

ORDINANCE NO. 2008-21

AN ORDINANCE AMENDING CITY CODE §§300.31, SUBD. 4 AND 300.32, SUBD. 4,
REGARDING OUTDOOR DISPLAY IN PLANNED I-394 DISTRICT

The City of Minnetonka ordains:

Section 1. City code section 300.31, subd. 4(a)(3) is amended as follows:

3) Exterior display, sales or storage: within the planned I-394 district, exterior display, sales or storage of merchandise, consumer goods or business related items is not permitted. Exceptions to this requirement are limited to the following:

a. development existing on May 18, 1988~~the effective date of this section:~~ properties which contain exterior display, sales or storage of merchandise, consumer goods or business related items may continue this activity. Except as provided below in section 300.31, subd. 4(a)(3)(b) and (c), ~~When site changes, exterior improvements or expansions to this property are proposed,~~ the entire property is subject to all applicable landscape, lighting, noise and buffering performance requirements of this ordinance when site changes, exterior improvements or expansions to the property are proposed;

b. expansion of development existing on ~~the effective date of this section~~May 18, 1988: properties which contain exterior display, sales or storage of merchandise, consumer goods or business related items may expand the exterior display, sales or storage in existence on ~~the effective date of this section~~May 18, 1988 by no more than 20 percent of the entire property area. In no case, however, can the expansion extend along I-394 by more than an additional 10 percent of the property's I-394 right-of-way frontage existing on the effective date of this section. This 10 percent limitation is measured as follows:

1. the existing display area means any display in the area between the property line generally parallel to I-394 and the front faces of the principal structure, with the front face of the structure at each side extended to the side property lines;

2. the length of the front property line (generally parallel to I-394) of the property is multiplied by 10 percent; and

3. the limits of the existing display area may be extended easterly and/or westerly parallel with I-394 no greater than a total of the number of feet determined in subparagraph 2.

Variances to permit expansion of exterior display, sales or storage greater than 10 percent of the property frontage will be considered, but not necessarily granted, only upon evidence that appropriate screening such as landscaping, berming, structure location, or other amenities not otherwise required by this ordinance

compensates for the visual impact of the additional expansion.

This expansion may extend to adjacent property not being used for that use on the effective date of this section. Property area shall include all contiguous property under common ownership which is being used for one principal use, including exterior display, sales or storage, on the effective date of this section, regardless of political boundaries, but shall not include area within wetlands or floodplain districts. Expansion will be approved only upon the entire development being subject to compliance with all applicable landscape, lighting, noise, buffering and setback requirements of this ordinance.

c. exterior display, sales, or storage of motor vehicles on property within the I-394 redevelopment overlay districts No. 6 and No. 7: properties may be developed consistent with a conditional use permit issued pursuant to section 300.31, Subd. 4(b)(2)(i).

Section 2. City code section 300.31, Subd. 4(b)(2)(i) is amended as follows:

i. service stations and other automobile related uses having service bays on property designated for retail use:

1. ~~shall~~must have no unlicensed and inoperable vehicles stored on premises except in storage areas where the contents are completely screened from the view from nearby properties;

2. ~~shall~~must conduct all repair, assembly, disassembly and maintenance of vehicles within closed buildings except minor maintenance, such as inflating tires, adding oil and replacing wipers;

3. ~~shall~~must have no public address system audible from any residential parcel;

4. ~~shall~~must provide stacking for gas pumps for at least one car beyond the pump island in each direction in which access can be gained to the pump. The required stacking shall not interfere with internal circulation patterns or with designated parking areas and shall not be permitted in any public right-of-way, private access easement or within the required parking setback;

5. ~~shall~~must have no sales, storage or display of automobiles; and motor vehicles, unless the following criteria are met:

a) the parcel is located within the I-394 redevelopment overlay district No. 6 or No. 7;

b) all inventory and display vehicles located outside of a building or structure, must be at finish grade level. No jack stands, risers, or other mechanisms may be used to elevate any vehicle for display purpose;

c) class II motor vehicle sales (used car sales) are allowed only as an accessory part of the new car sales;

d) the sale of vehicles may occur during the times and days allowed by state law;

e) vehicles must not be displayed in any yard area, drive aisle, or fire lane;

f) the overall hardsurface coverages must not exceed 70% and floor area ratios must not exceed 0.6 except that the hardsurface coverage may extend to 80% with innovative stormwater management methods and treatment measures subject to approval by the city engineer;

g) the architectural and site standards must comply with section 300.31(7)(a);

h) the landscaping must comply with Section 300.31(7)(b) and must contain a wall, berm or other feature that is constructed for long term durability when adjacent to residentially zoned property to minimize to the greatest extent reasonably possible, noise and visual impacts;

i) parking lot and site security lighting must comply with section 300.31(7)(c) and in addition, the following requirements:

1) Maximum of 450 watts per fixture.

2) Maximum height of light standards is 30 feet in outdoor display areas as defined in 300.31 Subd. (4)(a)(3)(b) and 25 feet in all other outdoor areas.

3) Maximum of 1 watt per square foot surface parking area.

4) The lighting plan shall be designed to have 0.0 foot-candles at residential property lines with the understanding that ambient light from other sources may spill on the property and influence actual on site measurements.;

j) Parking requirements must comply with one of the following:

1. fifty percent of the total on-site parking spaces must be in a

structured parking ramp, or

2. if the city deems appropriate, surface parking without a ramp under the following conditions:

(a) total on-site parking must not exceed one parking space for every 200 square feet of building area, and

(b) submittal of a plan that adequately screens 50% of the total parking spaces from public view.

k) ~~vehicles parked within a parking structure~~ must be screened from view from surrounding residential uses;

l) the customer parking spaces must be clearly signed and may not be used at any time for inventory vehicle parking;

m) all pickups and drop offs of vehicles must occur on site and off public streets;

n) all loading and unloading of vehicles must occur on site and off public streets;

o) customer testing of vehicles may occur only on non-residential streets and only with a store employee;

p) no loudspeaker paging system may be used;

q) all rooftop equipment must be fully screened from ground level view of adjacent properties;

r) all signs must be consistent with this code;

s) poured-in-place concrete curbs must be constructed and maintained on the perimeter of parking lots and traffic islands; and

t) all trash and recyclable materials must be screened from public view.

6. ~~shall~~ uses outside I-394 redevelopment overlay district no. 6 or no. 7 must not be located within 100 feet of any low density residential parcel or adjacent to medium or high density residential parcels. The city may reduce separation requirements if the following are provided:

a) landscaping and berming to shield the auto service use;

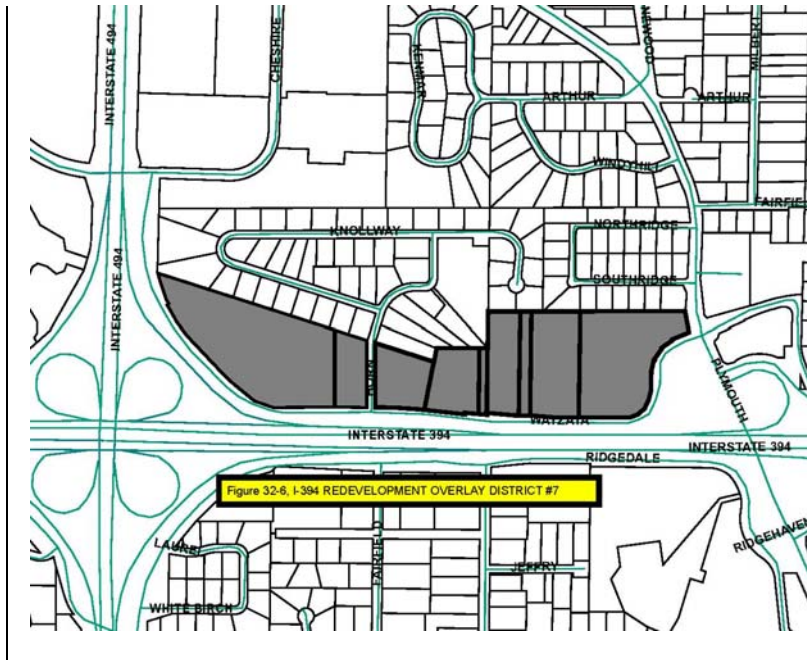
- b) parking lots not located in proximity to residential uses; and
- c) lighting plans which are unobtrusive to surrounding residential uses;

Section 3. City code section 300.32, Subd. 4 is amended by the addition of subparagraphs (f) and (g) to read as follows:

f. I-394 redevelopment overlay district no. 6, including lands lying to the north of I-394, west of Carlson Parkway and south and east of Gleason Lake Road as shown on Figure 32-5.



g. I-394 redevelopment overlay district no. 7, including lands lying to the north of I-394, east of I-494 and west of Plymouth Road as shown in Figure 32-6.



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 upon adoption.

Adopted by the city council of the City of Minnetonka, Minnesota, on July 28, 2008.

Janis A. Callison, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: June 9, 2008
Date of adoption: July 28, 2008
Motion for adoption: Schneider
Seconded by: Hiller
Voted in favor of: Allendorf, Callison, Ellingson, Hiller, Schneider
Voted against:
Abstained:
Absent: Wagner, Wiersum
Ordinance adopted.

Date of publication:

CERTIFIED COPY:

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 meeting held on July 28, 2008.

David E. Maeda, City Clerk