indoor coverage)



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

**REPORT REGARDING CONSTRUCTION
OF A 150-FOOT COMMUNICATIONS TOWER
AT 6110 BLUE CIRCLE DRIVE
MINNETONKA, MN
FOR AT&T WIRELESS
PREPARED BY:
GARRETT G. LYSIAK, P.E.
JUNE 23, 2021**



EXECUTIVE SUMMARY

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

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

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

As required by the ordinance, this tower can accommodate additional communications systems with the proposed height.

The proposed tower complies with all the structural requirements of the ordinance.

The FAA preliminary study showed that the location of the proposed tower might have an effect on the navigational systems of the Flying Cloud airport and requires a study be performed by them. Therefore, a condition on the CUP should require an FAA determination for the tower.



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FIGURE 3

PREDICTED COVERAGE

FIGURE 4

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FIGURE 5

FAA PRELIMINARY STUDY



Engineering Statement

The documents submitted by AT&T Wireless to The City of Minnetonka for a new 150-foot tower were reviewed for compliance with the technical requirements of the zoning ordinance. This proposed tower is designed to replace an existing smaller tower that will provide additional coverage to the area. AT&T states that this existing tower will be dismantled in the future. The site is located at 6110 Blue Circle Drive, Minnetonka, MN. The site location was plotted on a USGS 7.5-minute map (Figure 1 "Site Map")¹. In addition, an aerial photograph is included to show the proposed site location and the surrounding area (Figure 2 "Aerial Site Map").

Airspace Study

The proposed tower site was examined for any impact on the local airspace and airports. The tower height is proposed to be under 200-feet and is therefore not usually required to get Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) approval, unless it is located near an airport. Using the FCC "TOWAIR" program, which determines if an FAA Obstruction study is required, it verified that no approval from the FAA is required with the proposed height. However, using the FAA Notice Criteria tool it was determined that the proposed tower is near the Flying cloud airport (FCM) instrument approach area. The study results state "Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception....."² and requires that an FAA study be performed.

Existing Tower Sites

A search of both FCC and FAA databases was performed to determine the location of any potential alternate locations for the proposed monopole. The search showed there were no existing towers within a one-mile area capable of supporting the antennas.

Site Construction

The site construction plans show the tower that is planned for this project. The tower drawings supplied show compliance with the requirements of ANSI³/TIA⁴-222-H standard which requires loading for:

1. Exposure C to the standard.
2. 90 mph basic wind, with no radial ice.
3. 50 mph basic wind with 1/2" of radial ice. (ice is considered to increase in thickness with height)
4. The tower is designed to withstand the Ultimate Wind Speed for this area of 115 mph

The proposal shows that the tower is currently designed to accommodate two antenna systems both being used by AT&T. The ordinance requires that the proposed tower must provide for additional users. This tower will accommodate additional communications systems at the proposed height.

¹ Site Location N 44° 56' 12" W 93° 30' 01"

² Figure 5 FAA Criteria Tool

³ American National Standards Institute

⁴ Telecommunications Industry Association



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Coverage Study

In reviewing the submitted data it was determined that (AT&T) has designed its communications facilities in the Minnetonka area with several surrounding sites providing area wide coverage. During my initial inspection of the application, it was determined that several key pieces of information were missing and were required to analyze the predicted and existing coverage of the AT&T system. The information was provided and I was able to complete my analysis of the application. Figure 3 shows the predicted coverage area with the new monopole. Figure 4 shows the area with the proposed monopole removed from the analysis and the predicted coverage gap is identified.

Interference Study

A search was performed using the FCC frequency database⁵ to determine the frequency and location of any city or county public safety facilities within one-mile from the proposed tower location. Using all the identified frequencies either utilized by the city or county, an intermodulation (interference) study was performed to determine if any predicted interference products would be generated by the proposed AT&T Wireless facility. The results of the study indicate that there are no interference products predicted to be generated that would cause interference to any of the identified protected frequencies.

AT&T states that they do perform an interference study on their towers. However, they only consider other carriers on the tower (if any) and the analysis by Owl Engineering includes city and county frequencies.

The study shows that there are no predicted (low order) interference intermodulation products generated from combinations of existing and proposed channels at this site. When the proposed communications facility is constructed, antenna separation, antenna pattern directionality properties and equipment filtering will further reduce the potential of intermodulation induced interference. This analysis is a mathematical study and will not account for interference mitigation that will occur due to the differences in technologies and equipment configurations and filtering. This study assumes a worst-case scenario using as many as four transmitters operating simultaneously (which is a rare occurrence).

Additionally, due to the high frequencies used on this new facility there is no predicted interference to occur on any other communication devices such as televisions, personal computers, telephones, garage door openers, security systems, and other electronic equipment.

In summary, the use of good engineering and installation practices should mitigate any interference to any nearby existing communications systems and it is my opinion that the AT&T Wireless system frequencies should not cause any harmful interference problems to any of the existing City or County communications systems and is in compliance with the ordinance.

RF Radiation Analysis

Using the data submitted by AT&T Wireless we performed a “Worst-Case” radiation analysis to determine the amount of RF energy that would be present at the base of the tower. In making our

⁵ Federal Communications Commission, Wireless Telecommunications Bureau – “*Universal Licensing System*”



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calculations, we assumed that all of the RF energy generated by the facility would be directed downward and two separate antennas at maximum power levels were used for the calculations. This is not the real-world situation since the antennas used by PCS systems are designed to radiate towards the horizon.

Additionally, calculations were performed including any future antenna systems on the tower and added to the total RF exposure level.

However, using this analysis method I was able to determine that the maximum level of RF radiation reaching the ground (head height) at the tower base is less than 18 percent of the ANSI standard value for the general public exposure limit and as such is not classified as an RF radiation hazard. This proposal satisfies the current Federal guidelines for RF Exposure⁶.

Summary

The review of the proposed AT&T tower indicates that:

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

Respectfully submitted,

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

Garrett G. Lysiak, P.E.

⁶ FCC Office of Engineering and Technology Bulletin OET-65 Edition 97-01

(HAMEL)

093° 25' 47.6388" W
044° 54' 58.3442" N

(OSSEO)

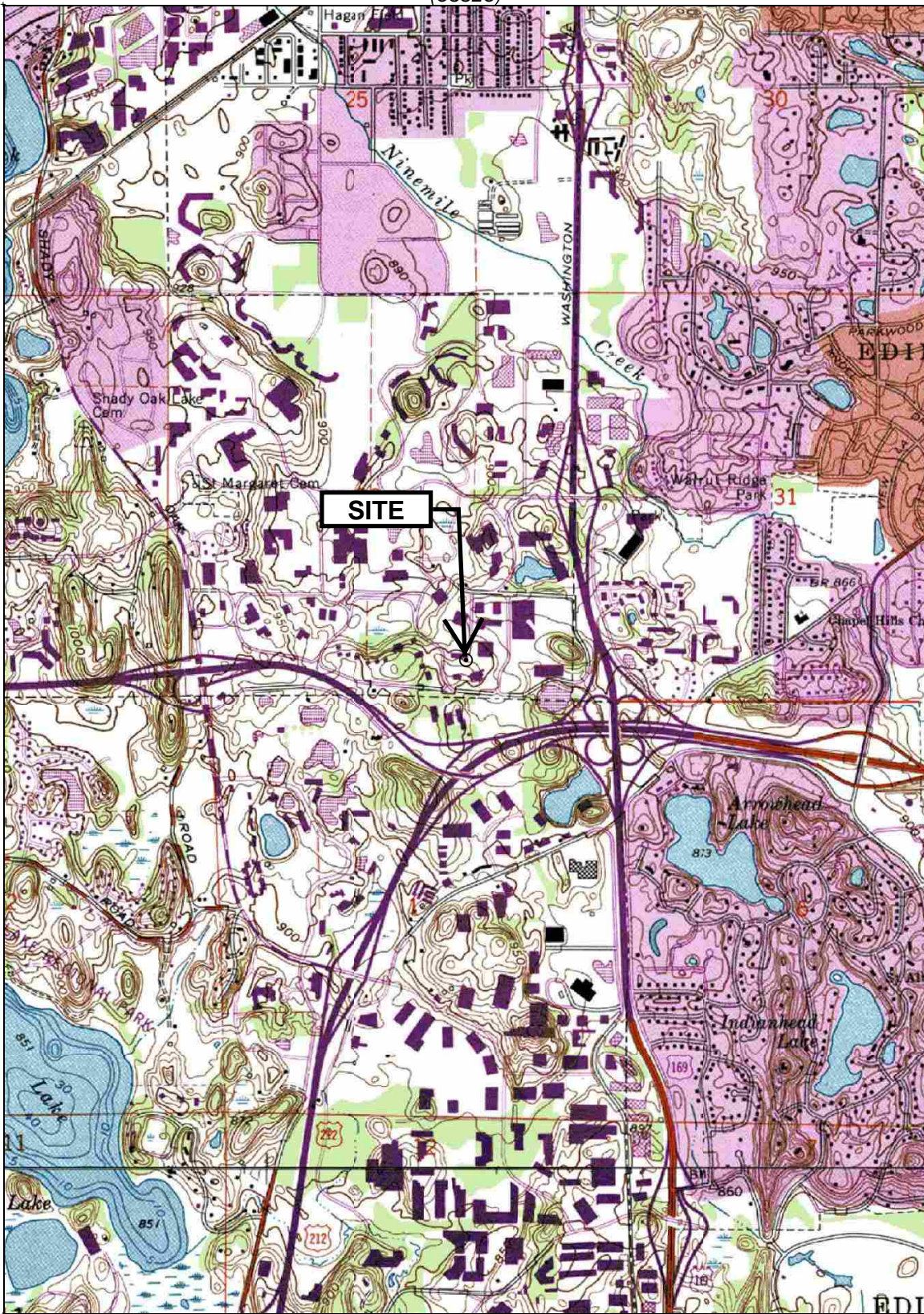
HOPKINS QUADRANGLE
MINNESOTA
TOPOGRAPHIC SERIES

(MINNEAPOLIS
NORTH)

093° 23' 00.6245" W
044° 54' 58.3442" N

(EXCELSIOR)

(MINNEAPOLIS
SOUTH)



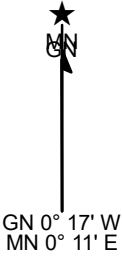
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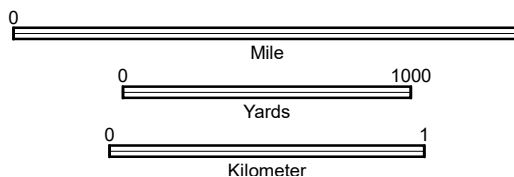
(SHAKOPEE)

(BLOOMINGTON)

Declination



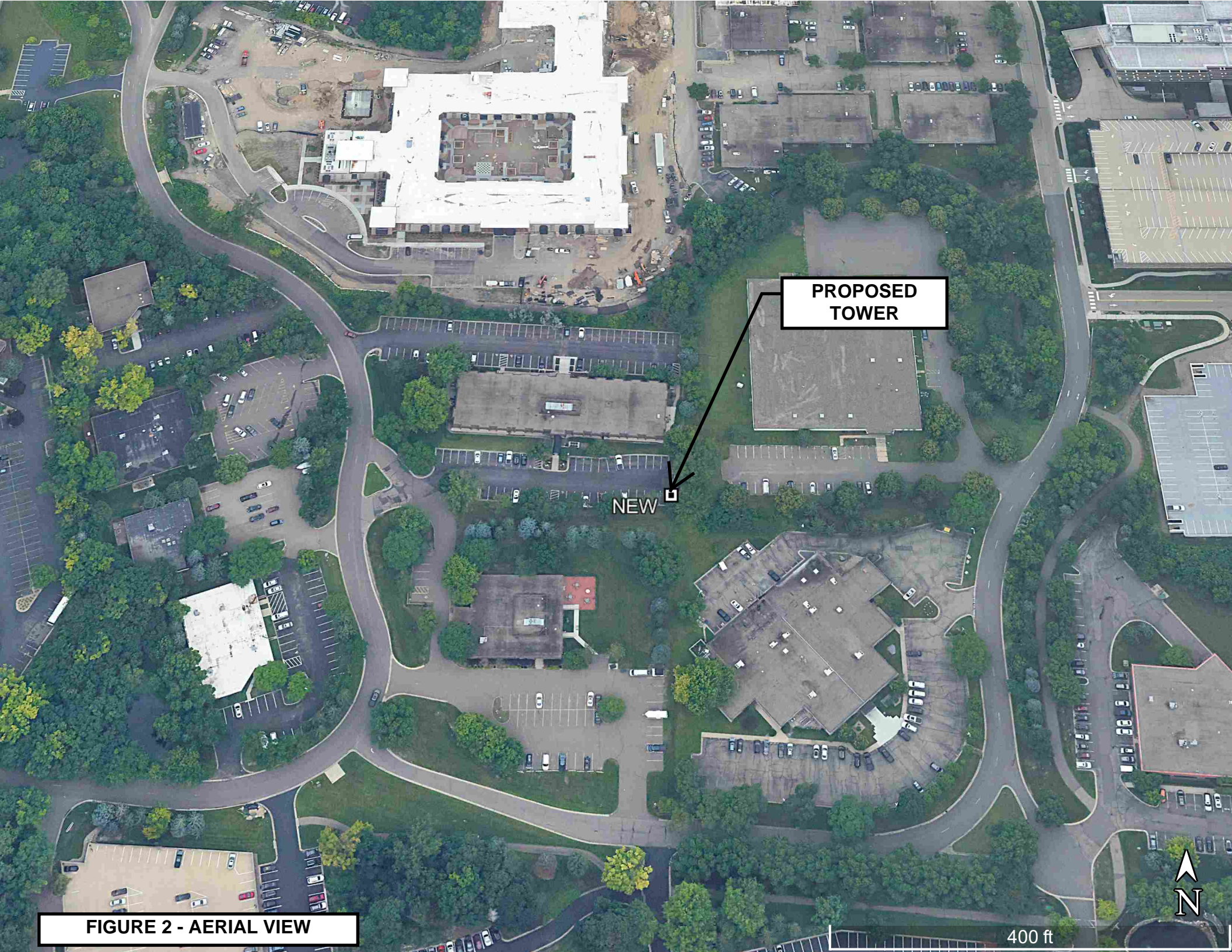
(EDEN PRAIRIE)
SCALE 1:24000



CONTOUR INTERVAL 10 FT
[BASE MAP VERTICAL DATUM]

HOPKINS, MN
JAN 1, 1993

FIGURE 1 - SITE MAP



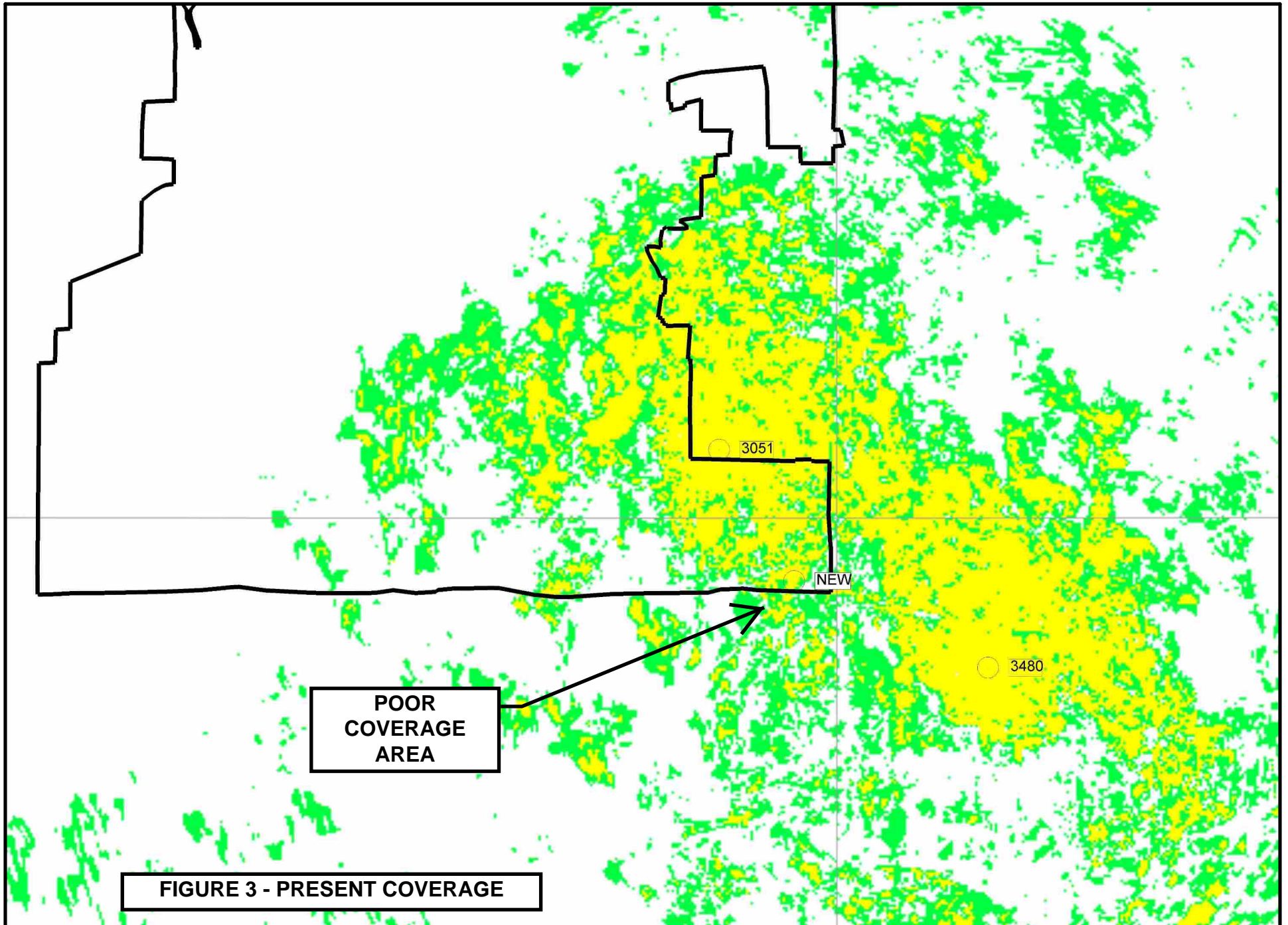
**PROPOSED
TOWER**

NEW

FIGURE 2 - AERIAL VIEW

400 ft





**POOR
COVERAGE
AREA**

FIGURE 3 - PRESENT COVERAGE

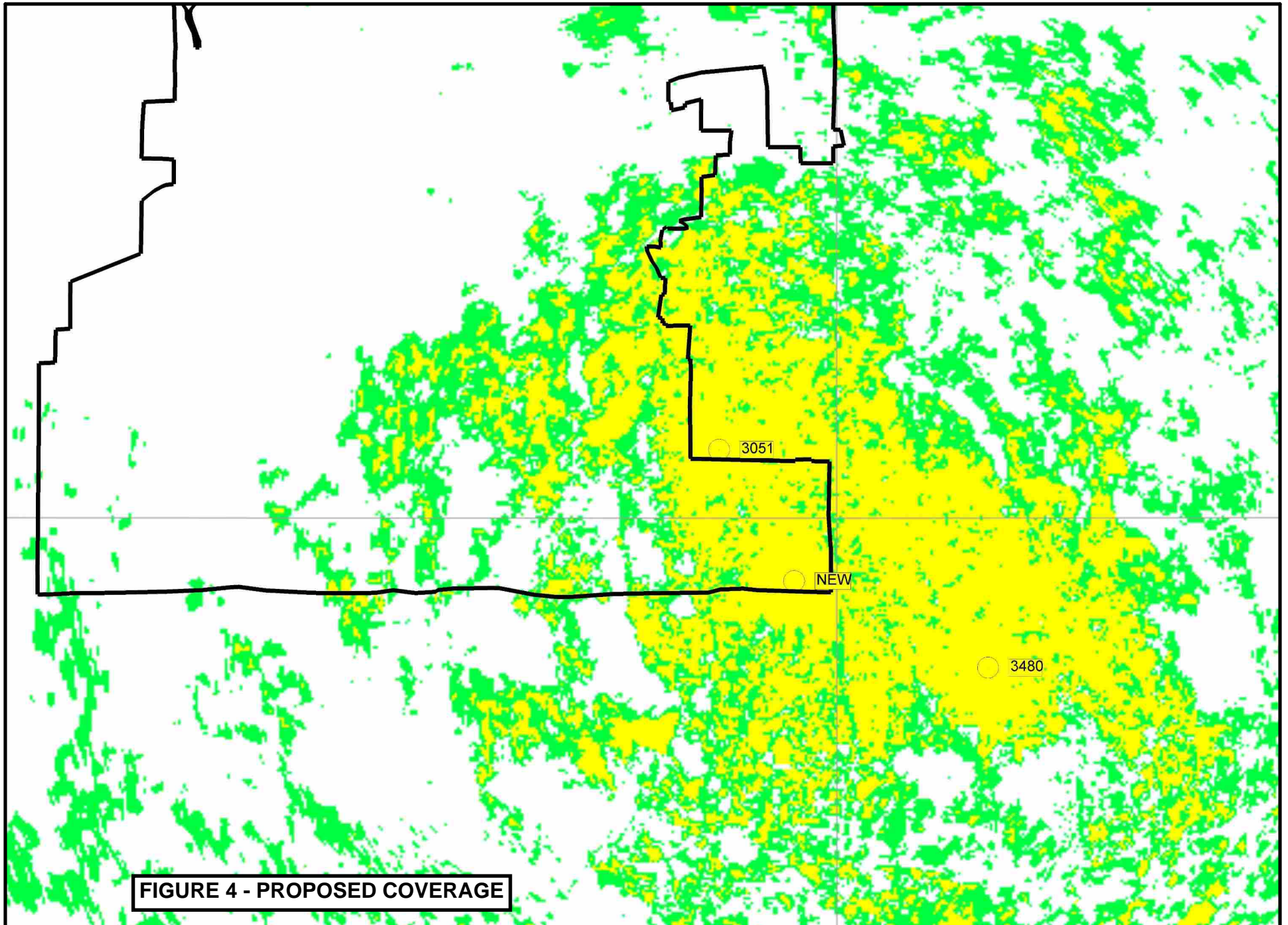


FIGURE 4 - PROPOSED COVERAGE

Notice Criteria Tool

Notice Criteria Tool - Desk Reference Guide V_2018.2.0

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

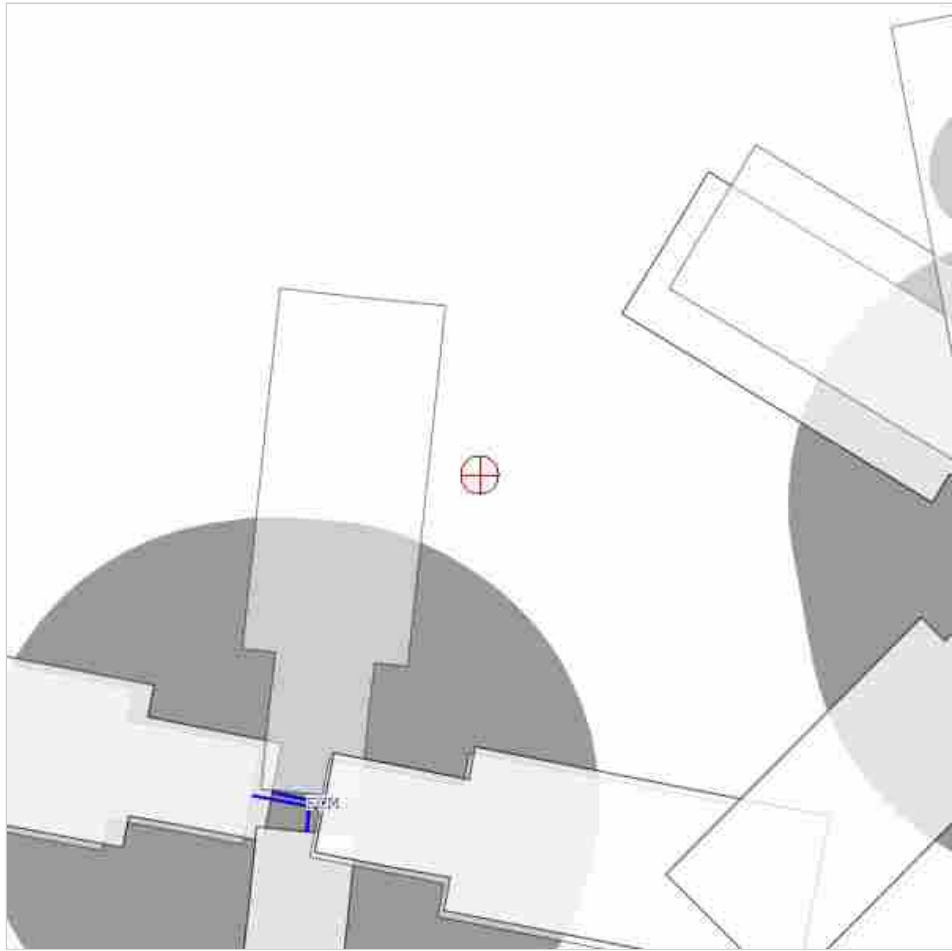
Latitude:	<input type="text" value="44"/> Deg	<input type="text" value="53"/> M	<input type="text" value="34.75"/> S	<input type="text" value="N"/> ▾
Longitude:	<input type="text" value="93"/> Deg	<input type="text" value="24"/> M	<input type="text" value="24.4"/> S	<input type="text" value="W"/> ▾
Horizontal Datum:	<input type="text" value="NAD83"/> ▾			
Site Elevation (SE):	<input type="text" value="952"/> (nearest foot)			
Unadjusted Structure Height :	<input type="text" value="150"/> (nearest foot)			
Height Adjustment:	<input type="text" value="10"/> (nearest foot)			
Total Structure Height (AGL):	<input type="text" value="160"/> (nearest foot)			
Traverseway:	<input type="text" value="Private Road"/> ▾			
	<small>(Additional height is added to certain structures under 77.9(c)) User can increase the default height adjustment for Traverseway, Private Roadway and Waterway</small>			
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes			

Results

You exceed the following Notice Criteria:

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

The FAA requests that you file



Resolution No. 2021-

**Resolution approving a conditional use permit for a telecommunication tower
at 6110 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 6110 Blue Circle Drive. It is legally described as:

Lot 5, Block 10, OPUS II 1st ADDITION

1.02 Buell Consulting Inc., on behalf of CTI Tower Assets II and AT&T, is requesting a conditional use permit to install a 150-foot telecommunication tower on the subject property. This tower would replace an existing tower – located 0.25 miles to the east – that is being decommissioned.

1.03 On July 1, 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 §310.03 Subd.7(a) and 7(c) outlines the following general conditional use permit standards for telecommunication towers located outside of the public right-of-way.

1. Service Provider. A telecommunications service provider must be identified for the proposed telecommunication facility and must occupy the facility within twelve months of approval.
2. Lighting. Telecommunications facilities may not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety or unless necessary to facilitate service to ground-mounted equipment.

3. Construction. Facilities and equipment must be constructed in compliance with applicable building and electrical code requirements. Structural design, mounting, and installation of the telecommunication facility must comply with the manufacturer's specifications.
4. Accessory equipment is subject to the following:
 - a. Equipment or buildings must meet minimum setback requirements established for accessory structures in the associated zoning district.
 - b. Equipment or buildings must be designed to blend in with the surrounding natural or built environment or must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood.
 - c. No more than one accessory building is permitted for each tower. If additional space is needed to accommodate the co-location of antennas, the existing accessory building must be expanded, or a new accessory building must be constructed adjacent and complementary to the existing building.

2.01

City Code §310.03 Subd.8(b) outlines the following specific conditional use permit standards for telecommunication towers located outside of the public right-of-way.

1. Location.
 - a. Design. General. Facilities must be located in an area that will meet the applicant's reasonable coverage and capacity needs. However, the city may require that a different location be used if it would result in less public visibility, is available, and would continue to meet the applicant's reasonable capacity and coverage needs.
 - b. Zoning Districts. Facilities may be located within any zoning district. However, on properties guided low-density residential, telecommunication towers may only be located on public or institutional property.
 - c. Setbacks. Towers located adjacent to low or medium-density residential properties must meet the minimum setback requirements established for principal structures within the associated residential zoning district, but only from the property line abutting the residential district. The city council may waive the setback requirement if necessary to implement stealth design techniques. Accessory equipment must meet minimum setback

requirements established for accessory structures within the zoning district.

2. Design

- a. **Stealth Design.** Facilities must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques.
- b. **Collocation.** New telecommunication towers must be designed to accommodate more than one telecommunication provider at more than one height within the tower unless it is physically impossible or impractical to do so at the tower's proposed location. In addition, the applicant, tower owner, landlord, and their successors must agree in writing to (1) meet reasonable terms and conditions for shared use; (2) submit a dispute over the potential terms and conditions to binding arbitration.
- c. **Height.** Maximum tower height, excluding lightning rods, is restricted based on the land use designation of property on which the tower is located:

Land Use Designation	Single-User Tower	Multiple-User Tower
Low/Medium Density Residential	60 ft	90 ft
High-Density Residents	75 ft	90 ft
Office, Commercial	75 ft	90 ft
Industrial	150 ft	150 ft
Institutional	60 ft	90 ft

The city council may increase the height if the applicant can demonstrate that the increase would not have a significant impact on surrounding properties because of things like proximity, topography, or screening by trees or buildings. The council may likewise waive height restrictions for towers wholly or partially for essential public services, such as public safety.

- d. **Projections.** Antennas may not project out from an antenna support structure or tower unless it is physically impossible to locate the antenna with the structure or tower, in which case they may not project out more than three feet. Facilities located on transmission towers, water towers, or buildings may not extend more than 15 feet above the structure to which they are attached. Wall or façade-mounted antennas may not extend above the building cornice line.

- e. Color. 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 standards outlined in City Code §310.03 Subd.7(a) and 7(c):

1. AT&T is identified as the initial service provider.
2. Lighting is not proposed or required.
3. As a condition of this resolution, the facilities and equipment must be constructed in compliance with applicable building and electrical code requirements. Structural design, mounting, and installation of the telecommunication facility must be in compliance with the manufacturer's specifications.
4. The accessory equipment area would be located 10 feet from the east property line and 15 feet from the south property line, meeting the 10-foot setback required on industrially-zoned properties.
5. An existing dumpster fencing enclosure would be removed and the dumpster/accessory equipment enclosed by new fencing.
6. No accessory building is proposed.

3.02 The proposal would meet the specific standards outlined in City Code §310.03 Subd.8(b):

1. The analysis provided by both the applicant and the city's consultant indicates that: (1) the proposed location would reasonably meet AT&T's coverage and capacity needs; and (2) there are no other existing support structures available in the coverage area.
2. The subject property is zoned I-1, Industrial.
3. The proposed tower would be located adjacent to high-density and office/industrial properties.
4. The proposed tower would have a fully enclosed design; all components would be located within the tower.
5. Space would be available for at least one additional provider.
6. The proposed tower would 150 feet in height, meeting this height standard for towers within the industrial district.

7. The proposed tower would have a galvanized finish.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, 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:
 - OPUS RELOCATION Zoning Drawings, Revision C, dated May 19, 2021
2. A building permit is required. The facilities and equipment must be constructed in compliance with applicable building and electrical code requirements. Structural design, mounting, and installation of the telecommunication facility must be in compliance with the manufacturer's specifications.
3. Prior to issuance of a building permit:
 - a) This resolution must be recorded with Hennepin County; and
 - b) Submit an FAA determination for the tower.
4. The city council may reasonably add or revise conditions to address any future unforeseen problems.
5. Any change to the approved use resulting 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 July 12, 2021.

Brad Wiersum, Mayor

Attest:

Becky Kosman, 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 July 12, 2021.

Becky Koosman, City Clerk

Minnetonka Planning Commission Meeting

Agenda Item 9

Other Business

MINNETONKA PLANNING COMMISSION
July 1, 2021

Brief Description	Concept plan for Woodhaven of Minnetonka at 2424 and 2440 Plymouth Road.
Action Requested	Discuss concept plan with the applicant. No formal action required.

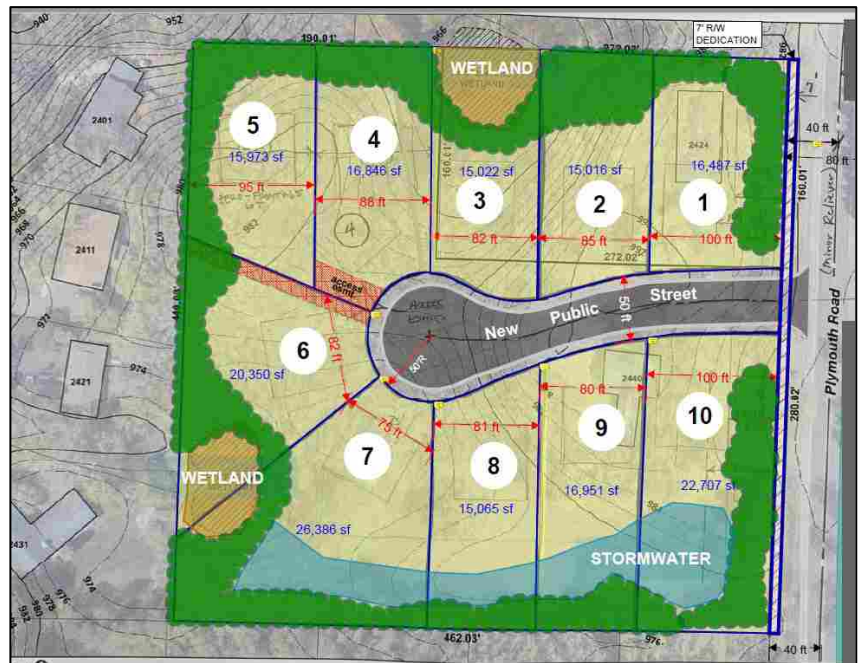
Background

The 4.6-acre site is comprised of two properties and is located on the west side of Plymouth Road between Forest Meadow Drive and Woodbridge Trail. The properties are zoned R-1, low-density residential, and are improved with single-family homes and several small accessory structures.

Proposal

Airborne Construction One, LLC has submitted a concept plan for the redevelopment of the site. The plan contemplates:

- Removal of the existing structures.
- **Zoning:** Rezoning of the subject site to R-1A.¹
- **Lots:** 10 residential lots ranging in size from roughly 15,000 square feet to 26,300 square feet.
- **Access.** Access to nine of the ten lots would be directly from the newly constructed cul-de-sac. Lot 5 would be considered a lot-behind-a-lot and would be accessed via a driveway easement.²



¹ By City Code Sec. 300.37, Subd. 2: R-1A zoning may be considered when both a) and b) below are met:

- a) The proposed R-1A development will appropriately be integrated into existing and proposed surrounding development. This does not mean the R-1A development must reflect the specific standards of the surrounding area, such as lot size, density, setbacks, or design. While integration may be achieved through such standards, it may also be achieved through the continuation of existing land use types, architectural transitions, landscape buffering, or other means.
- b) Either of the following is met:
 - 1) At least 60 percent of the existing lots within 400 feet of the proposed R-1A development, and along 1,000 feet on both sides of the street on which the proposed development is located, have lot areas less than the R-1 standards as outlined in city code section 400; or
 - 2) All lots within the R-1A development will be served by a new street.

² By City Code Sec. 300.02, a lot-behind-a-lot is:

- a) A lot with substandard frontage on a public road right-of-way, where access to public road right-of-way is over substandard lot frontage or by a private easement, commonly called a "flag" or "neck" lot.

Review Process

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

- **Neighborhood Meeting.** The developer is scheduled to hold a neighborhood meeting on June 29, 2021. Since this will be after the distribution of the staff report, staff will provide a summary of the meeting at the July 1, 2021 planning commission 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 in order 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.
- **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.

Key Topics

Staff has identified and requests, the planning commission provide feedback on the following key topics:

- **Use of R-1A zoning:** What is the commission's opinion regarding the R-1A zoning for the concept?
- **Site design:** The plan contemplates the construction of ten homes. Nine of the homes would have direct access onto a newly constructed cul-de-sac, while the remaining lot would be served by a driveway easement. Does the commission have comments on the lot configurations or access?
- **Other considerations:** What other land use related items would the commission like to comment on?

Staff Recommendation

Staff recommends the planning commission provide comments and feedback to assist the applicant with the future direction that may lead to the preparation of more detailed development plans.

-
- b) A lot with substandard frontage on a public street, where the only buildable area is directly behind an existing or potential house pad that fronts on a public street.

Originator: Ashley Cauley, Senior Planner

Through: Loren Gordon, AICP, City Planner

ADDITIONAL INFORMATION

Next Steps

- **Formal Application.** If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city's website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can "follow" projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on a 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 the general public, the city council would take final action.

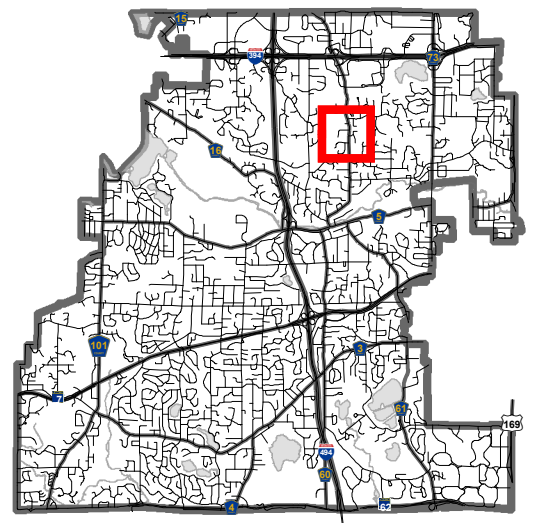
City Roles and Responsibilities

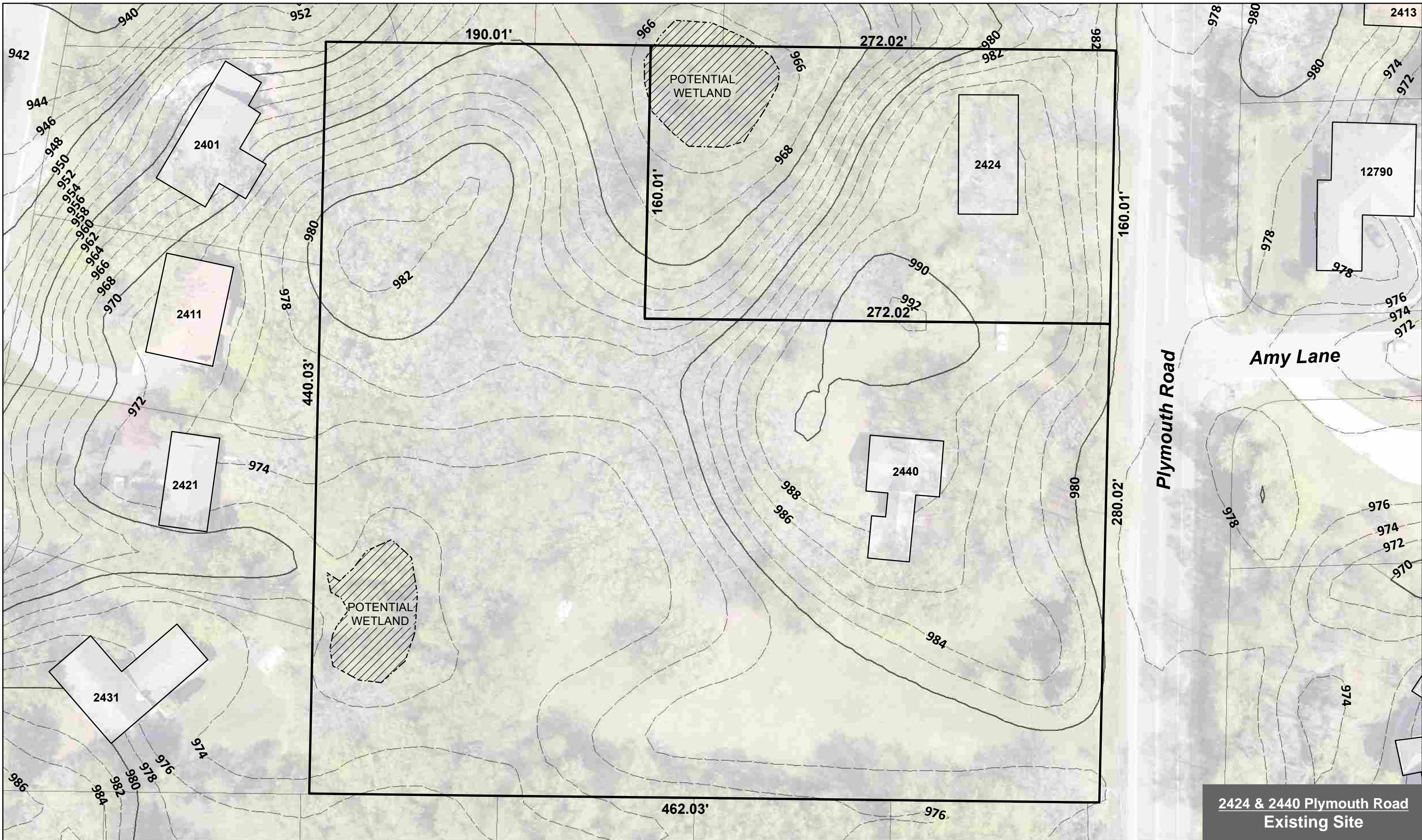
- **City Council.** As the ultimate decision-maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants, and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to participate in the process effectively.
- **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 Staff.** The 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.



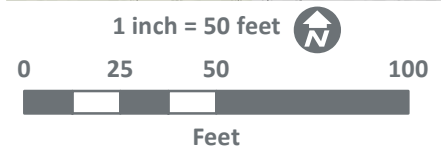
Location Map

Project: Plymouth Road Concept
Address: 2424 & 2440 Plymouth Rd





**2424 & 2440 Plymouth Road
Existing Site**



2424 and 2440 Plymouth Road, Minnetonka, MN 55305
PIDs: 1011722140001, 1011722140002

ANDERSON
13605 1st Ave N #100, Plymouth, MN 55441
P 763.412.4000 F 763.412.4090 ae-mn.com

2424 & 2440 Plymouth Road R-1A Sketch Plan

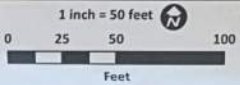


Site Data:
 Existing Zoning: R-1
 Guided Land Use: Low Dens. Res. (2-4 units/acre)
 Proposed: R-1A

Site Area:
 Parcel 2424: 43,523 sf
 Parcel 2440: 159,770 sf
 Total Site: 203,293 sf (4.67 ac)
 - R/W Ded.: 200,213 sf (4.60 ac)
 Gross Density: 10 units/4.6 = 2.2 units/acre

R-1A Lot Standards
 Area - 15,000 sf
 Width - 75'
 Depth - 125'

Setbacks:
 Front - 25'
 Side - 10'
 Rear - 30' (or 20% of depth)
 Minor Reliever - 35'



2424 & 2440 Plymouth Rd, Minnetonka, MN 55305
 PIDs: 1011722140001, 1011722140002

ANDERSON
 13605 1st Ave N #100, Plymouth, MN 55441
 P 763.412.4000 F 763.412.4090 ae-mn.com