



CITY OF SPRING PARK
WORK SESSION AGENDA
JUNE 21, 2022 – 6:00 PM
SPRING PARK CITY HALL

(Work Session discussion times are approximate)

1. 6:00: Discuss Brimeyer Proposal
2. 6:10: Update: The Yacht Club: Public Hearing & Zoning Ordinance
3. 7:00: Adjourn



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
Telephone: 763.957.1100 Website: www.nacplanning.com

PLANNING REPORT

TO: Mike Anderson

FROM: Alan Brixius

DATE: July 7, 2022

RE: The Yacht Club Hotel and Business Suite

- Site and Building Plan Review
- Conditional Use Permits for Hotel, Restaurant and Accessory Outdoor Dining

FILE NO: 175.01 - 22.01

BACKGROUND

Olsen Global, LLC has submitted concept plans and narrative calling the conversion of the existing Lake Minnetonka Yacht Club located at 4165 Shoreline Drive into a lakefront boutique hotel. This was reviewed on by the Planning Commission on June 15, 2022. Through this meeting plan and land use issues were identified to be addressed by the applicant. The applicant has subsequently submitted a revised plan renderings and narrative in response to the issues identified at the June, Planning Commission Meeting. This report is an evaluation of the revised concept plan and narrative.

The proposed hotel project includes the following components:

- 26 hotel suites with south facing views
- A 1,440 square foot restaurant with accessory outdoor dining (the existing deck will be utilized). A maximum of 150 seats will be provided (78 indoor and 72 outdoor)
- A yacht Club with 32 seasonal boat slips for members.
- A new sun deck which measures approximately 600 square feet in size
- An “infinity edge” swimming pool which will be available for year-round use
- A “business suite” for collaborative working activities 3200sq. ft.

The 1.47-acre subject site is presently zoned C-4, Office Commercial. The C-4 District was specifically created to accommodate uses which transition between residential uses and more intense uses. The district presently lists “yacht clubs” as a permitted

conditional use but does not however, make an allowance for hotels, restaurants and accessory outdoor dining activities such as that proposed by the applicant.

Prior to taking formal action the applicant's development request, a zoning text amendment to the C-4 District must be processed and approved which makes an allowance for hotels, restaurants and accessory outdoor dining activities. The zoning district amendment will be processed as a separate but contingent action item.

If City Officials approve the C-4 District amendment (to make an allowance for the proposed hotel, restaurant, and accessory outdoor dining activities as conditional uses in the district (subject to various conditions), the following approvals will be necessary:

1. Conditional use permit for hotel use
2. Conditional use permit for restaurant use
3. Conditional use permit for accessory outdoor dining

Attached for reference:

Exhibit A:	Applicant Narrative
Exhibit B:	Site Survey
Exhibit C:	Site Plan
Exhibit D:	Building Perspectives
Exhibit E:	Building Floor Plans
Exhibit F:	Noise Study
Exhibit G:	Truck Maneuvering Diagram

ANALYSIS

Zoning. As previously indicated, the subject site is zoned C-4, Commercial Office which presently does not make an allowance for hotels, restaurants, or accessory outdoor dining activities. In conjunction with this application, a draft Zoning Ordinance amendment has been prepared consideration by the planning commission and City Council, if approved, the amendment makes an allowance for such activities by conditional use permit and subject to various conditions.

The Planning Commission and City Council will need to determine if draft zoning code amendment along with the Applicant's concept plan provides the adequate performance standards to allow the proposed new commercial land uses to compatibly coexist with the existing high density residential use abutting the site.

Approval of the referenced amendment must precede action on the conditional use permit requests which are specific to the subject site.

Hotel Use. The draft Zoning Ordinance amendment would make an allowance for “hotels” in the C-4 District subject to various conditions. The following is a listing of the various conditions which must be satisfied followed by related Staff comments:

- a. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, shall comply with section 42-67 of this Code, and shall be subject to the approval of the City Engineer and/or Hennepin County, as applicable.***

Staff Comment: The subject site is presently accessed via a single, 28-foot-wide curb cut along Shoreline Drive. No site access-related changes are proposed as part of this development application. Thus, the proposed hotel would utilize the existing site access.

The existing curb cut has obstructed views of eastbound traffic. Measures to improve traffic visibility at this location should be pursued. Access-related issues will be subject to comment and recommendation by the City Engineer and/or Hennepin County.

- b. Parking. The site shall provide adequate parking as listed in this subsection. 42-428 (5) (b) and per section 42-67 of this Code. Hotel parking shall not interfere with on-site circulation or other uses sharing the site. The site and related parking and service shall be served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated. Parking requirements are as follows:***

- 1. One space per hotel room and one space per hotel employee.***
- 2. Parking for ancillary uses such as office space, conference rooms shall be calculated per section 42-67 of this Code.***
- 3. At least one parking stall shall be provided for every three boat slips accessory to the hotel.***
- 4. All on-site parking shall meet the design standards of section 42-67 of this Code.***
- 5. The site plan shall illustrate the required disability parking.***

Staff Comment: The Applicant’s 2021 Alta Survey shows 111 off-street parking spaces one of which is reserved for disability parking. The parking lot has been restriped since the survey was prepared, lower the parking count to 103 stalls.

As calculated below, a total of 117 off-street parking spaces are required of the proposed combination of uses:

Use	Ratio	Required Spaces
Hotel (26 rooms)	1 space per room	26
Hotel, Restaurant, Office Housekeeping staff	2 per shift	2
Office (3,966 s.f.)	1 space per 200 s.f.	16
Hotel staff not included in office calculation (1 person)	1 space per employee	1
Restaurant (150 seats)	1 space per 3 seats	50
Front of the house restaurant staff (1 bartender, 6 wait staff, 1 Host)		8
Kitchen (560 s.f.)	1 space per 80 s.f.	7
Boat Slips (20 slips)	1 space per 3 slips	7
Boat Dock Attendant		1
Total		117

The site currently has 103 off-street parking stalls. The site will need to be revised to provide additional disability parking stalls (ADA standards require 4 stalls / 76-100 stall parking lot and 5 stalls / 101-150 stall parking lot). These stalls must be dimension to ADA parking stall standards providing a minimum of 5 foot access lane between the disability stalls. The dimensions of the disability stall will likely reduce the number of available parking stalls on-site.

The Applicant recognizes the parking deficiency in their submitted narrative and suggests that reserving 12 of the boat slips for hotel and restaurant guests would serve as parking stalls (meaning those coming by boat will not be coming by car). Additionally, they claim that the dock and outdoor dining are seasonal uses and are closed during the winter months significantly reducing the needed parking. In review of the Applicant narrative, City Staff does not agree with their contentions. With limited on-site parking we must anticipate peak summertime operations to ensure adequate parking is available. We have received concerns from Lakeview Apartments and Tonka Ventures pertaining to parking leaking on to adjoining properties, as such the site and its uses must demonstrate sufficient parking for peak demand. Additionally, Staff does not agree that the dock slips will reduce on-site parking demand, local examples of restaurants with docks have not illustrated a reduced parking demand.

On-street and/or off-site parking are not available to supplement the required parking for the proposed uses. The on-site parking must be adequate for the peak demand of the uses on the site. The site plan must be revised to illustrate the actual parking stall count after the provision of the required disability stalls.

The restaurant seating shall be reduced to bring the total site into compliance with the City parking requirements.

While parking stalls and drive aisles are established as an existing condition, most of the parking lot is designed with angled parking with a one way circulation pattern. Some of the parking stalls are reliant on a 2 foot overhang over the curb to meet the full 18 foot stall length and others are designed for compact cars (7' x15'). Examination aerial photos and on-site observation demonstrate that the current parking lot striping does accommodate automobiles and full size pickup trucks.

The submitted truck maneuvering diagram (Exhibit G) reveals that semi-trailer truck maneuvering routes on the site may encroach upon curb islands located to the west and northwest of the building. To provide additional maneuvering space for large truck deliveries, the size/configuration of the two row end parking islands which are located in close proximity to the delivery truck route should be reduced in size and/or reconfigured to eliminate potential intrusion.

Concern was expressed for late night noise from restaurant guests in the parking lot near Lakeview Apartments while leaving the site. The applicant has suggested reserving the row of parking along the west edge of the parking lot hotel guests to have the restaurant parking further away from the apartments.

c. The hotel site plan shall illustrate all outdoor activity areas and amenities accessory to the hotel. Outdoor activity areas shall be designed to screen these areas from adjoining residential properties. Outdoor activity areas may be located within the required shoreland setback provided:

- 1. The site meets the lot coverage requirements of subsection 42-429 (5) of this Code.**

Staff Comment: Section 42-429 (5) of the Zoning Ordinance establishes an impervious surface coverage standard not to exceed 75 percent of the total lot area. This standard may be exceeded if the site can demonstrate at all structures, additions or expansions meet required setbacks and include improvements to reduce the rate of runoff directly to public waters and will provide some retention and treatment of storm water from the development. Storm water plans are reviewed and approved by the City Engineer and the Lake Minnetonka Conservation District.

The submitted plans do not indicate either the existing impervious surface coverage percentage upon the site or the percentage proposed as part of the current development proposal. As a condition of conditional use permit approval, the Applicant shall provide a hard cover calculation in the

current site and with the proposed site improvements. Grading, drainage and storm water management plans may be required for improvements beyond existing conditions. Compliance with this requirement must be documented by the applicant.

Sun Deck.

The revised rendering has relocated and reduced the size of the sundeck from the original concept plan. The recent submission is proposing a 600 sq. ft. (50' x 12') sun deck located immediately south of the outdoor dining area. The new renderings also expand the deck around the pool. The new location and the reduced size of the sun deck is positive in the following ways.

1. The new location moves sun deck away from the Edgewater apartments and uses the site topography and a screen wall to reduce its visibility from the apartments.
2. The new location removes the sun deck from a very steep sloped area of the site.
3. The new location reduces the amount of tree removal need to the sun deck. The preservation of the existing mature tree cover maintains the existing vegetative screening between the Yacht Club and the Edgewater Apartments.

Staff Comment: Through the initial Planning Commission meeting issue were raised over the sun deck related to operations. Will the sun deck be open to people other than hotel guests? Will the sun deck have dining and drinking services? Should the sun deck seating be counted as outdoor dining and provide additional parking?

The applicant's narrative indicates that the pool and pool deck will be expanded and will be exclusively for hotel guests and co-working member and marina members. Access to this area will be available by way of a key card wristband.

While the pool deck area will have restricted access, the applicant has not defined the use of the 600 sq. ft. sundeck. The rendering shows the new sun deck to be an extension of the outdoor dining area. While 10 lounge chairs are shown this area; it has the potential to be an expanded dining and drinking area that would increase the customer capacity of the restaurant and the on-site parking demand. This presents an issue for on-site parking.

The rendering showing the expanded pool deck, and lounge chairs along the beach, raises the question as to the need for and/or intended purpose of the new 600 sq. ft. sun deck.

The Planning Commission should provide feedback to the applicant regarding the acceptability of the sun deck's size and location. If the Commission shares the above highlighted concerns and believes the sun deck should be subject to further evaluation, Staff recommends that the following additional information be provided prior to conditional use permit approval:

1. The Applicant shall describe the intended use and purpose of the new sun deck. If the new sun deck is intended for use by the general public or extension of the restaurant use then the area of the sun deck must be calculated into the required on-site parking.
 2. The sun and pool deck maintain a minimum 10-foot setback from the ordinary high water level of Lake Minnetonka. The reduced structure setback is subject to comment by MNDNR.
 3. The applicant shall submit detailed construction plans for the proposed sun deck, including, but not limited to deck design, materials, site grading, slope stabilization and vegetive removal and tree preservation efforts.
 4. The sun deck must have a design and materials which allows for the passage of water. The ground under the deck must allow for absorption or retention and treatment of stormwater. A site grading drainage plan will be subject to review of the City Engineer and Minnehaha Watershed district.
- 2. *Outdoor activity areas are designed and located to screen these areas from adjoining residential uses.***

Staff Comment: Outdoor activity areas on the site include the sun deck, the outdoor dining area, the infinity pool.

Recognizing that residential uses border the subject site to the west, proper screening along the subject site's west property line is of the utmost importance.

The west side of the site is presently screened via mature oak trees, a row of Pine trees and fencing. The applicant rendering is proposing to add a row of American Pillar – Thuja Arborvitae along the west edge of the parking lot. This species of Arborvitae is a fast growing tree (up to 3' per

year after the first year planted) reaching mature height of 25 to 30 feet. These proposed planting are intended to supplement the existing trees and fence in screening the parking lot and outdoor activity areas. Planted at 3 feet on center these trees can be an effective screen. The applicant shall provide a landscape plan that accurately identifies how and where these new trees will be install and how the new plantings will not interfere or damage the existing trees in this area of the site.

The renderings show a retaining wall between the outdoor dining area and sun deck and the west parking lot. This wall has the outdoor activities below the parking lot elevation further screening the outdoor activity areas from the Edgewater apartments.

3. *The hotel shall demonstrate accessible points of access to all accessory outdoor activity areas including docks accessory to the hotel.*

The applicant has indicated that all access to the restaurant, deck will be through the building. There is an existing elevator to provide disability access. There is an additional outdoor lift and a ramp to span the remaining distance to the docks

The rendering does not show the outdoor lift or sidewalk to the parking lot. If this is being provided it must be illustrated on a detailed site plan. As a condition of building permit issuance, all applicable American Disability Act (ADA) requirements will need to be satisfied.

4. *Docks accessory to the hotel shall be permitted by the Lake Minnetonka Conservation District.*

Staff Comment: The site currently has 32 seasonal dock slips. The Applicant wish convert 12 of the slips to transient use for use by the restaurant and Hotel. If approved by the LMCD, 4 of the transient slips will be reserved for hotel guests. This raises the issue of boat trailer storage for hotel guests bringing their boat to the hotel. The applicant's narrative indicates that: "Those hotel guests who trailer their boats and stay at the hotel would launch their boat at the designated boat launch and obtain parking for their trailer in a designated overnight trailer parking. Olson Global has located a local auto body and marine business that is willing to provide valet parking and overnight storage for hotel guests who could benefit from such a service."

With the limited amount of parking the need for off-site trailer parking is needed. The Applicant shall provide a written agreement with the

proposed off-site trailer storage sites to verify this is service is in place. Additionally, the City shall review the proposed storage site to determine if the trailer storage locations are permitted and meet the current zoning regulations.

As a condition of conditional use permit approval, all docks associated with the proposed hotel, restaurant and seasonal use must be subject to review and approval by the Lake Minnetonka Conservation District.

- 5. All trash, recycling handling equipment shall be stored within the principal building or within a trash enclosure that screens the equipment from public streets and adjoining properties.***

Staff Comment: According to the submitted site plan, a gated, exterior trash handling area presently exists at the at the northwest corner of the building. No changes to the existing trash handling area are proposed.

Question exists whether the trash and recycling needs of the proposed use may differ from the previous use. Thus, as a condition of conditional use permit approval, the trash handling area must be properly sized to accommodate the needs of the proposed use - which may include a grease container associated with the restaurant use.

- 6. Loading Area. The hotel site shall provide an on-site loading area designed to accommodate delivery vehicles.***

Staff Comment: Delivery activities are expected to occur near the northwest corner of the building.

The submitted truck turning diagram illustrates an ability for large delivery vehicles (50 foot long) to maneuver within the site (for deliveries).

Hotel Staffing: At the June meeting concerns were expressed with regard to hotel staffing related to site security, on-site management of guests, managing the outdoor activities to insure that the site operations (docks, outdoor activity area, noise mitigation, site and building maintenance) are conducted in manner that will not produce nuisance issues for the adjoining apartments or the hotel guests. The Applicant's July narrative has outlined the staffing for the Hotel and restaurant. The Staffing will increase the parking demand for the site and must be resolved.

Restaurant Use. The draft Zoning Ordinance amendment would make an allowance for "restaurants" in the C-4 District subject to various conditions. The following is a listing of the various conditions which must be satisfied as well as related Staff comments:

- a. ***Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, shall comply with Section 42-67 of this Code and shall be subject to the approval of the City Engineer and/or Hennepin County, as applicable.***

Staff Comment: See previous comments on the Hotel access.

- b. ***Parking. The proposed building shall provide adequate parking as listed in this subsection 42-428 (6) (b) and per section 42-67 of this Code. Restaurant parking shall not interfere with on-site circulation or other uses sharing the site. The site and related parking and service shall be served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated. Parking requirements are as follows:***

1. ***One stall per 3 restaurant seats.***
2. ***One stall per 80 square foot kitchen space.***

Staff Comment: See comments regarding parking for the entire site.

- c. ***Loading Area. Restaurant site shall provide an on-site loading area designed to accommodate truck and trailer delivery vehicles with a length of 50 feet or more. Alternatively receive written confirmation from suppliers that only smaller vehicles or delivery vans will be used. Restaurant site plans shall demonstrate site access, egress and maneuvering through site without interfering with on-site parking. The restaurant site shall provide adequate space for off-street loading and unloading of all trucks serving the site per Section 42-68 of this Code.***

Staff Comment: The submitted truck maneuvering diagram (Exhibit G) reveals that semi-trailer truck maneuvering routes on the site may encroach upon curb islands located to the west and northwest of the building. To provide additional maneuvering space for large truck deliveries, the size/configuration of the two row end parking islands which are located in close proximity to the delivery truck route should be reduced in size and/or reconfigured to eliminate potential intrusion.

- d. ***All trash, recycling, grease trap handling equipment shall be stored within the principal building or within a trash enclosure that screens the equipment from public streets and adjoining properties.***

Staff Comment: The hotel and restaurant will share the existing exterior trash handling area located at the northwest corner of the building. See comments under hotel trash enclosure.

- e. **Noise. The applicant shall abide by the maximum noise level guidelines as stated in residential land use limits in Chapter 18, Article III, Section 18-122 of this Code. No excessive noise will be permitted. The following provisions are required to monitor and to control noise levels:**
1. **Outdoor weatherproof noise monitoring equipment shall be installed, and a record of noise levels maintained.**
 - i) **Reports of noise levels shall be submitted to the City monthly.**
 - ii) **The applicant shall provide a detailed noise monitoring and mitigation plan.**
 - iii) **Noise levels a duration of 6 minutes or more in excess of what is allowed will alert the on-site management to take immediate actions to reduce the noise levels at the site.**
 2. **These restrictions shall not apply if granted a special event permit approved by the City with an explicit, written exemption from noise standards.**
 3. **In the event of the applicant receiving four (4) documented complaints, the City Council reserves the right to limit hours of outdoor operations. This subsection 42-428 (6) (e) (3) does not limit the City's ability to revoke a conditional use permit.**

Staff Comment: The Applicant has provided a general description of the noise mitigation efforts they would consider; however, a detailed noise mitigation plan has not been submitted. The applicant has proposed the use of new technology to monitor decibel levels on the property and send notification alarms to their property management team when sound levels exceed the maximum allowed threshold.

Other noise mitigation efforts proposed by the applicant include the following:

- The use of “creative screening” between the subject site and the high-density residential use to the west.
- The use of Bluetooth headphones by hotel patrons who choose to watch outdoor movies.
- The location of outdoor dining, music and beach activities at a much lower grade elevation than the adjacent apartment building.

- The scheduling of outdoor activities in the summer months when tree leaves provide an effective visual screen.
- A speaker system which utilizes more speakers at lower decibels and in closer proximity to the desired audience.
- Directional speakers which point toward the ground (away from the neighboring apartment building).
- A requirement that noise generating activities must terminate at 10:00 p.m.
- The business will comply with closing time requirements as provided in the City Code.

In response to the applicant's noise mitigation efforts, Planning Staff recommends the following:

1. While the applicant's noise mitigation ideas are appreciated, a formal noise mitigation plan (document) shall be submitted for City review and approval.
2. As a new technology, some uncertainties exist regarding the use of a decibel monitoring system. The applicant has submitted a testimonial from Minnestay Vacation Homes. LLC which endorses a system similar to that proposed by the applicant. It is however, recommended that this technology be investigated further by the City before approving its use.
3. It is unclear what is intended by "creative screening." This should be clarified by the applicant.
4. As a condition of conditional use permit approval, the City impose a maximum decibel level requirement for documentation purposes. In this regard, it is recommended that noise produced upon the subject site not exceed 65 dBA during daytime hours (7:00 am - 10 pm) and 55 dBA during evening hours (10 pm – 7:00 am) as measured from all property lines.
5. Collected noise monitoring data shall be shared monthly with the City to establish a record of noise levels and to track noise complaints and violations.

Restaurant Staffing: At the June planning commission meeting, concern were expressed with regard to restaurant staffing. The Applicant's July narrative provide a description of the restaurant staffing needs. This information must be addressed within the required site parking.

Accessory Outdoor Dining Use. The draft Zoning Ordinance amendment would make an allowance for "outdoor dining accessory to a restaurant" in the C-4 District

subject to various conditions. The following is a listing of the various conditions which must be satisfied as well as related Staff comments:

- a. A site plan and other pertinent information shall be submitted demonstrating the location and type of all tables, refuse receptacles, and wait stations.**

Staff Comment: The July renderings show a seating and table layout for the outdoor dining area. This rendering shows seating for 72 people. The rendering is not a scaled drawing allow to determine if it meets the dimensional requirements for aisle width, and circulation. Additionally, the outdoor dining area is attached to the sun deck to the south, The Applicant must explain if this area will be available to restaurant customers and how these areas are intended to interact if a physical separation is not provided. As a condition of conditional use permit approval, outdoor table locations should be illustrated on a scaled site plan or a site plan detail.

- b. The outdoor dining area shall be fenced according to the requirements of Section 42-64 (i) of this Code, to define its boundaries and access to the outdoor dining area be provided only via the principal building.**

Staff Comment: The submitted rendering of the outdoor dining area shows a perimeter fencing. The outdoor dining area is attached to the sun deck to the south, The Applicant must explain if this area will be available to restaurant customers and how these areas are intended to interact if a physical separation is not provided. Details on the type and design of fence, and gates shall be provided and approved by the city as a condition of Conditional use permit approval.

- c. The size of the outdoor area is restricted to no more than thirty (30) percent of the total floor area within the principal structure.**

Staff Comment: The proposed outdoor dining area measures approximately 1,800 square feet in size which is considerably less than 30 percent of the three-story principal building.

- d. The outdoor dining area shall be screened from view from adjacent residential uses in accordance with subsection 42-64(j) of this Code.**

Staff Comment: See previous comments related to screening. Additionally, the concept renderings show a retaining wall along the north and west sides of the outdoor dining area and sun deck that places these activity areas below the parking lot grades. This serves to segregate and screen these outdoor activities from the adjoining Edgewater Apartments. Any retaining wall greater than 4 feet in height must be engineered to insure stability. Detailed grading, drainage and

retaining wall construction is required prior to approval of the Conditional uses permit.

- e. All exterior lighting shall be totally screened or consist of ninety-degree (90°) cutoff light fixtures with a shielded light source directed so that the light source shall not be visible from the public right-of-way away or adjacent residential properties and shall be in compliance with subsection 42-63(h) of this Code.***

Staff Comment: According to the applicant, lighting upon the subject property will be directional and hooded such that the light source is not visible from the neighboring apartment buildings.

As a condition of conditional use permit approval, the applicant shall submit a photometric lighting plan and examples of the proposed light fixtures which demonstrates compliance with the requirements of Section 42-63 (H) of the Ordinance.

- f. Noise. The applicant shall abide by the maximum noise level guidelines as stated in residential land use limits in Chapter 18, Article III, Section 18-122 of the Spring Park City Code. No excessive noise will be permitted. The following provisions are required to monitor and to control noise levels:***

- 1. Outdoor weatherproof noise monitoring equipment shall be installed, and a record of noise levels maintained.***
 - i) Reports of noise levels shall be submitted to the City monthly.***
 - ii) The applicant shall provide a detailed noise monitoring and mitigation plan.***
 - iii) Noise levels for a duration of 6 minutes or more in excess of what is allowed will alert the on-site management to take immediate actions to reduce the noise levels at the site.***
- 2. These restrictions shall not apply if granted a special event permit approved by the City with exemption from noise standards.***
- 3. In the event of the applicant receiving four (4) documented complaints, City Council reserves the right to limit hours of outdoor operations. This subsection 42-428 (7) (f) (3) does not limit the City's ability to revoke a conditional use permit.***
- 4. Outdoor electronically amplified audio speaker shall be designed and located to direct sound toward the principal building on the site***

and away from adjoining properties. Property owner shall control volumes to prevent noise levels at the property lines that exceed the City standard outlined in Chapter 18, Article III, Section 18-122 of the Code.

Staff Comment: See previous noise-related comments.

g. The site plan shall demonstrate that pedestrian circulation is not disrupted as a result of the outdoor dining area by providing the following:

- 1. Outdoor area shall be segregated from through pedestrian circulation by means of fencing.**
- 2. Minimum clear passage zone for pedestrians at the perimeter of the facility shall be at least five feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, streetlights, parking meters, or the like.**
- 3. Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven feet above sidewalk.**

Staff Comment: To demonstrate compliance with the aforementioned provisions, the scaled plan is needed to illustrate table and pedestrian aisle locations within the proposed outdoor dining area. The site plan must also illustrate an

h. The outdoor area is surfaced with concrete, bituminous or decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.

Staff Comment: The existing deck has a wood floor.

i. A minimum width of 36 inches shall be provided within aisles of the outdoor area.

Staff Comment: To demonstrate compliance with the aforementioned provision, a scaled plan must be provided to illustrate table and pedestrian aisle locations within the proposed outdoor dining area and the required 36-inch minimum aisle width.

j. Refuse containers are provided for outdoor dining areas. Such containers shall be placed in a manner which does not disrupt pedestrian circulation and must be designed to prevent spillage and blowing litter.

Staff Comment: The preceding requirement will be made a condition of conditional use permit approval.

k. Property owners shall pick up litter within one hundred feet (100') of the patio area.

Staff Comment: The preceding requirement will be made a condition of conditional use permit approval.

l. Live outdoor music performances shall only be permitted after obtaining a special event permit and shall meet the requirements of Spring Park City Code.

Staff Comment: The preceding requirement will be made a condition of conditional use permit approval.

Other Issues

Setbacks. Required structure setbacks in the C-4, Commercial Office are as follows:

- No less 30 feet where abutting a County street.
- Except as provided below, not less than 10 feet on any side yard
- No less than 20 feet on any side yard abutting residentially zoned property.
- No less than 50 feet from the ordinary high-water level (OHWL).

To be noted is that the Ordinance does allow water-oriented structures within the 50-foot shoreland setback area.

No physical expansions to the existing principal building are proposed.

The proposed “infinity” pool, located south of the building, will encroach within the 50-foot OHWL setback requirement.

As shown on the submitted site plan, the proposed sun deck is located along the OHWL. As mentioned previously, Staff recommends that the sun deck be reduced in size and be set back a minimum of 10 feet from the OHWL.

Grading, Drainage Storm Water Management. The construction of the sun deck and expansion of the pool deck raised Issues related to grading, and slope stabilization. Details related to the sun deck design must be submitted or review and approval of the City.

Utilities. The conversion of the building from office to hotel / restaurant will require extensive alterations to building plumbing and water supply. While the municipal utilities have capacity for the change of use. The building improvements will require extensive building permit review and the change of occupancy will require the payment of additional SAC / WAC charges for the increase in water usage.

RECOMMENDATION

Based on the preceding review, Planning Staff believes a number of issues must be addressed in greater detail prior to the Planning Commission making a formal recommendation on the submitted application. As a result, Planning Staff recommends that action on the application be continued to the Planning Commission's August meeting to allow the applicant time to address issues and prepare/assemble additional information as highlighted in summarized below.

While three individual conditional use permits are required for the Yacht Club conversion, we have combined our conclusion and recommendation to cover the site rather than the individual conditional use permits below.

1. The Planning Commission and City Council considers and approves the C-4 District amendment which would make an allowance for hotels, restaurants and accessory outdoor dining activities in the district as conditional uses. Through the review process the Planning Commission and City Council may choose to further edit the proposed draft code amendment.
2. Investigate and implement means for improving traffic sight lines at the site curb cut.
3. The proposed uses shall be adjusted in size to meet the required parking standards. On-street and/or off-site parking shall not be used to accommodate parking demands generated by the proposed use.
4. To provide additional maneuvering space for large truck deliveries, the size/configuration of the two row end parking islands which are located in close proximity to the delivery truck route be reduced in size and/or reconfigured to eliminate potential intrusion.
5. The existing amount of impervious surface coverage on the site shall not exceed 75 % of total lot area or existing conditions whichever is greater. Documented compliance with this requirement shall be provided by the applicant.
6. The following conditions related to the proposed sun deck shall be satisfied:

- A. The sun deck shall maintain a minimum 10-foot setback from the ordinary high water level of Lake Minnetonka.
 - B. The applicant shall submit detailed plans for the proposed sun deck, including, but not limited to, deck design, deck screening tree removal and slope stabilization efforts.
 - C. A site grading, drainage and storm water management plan be provided and approved by the City for the construction of sun deck and pool expansion. The sun deck design shall allow for the passage of storm water.
 - D. The outdoor dining area is attached to the sun deck to the south, The Applicant must explain if this area will be available to restaurant customers and how these areas are intended to interact if a physical separation is not provided. If the sun deck is attached to the outdoor dining area, it will be treated as outdoor dining and will need to be included in the required parking calculations.
 - E. Details on the type and design of fence, and gates shall be provided and approved by the city as a condition of Conditional use permit approval.
7. All applicable American Disability Act (ADA) requirements shall be satisfied.
8. All docks associated with the proposed hotel use shall be subject to review and approval by the Lake Minnetonka Conservation District.
9. The following conditions related to noise mitigation efforts shall be satisfied:
- A. A formal noise mitigation plan (document) shall be submitted subject to review and approval by the City.
 - B. The proposed decibel monitoring system proposed by the applicant be investigated further by the City, before endorsing its use.
 - C. The applicant shall clarify what is intended by “creative screening.”
 - D. Consistent with City Code requirements, noise produced upon the subject site shall not exceed 65 dBA during daytime hours (7:00 am - 10 pm) and 55 dBA during evening hours (10 pm – 7:00 am) as measured from all property lines.
 - E. Noise monitoring data shall be shared with the City on a monthly basis to establish a data basis for noise patterns, complaints and violations.

10. A scaled floor plan for the outdoor dining area shall be provided showing table and seating layout, required 36-inch-wide aisle locations, wait stations, trash receptacles, etc.
11. The outdoor area shall be fenced and gated to control access. Detail on railings and gates must be provided.
12. The applicant shall submit a photometric lighting plan which demonstrates compliance with the requirements of Section 42-63 (H) of the Ordinance.
13. Live outdoor music performances shall only be permitted after obtaining a special event permit and shall meet the requirements of Spring Park City Code.
14. A detail scaled landscape plan shall be required showing any tree removal, tree preservation measures, number, species and location of any new landscaping i shall be submitted subject to City review and approval.

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cc. Kelly Olson
Molly Lang
Scott Qualle
Jamie Hoffman
Mark kozikowski