Planning Commission Agenda

January 19, 2017—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: January 5, 2017

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   A. Front yard setback variance to remodel a 3-season porch into a master bedroom at 3649 Woody Lane.

      Recommendation: Adopt the resolution approving the variances (5 votes)

      • Final Decision Subject to Appeal
      • Project Planner: Drew Ingvalson

   B. Front yard setback variance to convert an existing deck and 3-season porch into living space at 5952 Woodland Circle.

      Recommendation: Adopt the resolution approving the variances (5 votes)

      • Final Decision Subject to Appeal
      • Project Planner: Ashley Cauley
C. Amendment to the Minnetonka Corporate Center sign plan as it pertains to the property at 6000 Clearwater Drive.

Recommendation: Adopt the resolution approving the amendment (5 votes)

- Final Decision Subject to Appeal
- Project Planner: Susan Thomas

8. Public Hearings: Non-Consent Agenda Items

A. Conditional Use Permit to allow construction of a 10,000 square-foot storage building on the Minnetonka Public Works Facility property located at 11522 Minnetonka Boulevard.

Recommendation: Recommend the council approve the request (4 votes)

- Recommendation to City Council (Tentative Date: February 6, 2017)
- Project Planner: Loren Gordon

B. Aggregate side yard, shoreland, and wetland setback variance to construct a second story addition 3153 Lake Shore Boulevard.

Recommendation: Adopt the resolution approving the variance (5 votes)

- Final Decision Subject to Appeal
- Project Planner: Drew Ingvalson

C. Variances to allow construction of three home additions at 17008 Grays Bay Blvd.

Recommendation: Adopt the resolution approving a portion of the request (5 votes)

- Final Decision Subject to Appeal
- Project Planner: Drew Ingvalson

D. Preliminary plat for WILSON RIDGE 6TH ADDITION, a 3-lot subdivision of existing properties at 4316 and 4328 Wilson Street.

Recommendation: Recommend the council approve the request (4 votes)

- Recommendation to City Council (Tentative Date: February 6, 2017)
- Project Planner: Ashley Cauley

9. Adjournment
Notices

1. Please call the planning division at (952) 939-8274 to confirm meeting dates as they are tentative and subject to change.

2. Applications and items scheduled for the February 2, 2017 Planning Commission meeting:

   Project Description: The applicant is proposing to divide the property at 3900 Cottage Lane into two, single-family lots. The proposal requires approval of both preliminary and final plats.
   Project No.: 16037.16a        Staff: Susan Thomas
   Ward/Council Member: 1—Bob Ellingson   Section: 23

   Project Description: The applicant is proposing to increase the medical clinic space at 10653 Wayzata Boulevard. This proposal requires an amendment to the existing conditional use permit.
   Project No.: 98054.17b        Staff: Drew Ingvalson
   Ward/Council Member: 2—Tony Wagner   Section: 01

   Project Description: The applicant is proposing to install a second sign on the north side of the building at 10653 Wayzata Blvd. The proposal requires a variance.
   Project No.: 98054.17a        Staff: Drew Ingvalson
   Ward/Council Member: 2—Tony Wagner   Section: 01
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.

2. Staff presents their report on the item.

3. The Commission will then ask City staff questions about the proposal.

4. The chairperson will then ask if the applicant wishes to comment.

5. The chairperson will open the public hearing to give an opportunity to anyone present to comment on the proposal.

6. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium, speak clearly, first giving your name (spelling your last name) and address and then your comments.

7. At larger public hearings, the chair will encourage speakers, including the applicant, to limit their time at the podium to about 8 minutes so everyone has time to speak at least once. Neighborhood representatives will be given more time. Once everyone has spoken, the chair may allow speakers to return for additional comments.

8. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public hearing portion of the meeting.

9. The Commission will then discuss the proposal. No further public comments are allowed.

10. The Commission will then make its recommendation or decision.

11. Final decisions by the Planning Commission may be appealed to the City Council. Appeals must be written and filed with the Planning Department within 10 days of the Planning Commission meeting.

It is possible that a quorum of members of the City Council may be present. However, no meeting of the City Council will be convened and no action will be taken by the City Council.
1. Call to Order

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

2. Roll Call

Commissioners Powers, Calvert, Knight, O’Connell, and Kirk were present. Odland was absent.

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, Planner Drew Ingvalson, Water Resources Technician Tom Dietrich, and Natural Resource Specialist Aaron Schwartz.

3. Approval of Agenda

Powers moved, second by Calvert, to approve the agenda as submitted with modifications for Item 8B as provided in the change memo dated January 5, 2017.

Powers, Calvert, Knight, O’Connell, and Kirk voted yes. Odland was absent. Motion carried.

4. Approval of Minutes: December 15, 2016

Calvert moved, second by O’Connell, to approve the December 15, 2016 meeting minutes as submitted.

Powers, Calvert, Knight, O’Connell, and Kirk voted yes. Odland was absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on the land use application considered by the city council at its meeting of December 19, 2016:

- Adopted a resolution approving items for the Groveland Elementary School gymnasium and parking lot.
The State of the City address will be held February 8, 2017 at 7:30 a.m. at city hall.

The next planning commission meeting will be January 19, 2017.

6. **Report from Planning Commission Members**: None

7. **Public Hearings: Consent Agenda**

   No item was removed from the consent agenda for discussion or separate action.

   *Calvert moved, second by Knight, to approve the item listed on the consent agenda as recommended in the staff report as follows:*

   **A. Front yard and wetland setback variances for dormer additions at 2600 Crosby Road.**

   Adopt the resolution approving front yard and wetland setback variances for dormer additions to the existing home at 2600 Crosby Road.

   *Powers, Calvert, Knight, O’Connell, and Kirk voted yes. Odland was absent. Motion carried and the item on the consent agenda was approved as submitted.*

   An appeal of the planning commission’s decision to the city council must be submitted in writing to city staff within ten days.

8. **Public Hearings**

   **A. Preliminary and final plat for Tony’s Addition at 9597 Sandra Lane.**

   Chair Kirk introduced the proposal and called for the staff report.

   Ingvalson reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report. He added that the trail easement is being proposed where pedestrians are currently using the property as a short cut and a worn path is visible.

   Larry Fidler, representing the applicant, stated that he spoke to Minnehaha Creek Watershed District personnel and city staff regarding the site. The proposal would divide the parcel into two lots for single-family houses. Depending on the sale price of the lots, the residences would be anticipated to be priced between $400,000 and $450,000 which is comparable to the area.
The public hearing was opened.

Amy Franklin, 9602 Sandra Lane, stated that she is concerned with losing the trees and berm that provide a sound and visibility buffer to Highway 169. The area has a lot of foot traffic and kids ride bikes on the path through the site. The site is currently vacant.

Karin Flynn, 9607 Ann Lane, stated that there is a lot of foot traffic on Ann Lane and Sandra Lane. She wants pedestrians from other neighborhoods to be discouraged from walking on Ann Lane.

No additional testimony was submitted and the hearing was closed.

Mr. Fidler stated that the trail easement has nothing to do with development of the two houses. The proposal would not increase traffic for the area.

In response to Powers’ question, Ingvalson pointed out where the existing bus stops are located. Thomas provided that the Metropolitan Transit Commission (MTC) requested the trail easement be dedicated as part of the proposal. Staff found the request to be reasonable given the existing, informal trail. The easement has no impact on the subdivision of the proposed parcel.

In response to Knight’s question, Ingvalson explained that the easement would provide the opportunity for a trail. A trail would not be paved as part of the current proposal.

Calvert acknowledged the concerns of the neighbors. She supports a sustainable community which includes making it easier to walk and access mass transportation. That is for the public good. She noted that many pedestrians walk in the Burwell area because it has a trail and park. Those residents have come to expect pedestrians as part of their daily life. She supports staff’s recommendation. Chair Kirk agreed. The easement provides an opportunity if sometime in the future access would be granted across the adjacent properties.

Powers agrees with supporting walkability. Right now the trail easement would not connect to anything.

The public hearing was reopened.

Ms. Flynn said that pedestrians walk from Minnetonka Boulevard and 34th Street West to Ann Lane.
The public hearing was closed.

In response to Chair Kirk’s question, Ingvalson explained the alternatives considered and how staff chose the proposed location for a trail easement. The trail would not be constructed unless connections could be made. Gordon explained that MTC requested the trail easement, staff observed foot traffic on the proposed easement location, and St. Louis Park staff agreed that there is a need to improve walkability in the area. The subdivision provides an opportunity that could be combined with other opportunities if and when additional opportunities become available.

**Calvert moved, second by Knight, to recommend that the city council adopt the resolution approving the preliminary and final plats of Tony’s Addition.**

*Powers, Calvert, Knight, O’Connell, and Kirk voted yes. Odland was absent. Motion carried.*

**B. Preliminary plat and final plats for a five-lot subdivision at 5325 County Road 101, 5311 Tracy Lynn Terrace, and 5320 Spring Lane.**

Chair Kirk 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.

O’Connell asked if approving the proposal would result in two approved plans. Thomas explained that if the currently proposed plat would be approved and recorded with Hennepin County, then that would take precedence over what was approved in 2015, as it was never filed with the county.

Chair Kirk understood that the seven-lot, R-1A subdivision could be proposed in the future.

Curt Fretham, of Lakewest Development, applicant, stated that the proposal would create lots that adhere to R-1 requirements on Spring Lane. He is rethinking the overall plan. He was available for questions.

The public hearing was opened.

Roger Omlid, 5321 Tracy Lynn Terrace, stated that 5311 Tracy Lynn Terrace has been vacant for five years. He wants it to be torn down or redeveloped. The house has shingles falling off of it and it looks terrible. He does not want an eye sore next to his house.
Dave Moore, of Edina Realty, working with Lakewest Development, stated that he supports the proposal. The fire hydrant would no longer be a hindrance to the driveway. He appreciates working with staff.

Audrey Omlid, 5321 Tracy Lynn Terrace, stated that she lives next door to an unattractive house that is falling down. It brings down the property values of surrounding neighbors. It looks horrible. Bushes are overgrown and the driveway is ripped up. She and additional neighbors are mad about it.

Thomas explained that city staff have investigated previous complaints about the repair of the house. No violations of the nuisance ordinance were observed. The city cannot require a house to be torn down if it is not a structural hazard. Environmental health staff will inspect 5311 Tracy Lynn Terrace prior to the city council meeting to provide an updated report. The property owner would be required to remedy a code violation if one exists.

Thomas explained that the fire marshal requires a 10-foot clearance around a fire hydrant from driveways and paved surfaces. If the proposed driveway and building meet the 10-foot clearance requirement, then the fire hydrant does not need to be moved. If a property owner wants to move the fire hydrant, then the cost for relocation would be the responsibility of the property owner.

No additional testimony was submitted and the hearing was closed.

Powers stated that it is reprehensible that the house has been vacant for five years and in disrepair.

Knight felt that the approval for three lots is straightforward. Calvert agreed.

O'Connell moved, second by Calvert, to recommend that the city council adopt the resolution approving the preliminary and final plats for a five-lot subdivision generally located at the southeast quadrant of the County Road 101 and Excelsior Boulevard intersection with modifications to the resolution provided in the change memo dated January 5, 2017.

Powers, Calvert, Knight, O'Connell, and Kirk voted yes. Odland was absent. Motion carried.

This item is tentatively scheduled to be reviewed by the city council at its meeting January 23, 2017. Commissioners encouraged staff to inspect the site for nuisance violations and report the results to the city council.

9. Adjournment
Knight moved, second by Powers, to adjourn the meeting at 7:42 p.m. Motion carried unanimously.

By: 

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
January 19, 2017

Agenda Item 7

Public Hearing: Consent Agenda
Brief Description  Front yard setback variance to convert a three-season porch into a master bedroom at 3649 Woody Lane

Recommendation  Adopt the resolution approving the variance

Background

In 1955, a single story home was constructed at 3649 Woody Lane.

On October 15, 1984, the city council considered an application to reduce the front yard setback on the subject property to construct a 15-foot by 15-foot porch. The city council approved the variance, noting that the lot area and unusual topography created a hardship for the applicant. A porch could not be constructed in any other area on the lot.

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>35 feet</td>
<td>26 feet*</td>
</tr>
</tbody>
</table>

*Recently submitted survey shows the porch was constructed with a 20-foot front yard setback.

On October 30, 1984, the city approved a certificate of occupancy permit for the existing three-season porch.

Proposal

Erin Olson is proposing to convert the three-season porch into a master bedroom (four-season room). The remodeling project would not change the footprint of the home. However, the alteration would add year-round living space within the required front yard setback. As such, a front yard setback variance is necessary:

<table>
<thead>
<tr>
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<th>Required</th>
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<tbody>
<tr>
<td>Front Yard</td>
<td>35 feet</td>
<td>20 feet*</td>
</tr>
</tbody>
</table>

*Variance Required

Staff Analysis

Staff finds that the applicant’s request meets the variance standard outlined in city code:

- **Reasonableness:** The requested variance is reasonable. The proposed remodel would enhance the use of the property without changing either the footprint or height of the existing home.
• **Unique Circumstance.** The existing home currently encroaches into the front yard setback. If the porch was located in the rear yard of the home, or any other area that met setback requirements, the applicant would only need to apply for a building permit to remodel the room from a three-season porch to a master bedroom (four-season room). However, the alteration would add year-round living space within the required front yard setback, requiring a variance.

• **Neighborhood Character.** The immediate area contains several homes that do not conform to the required front yard setback due to variances or homes being constructed prior to the adoption of the city ordinance. In addition, the walls of the subject porch will not be moved and the change to the walls will be negligible; the applicant has proposed to remove the exterior door and windows. As such, the requested variance would not negatively impact the area or alter the essential character of the neighborhood.

**Staff Recommendation**

Adopt the resolution approving a front yard setback variance to convert a three-season porch into a master bedroom (four-season room) at 3649 Woody Lane.

Originator: Drew Ingvalson, Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

Project No. 16038.16a
Property 3649 Woody Lane
Applicant Erin Olson
Surrounding Land Uses All surrounding properties are zoned R-1 and guided for low-density residential.
Planning Guide Plan designation: low-density residential
Zoning: R-1
Expansion Permit v. Variance An expansion permit is required for an expansion of a non-conforming structure when that expansion maintains the same setbacks as the existing non-conformity. A variance is required for expansion of a non-conforming structure when the expansion would intrude into one or more setback areas beyond the distance of the existing structure.

By definition, a non-conforming structure is one that is not in full compliance with the regulations of the ordinance and either: (1) was legally established before the effective date of the ordinance provision with which it does not comply; or (2) became non-conforming because of other governmental action, such as a court order or a taking by a governmental body under eminent domain or negotiated sale.

The existing home is not considered non-conforming because its reduced front yard setback was approved by a variance, as is allowed by ordinance. Essentially, the home “conforms” to the setbacks legally approved in 1984. Because it is not non-conforming, the applicant’s request to convert a three-season porch to a master bedroom is not eligible for an expansion permit and a variance is required.

Variance and Non-conforming Lots The subject neighborhood has a long history of variances and non-conforming properties due to the early platting of the land (1954). The city has approved 14 variances on properties located along Woody Lane and Elmo Road. Nine of the 14 approved variance requests have been for reduced front yard setbacks. (See attached).

There are also several non-conforming properties in the neighborhood. Based on aerial images, there are at least five
properties along Woody Lane and Elmo Road that have non-conforming front yard setbacks. (See attached).

**McMansion Policy**

The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.

The remodeling of the three-season porch into a master bedroom would not increase the property’s FAR beyond its current amount and the existing home has a much smaller FAR than the nearest property within 400 feet (0.18), thus complying with the McMansion Policy. (See attached).

**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)

**Neighborhood Comments**

The city sent notices to 44 area property owners and received no comments to date.

**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 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.

**Voting Requirement**

The planning commission action on the applicant’s request is final subject to appeal. Approval requires the affirmative vote of five commissioners.

**Appeals**

Any person aggrieved by the planning commission’s decision about the requested variance may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

**Deadline for Decision**

April 10, 2017
Location Map

Project: Erin Olson
Address: 3649 Woody Ln
Project No. 16038.16a

This map is for illustrative purposes only.
NOTES:
1. Shaded Areas to be demolished
2. Door on front of house near garage to be removed and filled in.
3. All kitchen cabinets and fixtures to be removed.
4. Existing closet near front door to be removed.
5. Small pass through opening to be created in wall between kitchen and living room – to be supported with 2-2x12 header.
6. Large window in living room to be removed and replaced with French doors. Remaining opening to be patched as needed.
7. Existing bathroom to have shower removed and made into linen closet.
8. Tub plumbing to be removed and replaced with tub/shower combo.
9. Existing porch to be converted to Master Bedroom.
10. Floor and walls to be insulated per code.
11. Closet and cabinets in existing porch to be removed.
12. Windows and 1 door to be removed and filled in. 6 windows to be replaced.
13. Existing laundry area to be converted to Master bathroom and Walk-in Closet.
14. Two additional bedrooms to remain as existing.

1.0 MAIN LEVEL - AS-BUILT AND DEMO PLAN

ID-01 3/16" = 1'-0"

Existing

Proposed
I just purchased Woody Lane with the intent to make improvements to the property and re-sell it once the updates are complete. When I purchased the property the previous owners had added a 3 season porch off the front west end of the home. It’s currently connected with an exterior door as well as an interior hallway that connects it to and existing bedroom.

With the proposed plan the existing 3 season porch would be converted into a master bedroom. The exterior would have very minor changes with the removal of the existing door and replacement of the windows as well as adding HVAC, and insulation to make it a livable space. It would then connect to the existing bedroom with a doorway, and the existing bedroom would be converted into an ensuite bathroom and closet space. Homes that have master baths are very desirable in this location as many of the homes in this neighborhood did not include access to a bath when they were built.

This repurposing of the existing three season porch would not change any of the existing structure in terms of square footage or where it falls within its distance to the property line. And aesthetically it should only improve the home visually from the exterior view. Many homes in the neighborhood have added additions that compromise the variance standard and therefore this repurposing of the existing structure should not have a negative impact on the neighborhood appearance.

Floor plans of existing and proposed floor plans to be submitted.

Thank you for your consideration of the proposed updates we have to improve this home and feel free to reach out with any additional questions.

Sincerely,

Erin Olson

612.708.3312

Erinolson23@gmail.com
### PRACTICAL DIFFICULTIES WORKSHEET

By state law, variances may be granted from the standards of the city's zoning ordinance only if:

1) The proposed variance is in harmony with the general purpose and intent of the zoning ordinance;

2) The proposed variance is consistent with the comprehensive plan; and

3) An applicant establishes that there are practical difficulties in complying with the ordinance standard from which they are requesting a variance. Practical difficulties means:

- The proposed use is reasonable;
- 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
- The proposed use would not alter the essential character of the surrounding area.

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<table>
<thead>
<tr>
<th>PRACTICAL DIFFICULTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Describe why the proposed use is reasonable</strong></td>
</tr>
<tr>
<td>The structure is existing to the home, and has been on the property since 1981. We would just repurpose the existing space to create a more accommodating layout for the future owner by expanding a bedroom into a master suite that includes an ensuite bathroom.</td>
</tr>
<tr>
<td><strong>Describe:</strong></td>
</tr>
<tr>
<td>• circumstances unique to the property;</td>
</tr>
<tr>
<td>• why the need for variance was not caused by the property owner; and</td>
</tr>
<tr>
<td>• why the need is not solely based on economic considerations.</td>
</tr>
</tbody>
</table>

| **Describe why the variance would not alter the essential character of the neighborhood** |
| It would not impact the character of the neighborhood as it has been in existence since 1981. And the improvements will only aesthetically improve the external appearance of the space. |

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VARIANCE APPLICATIONS WILL NOT BE ACCEPTED IF THIS WORKSHEET IS NOT COMPLETE
Approved Variances on Properties on Woody Lane and Elmo Road

- **Subject Property**
- **Approved Variances**
- **Non-Conforming Front Yard Setback Properties**

Map prepared by: City of Minnetonka

Not a Survey. Not to Scale
<table>
<thead>
<tr>
<th>Property</th>
<th>Year</th>
<th>Request</th>
<th>Type of Request</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>3664 Woody Lane</td>
<td>1999</td>
<td>Side yard setback from 10 ft to 6 ft for 2-car garage</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3509 Woody Lane</td>
<td>2001</td>
<td>Side yard setback from 10 ft to 7 ft</td>
<td>VAR</td>
<td>Approved</td>
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<tr>
<td>3636 Woody Lane</td>
<td>1987</td>
<td>Front yard setback from 35 ft to 26 ft for an attached garage</td>
<td>VAR</td>
<td>Approved</td>
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<tr>
<td>3642 Woody Lane</td>
<td>1975</td>
<td>Front yard setback from 35 ft to 22 ft for an attached garage</td>
<td>VAR</td>
<td>Approved</td>
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<tr>
<td></td>
<td>1985</td>
<td>Side yard setback from 15 ft to 13 ft for an addition</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3637 Woody Lane</td>
<td>1977</td>
<td>Front yard setback from 35 ft to 29 ft for a house addition</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3616 Woody Lane</td>
<td>2001</td>
<td>A front yard setback variance from 35 feet to 29 feet</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3534 Woody Lane</td>
<td>1981</td>
<td>Side yard setback from 15 ft to 13 ft for a garage</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3508 Woody Lane</td>
<td>1998</td>
<td>For aggregate side yard setback</td>
<td>VAR</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>3523 Woody Lane</td>
<td>1974</td>
<td>Front yard setback from 35 ft to 21 ft for a detached garage</td>
<td>VAR</td>
<td>Approved</td>
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<tr>
<td>3624 Woody Lane</td>
<td>1997</td>
<td>Front-yard setback from 35 ft to 24 ft and front yard setback from 35 ft to 32 ft (1) for the bedroom, porch, and kitchen additions; (2) for the garage addition.</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3648 Woody Lane</td>
<td>1984</td>
<td>Front yard setback from 35 ft to 23.9 ft; side yard setback from 15 ft to 7.5 ft for a garage</td>
<td>VAR</td>
<td>Approved</td>
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<tr>
<td>3608 Woody Lane</td>
<td>1986</td>
<td>Front yard setback from 35 ft to 32 ft for a house addition.</td>
<td>VAR</td>
<td>Approved</td>
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<tr>
<td>3506 Elmo Road</td>
<td>1976</td>
<td>Reduce front yard setback from 35 to 12 ft.</td>
<td>VAR</td>
<td>Approved</td>
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<tr>
<td>3639 Elmo Road</td>
<td>1997</td>
<td>Rear yard setback from 16 feet to 10 feet</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9 front Yard setback, 6 side yard setback, 1 rear yard setback</td>
<td></td>
<td>14 Approved 1 Withdrawn</td>
</tr>
</tbody>
</table>
Floor Area Ratio (FAR) of Properties within Neighborhood

Subject Property

Not a Survey. Not to Scale

Map prepared by: City of Minnetonka
Planning Commission Resolution No. 2017-

Resolution approving a front yard setback variance to convert a three-season porch into a master bedroom at 3649 Woody Lane

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

Section 1. Background.

1.01 The subject property is located at 3649 Woody Lane. It is legally described as:

Lot 6, Block 2, Robinwood 2nd Addition, Hennepin County, Minnesota.

1.02 On October 15, 1984, the city approved a front yard setback variance to construct a 15-foot by 15-foot, three-season porch.

1.03 On October 30, 1984, the city approved a certificate of occupancy permit for the existing three-season porch.

1.04 Erin Olson is proposing to remodel the three-season porch into a master bedroom (four-season room). The remodeling project would not change the footprint of the home or the height of the building. However, the alteration would add additional year-round living space within the required front yard setback. As such, a front yard setback from 35 feet to 20 feet variance is necessary:

1.05 City Code §300.10 Subd. 5(b) requires a minimum front yard setback of 35 feet.

1.06 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 purpose and intent of required setbacks is to ensure appropriate separation between structures and property lines or natural resources. The requested variance meets this intent. The proposed remodeling project would not change the footprint of the existing home. In other words, the remodeling project would not encroach further into the required front yard setback than the existing home.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide investment into the property to enhance its use.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:

   a) REASONABLENESS: The requested variance is reasonable. The proposed remodeling project would add four-season livable space to the structure without changing either the footprint or height of the existing home.

   b) UNIQUE CIRCUMSTANCE: The position of the existing home creates a unique circumstance with the property. The subject property was previously granted a front yard setback variance for a three-season porch in 1984. The existing porch encroaches into the front yard setback. The remodeling project would not change the footprint of the home; however,
the alteration would add year-round living space within the required front yard setback, requiring a variance.

   c) CHARACTER OF LOCALITY: The immediate area contains several homes that do not conform to the required front yard setback, due to variances or homes being constructed prior to the adoption of city ordinance. In addition, the walls of the subject porch will not be moved and the change to the walls will be negligible. As such, the requested variance would not negatively impact the area or alter the essential character of 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, except as modified by the conditions below:
   - Survey dated December 21, 2016
   - Building plan set dated December 19, 2016

2. Prior to issuance of a building permit:
   a) A copy of this resolution must be recorded with Hennepin County.
   b) Install construction 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 December 31, 2018, 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 January 19, 2017.

Brian Kirk, Chairperson
Attest:

______________________________
Kathy Leervig, 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 January 19, 2017.

______________________________
Kathy Leervig, Deputy City Clerk
Brief Description
Front yard setback variance to allow for conversion of the existing porch and deck into enclosed living space at 5952 Woodland Circle

Recommendation
Adopt the resolution approving the request

Background

The subject property is a corner lot with frontage on Woodland Road, a major collector roadway, and Woodland Circle, a neighborhood collector roadway. By ordinance, the minimum front yard setback is 50 feet from a major collector and 35 feet from a neighborhood collector. In the case of corner lots, the ordinance allows for the reduction of one of the front yard setbacks by 10 feet.

The existing home was originally constructed in 1962. In 1975, a variance was approved for construction of an attached garage with a 25-foot setback from the Woodland Road. In 1996, the city considered a variance to construct an attached 16-foot x 16-foot porch and 13-foot x 16-foot deck on the south side of the existing home. Ultimately, a variance was approved with the following findings:

- There was a unique hardship caused by the existence of an old swimming pool and cesspool on the property, which limited the amount of buildable area in the rear yard.
- The deck and porch would contain a greater setback along Woodland Road than the existing garage which was approved with a 25-foot setback in 1975.
- The deck and porch would maintain the same “building line” along Woodland Road as the existing garage.

The following is intended to summarize the existing homes setbacks:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard setback (north)</td>
<td>35 ft</td>
<td>31.5 ft*</td>
</tr>
<tr>
<td>Front yard setback (east)</td>
<td>50 ft</td>
<td>25 ft for garage (v1)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>32 ft for deck (v2)</td>
</tr>
<tr>
<td>Rear yard setback (south)</td>
<td>35 ft</td>
<td>~100 ft</td>
</tr>
<tr>
<td>Side yard setback (west)</td>
<td>10 ft</td>
<td>22 ft</td>
</tr>
</tbody>
</table>

* existing non-conforming setback
v1 Variance approved in 1975
v2 Variance approved in 1996
Based on aerial photography and the proposed plan site plan, it appears that the existing deck was constructed to be much smaller than was originally approved. The existing deck is 6’ x 11’.

Proposal

Sawhorse Designers and Builders, on behalf of Joseph and Elizabeth Bodell, is requesting to convert the existing porch and deck into living space. But for a small 6-square foot bump-out to accommodate a fireplace, the proposal would be located entirely within the existing footprint of the porch and deck. While the conversion to living space would not increase the footprint of the existing structures, year-round living space would be added within the required setbacks. As such, a variance is necessary to reduce the eastern front yard setback from 50 feet to 32 feet.

Staff Analysis

Staff finds the applicant’s request meets the variance standard outlined in city code:

- **Reasonableness**: The requested variances are reasonable. The proposal would add additional, year-around living space to the home without increasing the footprint or encroaching further into the required setback. In fact, as proposed, the existing landing and stairs south of the porch would be removed. This would effectively reduce the footprint of the structure within the required setback.

- **Unique Circumstance**: The construction of the existing home predates the city’s first zoning ordinance. Since the home’s original construction, the city has approved two separate variance requests to reduce the front yard setback from Woodland Road. The non-conforming status of the home and previously approved setback variances present a circumstance that is not common to other similarly zoned properties.

- **Neighborhood Character**: The proposal would not result in a significant visual increase in building mass as viewed from adjacent roadways or properties. As such, it would not have a significant impact on the surrounding neighborhood character.

Staff Recommendation

Adopt the resolution approving a front yard setback variance to allow for the conversion of the existing porch and deck into enclosed living space at 5952 Woodland Circle.

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

Project No.  96062.16a

Property  5952 Woodland Circle

Applicant  Sawhorse, INC, represented by Rick Riley

Surrounding Land Uses  All properties to the north, south, east and west are improved with single-family homes, zoned R-1 and guided for low density residential.

Planning  Guide Plan designation: low density residential
           Zoning: R-1, low density residential.

Expansion permit v. Variance  An expansion permit is required for an expansion of a non-conforming structure when that expansion maintains the same setbacks as the existing non-conformity. A variance is required for an expansion of a non-conforming structure when the expansion would intrude into one or more setback areas beyond the distance of the existing structure.

By definition, a non-conforming structure is one that is not in full compliance with the regulations of the ordinance and other: (1) was legally established before the effective date of the ordinance provision with which it does not comply; or (2) became non-conforming because of some other governmental action, such as a court order or by a taking by a governmental body under eminent domain or negotiated sale.

Portions of the original home are non-conforming as it was constructed prior to the adoption of the city’s first zoning ordinance. However, the existing garage, deck and porch are not considered non-conforming as their construction happened later through the approval of variances. Essentially, these later additions “conform” to the setbacks that were legally approved in 1975 and 1996. As such, the proposed conversion from porch/deck to living space is not eligible for an expansion permit and a variance is required.

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 the course of site preparation and construction activities. This would include installation and maintenance erosion control fencing.

Neighborhood Comments

The city sent notices to 39 area property owners and received no comments to date.

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 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.
Voting Requirement  The planning commission action on the applicant's request is final subject to appeal. Approval requires the affirmative vote of five commissioners.

Appeals  Any person aggrieved by the planning commission’s decision about the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

Deadline for Decision  April 18, 2017
Applicant: Joseph and Elizabeth Bodell
Address: 5952 Woodland Circle
December 19, 2016

City of Minnetonka

RE: written statement Expansion Permit
Bodell Residence
5952 Woodland Circle

To whom it may concern;

The property is on the SW corner of Woodland Road and Woodland Circle and therefore has front setback requirements on both north and east property lines. The proposed expansions would be in violation of the 50’ major arterial front yard setback. The above named property is applying for an “Expansion Permit” to two different entities of a proposed remodeling project.

Entity 1 – is the conversion of an existing 18’ x 15’ screen porch into a year room Living Space. The porch was constructed as a multi-level addition (work shop below) of unknown construction year.

Entity 2 – is replacing an existing 10’3” x 5’6” open deck with a proposed year round Mudroom Addition to be constructed with direct access from existing attached garage.

This home was built in 1962 and is placed on a unique pie shaped lot before city of Minnetonka was incorporated and had not yet established setback requirements. The attached double garage was built later and perhaps was granted a variance to the 50’ major arterial setback requirement. The current building setbacks are 24.1’ on the NE corner and 31.75’ on the SE corner of the attached garage structure. The existing garage is also 31.5’ from the north property line – see attached survey exhibit.

The proposed expansion usages would increase those dimensions to approximately 32’ to Proposed Mudroom Addition and 43’ +/- to conversion of screen porch to Living Space.

The proposed expansion would match or mimic existing siding color and siding pattern thus aesthetically would blend well with the home. The proposed additions would not alter garage access or off street/driveway parking. From the attached perspective the proposed design imitates the existing home aesthetics and are intended to blend with the finishes of the home and will not affect the character of the neighborhood.

Respectfully submitted,

Rick Riley, staff architect
Sawhorse Inc.
I hereby certify that this sketch, exhibit or report was prepared by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.

David E. Crook, MN Lic. No. 22414
12/06/2016
Planning Commission Resolution No. 2017-

Resolution approving a front yard setback variance for the conversion of an existing porch and deck into living space at 5952 Woodland Circle

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

Section 1. Background.

1.01 The property is located at 5952 Woodland Circle. It is legally described as:
Lot 15, Block 6, Woodland Hills.

1.02 The existing home was constructed in 1962. This pre-dates the adoption of the city's first zoning ordinance.

1.03 On September 25, 1975, the city approved a variance to reduce the front yard setback from Woodland Road to construct an attached garage.

1.04 On October 3, 1996, the city approved a variance to allow the construction of a 16 foot x 16 foot porch and a 13 foot x 16 foot deck on the south side of the existing home.

1.05 Sawhorse Designers and Builders, represented by Rick Riley, is proposing to convert the existing porch and deck into living space. The proposal would not increase the footprint of the existing structure but would add additional year-round living space within the required front yard setback. As such, a variance to reduce the front yard setback from 50 feet to 32 feet is required.

1.06 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 purpose and intent of required setbacks to ensure appropriate separation between structures and property lines. The requested variance is meeting the intent. The proposed conversion would not encroach further into the required setback than the existing structure.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The proposed variance is consistent with the comprehensive guide plan. The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would allow for investment into the existing home and property.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:

   a) REASONABLENESS: The requested variances are reasonable. The proposed conversions to living space would allow for additional living space within the home without increasing the footprint of the existing structure or encroaching further into the required setback. In fact, as proposed the existing landing and stairs south of the porch would be removed. This would effectively reduce the footprint of the structure within the required setback.
b) UNIQUE CIRCUMSTANCE: The construction of the home predates the city’s first zoning ordinance. Since the home’s original construction, the city has approved two separate variance requests to reduce the front yard setback from Woodland Road to the east. The non-conforming status of the home and previously approved setback variances present a circumstance not unique to other similarly zoned properties.

c) CHARACTER OF LOCATION: The proposal would not result in a significant visual increase in building mass as viewed from adjacent roadways or properties. As such, it would not have a significant impact on the surrounding neighborhood character.

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:

   - Site plan dated December 12, 2016
   - Floor plan dated December 18, 2016

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 December 31, 2018, 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 January 19, 2017.
Brian Kirk, Chairperson
Attest:

Kathy Leervig, 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 January 19, 2017.

Kathy Leervig, Deputy City Clerk
MINNETONKA PLANNING COMMISSION  
January 19, 2017  

Brief Description  Amendment to the Minnetonka Corporate Center sign plan as it pertains to the property at 6000 Clearwater Drive  

Recommendation  Adopt the resolution approving the amendment  

Background  
The Minnetonka Corporate Center development was approved in 1984. Approval included a sign plan that governs all freestanding and wall signs within the business park. For each building within the business park, the sign plan outlines the allowed number, location, and size of signs. Under the approved sign plan, the building at 6000 Clearwater Drive is allowed one wall sign. The sign must be located on the west façade of the building and may be no greater than three feet in height.  

Proposal  
Leroy Signs Inc., on behalf of Associated Bank, is proposing to install two wall signs on the existing, 4-story office building. The signs, located on the building’s west and south façades, would have a maximum letter height of 2.25 feet and a maximum logo height of 5 feet. The proposal requires an amendment to the Minnetonka Corporate Center sign plan.  

<table>
<thead>
<tr>
<th>Number of Signs</th>
<th>Sign Location</th>
<th>Sign Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed</td>
<td>1</td>
<td>West façade</td>
</tr>
<tr>
<td>Proposed</td>
<td>2</td>
<td>West façade</td>
</tr>
<tr>
<td></td>
<td></td>
<td>South façade</td>
</tr>
</tbody>
</table>

Staff analysis  
Staff finds that the proposed signs and requested amendment are reasonable:  

1. **Number and Size.** The number and size of the proposed signs is reasonable given the size of the office building. The existing, 4-story building is over 116,000 square feet size. Based on original building plans, the west and south façades of the building total over 14,000 square feet in surface area. At 64.5 square feet each, the proposed signs would occupy just 0.9 percent of these façades.  

2. **Height.** The proposed signs are appropriately sized relative to the height of the office building. The existing, 4-story building is 50 feet in height. The proposed 5-foot logo would represent just 10 percent of this total height.
3. **Location.** The proposed locations on the west and south façades would provide some level of visibility from the I-494 and County Road 62.

**Staff recommendation**

Adopt the resolution approving an amendment of the Minnetonka Corporate Center sign plan as it pertains to the property at 6000 Clearwater Drive.

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

**Surrounding Land Uses**
- North: Office building, zoned PUD
- South: Hotel and daycare, zoned PUD
- East: Office building, zoned PUD
- West: I-494

**Planning**
- Guide Plan designation: Mixed-Use
- Zoning: PUD, Planned Unit Development

**Other Signs**
In recent years, the planning commission has approved other amendments to the Minnetonka Corporate Center sign plan.

**12800 Whitewater Drive.**
The approved amendment allowed two walls signs, located on the office building’s west and east facades. Logos were allowed up to 5 feet in height.

**12900 Whitewater Drive.**
The approved amendment allowed two walls signs, located on the office building’s west and south facades. Logos were allowed up to 4 feet in height.

**6030 Clearwater Drive.**
The approved amendment allowed three wall signs, located on the hotel’s west, east, and south facades. Logos on the west and east façades were allowed up to 7 feet in height and on the south façade, up to 12 feet.

**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 amendment.

2. Disagree with 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.

**Voting Requirement**
The planning commission action on the applicant’s request is final subject to appeal. Approval requires the affirmative vote of five commissioners.

**Appeals**
Any person aggrieved by the planning commission’s decision about the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

**Deadline for Decision**
March 27, 2017
Location Map

Project: Associated Bank
Applicant: Leroy Signs, Inc
Address: 6000 Clearwater Dr
Project No. 95010.16a

This map is for illustrative purposes only.
PROPOSED SIGN LOCATIONS

SOUTH WALL LOCATION

WEST WALL LOCATION
2 QTY / INTERNALLY ILLUMINATED CHANNEL LETTERS / RACEWAY MOUNTED INSTALLATION

FRONT LIT TYPICAL DETAIL / LED CHANNEL LETTERS / RACEWAY INSTALLATION

1. 1"TRIM CAP (WHITE)
2. 5"DEEP RETURNS (WHITE)
3. 3/16" ACRYLIC FACE
4. REMOTE POWER SUPPLY
5. LED STRIP
6. LED MODULE (WHITE)
7. RACEWAY COVER
8. NON-CORROSIVE FASTENERS
9. ALUMINUM RACEWAY
10. 120 VOLT W/SLAVE POWER OUT
11. 0.063 ALUMINUM BACK
12. DRAINAGE HOLE

IMPORTANT NOTICE:
This is a proprietary design of Leroy Signs, Inc., designed specifically for this project. It is illegal and unethical to distribute to any other entity for copy or use. This design cannot be used without the written consent of Leroy Signs, Inc.
Planning Commission Resolution No. 2017-
Resolution amending the Minnetonka Corporate Center sign plan as it pertains to the building at 6000 Clearwater Drive

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

Section 1. Background.

1.01 The subject property is located at 6000 Clearwater Drive, within the Minnetonka Corporate Center. The property is legally described as: Lot 7, Block 2, Minnetonka Corporate Center.

1.02 Signs within the Minnetonka Corporate Center are governed by a sign plan that was approved by the city council on August 6, 1984.

1.03 Leroy Signs Inc., on behalf of Associated Bank, is proposing to install two wall signs on the existing, 4-story office building at 6000 Clearwater Drive. The signs, located on the west and south façades of the building, would have a maximum letter height of 2.25 feet and a maximum logo height of 5 feet.

1.04 The proposed signs require an amendment to the approved sign plan as it pertains to the 6000 Clearwater Drive.

<table>
<thead>
<tr>
<th>Sign Plan Allowance</th>
<th>Number of Signs</th>
<th>Sign Height</th>
<th>Sign Location</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>3 feet</td>
<td>West façade</td>
</tr>
</tbody>
</table>

| Proposed           | 2              | 5 foot logo 2.25 foot letters | West façade South facade |

Section 2. FINDINGS.

2.01 The proposed signs and requested amendment are reasonable for three reasons:
1. Number and Size. The number and size of the proposed signs are reasonable given the size of the office building. The existing, 4-story building is over 116,000 square feet size. Based on original building plans, the west and south façades of the building total over 14,000 square feet in surface area. At 64.5 square feet each, the proposed signs would occupy just 0.9 percent of these façades.

2. Height. The proposed signs are appropriately sized relative to the height of the office building. The existing, 4-story building is 50 feet in height. The proposed 5-foot logo would represent just 10 percent of this total height.

3. Location. The proposed locations on the west and south façades would provide some level of visibility from the I-494 and County Road 62.

Section 3. Planning Commission Action.

3.01 The Minnetonka Corporate Center sign plan as it pertains to 6000 Clearwater Drive is amended as described in section 1.04 of this resolution. The amendment is subject to the following conditions:

1. Sign permits are required for the wall signs.

2. Any changes to the sign plans may require an amendment to this approval.

3. The signs must be installed prior to December 31, 2017, unless the planning commission grants a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on January 19, 2017.

_________________________________
Brian Kirk, Chairperson

Attest:

___________________________________
Kathy Leervig, 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 January 19, 2017.

_________________________________
Kathy Leervig, Deputy City Clerk
Minnetonka Planning Commission Meeting

January 19, 2017

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION
January 19, 2017

Brief Description
A conditional use permit for a storage building at 11522 Minnetonka Boulevard.

Recommendation
Recommend the city council approve the request.

Project No. 01056.16a
Property 11522 Minnetonka Blvd.
Applicant City of Minnetonka
Proposal
Conditional Use Permit to allow construction of a 10,000 square-foot storage building on the Minnetonka Public Works Facility property located at 11522 Minnetonka Boulevard. The building would provide storage of equipment and materials needed for public works operations that are organized in various buildings on site as well as areas outside of buildings in the rear yard.

Proposal Requirements
The proposal requires:

- Conditional use permit for construction of a public building in the R-1 District.
- Site and building plan approval.

Approving Body
The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request. (City Code §300.06 Subd. 4)

Site Features
The Minnetonka Public Works Facility is the main operations center for the city’s public works functions. All street, utility, parks and natural resources operations are located in the facility.

- Topography
  The site is generally flat. There is a slight grade that rises to the west.
• **Trees**
  Except for the north and eastern edges of the property, there are no trees or existing vegetation.

• **Other Natural Features**
  A wetland area associated with the Minnehaha Creek corridor is located east of the site. The wetland boundary is just east of the property. The building would maintain a 71 feet setback from the wetland boundary.

  The 100-year floodplain for Minnehaha Creek is located on a small portion of the area just south of the proposed storage building. The floodplain elevation at this location along the creek is 912.5 feet.

---

**Building Use**

The building would be used to store equipment and vehicles.

**Building Architecture**

The proposed steel building is a simple single-gable roof design with a covered lean-to on the east side. Overhead doors are located on the south and west building elevations. Overall building height as measured to the roof peak is 24 feet. Building height as determined by the zoning code is 20 feet.

**Building Location**

The storage building would maintain a 59 feet setback from the east property line and 180 feet from the north property line.

**Landscaping and Screening**

The site is separated from the Cedar Crossing neighborhood to the north by the Burlington Northern Santa Fe Railroad. Existing evergreens were planted along a portion of the northern property line many years ago. The proposed project would incorporate additional white pine trees in an area between those evergreens and the salt storage building. A cedar fence would also be planted on top of concrete material storage dividers to better screen and buffer the neighborhood from activities occurring at the public works facility.

**Neighborhood Input**

City public works staff held a neighborhood meeting on October 26, 2016 to present the project. Approximately 8 neighbors from the adjacent Cedar Crossing neighborhood were in attendance. The neighbors voiced concerns about existing conditions, operations, noise, and screening at the public works site. The result of the meeting was to review conditions along the north property line and reconvene a second neighborhood meeting at a future date.
On December 21, 2016, a second neighborhood meeting was held. Approximately 10 people were in attendance. City public works staff presented a plan to better buffer and screen the site from the Cedar Crossing neighborhood. The plan incorporated white pine tree plantings and a cedar fence to better visually screen and reduce noise the neighborhood experiences. The neighbors were in general agreement with the plan.

**Staff Analysis**

Staff finds that the applicant's proposal is reasonable.

- The proposed storage building would provide a reasonably sized building in proportion to the size of the property for the enclosure and storage of vehicles and equipment.

- The proposed storage building would be screened from view of residential properties immediately to the north with existing and proposed landscaping and a proposed fence along the north edge of the public works yard.

- The building would meet all site and building plan review requirements.

**Staff Recommendation**

Recommend that the city council adopt the resolution to allow construction of a 10,000 square-foot storage building on the Minnetonka Public Works Facility property located at 11522 Minnetonka Boulevard.

Originator: Loren Gordon, AICP, City Planner
Supporting Information

Surrounding Land Uses

Northerly: Railroad and Single family residential zoned R-1
Easterly: City of Hopkins owned property (brush drop-off site)
Southerly: Single family residential zoned R-1
Westerly: Big Willow ballfields zoned R-1

Planning

Guide Plan designation: Institutional
Zoning: R-1

CUP Standards

The proposal would meet the specific conditional use permit standards as outlined in City Code §300.16 Subd. 3(l);

1. site and building plans subject to review pursuant to section 300.27 of this ordinance.

2. direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

3. buildings set back 50 feet from all property lines;

4. parking spaces and parking setbacks subject to section 300.28 of this ordinance; and

5. no more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and

6. stand-alone utility buildings, such as lift stations, are only subject to site and building plan review.

SBP Standards

The proposal would comply with all site and building standards as outlined in City Code 300.27 Subd.5

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

2. Consistency with this ordinance;

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing
grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

   b) the amount and location of open space and landscaping;

   c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and

   d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

**Natural Resources**

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval the applicant must submit a construction management plan detailing these management practices.
Neighborhood Comments
The city sent notices to 47 area property owners and received no comments outside of neighborhood meeting input.

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 recommending the city council approve the proposal based on the findings outlined in the staff-drafted resolution.

2. Disagree with 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.

Voting Requirement
The planning commission will make a recommendation to the city council on the applicant’s proposal. A recommendation for approval requires an affirmative vote of a simple majority.

The city council’s final approval requires affirmative votes of four members.

Deadline for Decision
Waived
Location Map

Project: Public Works Cold Storage Bldg
Applicant: City of Minnetonka
Address: 11522 Minnetonka Blvd
Project No. 01056.16a

This map is for illustrative purposes only.
Cedar Crossings Neighborhood

Salt Storage Building

Proposed Cold Storage Building
**GENERAL REPRESENTATION OF PROPOSED CEDAR FENCE**

- **Install 6' Cedar Fence on concrete wall**

**PROPOSED BITUMINOUS AREA**

- **EXIST. 8" DIP**

**EXIST. SAN. SWR.**

- **8" DIP**

**BUILDING SITE**

- **APPROX. WETLAND BOUNDARY**

**GRAVEL AREA**

- **COLD STORAGE BUILDING FFE = 915.5**

**Stormwater treatment improvement**

- **Plant 6'-8' tall White Pine, spaced to provide screening when mature.**

**Building Setback - 59 feet**

- **Setback to Lean-to Eave - 40 feet**
Cedar Crossings Neighborhood

Salt Storage Building

Proposed Cold Storage Building

Proposed White Pines and Cedar Fence

Public Works Building
- 15 planting spots. Currently, there are Austrian and Ponderosa pines, as well as, White spruce planted to the east. The Spruce are in fair, poor, and dead conditions. While both species of Pine are in good condition.
- 9”, 13”, and 24” dbh Boxelder trees will need to be removed to provide room for the new trees; all are in poor condition. The under-story is Buckthorn and Boxedler saplings.
Proposed 6' cedar fence located on top of the concrete material dividers
Resolution No. 2017-

Resolution approving a conditional use permit for a storage building at 11522 Minnetonka Boulevard

________________________________________

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

Section 1. Background.

1.01 The city of Minnetonka has requested a conditional use permit for a 10,000 square-foot storage building at the Minnetonka Public Works Facility.

1.02 The property is located at 11522 Minnetonka Boulevard. It is legally described on EXHIBIT A of this resolution.

1.03 The proposed building would provide storage for equipment and materials needed for city public works operations.

1.04 On January 17, 2017, 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 §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

2.02 City Code §300.16 Subd. 3(l) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:
1. Public buildings or facilities, except for recreational buildings that contain less than 1,000 square feet, and utility cabinets larger than 150 cubic feet:

2. Site and building plans subject to review pursuant to section 300.27 of this ordinance.

3. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

4. Buildings set back 50 feet from all property lines;

5. Parking spaces and parking setbacks subject to section 300.28 of this ordinance;

6. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and

7. Stand-alone utility buildings, such as lift stations, are only subject to site and building plan review.

2.03 City Code §300.27 Subd. 5 outlines the general standards that must be met for granting of site and building plan review. In evaluating a site and building plan, the planning commission and city council shall consider its compliance with the following:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

2. Consistency with this ordinance;

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
5. creation of a functional and harmonious design for structures and site features, with special attention to the following:
   a. an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
   b. the amount and location of open space and landscaping;
   c. materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
   d. vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

6. promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and,

7. protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.16 Subd. 2 and Subd. 3(l).

1. A public building is a conditionally permitted use within the R-1 district.

2. The proposed use is consistent with the goals, policies, and objectives of the comprehensive plan.

3. The proposal has been reviewed by the city’s building, engineering,
The building will help the city deliver essential public services to the community.

4. The proposal is consistent with the city’s water resources management plan. Stormwater treatment would be provided with the project.

5. The proposal would provide additional landscaping and screening.

6. The building would be aesthetically consistent with other buildings on site. Additionally, some outside storage materials and equipment would be contained within the building.

7. The proposal is not anticipated to have an undue adverse impact on the public’s health, safety or welfare.

3.02 The proposal meet the specific conditional use permit standards outlined in City Code 300.16 Subd.3(a).

1. The site would be directly accessed by Minnetonka Boulevard. Minnetonka Boulevard is classified as an arterial roadway.

2. The proposed storage building exceeds the minimum setback requirements.

3. Under existing conditions, 49 percent of the site is considered impervious. The proposed storage building would not increase the amount of impervious surface as it would be constructed in an area of the site with existing hard surface.

4. This proposal would meet site and building plan standards as outlined in section 300.27 of the zoning ordinance.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, subject to the following conditions:

1. This resolution must be recorded with Hennepin County.

2. The building must be comply with all requirements of the Minnesota state building code, fire code, and health code.

3. The city council may reasonably add or revise conditions to address
any future unforeseen problems.

4. Stormwater management must be provided in accordance with the city’s stormwater management plan.

Adopted by the City Council of the City of Minnetonka, Minnesota, on February 6, 2017.

________________________
Terry Schneider, Mayor

Attest:

________________________
David E. Maeda, 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 February 6, 2017.

________________________
David E. Maeda, City Clerk
EXHIBIT A

Par 1: Commencing on the West line of Tract C, Registered Land Survey No. 291, Hennepin County, Minnesota and on the South right of way line of the Burlington Northern Railroad right of way thence South 0 degrees 10 minutes West a distance of 517.5 feet; thence South 45 degrees 30 minutes 30 seconds East a distance of 42.92 feet; thence North 88 degrees 49 minutes East a distance of 120 feet; thence north parallel to the west line of said Tract C to the North line of Tract C thence westerly along the North line of Tract C to the point of beginning.

Par 2: Commencing at the Southwest corner of Tract C, Registered Land Survey No. 291, Hennepin County, Minnesota, thence North along the West line of said Tract C on an assumed bearing of North 0 degrees 10 minutes East a distance of 510 feet; thence North 88 degrees 49 minutes East a distance of 60 feet; thence South 11 degrees 48 minutes 15 seconds East a distance of 480.29 feet to the South line of said Tract C; thence South 75 degrees 45 minutes West along South line of said Tract C a Distance of 165.0 feet to the point of beginning.
MINNETONKA PLANNING COMMISSION  
January 19, 2017

Brief Description  Aggregate side yard, shoreland, and wetland setback variances to construct a second story addition at 3153 Lake Shore Boulevard

Recommendation  Adopt the resolution approving the variance

Background

In 1975, the city approved a side yard setback variance from 15 feet to 5 feet for a home on the subject property.

In 1997, the city approved multiple setback variances to construct a single-family home:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Yard</td>
<td>10 feet</td>
<td>4 feet</td>
</tr>
<tr>
<td>Floodplain</td>
<td>35 feet</td>
<td>31 feet 5 inches</td>
</tr>
<tr>
<td>Shoreland</td>
<td>50 feet</td>
<td>40 feet</td>
</tr>
</tbody>
</table>

The subject home was constructed in 1998.

Currently, there is a wetland located on the adjacent property to the east. This wetland was not called out by staff during review of the 1997 variance requests. Additionally, based on spot elevations provided in the survey, a small “finger” of Libbs Lake appears to extend across the adjacent lot. The finger of the lake is closer to the home than the “main” portion of Libbs Lake. This “finger” of the lake was not detected during the original approvals for the single-family home. It is possible there is a topographic disconnect somewhere between the spot elevations and the open water of the lake, but without further survey information this cannot be confirmed. Therefore, staff reviewed the applicant’s current request assuming the “finger” is part of the larger water body.

Proposal

Plekkenpol Builders, Inc. is proposing to construct a second story addition to the subject home. The remodeling project would not change the footprint of the home. However, livable space would be added within the required setbacks. As such, three variances are necessary:
<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate Side Yard</td>
<td>30 feet</td>
<td>23.4 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Shoreland</td>
<td>50 feet</td>
<td>28 feet</td>
<td>31 feet</td>
</tr>
<tr>
<td>Wetland</td>
<td>35 feet</td>
<td>19 feet</td>
<td>22 feet</td>
</tr>
</tbody>
</table>

**Staff Analysis**

Staff finds that the applicant’s request meets the variance standard outlined in city code:

- **Reasonableness**: The requested variances are reasonable. The proposed second story addition would add livable space without changing the footprint of the existing home.

- **Unique Circumstance.** Construction on the subject property is restricted by required setbacks from side yards, aggregate side yard, shoreland, wetland, and floodplain. Any addition to the home would likely require one or more variances. While not necessarily unique in the immediate area, this is a circumstance not common to all single-family properties in the community. Further, the lot is narrower than what is permitted by city ordinance. The subject lot is only 80 feet wide. Alternatively, city ordinance requires lots to be at least 110 feet in width at setback.

- **Neighborhood Character.** The immediate area contains several homes that do not meet required setbacks, due to variances or being constructed prior to the adoption of city ordinance. In addition, the second story addition would not encroach further into the required setbacks than the existing home. As such, the requested variance would not negatively impact the area or alter the essential character of the neighborhood.

**Staff Recommendation**

Adopt the resolution approving aggregate side yard, shoreland, and wetland setback variances to construct a second story addition at 3153 Lake Shore Boulevard.

Originator: Drew Ingvalson, Planner
Through: Loren Gordon, AICP, City Planner
## Supporting Information

<table>
<thead>
<tr>
<th>Project No.</th>
<th>97042.16a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property</td>
<td>3153 Lake Shore Boulevard</td>
</tr>
<tr>
<td>Applicant</td>
<td>Plekkenpol Builders, Inc</td>
</tr>
<tr>
<td>Owner</td>
<td>Kurt Hessen and Megan Shaughnessy</td>
</tr>
<tr>
<td>Surrounding Land Uses</td>
<td>All surrounding properties are zoned R-1 and guided for low-density residential. North of the subject property is a water body (Libb’s Lake).</td>
</tr>
</tbody>
</table>
| Planning       | Guide Plan designation: low-density residential  
                 Zoning: R-1 |
| Expansion Permit v. Variance | An expansion permit is required for an expansion of a non-conforming structure when that expansion maintains the same setbacks as the existing non-conformity. A variance is required for expansion of a non-conforming structure when the expansion would intrude into one or more setback areas beyond the distance of the existing structure.  
By definition, a non-conforming structure is one that is not in full compliance with the regulations of the ordinance and either: (1) was legally established before the effective date of the ordinance provision with which it does not comply; or (2) became non-conforming because of other governmental action, such as a court order or a taking by a governmental body under eminent domain or negotiated sale.  
The existing home is not considered non-conforming because its reduced setbacks were approved by a variance, as is allowed by ordinance. Essentially, the home “conforms” to the setbacks legally approved in 1997. Because it is not non-conforming, the applicant’s request is not eligible for an expansion permit and a variance is required. |
| Variances and Non-conforming Lots | The subject neighborhood has a long history of variances and non-conforming properties due to the early platting of the land (1916). The city has approved 14 variances and one expansion permit on properties within 400 feet of the subject property. (See attached). |
There are also several non-conforming properties in the subject neighborhood. Based on aerial images, there are at least two properties that have non-conforming shoreland setbacks and seven properties with non-conforming property line setbacks, within 400 feet of the subject property. (See attached).

**McMansion Policy**

The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.

The second story addition would increase the property’s FAR from 0.14 to 0.16. Even with the FAR increase, the subject property’s FAR would be significantly less than the property with the largest FAR within 400 feet (0.47), thus complying with the McMansion Policy. (See attached).

**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)

**Neighborhood Comments**

The city sent notices to 42 area property owners and received no comments to date.

**Pyramid of Discretion**

![Pyramid of Discretion Diagram]

This proposal
### 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 variances.

2. **Disagree with 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.

### Voting Requirement

The planning commission action on the applicant’s request is final subject to appeal. Approval requires the affirmative vote of five commissioners.

### Appeals

Any person aggrieved by the planning commission’s decision about the requested variance may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

### Deadline for Decision

**April 10, 2017**
Location Map

Project: Plekkenpol Builders, Inc
Address: 3153 Lake Shore Blvd
Project No. 97042.16a

This map is for illustrative purposes only.
Certificate of for:
JMS CUSTOM HOMES, LLC

Site Address:
3165 Lake Shore Boulevard, Minnetonka, MN

Wetland Setback

LEGEND
- Denotes Existing Telephone Box
- Denotes Existing Power Pole
- Denotes Existing Elevation
- Denotes Found Iron Monument
- Denotes Proposed Elevation
- Denotes Direction of Drainage
- Denotes Delineated Wetland
- Denotes Existing Contour
- Denotes Proposed Contour
- Denotes Proposed Retaining Wall
- Denotes Significant Tree
- Denotes Trees to be removed

PROPOSED BUILDING ELEVATIONS
Sport Court Floor Elevation: 932.9
Lowest Floor Elevation (Walkout): 934.0
Top of Foundation Elevation: 944.6
Garage Slab Elevation (at door): 944.3

BENCHMARK:
Mn/Dot GSD Station # 11353
Top of Disc = 1015.13 (NVD 29)

PARCEL DESCRIPTION (PER HENNEPIN COUNTY TAX RECORDS):
Lot 41, Block 1, THORPE BROS. GROVELAND SHORES,
according to the map or plat thereof on file and of
record in the office of the Register of Deeds,
Hennepin County, Minnesota.

NOTES:
1. Contractor must verify all house dimensions & sewer depth.
2. Detwells are shown for graphic purposes only, final driveway
design & location will be determined by contractor.
3. Wetlands delineated by: Kipkoung Environmental
4. House to be staked at later date.

I hereby certify to JMS Custom Homes, LLC that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Dated this 30th day of June, 2013

Signed: Carson McCain, Inc.

Revision: Locate Wetland Area - 10/23/13
Revision: Stake House/Remove Conservation Easement - 8/23/13
Revision: Add Conservation Limit - 8/2/13

Thomas R. Bolflit, L.S. Reg. No. 40381

ENVIRONMENTAL | ENGINEERING | SURVEYING
248 Apollo Dr, Suite 100, Minnetonka, MN 55344
Phone: 763-489-7900 Fax: 763-489-7999

Sheet 1 of 2 Sheets

4261.002 Proposed
Proposed Addition
CAULK AND FLASH ALL EXTERIOR OPENINGS AND HORIZONTAL TRIM
KICK-OUT FLASH PER CODE SECT. R703.8
Variances Approved and Non-conforming setbacks within 400 Feet of the Subject Property

- **Subject Property**
- **Variance Granted**
- **Non-conforming property line setback**
- **Non-conforming shoreland setback**

Map prepared by: City of Minnetonka

Not a Survey. Not to Scale
<table>
<thead>
<tr>
<th>Property</th>
<th>Year</th>
<th>Request</th>
<th>Type of Request</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>3153 Lake Shore Blvd</td>
<td>1975</td>
<td>Reduce side yard setback from 15 to 5 ft.</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>1997</td>
<td>The variances are to reduce the side yard setback from 10 feet to 4 feet, floodplain from 35 feet to 31 feet 15 inches, shoreland from 50 feet to 40 feet</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3186 Lake Shore Blvd</td>
<td>1977</td>
<td>Reduce front yard setback from 35 to 10 ft. to construct 34 x 22 ft. garage.</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3166 Lake Shore Blvd</td>
<td>1978</td>
<td>Reduce front yard setback from 35 to 11 ft. to build 24 x 24 ft. addition.</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3173 Lake Shore Blvd</td>
<td>1973</td>
<td>Reduce side yard setback from 15 to 10 ft.</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>2005</td>
<td>Reduce side yard setback from 7 ft. to 6 ft. for 2nd story eaves</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3149 Lake Shore Blvd</td>
<td>2005</td>
<td>Reduce side yard from 10 ft. to 5 ft., aggregate side yard from 30 ft. to 20 ft., floodplain separation from 1 ft. to 0 ft., and hard surface coverage from 30% to 32% to remove and construct house</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3165 Lake Shore Blvd</td>
<td>1985</td>
<td>Reduce side yard setbacks from 15 to 9 ft. and 5 ft.; reduce front yard from 35 to 4 ft. for detached garage</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>1987</td>
<td>Reduce front yard setback from 20 to 13 ft., reduce east side yard setback from 7 to 4 ft. for garage</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3177 Lake Shore Blvd</td>
<td>2016</td>
<td>Expansion permit to add 2nd-story addition to house</td>
<td>EXP</td>
<td>Approved</td>
</tr>
<tr>
<td>3169 Lake Shore Blvd</td>
<td>1978</td>
<td>Side yard setback from 15 to 4.5 ft. for a 2.5 ft. addition, reduce side yard setback from 15 to 7.5 ft.</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3219 Lake Shore Blvd</td>
<td>1988</td>
<td>Reduce front yard setback from 35 ft. to 20 ft. &amp; floodplain setback from 35 to 28 ft. to construct house.</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td></td>
<td>1995</td>
<td>Reduce front yard setback from 35 ft. to 20 ft.</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3226 Lake Shore Blvd</td>
<td>1973</td>
<td>Reduce front yard setback from 35 ft. to 15 ft.</td>
<td>VAR</td>
<td>Approved</td>
</tr>
<tr>
<td>3222 Lake Shore Blvd</td>
<td>1973</td>
<td>Reduce side yard setback from 15 ft. to 4 ft.</td>
<td>VAR</td>
<td>Approved</td>
</tr>
</tbody>
</table>

- 9 side yard, 7 front yard, 1 shoreland, 3 floodplain, 1 hard cover
- 14 Variances, 1 Expansion Permit
- 15 Approved, 0 Denied
Floor Area Ratio (FAR) of Properties within 400 Feet of the Subject Property

- Subject Property

Map prepared by: City of Minnetonka

Not a Survey. Not to Scale
Planning Commission Resolution No. 2017-

Resolution approving aggregate side yard, shoreland, and wetland setback variances for a second story addition at 3153 Lake Shore Boulevard

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

Section 1. Background.

1.01 The subject property is located at 3153 Lake Shore Boulevard. It is legally described as:

Lots 38 and 39, Block 1, Thorpe Brothers Groveland Shores Addition, Hennepin County, Minnesota.

1.02 In 1975, the city approved a side yard setback variance from 15 feet to 5 feet for a home on the subject property.

1.03 In 1997, the city approved multiple setback variances to construct a single-family home. The variances were for:

<table>
<thead>
<tr>
<th></th>
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</tr>
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<tbody>
<tr>
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<td>31 feet 5 inches</td>
</tr>
<tr>
<td>Shoreland</td>
<td>50 feet</td>
<td>40 feet</td>
</tr>
</tbody>
</table>

1.04 Plekkenpol Builders, Inc. is proposing to construct a second story addition to the home on the subject property. The second story addition would not change the footprint of the home. However, livable space would be added within the required setbacks. As such, three variances are necessary:

- Aggregate side yard setback from 30 feet to 25 feet
- Shoreland setback from 50 feet to 31 feet
- Wetland setback from 35 feet to 22 feet
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 purpose and intent of required setbacks is to ensure appropriate separation between structures and property lines or natural resources. The requested variances meets this intent. The proposed second story addition would not change the footprint of the existing home. In other words, the addition would not encroach further into the required setbacks than the existing home.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide investment into the property to enhance its use.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:

a) REASONABLENESS: The requested variances are reasonable. The proposed second story addition would add livable space without changing the footprint of the existing home.
b) UNIQUE CIRCUMSTANCE: The position of the existing home and narrow shape of the lot create unique circumstances.

1) The subject property was previously granted setback variances for single-family home in 1997. The subject property is restricted by required setbacks from side yards, aggregate side yard, shoreland, wetland, and floodplain. Any addition to the home would likely require one or more variances.

2) The second story addition would not change the footprint of the home; however, the addition does not conform to the various setbacks, requiring a variance.

3) The lot is narrower than what is permitted by city ordinance. The subject lot is only 80 feet wide. Alternatively, city ordinance requires lots to be at least 110 feet in width at setback.

c) CHARACTER OF LOCALITY: The immediate area contains several homes that do not conform to the required property line or natural resources setbacks due to variances or being constructed prior to the adoption of city ordinance. In addition, the second story addition would not change the footprint of the home. As such, the requested variance would not negatively impact the area or alter the essential character of the neighborhood.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described variances 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, except as modified by the conditions below:

   - Survey dated December 19, 2016
   - Building plan set revised dated November 7, 2016

2. Prior to issuance of a building permit:

   a) A copy of this resolution must be recorded with Hennepin County.
3. This variance will end on December 31, 2018, 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 January 19, 2017.

Brian Kirk, Chairperson

Attest:

Kathy Leervig, 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 January 19, 2017.

Kathy Leervig, Deputy City Clerk
Brief Description  Variances to allow construction of three home additions at 17008 Grays Bay Boulevard

Recommendation  Adopt the resolution approving a portion of the request

Background

The subject home was originally constructed in 1986 with non-conforming setbacks. The construction of this home was approved due to variances previously granted to the property.

Proposal

The applicant, on behalf of the property owners, is proposing to construct three additions on a single-family home. The proposed additions would encroach into the side yard and floodplain setbacks. For the remainder of this report, the additions will be called:

- Northeast Addition – a kitchen addition with second floor space above
- Northwest Addition – a family room addition
- Southwest Addition – a shed, attached to but not accessible from the existing garage

The additions require the following variances:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
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<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northeast side yard setback</td>
<td>9 ft.</td>
<td>9.3 ft.</td>
<td>8.6 ft.*</td>
</tr>
<tr>
<td>Northeast Floodplain setback</td>
<td>20 ft.</td>
<td>10 ft.</td>
<td>9 ft*</td>
</tr>
<tr>
<td>Northwest side yard setback</td>
<td>9 ft.</td>
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<td>3.8 ft.*</td>
</tr>
<tr>
<td>Southeast side yard setback</td>
<td>9 ft.</td>
<td>9 ft.</td>
<td>5 ft</td>
</tr>
</tbody>
</table>

*requires setback variance

Staff Analysis

For purposes of this review, staff analysis will be split into two different sections. The first section will analyze the request for the Northeast addition and Northwest addition. The second section will analyze the request for the Southeast addition.

Northeast and Northwest

Staff finds that the applicant’s proposal for the northeast and northwest additions are reasonable:
1. Purpose and Intent of the Zoning Ordinance:

The proposal is in harmony with the general purposes and intent of the zoning ordinance.

The intent of the side yard setback requirement is to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes. Several homes near the subject property do not meet the required side yard setback requirements due to being constructed prior to the city ordinance or granted a variance by the city. The proposed additions would be generally consistent with setbacks of the other existing homes within the neighborhood.

The intent of the floodplain ordinance is to recognize, preserve, and protect recreational and hydrological resources and function of the city’s creeks and associated lakes and drainage ways by regulating the use of land to minimize loss of life and property damage due to flooding. The proposed addition would encroach slightly further into the floodplain, but maintains the low floor elevation. If approved, the proposal would meet the purpose and intent of the ordinance.

2. Consistent with the Comprehensive Plan:

The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance.

   • Reasonableness:

     Staff has found that the request for variances from the side yard and floodplain setbacks is reasonable. The proposed additions would continue the expected and established building lines on the sides of the home and would maintain a reasonable separation between the structure and the side property line. In addition, the vacant lot to the east would serve as an additional buffer between the proposed structure and the neighboring home. This vacant lot is not buildable and would require variances to be deemed buildable by the city.

     The proposed additions would also maintain the existing low floor elevation, which meets city ordinance, even though the northeast addition will be encroaching slightly further into the required setback.

   • Circumstance Unique to the Property:
The non-conforming lot dimensions and size are unique characteristics of the property. The property is only 90 feet wide at the front yard setback. The lot does not comply with the required minimum lot width at setback (110 feet). In addition to being narrow, the lot becomes narrower near the rear of the lot. At the location of the proposed additions the lot is less than 70 feet wide at its narrowest point.

The subject lot is just over 10,000 square feet in size. This is less than half the minimum lot size requirement (22,000 square feet). The small size of the lot constricts addition options for the property owner.

The subject home was originally constructed in 1986 with reduced setbacks. The construction of this home was approved due to variances previously granted to the property.

- **Neighborhood Character:**

  The area has a long history of variances and non-conformities due to the early platting of the land (1917). The city has approved 17 variance and expansion permit requests within 400 feet of the subject property, one has been denied. (See attachments). Based on aerial images and review of the area, it appears that several structures encroach into the side yard setback. In addition, several homes in this area encroach into the required side yard and floodplain setbacks. If the applicants’ variance requests are approved, the proposed project would not alter the essential character of the neighborhood.

**Southeast**

Staff finds that the applicant’s proposal for the southeast addition (shed) is not reasonable, as there are no practical difficulties in complying with the ordinance.

- The subject property could accommodate a detached shed in the rear yard, outside of the shoreland setback, without requiring variances.

- The non-conforming lot dimensions, lot size, setbacks are unique characteristics of the property; however, a shed could be accommodated on the site despite these unique features. There is area in the rear yard that could accommodate a detached shed.

- As stated previously, the area has a long history of variances and non-conformities due to the early platting of the land (1917). (See attachments). However, sheds located in front of the rear building line of the house is not a common characteristic of the neighborhood. Allowing a shed in front of the rear building line would not be consistent with the character of the neighborhood.
Staff Recommendation

Adopt the resolution approving side yard and floodplain variances for the Northeast and Northwest additions and denying variances for the Southeast addition at 17008 Grays Bay Boulevard.

Originator: Drew Ingvalson, Planner
Through:  Loren Gordon, AICP, City Planner
### Supporting Information

**Project No.** 16031.16a  

**Property** 17008 Grays Bay Boulevard  

**Applicant** Krech Exteriors, Inc. (Rick Van Fossen)  

**Owners** Christopher Bauman and Nicole Wasco Bauman  

**Surrounding Land Uses** All properties to the east, west and south are zoned R-1 and are guided for low density residential. Lake Minnetonka is located north of the subject property.  

**Planning** Guide Plan designation: low density residential  

**Zoning:** R-1  

**Small lot** By City Code §300.10 Subd. 7, properties that are defined as qualifying small lots are allowed lesser setbacks from property lines than “typical” properties. To be defined as a small lot, a property must be less than 15,000 square feet; have been a lot of record prior to February 12, 1966; and must be located in an area in which the average size of residential lots is less than 15,000 square feet.  

The subject property meets these qualifications as:  

- the property was platted in 1917;  
- the property is 10,028 square feet; and  
- the average lot size of lots in the surrounding neighborhood is approximately 12,100 square feet.  

Due to being classified as a small lot, the principal structure setbacks are:  

- Front Yard: 20 feet;  
- Side Yard: 9 feet;  
- Aggregate Side Yard: N/A;  
- Rear: 7 feet (shoreland setback: 35 feet and line across adjacent homes, see attachments).
Subject: Variances, 17008 Grays Bay Boulevard

Site Features
The subject property was platted in its current configuration in 1917; it is 10,028 square feet in size. The property is improved with a 2,920 square foot, two-story building that was originally constructed in 1986. The existing building does not meet R-1 zoning setbacks (small lot), but was constructed due to previously approved variances.

Hard Surface Coverage
The subject lot currently exceeds the maximum allowed impervious surface coverage (30%). The proposed additions would add additional impervious surface to the lot and increase the current non-conformity, requiring a variance.

Instead of increasing the impervious surface non-conformity on the property, staff has added a condition of approval to the resolution that requires the project to not exceed the existing impervious surface. Strategies to meet this requirement would be to reduce the existing pavement at the same square footage as the proposed addition, exchange the existing pavement for previous pavement, or a combination of the two.

Easements
There is a stormwater easement on the adjacent property; however, the stormwater pipe is close to property line and is not buried very deep. To prevent damage, a silt fence should be placed on property line during construction so that no heavy equipment can be driven over the storm pipe.

Additionally, there is not a drainage and utility easement on the subject property for the adjacent stormwater pipe. A condition of approval has been added to the resolution that requires an easement to be provided.

McMansion Policy
The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.

As proposed, the property would comply with the McMansion Policy. Currently, the property’s FAR is 0.38. The proposed additions (family room, kitchen, and shed) would increase the FAR to 0.43, still below the largest FAR within 400 feet, which is 0.51. (See attachments).
**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)

**Pyramid of Discretion**

![Pyramid of Discretion Diagram]

- **This proposal**

**Natural Resources**

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance erosion control fencing.

**Motion Options**

The planning commission has three options:

1. Concur with staff’s recommendation. In this case a motion should be made approving a portion of the variance request.

2. Disagree with staff’s recommendation (to deny the entire request). In this case a motion should be made denying the variance. This motion must include a statement as to why the request is denied.

3. Disagree with staff’s recommendation (to approve the entire request). In this case a motion should be made approving the entire variance request. This motion must
include a statement as to why the shed addition is approved.

<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 38 area property owners and has received no comments.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voting Requirement</td>
<td>The planning commission action on the applicant’s request is final subject to appeal. Approval requires the affirmative vote of five commissioners.</td>
</tr>
<tr>
<td>Appeals</td>
<td>Any person aggrieved by the planning commission’s decision about the requested variance may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.</td>
</tr>
<tr>
<td>Deadline for Decision</td>
<td>February 21, 2017</td>
</tr>
</tbody>
</table>
Location Map

Project: Krech Exteriors
Address: 17008 Grays Bay Blvd
Project No. 16031.16a

This map is for illustrative purposes only.
STUCCO SIDING @ FRONT ONLY

DETIAL @ CORNERS

WDWS & DOORS

ARCHITECTURAL

EXIST'G RIDGE LINE

NEW ROOF STRUCTURE @ FAMILY ROOM

NEW ROOF STRUCTURE@ MEET SLOPE AT NEW ADDITION

ARCHITECTURAL

ARCHITECTURAL

HARDIE SHAKES

LAP SIDING

WALL w/ BRICK LEDGE

CULTURED STONE WING

EXISTING RIDGE LINE

EXISTING RIDGE LINE

NEW ROOF STRUCTURE

NEW ROOF STRUCTURE
### Variance and Expansion Permit Requests within 400 feet of the Subject Property

<table>
<thead>
<tr>
<th>Property</th>
<th>Year</th>
<th>Request</th>
<th>Type of Request</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>16945 Cottage Grove Ave</td>
<td>1986/88</td>
<td>Reduce lot area from 22,000 sq. ft. to 17,800 sq. ft., minimum lot width from 110 ft. to 90 ft. to establish buildable status; and reduce rear yard setback from 40 ft. to 20 ft. to construct a house.</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>2941 Beechwood Ave</td>
<td>1991</td>
<td>Reduce the north side yard setback from 7 ft. to 5.5 ft. to construct an addition to the house. Reduce the south side yard setback from 7 ft. to 6 ft. to construct an addition to the southwest corner of the house.</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>2923 Beechwood Ave</td>
<td>1978</td>
<td>Reduce minimum lot width at building line from 90 ft. to 80 ft. and reduce minimum lot area from 15,000 sq. ft. to 12,000 sq. ft.</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>2916 Beechwood Ave</td>
<td>2008</td>
<td>Reduce minimum lot size from 22,000 sq. ft. to 17,962 sq. ft., minimum lot width at right-of-way from 80 ft. to 70 ft., minimum lot width at front yard setback from 110 ft. to 77 ft., minimum aggregate side yard setback from 30 ft. to 20 ft.</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>16926 Grays Bay Blvd</td>
<td>1999</td>
<td>Variances for the side yard setback from 7 ft. to 4.9 ft., front yard setback from 20 ft. to 11.4 ft., and also for hard surface coverage.</td>
<td>Variance and CUP</td>
<td>Approved</td>
</tr>
<tr>
<td>17009 Grays Bay Blvd</td>
<td>2000</td>
<td>Variances to reduce the south side yard setback from 8 ft. to 1.2 ft. and front yard setback from 30 ft. to 22 ft. to remodel and enlarge the existing home</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>16904 Grays Bay Blvd</td>
<td>2007</td>
<td>Conditional use permit for floodplain alteration permit. Variance for front yard setback from 35 ft. to 28 ft. and floodplain setback.</td>
<td>Variance and CUP</td>
<td>Approved</td>
</tr>
<tr>
<td>16930 Grays Bay Blvd</td>
<td>2004</td>
<td>Variance for side yard setback from 7 to 6’ and front yard setback from 20 to 0’ for garage and living space</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>16930 Grays Bay Blvd</td>
<td>2007</td>
<td>Variances to demolish the existing home and construct a new home (various variances required)</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>16930 Grays Bay Blvd</td>
<td>2012</td>
<td>Variance for front setback from 20 ft. to 1 ft., impervious surface 30% to 35% for an attached garage. Expansion permit for roof-line change and addition of entry feature.</td>
<td>Variance and Expansion Permit</td>
<td>Approved</td>
</tr>
<tr>
<td>17036 Grays Bay Blvd</td>
<td>2014</td>
<td>Variance/Expansion Permit for front yard setback from 35 ft. to 17 ft., side yard setbacks from 9 ft. to 4 ft., shoreland setback from 35 ft. to 29 ft., floodplain setback from 20 ft. (house) and 10 ft. (deck) to 2 ft. and 0 ft.</td>
<td>Variance and Expansion Permit</td>
<td>Approved</td>
</tr>
<tr>
<td>17202 Grays Bay Blvd</td>
<td>2007</td>
<td>Variance for front yard setback from 35 ft. to 20 ft. and hard surface coverage from 30% to 31% for a new home.</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>16940 Grays Bay Blvd</td>
<td>2002</td>
<td>Variance for lot area 22,000 sq. ft. to 10,333 sq. ft., lot width at building from 110 ft. to 88 ft., &amp; floodplain from 35 ft. to 10 ft. for a new home.</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>17024 Grays Bay Blvd</td>
<td>2006</td>
<td>Variance for shoreland setback from 25 ft. to 14 ft. for a patio.</td>
<td>Variance</td>
<td>Denied</td>
</tr>
<tr>
<td>16915 Grays Bay Blvd</td>
<td>2006</td>
<td>Variance for lot area from 22,000 sq. ft. to 10,000 sq. ft., lot width at right-of-way from 80 ft. to 50 ft., lot width at setback from 110 ft. to 50 ft., 40 ft. by 40 ft. buildable area requirement, and side yard setback from 7 ft. to 5.5 ft.</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>17201 Grays Bay Blvd</td>
<td>1988</td>
<td>Variance to reduce front yard setback from 25 ft. to 15 ft. to build a deck &amp; detached garage.</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>17201 Grays Bay Blvd</td>
<td>1998</td>
<td>Variance to reduce the easterly front yard setback from 25 ft. to 9 ft.</td>
<td>Variance</td>
<td>Approved</td>
</tr>
<tr>
<td>17012 Grays Bay Blvd</td>
<td>2004</td>
<td>Variance for side yard setback from 7’ to 2.4’ on the west side of the house for an addition.</td>
<td>Variance</td>
<td>Approved</td>
</tr>
</tbody>
</table>
Floor Area Ratio of Homes within 400 feet of the Subject Property

Map prepared by: City of Minnetonka
Planning Commission Resolution No. 2017-

Resolution approving side yard and floodplain setback variances for two additions and denying a side yard setback variance for a shed addition at 17008 Grays Bay Boulevard

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

Section 1. Background.

1.01 Krech Exteriors, Inc., on behalf of the property owners, has requested side yard and floodplain setback variances for three additions:

- Northeast Addition – a kitchen addition with second floor space above
- Northwest Addition – a family room addition
- Southwest Addition – a shed, attached to but not accessible from the existing garage

1.02 The property is located at 17008 Grays Bay Boulevard. It is legally described as:

Lots 8 and 9, Block 1, Thorpe Bros. Re-Arrangement Groveland Shores, Hennepin County, Minnesota.

1.03 City Code §300.10 Subd. 7(c)(2) requires a minimum side yard setback of 10 percent of the lot width measured at the building setback line on each side of the structure, but in no case less than seven feet. The subject lot width at the building setback line is 90 feet, creating a 9-foot side yard setback.

1.04 City Code §300.24 Subd. 8(e) requires additions to existing structures be set back a minimum of 20 feet from the floodplain elevation.

1.05 The applicant is requesting the following variances:
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*requires setback variance

1.07 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 proposed Northeast and Northwest additions would meet the variance standard as outlined in City Code §300.07 Subd.

1. INTENT OF THE ORDINANCE. The proposal is in harmony with the general purposes and intent of the zoning ordinance.

The intent of the side yard setback requirement is to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes. Several homes near the subject property do not meet the required side yard setback requirements due to being constructed prior to the city ordinance or granted a variance by the city. The proposed additions would be generally consistent with setbacks of the other existing homes within the neighborhood.

The intent of the floodplain ordinance is to recognize, preserve, and protect recreational and hydrological resources and function of the city’s creeks and associated lakes and drainage ways by regulating the use of land to minimize loss of life and property damage due to
flooding. The proposed addition would encroach slightly further into the floodplain, but maintains the low floor elevation. If approved, the proposal would meet the purpose and intent of the ordinance.

2. **CONSISTENT WITH COMPREHENSIVE PLAN.**

The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.

3. **PRACTICAL DIFFICULTIES.** There are practical difficulties in complying with the ordinance:

   a) **REASONABLENESS.** The request for variances from the side yard and floodplain setbacks are reasonable. The proposed additions would continue the expected and established building lines on the sides of the home and would maintain a reasonable separation between the structure and the side property line. In addition, the vacant lot to the east would serve as an additional buffer between the proposed structure and the neighboring home. This vacant lot is not buildable and would require variances to be deemed buildable by the city.

      The proposed additions would also maintain the existing low floor elevation, which meets city ordinance, even though the northeast addition will be encroaching slightly further into the required setback.

   b) **UNIQUE CIRCUMSTANCE:** The non-conforming lot dimensions and size are unique characteristics of the property. The property is only 90 feet wide at the front yard setback. The lot does not comply with the required minimum lot width at setback (110 feet). In addition to being narrow, the lot becomes narrower near the rear of the lot. At the location of the proposed additions the lot is less than 70 feet wide at its narrowest point.

      The subject lot is just over 10,000 square feet in size. This is less than half the minimum lot size requirement (22,000 square feet). The small size of the lot constrains addition options for the property owner.
The subject home was originally constructed in 1986 with reduced setbacks. The construction of this home was approved due to variances previously granted to the property.

c) NEIGHBORHOOD CHARACTER: The area has a long history of variances and non-conformities due to the early platting of the land (1917). The city has approved 17 variance and expansion permit requests within 400 feet of the subject property, one has been denied. (See attachments). Based on aerial images and review of the area, it appears that several structures encroach into the side yard setback. In addition, several homes in this area encroach into the required side yard and floodplain setbacks. If the applicants’ variance requests are approved, the proposed project would not alter the essential character of the neighborhood.

3.03 The proposed Southeast addition would not meet the variance standard as outlined in City Code §300.07 Subd. 1. There are no practical difficulties in complying with the ordinance.

1. The subject property could accommodate a detached shed in the rear yard, outside of the shoreland setback, without requiring variances.

2. The non-conforming lot dimensions, lot size, setbacks are unique characteristics of the property; however, a shed could be accommodated on the site despite these unique features. There is area in the rear yard that could accommodate a detached shed.

3. Though the area has a long history of variances and non-conformities due to the early platting of the land, sheds located in front of the rear building line of the house is not a common characteristic of the neighborhood. Allowing a shed in front of the rear building line would not be consistent with the character of the neighborhood.

Section 4. Planning Commission Action.

4.01 The planning commission approves the side yard and floodplain variances for Northeast and Northwest additions as described in section 1.05 of this resolution and based on the findings outlined in section 3.02 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, except as modified by the conditions below:
2. Prior to issuance of a building permit:

a) A copy of this resolution must be recorded with Hennepin County.

b) A drainage and utility easement must be provided in one of two ways: 3 feet drainage and utility easement along entire property line or a drainage and utility easement extending 5 feet from the center of the existing pipe.

c) The additions may not exceed existing impervious surface. Impervious surface on the property must be removed/altered to accommodate the impervious surface of the new additions. Plans and calculations displaying that this requirement has been met must be submitted to and approved by city staff.

d) Low floor elevation for the additions must be set at a minimum of 933.5 feet.

e) If the proposed work exceeds 50 cubic yards of excavation/fill and/or 5,000 square feet of land disturbing activity, stormwater management will be required. If stormwater management is required, the applicant will need to treat one inch of volume over the entire site’s impervious surface.

f) The applicant must install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.

g) The property owner must provide payment for any delinquent utility bills.

4. This variance will end on December 31, 2018, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

4.02 The planning commission denies the variance for the Southeast addition (shed) as described in section 1.05 of this resolution and based on the findings outlined in section 3.03.
Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on January 19, 2017.

Brian Kirk, Chairperson

Attest:

______________________________
Kathy Leervig, 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 January 19, 2017.

______________________________
Kathy Leervig, Deputy City Clerk
Brief Description
Preliminary plat for WILSON RIDGE 6TH ADDITION, a three-lot subdivision of existing properties at 4316 and 4328 Wilson Street.

Recommendation
Recommend the city council approve the proposal.

Proposal
The property owners have submitted an application to subdivide the subject properties into three lots. The property at 4316 Wilson Street would be reconfigured, but the existing home and detached garage would remain. The existing home at 4328 Wilson Street would be removed and two new single-family homes would be constructed. The proposal requires approval of a preliminary plat.

Proposal Summary
The following is intended to summarize the applicant’s proposal. Additional information can be found in the “Supporting Information” section of this report.

- **Existing site features.** Collectively the properties have a lot area of 2.5 acres. Each property is improved with a single family home. The property at 4316 Wilson Street is additionally improved with a large detached accessory structure. The site generally slopes “downwards” from the south property line to the north property line. There are 44 high priority trees onsite.

- **Proposal.** As proposed, the two properties would be subdivided into three single-family residential lots. The northern lot would contain the existing home and garage and two new homes would be constructed on the newly created lots. The proposed lots would meet all minimum R-1 lot standards as outlined in the table below:

<table>
<thead>
<tr>
<th>Lot</th>
<th>AREA</th>
<th>WIDTH</th>
<th>Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Buildable *</td>
<td>ROW</td>
</tr>
<tr>
<td></td>
<td>22,000 sf.</td>
<td>3,500 sf</td>
<td>80 ft</td>
</tr>
<tr>
<td>Required</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot 1</td>
<td>49,100 sf</td>
<td>30,135 sf</td>
<td>159 ft</td>
</tr>
<tr>
<td>Lot 2</td>
<td>30,486 sf</td>
<td>16,010 sf</td>
<td>110 ft</td>
</tr>
<tr>
<td>Lot 3</td>
<td>32,542 sf</td>
<td>17,660 sf</td>
<td>110 ft</td>
</tr>
</tbody>
</table>

* Rounded to the nearest 5 sf
Primary Questions and Analysis

- **Are the proposed lots reasonable?**
  
  Yes. The proposed subdivision would result in three properties which meet or exceed minimum R-1 standards.

- **Are the proposed site impacts acceptable?**
  
  Yes. Grading and tree removal would be required to accommodate the new driveways, homes, utilities and stormwater management facilities. The proposed plans have been evaluated for conformance with the city’s natural resources ordinances, including the tree protection ordinance. These natural resources ordinances attempt to balance the community benefit of preserving natural resources with private development rights.

  **Trees.** While a woodland area exists on the site it is not large enough to be regulated as a woodland preservation area. There are 44 high priority and 123 significant trees on site. Based on the general grading plan submitted by the applicant, 13 high priority trees – 29.5% of the site’s high priority trees - would be removed. This would meet the standards of the city’s tree protection ordinance.

  **Stormwater.** As required by the city’s stormwater rule, stormwater management is required for subdivision resulting in three or more lots. The stormwater plan submitted by the applicant has been reviewed by the city’s water resources engineering coordinator and found to be generally acceptable, as it meets the requirements of the city’s Water Resources Management Plan. Under proposed conditions, stormwater runoff would be directed towards three newly constructed infiltration basins along the front property lines.

Staff Recommendation

Recommend the city council adopt the resolution approving the preliminary plat of WILSON RIDGE 6\textsuperscript{TH} ADDITION, a three-lot residential subdivision at 4316 and 4328 Wilson Street.

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

<table>
<thead>
<tr>
<th><strong>Project No.</strong></th>
<th>16035.16a</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property</strong></td>
<td>4316 and 4328 Wilson Street</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Shaun Hendrickson</td>
</tr>
<tr>
<td><strong>Surrounding Land Uses</strong></td>
<td>All surrounding parcels are zoned R-1 and guided for low density residential.</td>
</tr>
</tbody>
</table>
| **Planning**   | Guide Plan designation: Low density residential  
 Zoning: R-1, Low density residential |
| **Accessory structure** | In 1984, the city approved a conditional use permit for a detached accessory structure exceeding 1,000 square feet and 12 feet in height to be approved on the 4316 Wilson Street site. The approved structure is 1,080 square feet in size and has a building height of 14.5 feet. |
| **Grading**    | As required by the subdivision application process, generalized home footprints, locations and grading plans have been submitted by the applicant. Specific plans would be submitted and reviewed by staff at the time of a building permit. |
| **Woodland Preservation area** | There are two small, existing areas of Oak Woodland on site. However, the areas are not large enough to be considered a woodland preservation area under current city code. |
| **Trees**      | The city’s tree protection ordinance regulates removal and mitigation. The highest level of protection is provided to woodland preservation areas (WPA) and high-priority trees during subdivision of a property. During subdivision, just 25% of the WPA and 35% of the high-priority trees may be removed or impacted. |
|                | • **Woodland preservation area.** There are two small, existing areas of Oak Woodland on site. However, these areas are not large enough to be considered and regulated as a woodland preservation area under current city code. |
|                | • **Regulated trees.** There are 44 high-priority trees and 123 significant trees onsite. The proposal would result in the removal of, or substantial damage to, the critical root zones of, 29.5% of the site’s high priority trees. This would meet the standards of the tree protection ordinance. |
Subject: WILSON RIDGE 6TH ADDITION, 4316 and 4328 Wilson Street

<table>
<thead>
<tr>
<th>Trees</th>
<th>Existing</th>
<th>Impacted or Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High-Priority</td>
<td>44</td>
<td>13 or 29.5%</td>
</tr>
<tr>
<td>Significant</td>
<td>123</td>
<td>21 or 17%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>167</td>
<td>34 or 20%</td>
</tr>
</tbody>
</table>

- **Required Mitigation.** The applicant must provide 90-feet of evergreen and 64-inches of deciduous trees of mitigation, as a condition of approval. This equates to 15, six-foot evergreen trees and 32, 2-inch deciduous trees.

**Steep Slope**

By code definition, a “steep” slope is one that: (1) rises at least 25 feet; (2) has an average grade change of at least 20-percent; and (3) has a width of at least 100 feet. While there are areas of sloping topography, the grade change is not significant enough to be regulated as a steep slope by ordinance.

**Natural Resources**

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval the applicant must submit a construction management plan detailing these management practices.

**Neighborhood Comments**

The city sent notices to 43 area property owners and received no comments to date.

**Pyramid of Discretion**

This application
Motion Option: The planning commission has three options in making recommendation to the city council:

1) Concur with staff’s recommendation. In this case, a motion should be made recommending approval of the preliminary plat.

2) Disagree with staff’s recommendation. In this case, a motion should be made recommending denial. The motion should include findings for denial.

3) Table the proposal. In this case, a motion should be made to table the item. The motion should include a statement as to why the proposal is being tabled with direction to staff, the applicant or both.

Voting Requirement The planning commission will make a recommendation to the city council. The city council’s final approval requires a majority vote.

Deadline for Decision April 1, 2017
Subject Property

Project: Wilson Ridge 6th Addn
Applicant: Shawn & David Hendrickson
Address: 4316 & 4328 Wilson St
Project No.16035.16a
Preliminary Plat Approval Request Narrative

WILSON RIDGE 6TH ADDITION
Minnetonka, Minnesota
December 2, 2016
Update January 8, 2017

Development Team

Developer: Shaun Hendrickson
Civil Engineer: Alliant Engineering, Inc., Mark Rausch
Surveyor: Alliant Engineering, Inc., Dennis Olmstead

Site Information

Address: Parcel 1: 4316 Wilson Street, Minnetonka, MN. 55345
Parcel 2: 4328 Wilson Street, Minnetonka, MN. 55345

PID: Parcel 1: 2111722320007 (73,709 sf, 1.692 ac)
Parcel 2: 2111722320008 (38,419 sf, 0.882 ac)

Existing Legal Description: Parcel 1: Lot 4, Block 5, "Woodstock" (Torrens)
Parcel 2: The north 130 feet of Lot 5 as measured along the east and west lines thereof, in Block 5 in Woodstock. (Torrens)

Development Request

The proposed plan consists of subdividing two existing single family lots into 3 new single family lots meeting the City’s R-1 Low Density Residential District ordinance.

Existing Site Description

The development area is currently home to two single family lots with residences and driveways. The properties are zoned R-1 Low Density Residential with a Low Density Residential land use designation. The properties are partially wooded with drainage split in two ways; either to the east to Wilson Street right of way or to the west/northwest to an offsite wetland.

Proposed Subdivision Plan

It is the applicant’s intent to subdivide 2.574 acres into three single family lots. The existing buildings from the 4328 property and structures on the south half of the 4316 property will be demolished and removed completely. The residence, garage and driveway that exists on the 4316
property will remain and be situated on Lot 1 of the proposed subdivision. The proposed subdivision plan does meet the City’s R-1 zoning requirements and will be consistent with the property’s land use designation.

The following is a brief summary of primary project elements currently proposed:

**Proposed Plat Data**
- Gross Acreage: 2.574 acres
- Approximate Net Acreage: 2.574 acres
- Lots Proposed: 3
- Net Density: 1.17 units per acre

**Lot Summary**
- Minimum Width Required: 110’ (at front setback)
- Minimum Lot Depth Required: 125’
- Minimum Lot Size Required: 22,000 sf
- Minimum Lot Size Proposed: 30,486 sf (0.70 ac)
- Lot Area Average: 37,376 sf (0.86 ac)
- Minimum Buildable Area: 3,500 sf
- Maximum Lot Impervious Coverage: 25%

**Setback Requirements**
- Min. One-Side Setback: 10’
- Total Combined Side Setback: 30’
- Front Setback: 35’
- Rear Setback: 40’

**Site Access and Pedestrian Circulation**
The proposed plan will require the addition of one new private driveway connection to Wilson Street and the reconstruction of another. The existing driveway for the 4328 will remain undisturbed. No new public sidewalks or trails are proposed.

**Grading**
A sample grading plan has been provided to indicate how home grading would work for home styles that are possible on the two disturbed lots (lots 2 and 3). The grading plan shows the estimated grading limits needed to construct two new homes with driveways. The grading plan does show hypothetical rain garden locations, however, it will be up to the future home/lot designer as to which stormwater management practices will be used to meet the City stormwater management requirements.

**Stormwater Management**
Proposed subdivision requests within the City of Minnetonka including 3 lots or greater, require implementation of a stormwater management plan that provides rate control, water quality and volume control of stormwater runoff. The proposed subdivision plan has included a design that provides a stormwater retention/infiltration basin on each proposed lot (1-3). The infiltration basins
do provide the required stormwater management and will do so with flexibility for each independent of the others. The development proposes to subdivide 2 existing lots in 3 new lots, however, the existing Hendrickson home will remain and fit on the new lot 1. The proposed plan includes an earthwork modification on Lot 1 to create a basin to retain a stormwater volume equivalent to the existing impervious surface that is part of the Hendrickson homestead. The stormwater plan then proposes a basin on each of the two other lots sized on the assumption that the future lots can propose hard surface equivalent to the maximum allowable 25% under the of The City’s Code. The proposed plans include a sample style home and grading plan for both Lot 2 and 3 but it is the Applicant and Engineer’s understanding, that the future homebuilder and homeowner are allowed to modify as desired and create a code compliant design on each lot that may or may not be consistent with the provided sample plan. The future homebuilder and owner will work with the City during the City’s building permit process to indicate the proposed impervious surface and how the stormwater management will be provided.

Sanitary Sewer and Watermain
The existing properties currently have three sets of City water and sanitary sewer services (2 on the 4316 property and 1 on 4328). The services are spaced such that they are available for the existing home and for the two proposed lots and new homes. No additional public infrastructure is required to support the proposed subdivision.

Tree Preservation
A site tree inventory has been completed in accordance with City zoning requirements. The trees were categorized into significant and high priority trees. The City has reviewed the property and determined that there is no woodland preservation area within the plat boundary. The proposed project does propose some high priority tree removal, however, the removal is below the allowed 35% removal threshold.

Landscaping
The lots will be landscaped as desired by the future homeowner with no required tree reforestation mitigation. Any above ground stormwater management practices will be vegetated accordingly.

Timing/Phasing

If the City chooses to approve the plan submittal, it is the Applicant’s desire to proceed with application for Final Plat approval.
LEGEND:

- Property Line
- Lot Line
- Line of Way
- Easement Line
- Easement Evident
- Easement 7 feet Evident

NOT TO SCALE
BLOCK 1
WILSON RIDGE 6TH ADDITION
PRELIMINARY PLAT SUBMITTAL
TREE INVENTORY AND PRESERVATION PLAN

LEGEND:
- PROTECTED
- PROPOSED
- SERVICE LINE
- LIFT LINE
- TRENCH
- TREE CONSTRUCTION LIMITS / LIFT LIMITS
- EXISTING TREE TIME LIMIT
- EXISTING TREE TIME LIMITS
- TRENCHES IN TIME LIMIT

TREE PRESERVATION NOTES:
- PROTECTED
- PROPOSED
- SERVICE LINE
- LIFT LINE
- TRENCH
- TREE CONSTRUCTION LIMITS / LIFT LIMITS
- EXISTING TREE TIME LIMIT
- EXISTING TREE TIME LIMITS
- TRENCHES IN TIME LIMIT

TREE INVENTORY & CALCULATIONS

FOR REVIEW ONLY
PRELIMINARY
NOT FOR CONSTRUCTION

WILSON RIDGE 6TH ADDITION
PRELIMINARY PLAT SUBMITTAL
TREE INVENTORY AND PRESERVATION PLAN
Resolution No. 2017-

Resolution approving the preliminary plat of WILSON RIDGE 6TH ADDITION at 4316 and 4328 Wilson Street

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

Section 1. Background.

1.01 Property owner, Shaun Hendrickson, has requested preliminary plat approval for WILSON RIDGE 6TH ADDITION, a three-lot residential subdivision.

1.02 The subject properties are located at 4316 and 4328 Wilson Street. They are legally described as follows:

4316 Wilson Street:
Lot 4, Block 5, “Woodstock”, Hennepin County, Minnesota.

4328 Wilson Street:
The north 130 feet of Lot 5 as measured along the east and west lines thereof, in Block 5 in Woodstock, Hennepin County, Minnesota.

1.03 On January 19, 2017, the planning commission held a hearing on the proposed plat. 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 grant preliminary plat approval.

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential
subdivisions. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposed preliminary plat meets the design requirements as outlined in City Code §400.030.


4.01 The above-described preliminary plat is hereby approved, subject to the following conditions:

1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received.

   a) The following must be submitted for a final plat application to be considered complete:

      1) A final plat drawing that clearly illustrates the following:

         a. A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.

         b. Utility easements over existing or proposed public utilities, as determined by the city engineer.

         c. Drainage and utility easements over stormwater management facilities, as determined by the city engineer.

      2) Documents for the city attorney’s review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.

         a. Title evidence current within thirty days before release of the final plat.

         b. Stormwater maintenance agreement. Maintenance will include, but not be limited to,
the periodic removal of sedimentation at the base of the infiltration areas and any adjacent drainage ditches, keeping a vegetative cover within the area, and removing any blockage that may impede the drainage of the site, as approved with the building permits.

c. Encroachment agreements for the retaining walls within the city’s drainage and utility easement if the retaining walls cannot be removed from the easements.

2. Prior to final plat approval:

a) This resolution must be recorded with Hennepin County.

b) The documents outlined in section 4.01(1)(a)(2) above must be approved by the city attorney.

3. Prior to release of the final plat for recording, please submit the following:

a) Two sets of mylars for city signatures.

b) An electronic CAD file of the plat in microstation or DXF.

c) Park dedication fee of $5,000.

4. Subject to staff approval, WILSON RIDGE 6TH ADDITION must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:

- Site plan, with revisions, dated January 9, 2017
- Grading plan, with revisions, dated January 9, 2017
- Utility plan, with revisions, dated January 9, 2017
- Tree preservation plan, with revisions, dated January 9, 2017

5. Prior to issuance of a building permit for the first new house within the development, submit the following documents:

a) Evidence of filing the final plat at Hennepin County and copies of all recorded easements and documents as required in section 4.01(1)(a)(2) of this resolution.
b) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.

c) Construction of the infiltration basin on Lot 1 must be completed.

d) A tree mitigation plan. The plan must:

   1) Provide 90-feet of evergreen tree mitigation. This is 15, six-foot trees.

   2) Provide 64-inches deciduous trees mitigation. This is 32, two-inch trees.

6. Prior to issuance of a building permit for any of the lots within the development:

a) Submit the following items for staff review and approval:

   1) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.

   2) Final grading and tree preservation plan for the lot. The plan must:


      b. Show sewer and water services to minimize impact to any significant or high-priority trees. No trees many be removed for installation of services.

   3) A tree mitigation plan. The plan must meet minimum mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased.
4) If required, proof of subdivision registration and transfer of NPDES permit.

5) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.

6) Evidence of closure/capping of any existing wells, septic systems, and removal of existing fuel oil tanks.

   b) Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

   c) Submit all required hook-up fees.

7. All lots and structures within the development are subject to the all R-1 zoning standards. In addition:

   a) All lots within the development must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system. As shown, the new homes must be fire sprinkled per
the fire code as the driveways exceed 10% and are beyond 150 feet from the adjacent roadways.

b) Confirm that the 1-inch water services for Lots 2 and 3 are adequate for the proposed homes. If 1-1/2 inch services are needed for pressure, the existing 1-inch services must be removed back to the main and the corporation stop must be turned off. New water services must be tapped for the respective properties.

8. Retaining walls which exceed four feet in height must be engineered by a licensed structural engineer.

9. Coordinate with Centerpoint Energy prior to redevelopment for service line disconnections and distributions.

10. Permits may be required from other agencies including Hennepin County, Riley Purgatory Bluff Creek Watershed District, and the MPCA. It is the applicant’s or the property owner’s responsibility to obtain all necessary permits.

11. During construction, the streets must be kept free of debris and sediment.

12. The property owner is responsible for replacing any required landscaping that dies.

13. The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on February 6, 2017.

______________________________
Terry Schneider, Mayor

Attest:

______________________________
David E. Maeda, 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 duly authorized meeting held on February 6, 2017.

__________________________________________
David E. Maeda, City Clerk