Ordinance No. 2017-15

An ordinance rezoning the property located at 4312 Shady Oak Road

The City of Minnetonka Ordains:

Section 1.

1.01 This ordinance hereby rezones the properties at 4312 Shady Oak Road, and legally described on Exhibit A, from B-2 Commercial to PUD/Planned Unit Development.

1.02 City Code Section 300.22 Subd. 1 allows for planned unit development zoning “...to provide flexibility from certain zoning and subdivision regulations in order to realize public benefits that may not otherwise be achieved through non-PUD development.”

1.03 City Code Section 300.22 Subd. 2 states that, “...PUD zoning may be considered by the city when it would result in one of the following public benefits:

a) Greater preservation of existing natural resources, in number or quality, than would otherwise be provided under non-PUD development;

b) Provision of affordable housing;

c) Provision of a housing type or target housing price that is desirable to the city;

d) A mix of land use types;
e) Development that is compatible with existing, surrounding development type and intensity that is no longer allowed in other existing zoning districts; or

f) Greater energy conservation through building and site design than would otherwise be achieved under non-PUD development;

g) Other public benefits as recognized by the city.

Section 2.

2.01 This action is based on the following findings:

a. The rezoning to PUD would provide the following public benefits:

   (1) A greater protection of natural resources.

      a. The project would remove existing site contamination.

      b. The project would incorporate stormwater management to treat surface water run-off.

      c. The project would increase green space and landscaping on site.

   (2) It would result in the provision of affordable housing and a housing type and price that is desirable to the city.

   (3) As a transition property, the proposed development is compatible with the surrounding development type south along the Shady Oak Road corridor which is represented by a mix of commercial and multi-family residential uses.

b. The rezoning is consistent with the comprehensive guide plan, the Shady Oak Road Study, and intent of the zoning ordinance.

c. The rezoning is consistent with the public health, safety, and welfare.

Section 3.

3.01 Approval is subject to the following conditions:

a. The property must be developed and maintained in substantial conformance with the following plans:
• Preliminary Plat, dated August 24, 2017
• Site Plan, dated August 24, 2017
• Grading Plan, dated August 24, 2017
• Utility Plan, dated August 24, 2017
• Landscape Plan, revised date September 14, 2017
• SWPPP- Proposed Conditions, dated August 24, 2017
• SWPPP- Details, dated August 24, 2017
• Architectural Plans, dated July 24, 2017

The plans outlined above constitute the master development plan for the subject properties.

2. Development must further comply with all conditions outlined in City Council Resolution No. 2017-112, approving the final site and building plans, adopted by the Minnetonka City Council on September 25, 2017.

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 September 25, 2017.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk
Action on this Ordinance:

Date of introduction: August 14, 2017
Date of adoption: September 25, 2017
Motion for adoption: Wagner
Seconded by: Allendorf
Voted in favor of: Wagner, Allendorf, Acomb, Wiersum, Bergstedt, Schneider
Voted against: Ellingson
Abstained:
Absent:
Ordinance adopted.

Date of publication: October 5, 2017

Certified Copy:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on September 25, 2017.

__________________________
David E. Maeda, City Clerk
EXHIBIT A

Lot 19 Block 2, Ginkgo Oakridge Addition

Certificate of Title 1400097

Par 1:
All that portion of the tract or parcel of land described at paragraph "A" below, which lies North of a line drawn parallel to and 200 feet Southernly of the North line thereof and the same extended, as-sets:

Paragraph "A": That portion of the West Half of the Southeast Quarter of Section 23, Township 117, Range 22, described as follows: Starting at the Northeast corner of the Southwest Quarter of the Southeast Quarter of said Section; thence South along the East line of the West Half of the Southeast Quarter of said Section; a distance of 300 feet; thence Westerly at right angles to said East line for a distance of 204 feet; thence Northerly along a line parallel to said East line a distance of 600 feet; thence Southerly along a line of right angles to said East line 208 feet to the center line of McGinty Road; thence Southwesterly along the center line of McGinty Road to the East line of the West half of the Southeast Quarter of said Section 23; thence Southerly along said East line 33.9 feet to the point of beginning.

Par 2:
Lot 20, Block 2, Ginkgo Oakridge Addition