

**City Council Agenda Item #12_
Meeting of December 16, 2013**

Brief Description Items concerning Tonka on the Creek, at 9731 Minnetonka Boulevard

- 1) Ordinance rezoning properties from B-2 and R-1 to B-3;
- 2) Master development plan;
- 3) Site and building plan review;
- 4) Floodplain alteration permit;
- 5) Conditional use permits; and
- 6) Easement vacation.

Recommendation Introduce the ordinance and refer it to the planning commission

Proposal

Harriss Architects, on behalf of Tonka on the Creek, LLC, is proposing to redevelop the property at the southwest corner of the Minnetonka Boulevard/Highway 169 intersection. The redevelopment would consist of a four-story, 102-unit, market-rate apartment building served by a surface parking lot adjacent to Minnetonka Boulevard, as well as underground parking. The submitted plans also include a small public parking lot with access to Minnehaha Creek. (See pages A1–A13.)

The proposal requires:

- **Rezoning.** The subject site is currently zoned B-2 – general business, B-3 – limited business, and R-1 – low-density residential. The applicant requests that all of the properties be rezoned to planned unit development (PUD).
- **Master Development Plan.** By city code, review and approval of a master development plan is required in conjunction with a rezoning to PUD.
- **Site and Building Plan Review, with height variance.** By city code, site and building plan review is required for construction of any multi-family residential building. Under the shoreland ordinance, buildings within the shoreland district cannot exceed 35 feet in height. The proposed building would have a code-defined height of over 50 feet. (See page A4.)

- **Floodplain Alteration Permit.** By city code, a floodplain alteration permit is required for any activity that alters that the size, depth or contour of the floodplain. The applicant's proposal includes segments of a public trail within the floodplain.
- **Conditional Use Permit.** By city code, trails are allowed within the floodplain and required wetland buffer only by conditional use permit. The applicant's proposal includes segments of a public trail within the floodplain and wetland buffer.
- **Right-of-Way Vacation.** The applicant is requesting that areas of existing right-of-way be vacated to accommodate the private and public parking lots.

Issue Identification

The purpose of introducing an ordinance is to give the city council the opportunity to review a new application before referring it to the planning commission for a recommendation. Introducing an ordinance does not constitute an approval. The planning commission review of the proposal is tentatively set for January 9, 2014.

Based on preliminary review of the proposal, staff has identified the issues that will be particularly analyzed as the formal review continues:

- **Property acquisition.** The submitted plans reflect the inclusion of the area of land adjacent to Highway 169. The acquisition needs approval from the Minnesota Department of Transportation (MNDOT), but the city is being requested to transfer the property to the developer. Staff will continue dialog with the applicant and MNDOT representatives regarding this acquisition. The details will be included in the development agreement.
- **Natural Resource restoration.** The submitted plans include native landscape restoration on the subject property and surrounding public land. Staff will review the applicant's proposal with city's natural resource and restoration specialists and the Minnehaha Creek Watershed District.
- **Access.** The submitted plans include two access points on to Minnetonka Boulevard. Staff will review the access location with Hennepin County representatives.
- **TIF.** Staff has been meeting with the EDAC and an EDAC subcommittee regarding the request for a tax increment housing district. This would result in 20% of the units meeting affordable housing guidelines.

Staff Recommendation

Introduce the ordinance on pages A15–A19 and refer it to the planning commission.

Submitted through:

Geralyn Barone, City Manager

Julie Wischnack, AICP, Community Development Director

Loren Gordon, AICP, City Planner

Originated by:

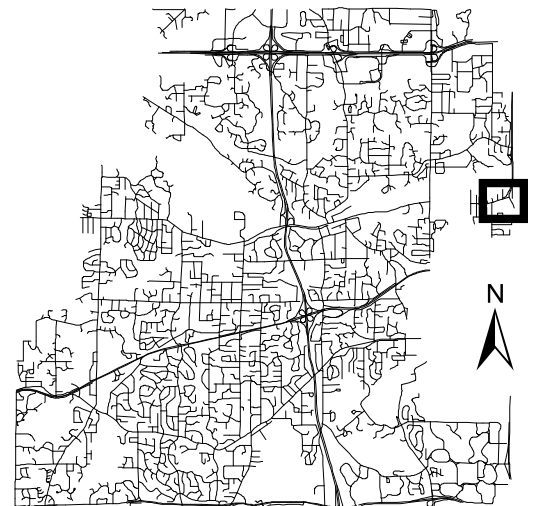
Susan Thomas, AICP, Principal Planner



LOCATION MAP



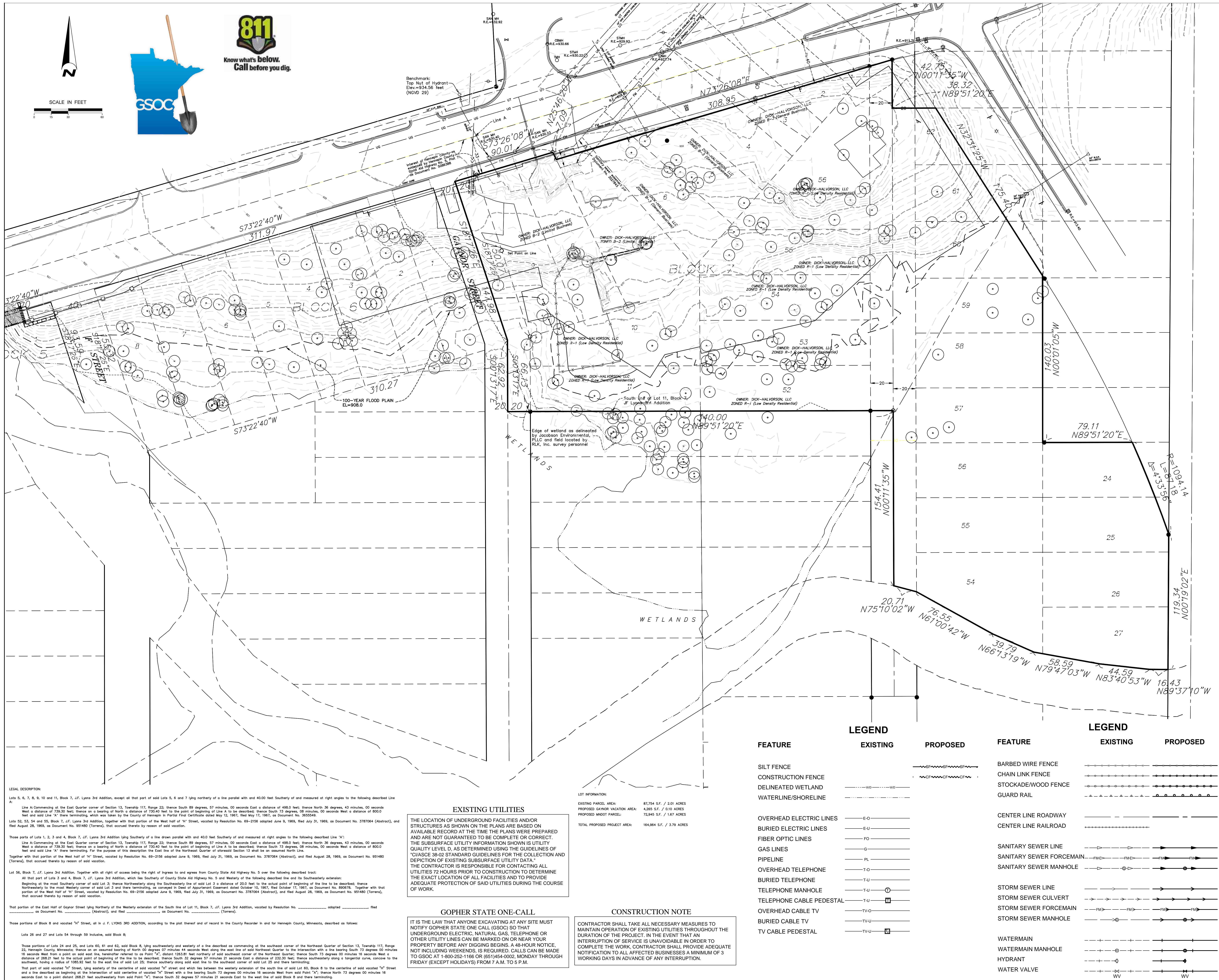
Project: Tonka on the Creek
Address: 9731 Minnetonka Blvd
(09005.13b)



This map is for illustrative purposes only.

A1

TONKA ON THE CREEK
9731 MINNETONKA BLVD
#09005.13a



#09005.15a



GRADING & EROSION CONTROL NOTES

- CONTRACTOR SHALL CONTACT 'GOPHER STATE ONE CALL' WITHIN TWO WORKING DAYS PRIOR TO EXCAVATION/ CONSTRUCTION, FOR UTILITY LOCATIONS. TWIN CITIES METRO AREA: 651-454-0002 OR TOLL-FREE: 1-800-252-1166.
- CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO START OF SITE GRADING. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER OF ANY DISCREPANCIES OR VARIATIONS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL HORIZONTAL AND VERTICAL CONTROL.
- INSTALL PERIMETER EROSION CONTROL AND TREE PROTECTION MEASURES BEFORE BEGINNING SITE GRADING ACTIVITIES. SOME EROSION CONTROLS SUCH AS BALE CHECKS AND TEMPORARY SILT PONDS MAY BE INSTALLED AS GRADING OCCURS IN THE SPECIFIC AREA. MAINTAIN EROSION CONTROLS THROUGHOUT THE GRADING PROCESS AND REMOVE WHEN TURF HAS BEEN ESTABLISHED.
- THE CONTRACTOR SHALL CONSTRUCT DRAINAGE BASINS PRIOR TO GENERAL SITE GRADING.
- CONTRACTOR TO ADHERE TO ALL REQUIREMENTS OF THE MINNESOTA POLLUTION CONTROL AGENCY N.P.D.E.S. PERMIT, INCLUDING THE REQUIREMENT TO MINIMIZE THE AREA DISTURBED BY GRADING AT ANY GIVEN TIME AND TO COMPLETE TURF RESTORATION WITHIN THE TIME REQUIRED BY THE PERMIT AFTER COMPLETION OF GRADING OF AN AREA.

- ALL EXPOSED SOIL AREAS WITHIN 100 FEET OF A WATER OF THE STATE OR ANY STORMWATER CONVEYANCE SYSTEM WHICH IS CONNECTED TO A WATER OF THE STATE MUST BE STABILIZED WITHIN 7 DAYS (STEEPER THAN 3:1 SLOPES), 14 DAYS (10:1 TO 3:1 SLOPES), OR 21 DAYS (FLATTER THAN 10:1).
- ALL CONSTRUCTION ENTRANCES SHALL BE SURFACED WITH CRUSHED ROCK ACROSS FULL WIDTH FROM ENTRANCE POINT TO 50 FEET INTO THE CONSTRUCTION ZONE. SEE DETAIL.
- INLET PROTECTION IS TO BE USED DURING CONSTRUCTION. SEE DETAIL.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH CITY, WATERSHED DISTRICT AND N.P.D.E.S. PERMITS.
- THE CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES, INCLUDING THE REMOVAL OF ACCUMULATED SILT IN FRONT OF SILT FENCES DURING THE DURATION OF THE CONSTRUCTION.
- MAINTAIN EXISTING EROSION CONTROL AND TREE PROTECTION MEASURES. RE-ESTABLISH ANY EXISTING EROSION CONTROL DISTURBED BY CONSTRUCTION.
- CONTRACTOR SHALL PROVIDE ADDITIONAL TEMPORARY EROSION CONTROL MEASURES AS REQUIRED FOR CONSTRUCTION.
- ANY EXCESS SEDIMENT IN PROPOSED BASINS SHALL BE REMOVED BY THE CONTRACTOR.
- REMOVE ALL EROSION CONTROL MEASURES AFTER VEGETATION IS ESTABLISHED.

- THE CONTRACTOR SHALL REMOVE ALL SOILS AND SEDIMENT TRACKED ONTO EXISTING STREETS AND PAVED AREAS.
- IF BLOWING DUST BECOMES A NUISANCE, THE CONTRACTOR SHALL APPLY WATER FROM A TANK TRUCK TO ALL CONSTRUCTION AREAS.
- SWEEP ADJACENT STREETS IN ACCORDANCE WITH CITY REQUIREMENTS.
- INSPECT EROSION CONTROL DEVICES AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. IMMEDIATELY REPAIR FAILED OR FAILING EROSION CONTROL DEVICES.
- SEDIMENT REMOVAL - SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT.
- ANY SEDIMENT REMAINING IN PLACE AFTER THE EROSION CONTROL DEVICE IS NO LONGER REQUIRED SHALL BE GRADED TO CONFORM WITH THE EXISTING GRADE, PREPARED, AND SEEDED WITH THE APPROPRIATE SEED MIX AS DIRECTED BY THE OWNER.
- SUITABLE GRADING MATERIAL SHALL CONSIST OF ALL SOIL ENCOUNTERED ON THE SITE WITH EXCEPTION OF TOPSOIL, DEBRIS, ORGANIC MATERIAL AND OTHER UNSTABLE MATERIAL. STOCKPILE TOPSOIL AND GRANULAR FILL AT LOCATIONS DIRECTED BY CONTRACTOR.
- EXISTING GRANULAR MATERIALS SHALL BE SEGREGATED AND STOCKPILED FOR REUSE ON-SITE.

- CONTRACTOR SHALL STRIP, STOCKPILE AND RE-SPREAD EXISTING ON-SITE TOPSOIL TO PROVIDE A UNIFORM THICKNESS ON ALL DISTURBED AREAS TO BE SODDED OR SEEDED.
- CONTRACTOR SHALL PROVIDE A MINIMUM OF 2 ROWS (3' MIN.) OF SOD BEHIND ALL CURBS.
- SUBGRADE EXCAVATION SHALL BE BACKFILLED IMMEDIATELY AFTER EXCAVATION TO HELP OFFSET ANY STABILITY PROBLEMS DUE TO WATER SEEPAGE OR STEEP SLOPES. WHEN PLACING NEW SURFACE MATERIAL ADJACENT TO EXISTING PAVEMENT, THE EXCAVATION SHALL BE BACKFILLED PROMPTLY TO AVOID UNDERMINING OF THE EXISTING PAVEMENT.
- CONTRACTOR SHALL EXCAVATE DRAINAGE TRENCHES TO FOLLOW PROPOSED STORM SEWER ALIGNMENTS.
- GRADES SHOWN ARE FINISHED GRADES, CONTRACTOR SHALL ROUGH GRADE TO SUBGRADE ELEVATION, LEAVE SITE READY FOR SUBBASE.
- COMPLETION OF SITE GRADING OPERATIONS SHALL RESULT IN ALL AREAS BEING GRADED TO 'PLAN SUBGRADE ELEVATION'. BUILDING PAD AREAS SHALL BE DETERMINED BY REFERRING TO THE ARCHITECTURAL DRAWINGS. THE PARKING LOT AND DRIVEWAY AREAS SHALL BE DETERMINED BY REFERRING TO THE SITE PLAN AND PAVEMENT SECTION DETAILS FOR LOCATION AND LIMITS OF BITUMINOUS PAVEMENT SECTIONS.
- FINAL GRADING TOLERANCES ARE ± 0.1 FEET OF PLAN GRADES.
- ALL EXCESS MATERIAL, BITUMINOUS SURFACING, CONCRETE ITEMS, ANY ABANDONED UTILITY ITEMS, AND OTHER UNSTABLE MATERIALS SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OFF THE CONSTRUCTION SITE.
- CONTRACTOR IS RESPONSIBLE FOR GRADING AND SLOPING THE FINISHED GROUND SURFACE TO PROVIDE SMOOTH & UNIFORM SLOPES, WHICH PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS AND PREVENT PONDING IN LOWER AREAS. CONTACT ARCHITECT IF FIELD ADJUSTMENTS TO GRADING PLANS ARE REQUIRED.
- UNDER PAVEMENTS COMPACT THE UPPER THREE FEET OF SUBGRADE TO 100% STANDARD PROCTOR DENSITY AT OPTIMUM MOISTURE CONTENT AND 95% STANDARD PROCTOR DENSITY BELOW THE UPPER THREE FEET OF SUBGRADE. OUTSIDE OF PAVEMENT AREAS COMPACT EMBANKMENTS TO 95% STANDARD PROCTOR DENSITY.

- TURF RESTORATION IS SEEDING IN ACCORDANCE WITH MNDOT 3876, SEED IS MIXTURE 90B AT 50 POUNDS PER ACRE, TYPE 1 MULCH AT 90% COVERAGE WITH DISC ANCHOR. WETLAND SEEDING IS MNDOT MIXTURE 25B AT 25 POUNDS PER ACRE, UPLAND BUFFER IS MNDOT 5B AT 30 POUNDS PER ACRE, WITH FIBER BLANKET. (INSTALL ONLY WHERE GROUND IS DISTURBED) ALL SEEDED AREAS ARE TO RECEIVE TYPE 1 MULCH AND DISC ANCHOR OR FIBER BLANKET.
- SLOPES AT 3:1 OR STEEPER, AND/OR WHERE INDICATED ON THE PLANS SHALL BE SEEDED AND HAVE A WOOD FIBER BLANKET INSTALLED OR MAY BE HYDROSEEDED WITH TACKIFIER MULCH.
- NORMAL WATER ELEVATION IS AN ENGINEERING TERM RELATED TO THE VOLUMETRIC CAPACITY / OR HYDRAULIC OPERATION OF A PONDING AREA. IT DOES NOT IMPLY A TYPICAL SURFACE ELEVATION WITHIN THE PONDING AREA, OR THAT WATER WILL BE RETAINED IN THE PONDING AREA ON A NORMAL BASIS.

HARRISS
ARCHITECTS

Civil and Landscape

EOR

651 Hale Ave. North
Oakdale, MN 55128
www.eorinc.com
PHONE: 651.770.8448



MEP Engineering

Structural Engineer

**THE CREEK IN
MINNETONKA**
**DETAILED MANAGEMENT
COMPANY**
MINNETONKA BLVD & HWY 169
MINNETONKA, MN 55305

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the Laws of the State of Minnesota.

Signature: Jay R. Hill
Print Names: Jay R. Hill
Date: 12/02/13 License No: 24552

ISSUE DATE

MAIN DATE DESCRIPTION

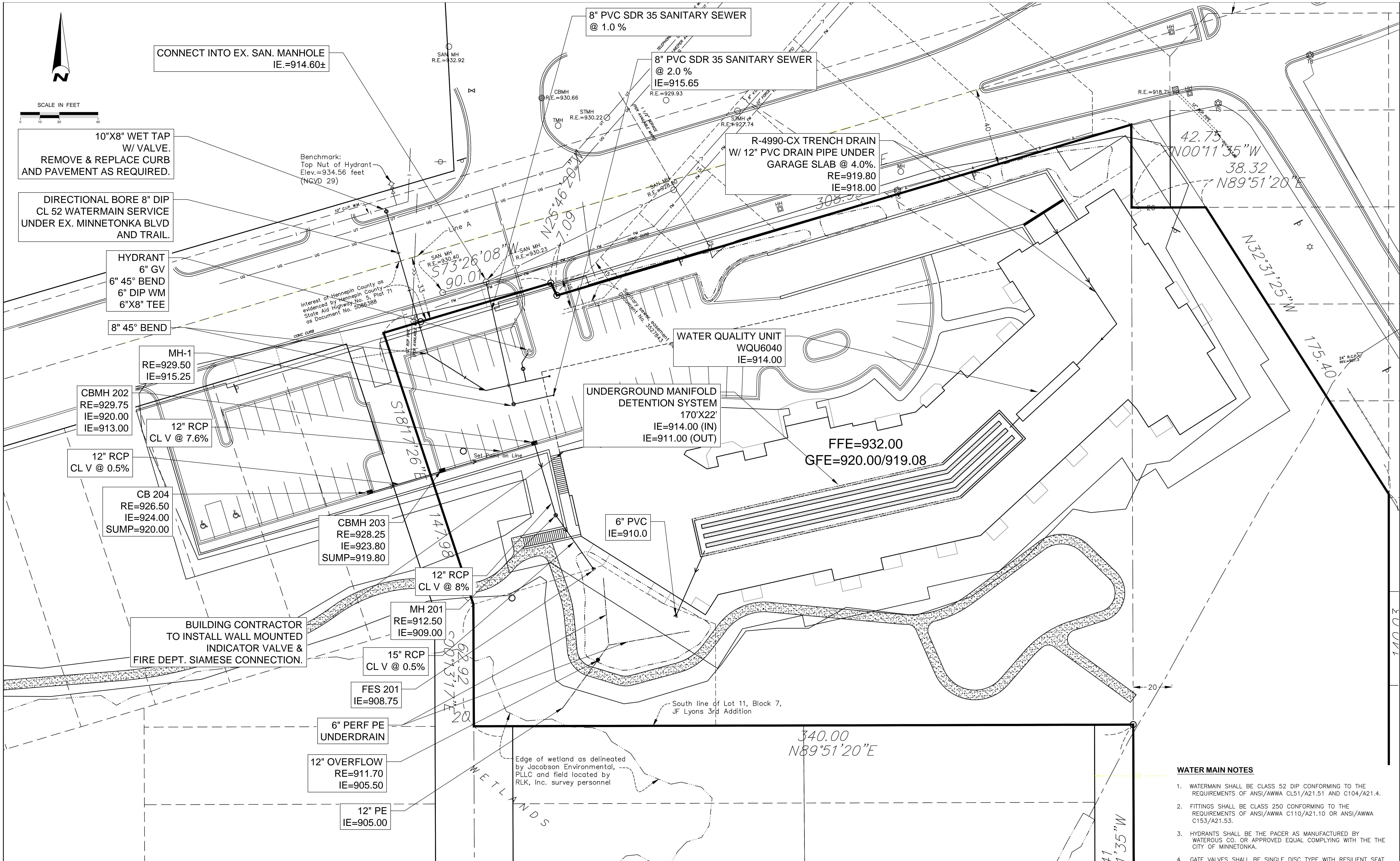
PROJECT NO. 01124-0001

PROJECT PHASE CITY SUBMITTAL

DRAWN BY: JRH CHECKED BY: DRL

**GRADING &
EROSION
CONTROL PLAN**

C500



STORMWATER POLLUTION PREVENTION PLAN

PROJECT DESCRIPTION

The project purpose is to provide stormwater management for The Creek in Minnetonka in the City of Minnetonka, Minnesota. EOR project # 0114-0001 consists of utility, parking lot, and building construction.

RECEIVING WATERS

Stormwater from this project will sheet flow into the existing vegetated ditches, before collected and conveyed (via new storm sewer) into an unnamed ditch. This project does not increase impervious surface and does not require additional stormwater treatment.

SPECIAL OR IMPAIRED WATERS (APPENDIX A)

No special or impaired waters exist with one mile of any project discharge points. Appendix A requirements do not apply to this project.

RESPONSIBLE PARTIES:

XXXX (Permitted Owner), and the Contractor (Site Operator), are responsible for the implementation of the SWPPP and all requirements of the NPDES Permit Construction Stormwater General Permit. The Contractor is responsible for installations, inspections, maintenance and repairs of all erosion prevention and sediment control BMP's before, during, and after active construction. MnDOT District #3 is responsible for the long-term operation and maintenance of all permanent stormwater management systems. The contractor is liable until final stabilization of all disturbed areas has been achieved, all synthetic BMP's have been removed, and the Permit Modification form has been submitted to the MPCA.

PROJECT OWNER	LONG TERM MAINTENANCE	PROJECT CONTRACTOR
Name	Name	Contractor to be determined.
Address	Address	NPDES Permit Modification form
Contact Number	Contact Number	within 7 days of the selection of
email	email	contractor.

INSPECTION AND RECORD KEEPING

The Contractor must assign a trained individual(s) (pursuant to Part III.A.1-2) to oversee the implementation, amendment, inspection, and maintenance of the SWPPP and BMP's. This individual(s) must be available for site inspections within 72 hours upon request by the Permitted Owner, LGU, or the MPCA. Amendments to the SWPPP will be made by the Project Engineer or the contractor after written approval by the Project Engineer.

PROJECT SEQUENCING DATES:

Project start date:

Final completion date:

IMPERVIOUS SURFACE AND DISTURBED AREA:

Total disturbed Area = 2.13 ACRES

Post-construction impervious Area = 1.44 ACRES

Pre-construction impervious Area = 0.11 ACRES

Net increase in impervious Area = 1.33 ACRES

MISCELLANEOUS EROSION CONTROL NOTES:

Construction shall be governed by the MnDOT spec. book, special provisions, amendments, project specifications, and detail plates. The contractor shall keep the inspection and maintenance log on-site at all times during active construction. Permits and maps relating to this project SWPPP can be found in the project manual.

BMP NOTES;

1. BMP's must be adequately designed, installed, and maintained to prevent erosion and sediment from a minimum 0.5 inch rainfall.
2. Silt fence is not an acceptable catch basin inlet protection BMP.
3. Contractor shall submit a location map and narrative for rock construction entrances (or equivalent), concrete washout locations, and hazardous material storage (if proposed) to the Project Engineer prior to land disturbance.
4. Contractor shall submit location map and BMP plan for any stock piles proposed on-site (more than 24 hours) for the Project Engineer's approval.
5. Multiple street sweepings may be required at all points of entrance or exit to the site at the discretion of the Project Engineer.

TIMING OF BMP INSTALLATION:

No construction operations, including removals, that require erosion & sediment control per SWPPP can commence until the erosion control supervisor certifies the proper installation of BMP's. The Erosion Prevention and Sediment Control BMP's shall be installed as necessary to minimize erosion from disturbed surfaces and to capture sediment on site. Perimeter controls (silt fence, construction entrances, etc.) shall be installed prior to the start of construction. Contractor shall implement the necessary on site BMP's in accordance with the NPDES permit requirements to prevent nuisance conditions (MN Rules 7050.2010) from any discharges under coverage of the NPDES permit. In some cases multiple applications of some BMP's may be needed to meet these requirements.

CONSTRUCTION SEQUENCING

1. Contractor to verify that all applicable permits have been obtained and NPDES permit modification form has been submitted to MPCA prior to the start of construction.
2. Contractor shall develop a chain of command with all operators on the site to ensure the SWPPP will be implemented and stay in effect until the project is complete.
3. Permittee(s) must plan for and implement appropriate construction phasing, vegetative buffer strips, horizontal slope grading, and other construction practices that minimize erosion, so that the inspection and maintenance requirements of the NPDES construction permit are complied with. The location of areas not to be disturbed (including tree protection fencing) must be delineated (e.g. with flags, stakes, signs, silt fence, orange tree protection fence, etc.) on the project site before work begins .
4. Sediment control practices must be established on all down gradient perimeters before any up gradient land disturbing activities begin. These practices shall remain in place until Final Stabilization is achieved.
5. Contractor to rough grade site and install utilities, then install and maintain all temporary/permanent erosion control BMPs as shown on plans and in conformance with the NPDES construction permit.
6. Contractor to achieve Final Stabilization prior to submission of the Notice Of Termination to the MPCA.

DEWATERING AND BASIN DRAINING



In the event dewatering or basin draining is required, the contractor shall submit a dewatering plan to the Project Engineer for approval prior to undertaking these activities. Dewatering plan must include BMPs to prevent sediment transport, erosion, and adverse impacts to downstream waters. If an approved TMDL Waste Load Allocation is established for construction activities on a receiving waterbody, the contractor must implement all necessary BMPs to meet the assigned Waste Load Allocation. The dewatering plan and DNR appropriations permit will become part of the SWPPP.

POLLUTION PREVENTION MANAGEMENT MEASURES

1. Solid waste (collected sediment, asphalt, concrete millings, construction and demolition debris) and other wastes must be disposed of properly and must comply with MPCA disposal requirements.
2. Truck and construction vehicle washing is prohibited on site.
3. Concrete washout onsite: Contractors and site operators must submit a concrete washout plan to the Project Engineer for approval. Slurry must be contained in a leak-proof containment facility or impermeable liner. The approved plan will be incorporated into the SWPPP.
4. Hazardous Materials (oil, gas, paints, lubricants, etc.) must be properly stored, including secondary containment and restricted access. Storage and disposal of hazardous waste must be in compliance with MPCA regulations. Temporary on-site storage devices, specifications, and locations must be submitted by the contractor for review and approval by the Project Engineer.
5. No burning of trees, brush, or other vegetative material is allowed within the project area.

SWPPP REQUIREMENTS - LOCATION IN CONSTRUCTION DOCUMENTS		
DESCRIPTION	LOCATION	TITLE
SURFACE WATER RUNOFF ROUTING	PLANS	DRAINAGE AND GRADING PLAN
RECEIVING WATERS		
TEMP./PERMANENT EROSION CONTROL		
EROSION CONTROL BMP DETAILS		
SWPPP QUANTITIES		
DEMOLITION AND REMOVALS		
DRAINAGE STRUCTURES		
CONSTRUCTION LIMITS		
EXISTING AND PROPOSED GRADES		

CONTACT INFORMATION			
AGENCY	PERMIT	NAME	PHONE
MPCA	NPDES	DRAINAGE AND GRADING PLAN	651-444-4444
STATE DUTY OFFICER			
PROJECT ENGINEER			
SWPPP DESIGNER			
EROSION CONTROL SUPERVISOR			
EROSION CONTROL INSPECTOR			

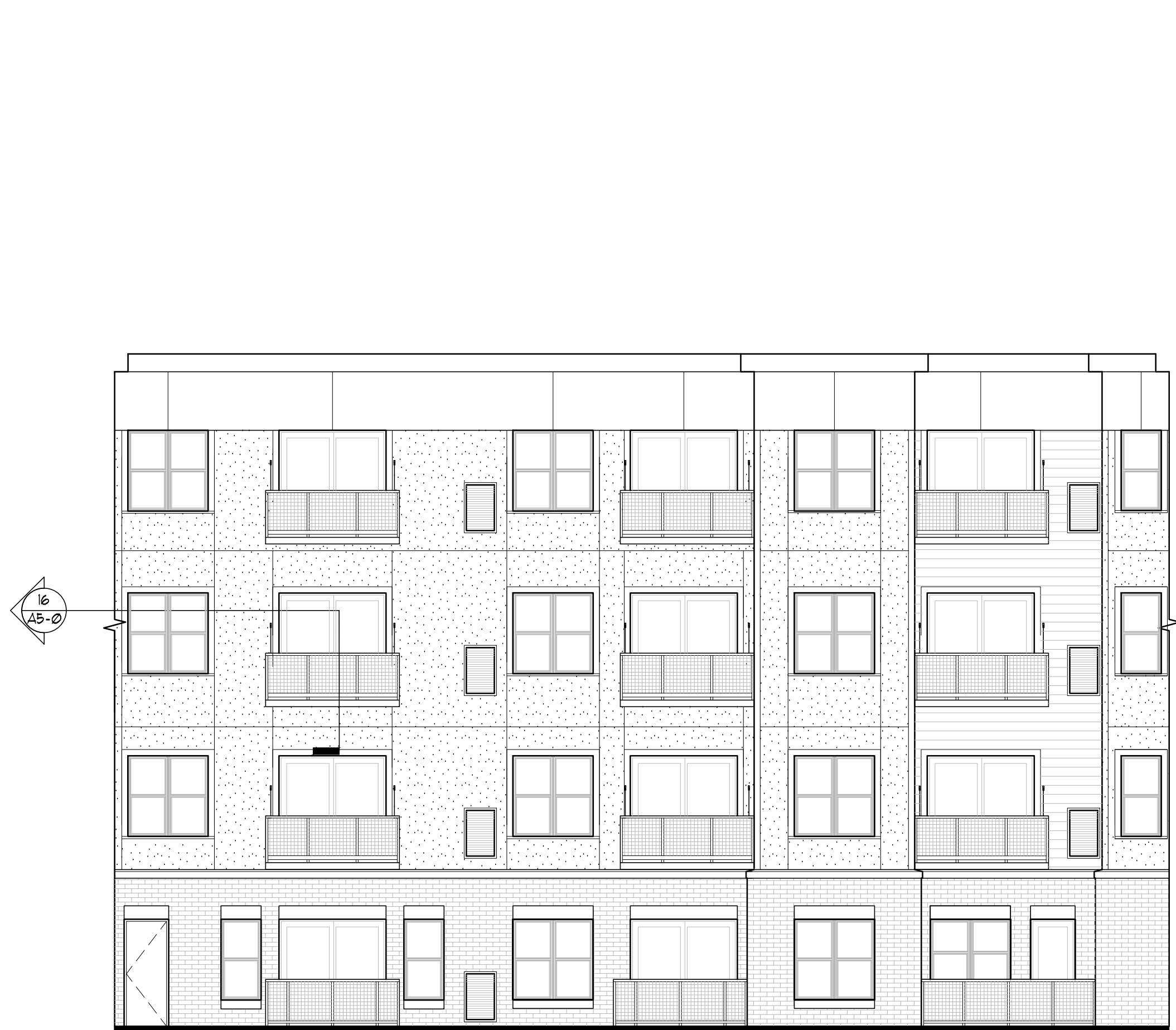
	
Civil and Landscape EOR	
 651 Hale Ave. North Chandlerville, MN 55128 www.eorinc.com PHONE: 651.770.8448	
MEP Engineering	
Structural Engineer	
<div>THE CREEK IN MINNETONKA DETAILED MANAGEMENT COMPANY MINNETONKA BLVD & HWY 169 MINNETONKA, MN 55305</div>	
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the Laws of the State of Minnesota.	
Signature: _____ Print Names: Jay R. Hill _____ Date: 12/02/13 License No: 24552 _____	
ISSUE / DATE	
MARK	DATE
PROJECT NO.	DESCRIPTION
	01124-0001
PROJECT PHASE	
	CITY SUBMITTAL
DRAWN BY:	CHECKED BY:
JRH	DRL
SWPPP	
C700	



5 EXTERIOR ELEVATION
A3-0 SCALE: 1/8" = 1'-0" 3300-ELEV-EXT

4 EXTERIOR ELEVATION
A3-0 SCALE: 1/8" = 1'-0" 3300-ELEV-EXT

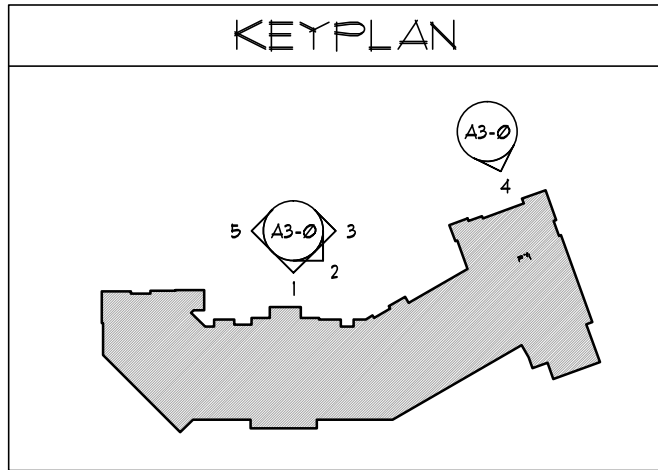
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A3-0 SCALE: 1/8" = 1'-0" 3300-ELEV-EXT



2 EXTERIOR ELEVATION
A3-0 SCALE: 1/8" = 1'-0" 3300-ELEV-EXT



1 EXTERIOR ELEVATION
A3-0 SCALE: 1/8" = 1'-0" 3300-ELEV-EXT



HARRISS ARCHITECTS

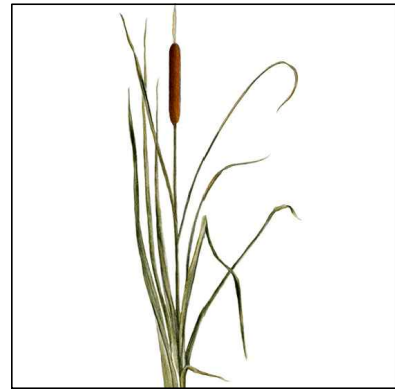
3207 Central Avenue NE
Minneapolis, MN 55418

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

DATE: 11/28/2013

REGISTRATION NO: 22603

X JOHN H. HARRISS, AIA



TONKA
ON THE CREEK

DESIGN
DEVELOPMENT
PRICING SET

EXTERIOR
ELEVATIONS

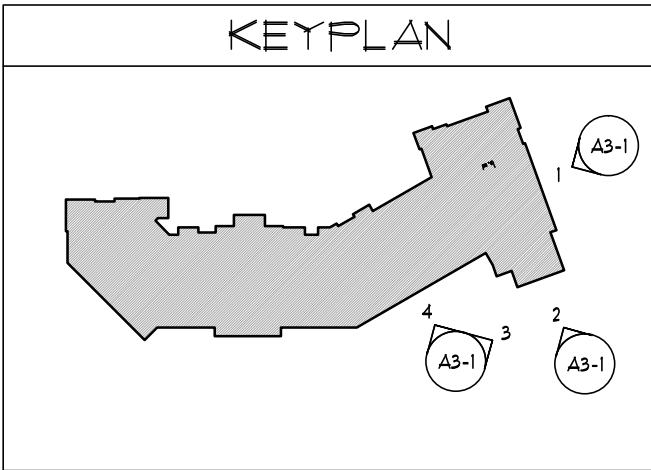
DATE: 11/28/2013

REVISIONS

#	DATE	INFORMATION

A3-0

PROJECT NUMBER 3300



**HARRISS
ARCHITECTS**

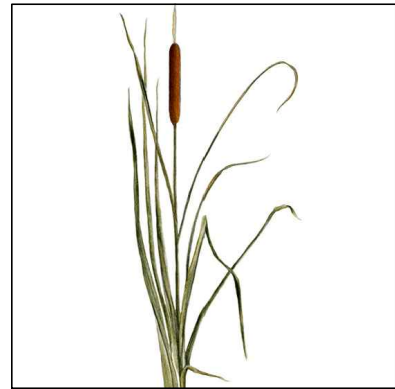
3207 Central Avenue NE
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UNDER THE LAWS OF THE STATE OF
MINNESOTA

DATE: 11/28/2013

REGISTRATION NO: 22603

X _____
JOHN H. HARRISS, AIA



TONKA
ON THE CREEK

DESIGN
DEVELOPMENT
PRICING SET

EXTERIOR
ELEVATIONS

DATE: 11/28/2013

REVISIONS		
#	DATE	INFORMATION

A3-1

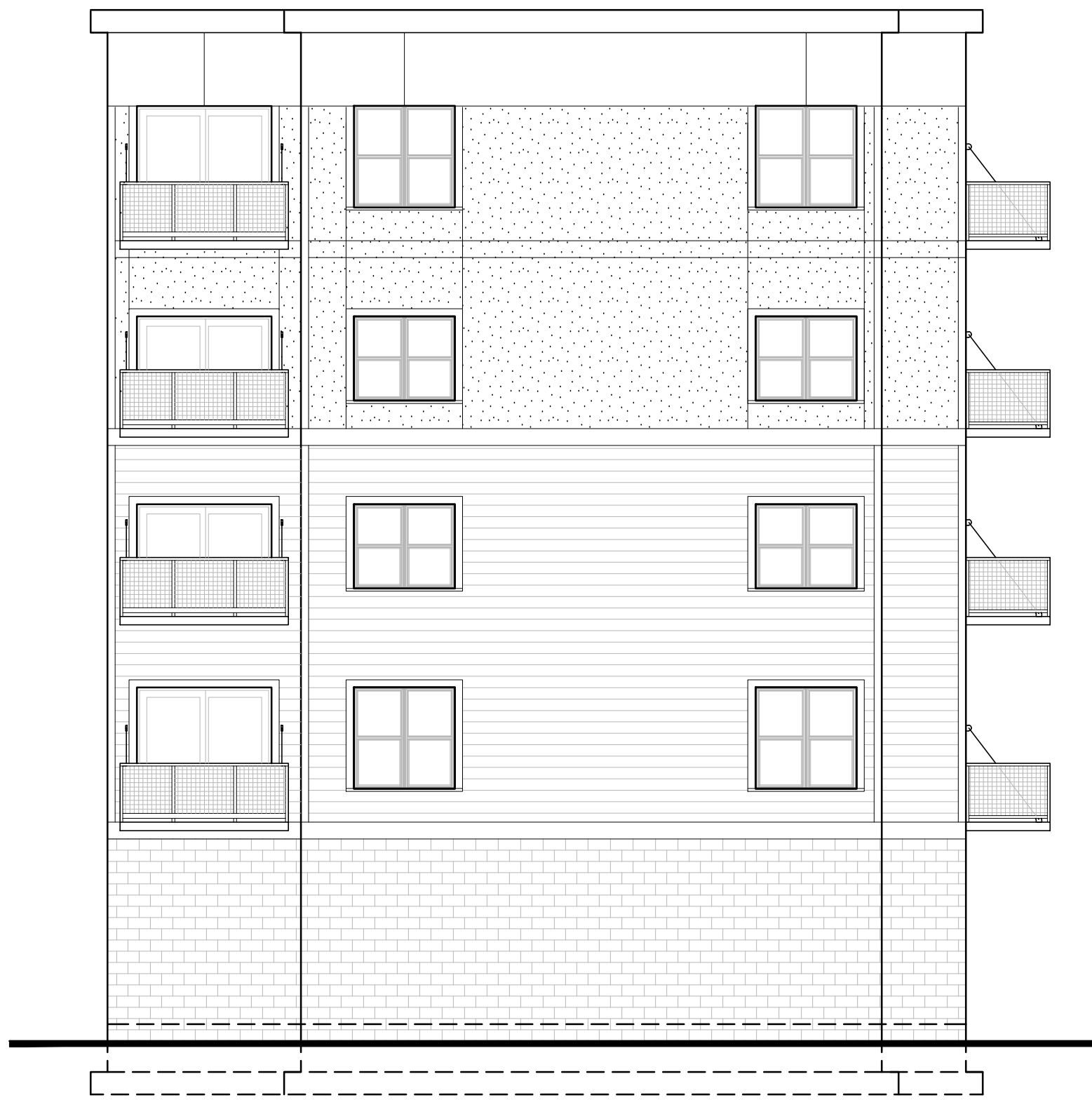
PROJECT NUMBER 3300



4 EXTERIOR ELEVATION
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3300-ELEV-EXT



3 EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"
3300-ELEV-EXT



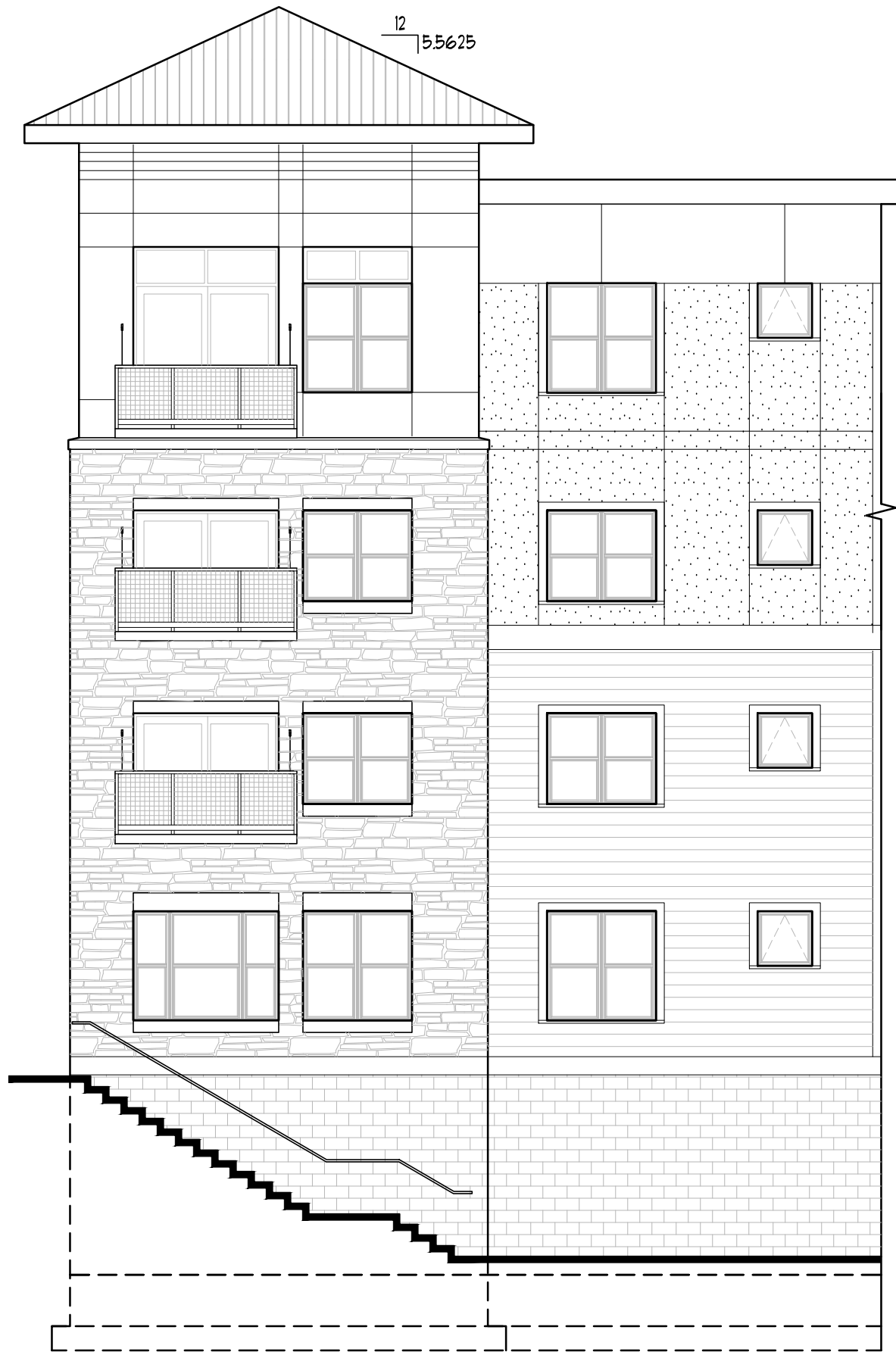
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SCALE: 1/8" = 1'-0"
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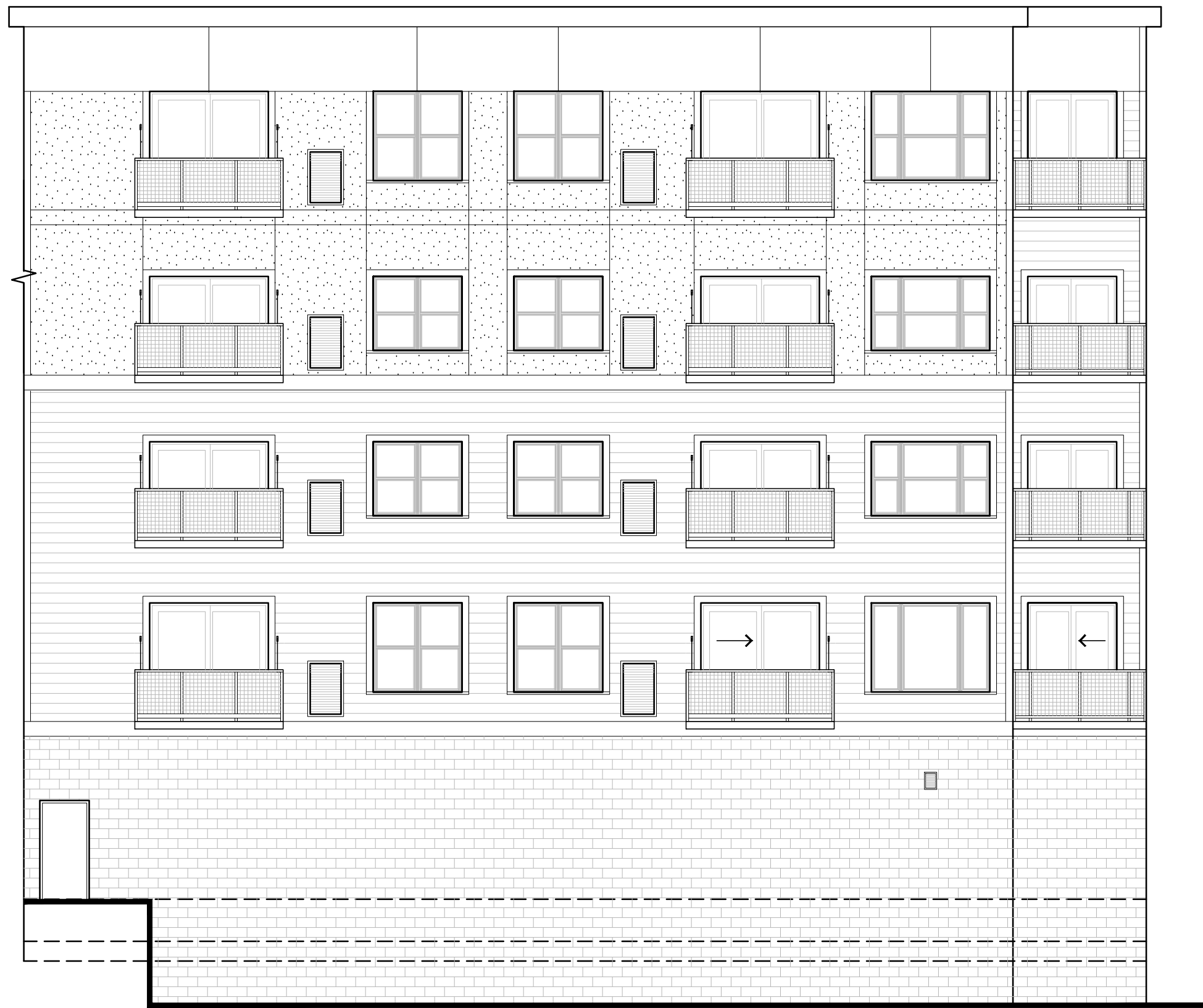
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SCALE: 1/8" = 1'-0"
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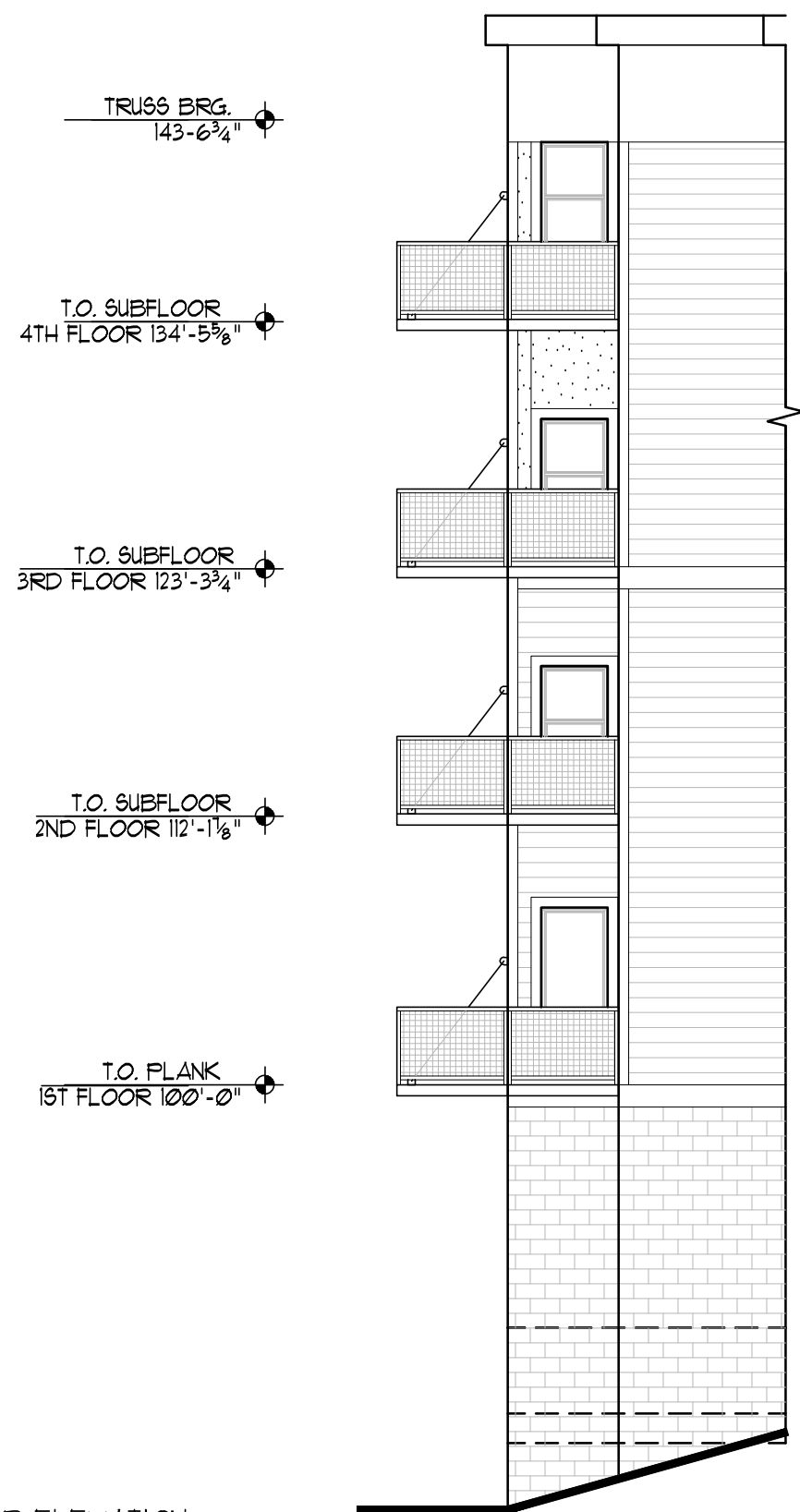
5 EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"
3300-ELEV-EXT



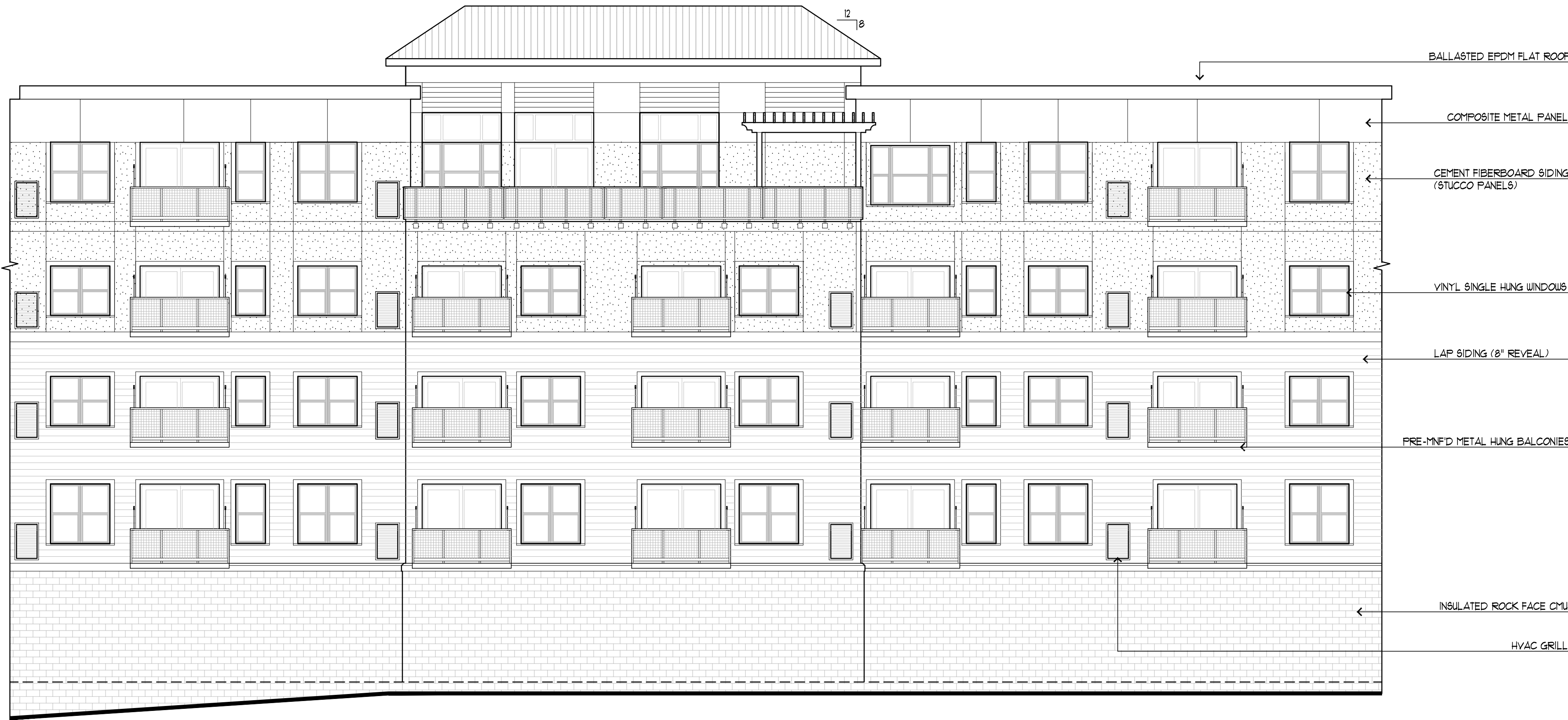
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3300-ELEV-EXT



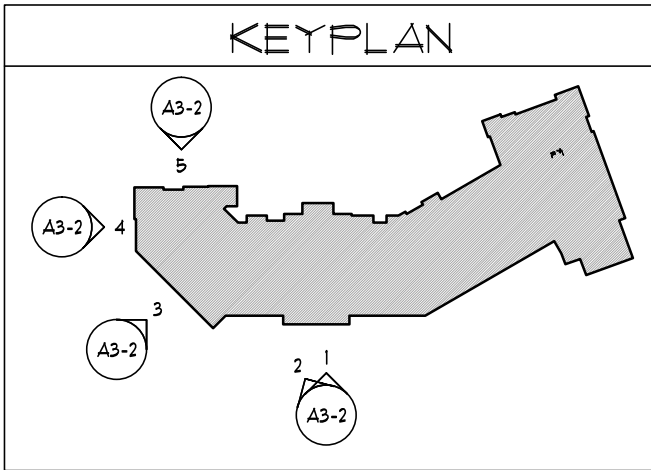
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SCALE: 1/8" = 1'-0"
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SCALE: 1/8" = 1'-0"
3300-ELEV-EXT



1 EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"
3300-ELEV-EXT A11



HARRISS ARCHITECTS

3207 Central Avenue NE
Minneapolis, MN 55418

I HEREBY CERTIFY THAT THIS PLAN,
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A DULY REGISTERED ARCHITECT
UNDER THE LAWS OF THE STATE OF
MINNESOTA

DATE: 11/28/2013

REGISTRATION NO: 22603

X JOHN H. HARRISS, AIA



TONKA
ON THE CREEK

DESIGN
DEVELOPMENT
PRICING SET

EXTERIOR
ELEVATIONS

DATE: 11/28/2013

REVISIONS

#	DATE	INFORMATION

A3-2

PROJECT NUMBER 3300

#09005.13a



EXTERIOR RENDERING FROM MINNETONKA BOULEVARD

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ORDINANCE NO. 2014-

**ORDINANCE REZONING THE EXISTING PROPERTY AT
9731 MINNETONKA BOULEVARD TO PUD, PLANNED UNIT DEVELOPMENT,
AND ADOPTING A MASTER DEVELOPMENT PLAN**

The City Of Minnetonka Ordains:

Section 1.

1. 01 The property at 9731 Minnetonka Boulevard is hereby rezone from R-1, B-2, and B-3 to PUD, planned unit development.
- 1.02 The property is legally described in EXHIBIT A.

Section 2.

- 2.01 This ordinance is based on the following findings:
1. The rezoning would be consistent with the intent of the zoning ordinance and of the comprehensive plan.
 2. The rezoning would be consistent with the public health, safety, and welfare.

Section 3.

- 3.01 Approval is subject to the following conditions:
1. The site must be developed and maintained in substantial conformance with the following plans unless modified by the conditions below:
 - Preliminary plat, date-stamped December 4, 2013

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

- Site plan, dated November 28, 2013
- Grading and erosion control plan, dated December 2, 2013
- Utility plan, dated December 2, 2013
- Landscape plan, dated December 2, 2013
- Building elevations, dated November 28, 2013

The above plans are hereby adopted as the master development plan and as final site and building plans.

2. Development must further comply with all conditions as outlined in City Council Resolution No. 2014-xxx, adopted by the Minnetonka City Council on January 27, 2014.

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

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on January 27, 2014.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction:

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

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

Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on January 27, 2014.

David E. Maeda, City Clerk

Date:

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

LEGAL DESCRIPTION:

Lots 5, 6, 7, 8, 9, 10 and 11, Block 7, J.F. Lyons 3rd Addition, except all that part of said Lots 5, 6 and 7 lying northerly of a line parallel with and 40.00 feet Southerly of and measured at right angles to the following described Line A:

Line A: Commencing at the East Quarter corner of Section 13, Township 117, Range 22; thence South 89 degrees, 57 minutes, 00 seconds East a distance of 498.0 feet; thence North 36 degrees, 43 minutes, 00 seconds West a distance of 739.30 feet; thence on a bearing of North a distance of 730.40 feet to the point of beginning of Line A to be described; thence South 73 degrees, 08 minutes, 00 seconds West a distance of 800.0 feet and said Line "A" there terminating, which was taken by the County of Hennepin in Partial Final Certificate dated May 12, 1967, filed May 17, 1967, as Document No. 3655549.

Lots 52, 53, 54 and 55, Block 7, J.F. Lyons 3rd Addition, together with that portion of the West half of "H" Street, vacated by Resolution No. 69-2156 adopted June 9, 1969, filed July 31, 1969, as Document No. 3787064 (Abstract), and filed August 28, 1969, as Document No. 951480 (Torrens), that accrued thereto by reason of said vacation.

Those parts of Lots 1, 2, 3 and 4, Block 7, J.F. Lyons 3rd Addition lying Southerly of a line drawn parallel with and 40.0 feet Southerly of and measured at right angles to the following described Line "A":

Line A: Commencing at the East Quarter corner of Section 13, Township 117, Range 22; thence South 89 degrees, 57 minutes, 00 seconds East a distance of 498.0 feet; thence North 36 degrees, 43 minutes, 00 seconds West a distance of 739.30 feet; thence on a bearing of North a distance of 730.40 feet to the point of beginning of Line A to be described; thence South 73 degrees, 08 minutes, 00 seconds West a distance of 800.0 feet and said Line "A" there terminating. For the purpose of this description the East line of the Northeast Quarter of aforesaid Section 13 shall be an assumed North Line.

Together with that portion of the West half of "H" Street, vacated by Resolution No. 69-2156 adopted June 9, 1969, filed July 31, 1969, as Document No. 3787064 (Abstract), and filed August 28, 1969, as Document No. 951480 (Torrens), that accrued thereto by reason of said vacation.

Lot 56, Block 7, J.F. Lyons 3rd Addition. Together with all right of access being the right of ingress to and egress from County State Aid Highway No. 5 over the following described tract:

All that part of Lots 3 and 4, Block 7, J.F. Lyons 3rd Addition, which lies Southerly of County State Aid Highway No. 5 and Westerly of the following described line and its Southeasterly extension:

Beginning at the most Southerly corner of said Lot 3; thence Northwesterly along the Southeasterly line of said Lot 3 a distance of 20.0 feet to the actual point of beginning of the line to be described; thence

Northwesterly to the most Westerly corner of said Lot 3 and there terminating, as conveyed in Deed of Appurtenant Easement dated October 10, 1967, filed October 17, 1967, as Document No. 890678. Together with that portion of the West Half of "H" Street, vacated by Resolution No. 69-2156 adopted June 9, 1969, filed July 31, 1969, as Document No. 3787064 (Abstract), and filed August 28, 1969, as Document No. 951480 (Torrens), that accrued thereto by reason of said vacation.

That portion of the East Half of Gaynor Street lying Northerly of the Westerly extension of the South line of Lot 11, Block 7, J.F. Lyons 3rd Addition, vacated by Resolution No. _____ adopted _____, filed _____, as Document No. _____ (Abstract), and filed _____ as Document No. _____ (Torrens).

Those portions of Block 8 and vacated "H" Street, all in J. F. LYONS 3RD ADDITION, according to the plat thereof and of record in the County Recorder in and for Hennepin County, Minnesota, described as follows:

Lots 26 and 27 and Lots 54 through 59 inclusive, said Block 8;

Those portions of Lots 24 and 25, and Lots 60, 61 and 62, said Block 8, lying southwesterly and westerly of a line described as commencing at the southeast corner of the Northeast Quarter of Section 13, Township 117, Range 22, Hennepin County, Minnesota; thence on an assumed bearing of North 00 degrees 07 minutes 44 seconds West along the east line of said Northeast Quarter to the intersection with a line bearing South 73 degrees 00 minutes 16 seconds West from a point on said east line, hereinafter referred to as Point "A", distant 1263.81 feet northerly of said southeast corner of the Northeast Quarter; thence South 73 degrees 00 minutes 16 seconds West a distance of 268.21 feet to the actual point of beginning of the line to be described; thence South 32 degrees 57 minutes 21 seconds East a distance of 232.30 feet; thence southeasterly along a tangential curve, concave to the southwest, having a radius of 1085.92 feet to the east line of said Lot 25; thence southerly along said east line to the southeast corner of said Lot 25 and there terminating;

That part of said vacated "H" Street, lying easterly of the centerline of said vacated "H" street and which lies between the westerly extension of the south line of said Lot 60, Block 8 to the centerline of said vacated "H" Street and a line described as beginning at the intersection of said centerline of vacated "H" Street with a line bearing South 73 degrees 00 minutes 16 seconds West from said Point "A"; thence North 73 degrees 00 minutes 16 seconds East to a point distant 268.21 feet southwesterly from said Point "A"; thence South 32 degrees 57 minutes 21 seconds East to the west line of said Block 8 and there terminating.